

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes
Wednesday, September 11, 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
Michelle Dumas Keuler, Managing Director
Shawn Burns, Regional Manager
Robert Aldi, Regional Manager
Spencer Hill, HRO Attorney
Robin Fox, HRO Attorney
Cassandra Bretones, HRO Attorney
Ethan Cain, HRO Attorney
Robin Trepanier, HRO Attorney
Jo Keogh, HRO Attorney
Rachel O'Reilly, Legal Investigator
Darcy Strand, Legislative Liaison
Gary Madison, HRO Representative
Laura Roxbury, HRO Representative
Anthony Pragano, Outreach Assistant
Sunasha Dunham-Carson, HRO Representative
Darian Pitts, Executive Secretary
Kristina Caruso, Secretary

Cheryl Sharp, Deputy Director
Kimberly Jacobsen, Legal Managing Director
Jose-Michael Gonzalez, Regional Manager
Megan Graefe, HRO Attorney
Jonathan Sykes, HRO Attorney
Libby Reinish, HRO Attorney
Courtney Shields, HRO Attorney
Jody Walker-Smith, HRO Attorney
Chiedza Rodriguez, HRO Attorney
Gregory Jones, HRO Attorney
Cheyanne Clark, Legal Investigator
Travis Fuller, HRO Representative
Jase Olavarria, HRO Representative
Ana Mitchell, Outreach Coordinator
Melissa Joseph, HRO Representative
Zachary Cobb, HRO Representative
Leigh Russo, Secretary
Laura Thurston, Asst. Attorney General

I. CALL TO ORDER

Chair Nicholas Kapoor called the meeting to order at 2:09 PM.

II. CHAIRPERSON'S REPORT

Commissioner Kapoor welcomed and thanked everyone for attending. He noted a quorum of 9 out of 9 members would be attained once Commissioner Titre was allowed access to the meeting.

Commissioner Mambruno took a moment to reflect on the events that occurred 23 years ago and the memorable impact it had on him. He then asked for a moment a silence to honor those who passed due to the tragic event that occurred on September 11, 2001.

III. **APPROVAL OF MINUTES**

Secretary Mambruno asked for a motion to approve the August 14, 2024, Minutes as presented.

To Approve the Minutes of the July 10, 2024, Regular Commission Meeting:

Motion: L. Giliberto

Second: A. Norton

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The motion carried.

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

Presented by Deputy Director Cheryl Sharp

Office of the State Comptroller

Staff representing the Office of the State Comptroller were State Comptroller Sean Scanlon, Deputy State Comptroller Tara Downes, Human Resource Director Sara Garrett, Human Resources Generalist 2 Brigitta Rainey, and TWR in Human Resources Felicia Emanuel.

This plan was recommended for approval based on compliance with the following: 46a-68-102(a) the plan does contain all elements required by Sections 46a-68-78 through 46a-94. 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 prior plan review and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 8 out of 18 or 44.4%
- Promotional Goal Achievement 5 out of 6 or 83.3%
- Program Goal Achievement: 2 out of 2 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 Office of the State Comptroller and to retain its Annual Filing Status

Motion: L. Giliberto

Second: E. Pestana

Vote:

Yes: 6-(Gadkar-Wilcox, Giliberto, Harris, Norton, Pestana, Suggs)

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The motion carried.

Department of Economic and Community Development

Staff representing the Department of Economic and Community Development were Commissioner Daniel O’Keefe, Deputy Commissioner Paul O. Robertson, Deputy Commissioner Matt Pugliese, Chief Administrative Officer Kyle Abercrombie, Human Resource Generalist 2 Brittany Besaw, Equal Employment Opportunity Associate Caesar Valentin.

This plan was recommended for approval based on compliance with the following: 46a-68-102(a) the plan does contain all elements required by Sections 46a-68-78 through 46a-94. The agency has met all substantially met all of its hiring, promotion, and program goals. The agency had no deficiencies in prior plan review and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 18 out of 24 or 75%
- Promotional Goal Achievement 1 out of 1 or 100%
- Program Goal Achievement: 1 out of 1 or 100%

The five-year approval history is as follows: 2022 Approved; 2020 Approved; 2018 Approved; 2016 Approved; 2015 Conditionally Approved.

To Approve the Affirmative Action Plan for the Department of Economic and Community Development and to retain its Biennial Filing Status

Motion: E. Pestana
Second: L. Giliberto

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The motion carried.

Department of Transportation

Staff representing the Department of Transportation were Deputy Commissioner Laoise King, Equal Employment Opportunity Director Eric Smith, Director of Organizational Development Jackie Primeau.

This plan was recommended for approval based on compliance with the following: 46a-68-102(a) the plan does contain all elements required by Sections 46a-68-78 through 46a-94. The agency has demonstrated every good faith effort to achieve goals and despite these efforts has been unable to do so. The agency has substantially addressed deficiencies noted by the Commission in prior plan reviews and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 67 out of 255 or 24%
- Promotional Goal Achievement 49 out of 120 or 40%
- Program Goal Achievement: 2 out of 2 or 100%

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

To Approve the Affirmative Action Plan for the Department of Transportation and to retain its Annual Filing Status

Motion: A. Norton
Second: L. Giliberto

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The motion carried.

Connecticut State Department of Education

Staff representing the Connecticut State Department of Education were Commissioner Charlene Russell-Tucker, Deputy Commissioner Sinthia Sone-Moyano, Chief of Fiscal/Administrative Services Roger Persson, Human Resource Generalist 2 Judith Vaillette, Human Resource Associate Jordan Kubik.

This plan was recommended for approval based on compliance with the following: 46a-68-102(a) the plan does contain all elements required by Sections 46a-68-78 through 46a-94. 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 is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 10 out of 15 or 67%
- Promotional Goal Achievement 1 out of 1 or 100%
- Program Goal Achievement: 1 out of 2 or 50%

The approval history is as follows: 2023 Approved.

To Approve the Affirmative Action Plan for the Connecticut State Department of Education and to move forward with a Biennial Filing Status

Motion: A. Norton
Second: E. Pestana

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The motion carried.

Connecticut State Colleges and Universities

Staff representing Connecticut State Colleges and Universities were Chancellor Terrence Cheng, Assistant Vice Chancellor Lori Lamb, Senior Investigator/Compliance Specialist Rebecca Cannon-Klemenz, Chief of Staff Jessica Paquette.

This plan was recommended for approval based on compliance with the following: 46a-68-102(a) the plan does contain all elements required by Sections 46a-68-78 through 46a-94. The agency has met all substantially met all its hiring, and program goals; no promotional goals established in 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 prior plan review and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 9 out of 21 or 43%
- Promotional Goal Achievement -- out of -- or --
- Program Goal Achievement: 3 out of 3 or 100%

The five-year approval history is as follows: 2022 Approved; 2020 Approved; 2018 Approved; 2016 Approved; 2014 Approved.

To Approve the Affirmative Action Plan for the Connecticut State Colleges and Universities and to retain its Biennial Filing Status

Motion: L. Giliberto
Second: E. Pestana

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The motion carried.

Office of the Attorney General

Chair Kapoor informed the plan has been withdrawn by the Attorney General. The plan will be resubmitted to the Commission on or before September 28, 2024. The plan will be reviewed de novo. Both the plan and staff recommendation will have to come back to the Commission for approval or disapproval.

Chair Kapoor entertained a discussion on the plan that was submitted to the agency. Several commissioners discussed unease around the potential precedential nature of an agency that is recommended for disapproval being able to withdraw their plan and resubmit it. Conversation between the commissioners and staff ensued on this and several other logistical and technical points.

V. REQUEST TO REOPEN

In the case(s) below, Commission Counsel, Respondent or their representative, and Complainant or their representative were provided five minutes to provide opening remarks. Questions and answers from commissioners followed these remarks.

1. Reggie Rollins v. Bank of America Corporation
CHRO Case No. 2440321
Presented by HRO Attorney Libby Reinish

To Approve the Request to Reopen CHRO Case no. 2440321 Reggie Rollins v. Bank of America Corporation:

Motion: L. Giliberto

Second: T. Titre

Discussion: None

Vote:

Yes: 5 (Gadkar-Wilcox, Giliberto, Harris, Norton, Suggs)

No: 1 (Mambruno)

Abstain:1 (Pestana)

Did not vote: 1 (Kapoor)

The motion carried.

2. Michal Ragan v. UCONN Health Center
CHRO Case No. 2410387
Presented by HRO attorney Robin Kinstler Fox

To Deny the Request to Reopen CHRO Case no. 2410387 Michal Ragan v. UCONN Health Center

Motion: L. Giliberto

Second: A, Norton

Discussion: None

Vote:

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

No: 0

Abstain:0

Did not vote: 1 (Kapoor)

The motion carried.

VI. EXECUTIVE SESSION

This requires a two-thirds vote of Commissioners present and voting; Staff and guests invited to attend must be noted.

1. CHRO ex rel. Stacie Ricketts-McCook v. Preserve Ventures, LLC and SRK Management, LLC
CHRO Case Nos. 2450055 and 2450056
Presented by HRO Attorney Stephanie O'Loughlin
2. Discussion: Executive Director's Annual Evaluation

Chair Kapoor entertained a motion to enter Executive Session.

To enter Executive Session and to invite into Executive Session for item number one, the following individuals: Executive Director Hughes, Deputy Director Sharp, Managing Attorney Dumas Keuler, Managing Director Jacobsen, HRO Attorney Stephanie O'Loughlin, and Assistant Attorney General Thurston.

Motion: E. Pestana

Second: L. Giliberto
Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

The Motion to enter Executive Session carried and Executive Session began at 4:04 PM.

Commissioners Kapoor, Giliberto, Harris, Mambruno, Norton, and Pestana returned after Executive Session at 4:44 PM.

Chair Kapoor reconvened the Commission on Human Rights and Opportunities into public session and noted no actions or votes were taken.

VII. VOTE ON EXECUTIVE SESSION ITEMS

1. CHRO ex rel. Stacie Ricketts-McCook v. Preserve Ventures, LLC and SRK Management, LLC

CHRO Case Nos. 2450055 and 2450056

Presented by HRO Attorney Stephanie O'Loughlin

To file CHRO ex rel. Stacie Ricketts-McCook v. Preserve Ventures, LLC and SRK Management, LLC at Hartford Superior Court, Housing Session and seek injunctive relief, punitive damages and a civil penalty.

Motion: L. Giliberto
Second: E. Pestana
Discussion: None

Vote:

Yes: 3 (Giliberto, Norton, Pestana)

No: 1 (Mambruno)

Abstain: 1 (Titre)

Did not vote: 1 (Kapoor)

The motion carried.

VIII. NEW BUSINESS

There was no new business.

IX. DIVISION REPORTS

Executive Director's Report

Director Hughes reported that the CHRO had a lot of activity and meetings with the Department of Labor, Office of Policy Management, Office of the Governor, the EEO representative, Human Resources, Office of the Attorney General, and BITS regarding some extensive IT issues with our electronic files. Annual reports were filed and submitted timely.

Director Hughes further reported, as of Friday, the EEOC Contract had been surpassed, with over 1400 cases closed. We still have to the end of the month to complete the contract. The agency settlements reflect significant awards, and there has been very significant legal activity from Office of Public Hearings and in court.

She went on to note the radio slot with WICC is now nationally syndicated, the release of the new DE & I Mission Statement and took a moment to share it with everyone. She announced the agency-wide retreat scheduled for Tuesday, October 29, and the Lunch and a Movie series on Wednesday, September 25 with a focus on voter registration and voter suppression. It will feature films about voting rights icon Fannie Lou Hammer. She also reminded everyone that the agency was still accepting recommendations for the Leaders and Legends Awards.

Outreach Report

Deputy Director Cheryl Sharp reiterated Director Hughes' information regarding the voter registration drive that would take place in conjunction with the viewing of the films highlighting the work of Fannie Lou Hammer. She encouraged everyone to come as this event is being held to encourage voter registration and to get folks out to vote.

She further informed that the agency-wide retreat will focus on environmental justice, the next session of Kid's Court Academy will also focus on this topic and encouraged everyone to save the retreat date. All commissioners are welcomed to join.

Deputy Director Sharp entreated everyone to come out for the Leaders and Legends Awards event scheduled for November 14 at the Aqua Turf and to submit nominations for the awards. There has been a great deal of Community Outreach taking place. Ana Mitchell, Outreach Coordinator, has been an integral part of the agency's outreach efforts. Due to an uptick in complaints from non-English speaking constituents, language access tools will be included in the planned budget expansion.

She noted that the Outreach Report was several pages long and encouraged everyone to read it and get back to her with any questions.

Legislative Update

Legislative and Administrative Advisor, Darcy Strand informed that Griffin and Strong have finished gathering data for the Disparity Study and plan to release a final draft in the next week or two. Once the final draft is received plans will begin for a public release.

She further informed that the Legislative Committee is currently planning for the upcoming legislative session, which begins in January. The Committee meets every other Tuesday and are still working on the 2025 agenda. In addition to legislation that will result from the Disparity Study, the CHRO anticipates introducing legislation regarding body size discrimination, adding case assessment review to the Housing statutes, and clarification of timing issues in the ELI and ROJ statutes.

Legal Update

Legal Managing Director Michelle Dumas Keuler informed that the CHRO had a Supreme Court decision in the case O'Reggio v. CHRO. In a rare 4-3 decision, the Supreme Court adopted the federal definition of "supervisor" for purposes of the Connecticut Fair Employment Practices Act for the purpose of holding an employer vicariously liable for its employee's discrimination or harassment. This decision, she added, is important for purposes of our discrimination laws because the supervisor distinction allows for expansion of the statutes to allow CHRO to have better coverage as it concerns the cases covered by the agency.

X. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, October 9, 2024, at 2:00 PM. This meeting will be held in person at the Legislative Office Building and will also be available virtually via Microsoft Teams.

XI. ADJOURNMENT

To Adjourn

Motion: L. Giliberto
Second: E. Pestana
Discussion: None

Vote

Yes: 4 (Giliberto, Mambruno, Norton, Pestana)

No: 0

Abstain: 0

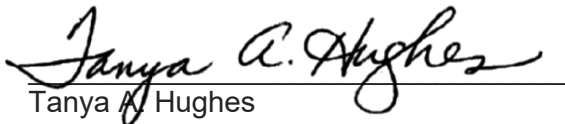
Did Not Vote: 1 (Kapoor)

The motion carried.

The Chair adjourned the meeting at 5:05 PM.

The Minutes of the Regular Commission Meeting dated September 11, 2024, were approved on November 13, 2024.

Prepared by:


Tanya A. Hughes