

Commission on Equal Opportunity

200 Orange Street
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Department Head:

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Additional Point Person:

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Positions:	GF-1	SF-5
General Fund Budget:		\$ 100,945
Capital Fund Budget:		\$0
Special fund Budget:		\$587,453

Legal Authority: Code of Ordinances [Section 12 ½](#)

There is hereby created a commission on equal opportunities (hereinafter called the "commission") which shall consist of nine (9) members, each of whom shall reside in New Haven. The commission shall have nine (9) members who shall serve without compensation.

Mission/Overview:

The Commission of Equal Opportunities functions as a semi-autonomous civil rights agency. The mission of the Commission is to enforce Fair Employment Laws, Contract Compliance Regulations, resident training and employment opportunities. CEO is empowered through City ordinance Chapter 12½ to:

Promote mutual understanding, respect while providing equality of opportunity for all the people of New Haven without regard to race, color, religious creed, age, sex, marital status, sexual orientation, familial status, national origin, ancestry or handicap. Through local official action and strategies which prohibits the deprivation of rights or privileges protected under by the United States Constitution and laws of Connecticut. The Employment Division, Fair Housing Division, and Contract Compliance Division, CEO enforces discrimination laws regarding services to persons with AIDS, and contract compliance under the City's Equal Employment Opportunities Policy / Affirmative Action Policy.

In addition to its regular enforcement responsibilities, the department is responsible for sponsoring educational programs, providing resources and expanding outreach efforts in all segments of society appropriately and effectively elimination discrimination within the City of New Haven.

Attention Required by March 31st:

CEO

Commission budget request must be submitted to Board of Aldermen.

Funding expires for School Construction Program as of June 30, 2014.

Quarterly reports are due for all School Construction Program activities.

CWI2

Two major grants of the 501(c)3 expire in 2014 and fund raising activities need to be initiated to secure ongoing program funding with State DOL and other donation partners.

The Green Jobs Funnel Grant expires on June 30, 2014. All funds must be expended by March 31, 2014. The close out reports must be submitted by July 1, 2014.

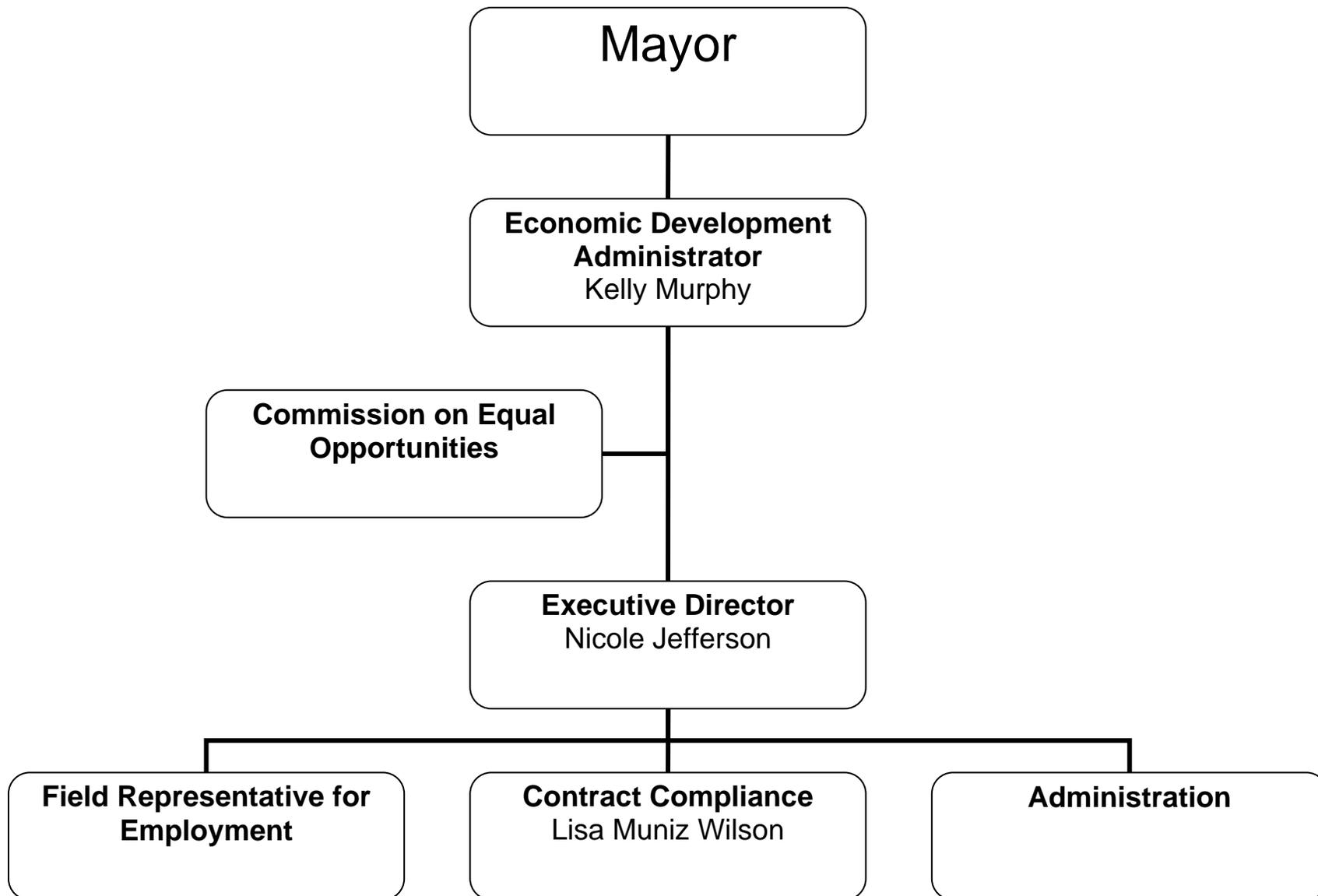
Funding expires for Workforce Competitiveness as of June 30, 2014, all funds must be expended by May 30, 2014. The close out reports must be submitted by July 1, 2014.

One (1) special fund vacancy needs to be filled. Grant funds are received by CWI2 and passed through to OMB for salaries and fringe.

Steering Committee quarterly reports for all programs due before March 31, 2014.

General

Complete quarterly pre-award meeting & inspection reports, which are due to Board of Commissioners in the first quarter.



Budget Summary:

General & Special Fund CEO Services

1	705	General Fund	Community Services	Salaries Permanent, Phone, Copy, Legal, Other Contractual Services	\$ 100,945.00	Approved By Board of Alderman FY 13-14	\$ 100,945
2	705	Special Fund	Community Services	Salaries Permanent (2 positions) allocated exclusively for School Construction inspection services, office supplies	\$ 160,000.00	School Construction Contract Compliance Services, Funding will expire June 30, 2013. Interagency Contract	\$ 160,000
3	705	Special Fund	Community Services	Salaries Permanent (2 positions) inspectors and utilization monitors	\$ 87,922.00	Approved By Board of Alderman FY 13-14	\$ 87,922
				Services Allocated to Contract Compliance, Inspection Services, Data Collection for work under the Code of Ordinance 12 1/2			
Total:							\$ 348,867

Special Fund for CWI2 Training Program

1	705	Special Funds	Community Services	Salaries Permanent (1 position), allocated exclusively for CWI2 Training Services	\$ 55,500.00	CWI2 Workforce Grant, Funding will expire June 30, 2013	\$ 55,500
2	705	Special Funds	Community Services	Salaries Permanent (2 positions) Allocated exclusively for CWI2 Green Tradesman Certification, Office Supplies, Training	\$ 306,000.00	CWI2 Federal - CT Green Jobs Funnel, Funding will expire June 30, 2013. Three year competitive grant 7/1/2011-6/30/2014	\$ 306,000
3	705	CDBG	Community Services	CDBG, for Math Refreshers, computer monitors for resume writing. Funding allocated exclusively for CWI2 Services	\$ 6,397.00	CWI2- Grant	\$ 6,397

*** CWI2 is a 501 (c)3 ***

Total:				Services Allocated exclusively for CWI2 training services			\$ 367,897
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Summary of Open Items:

Increase Staff Capacity. As noted earlier, CEO is funded almost entirely out of special funds and has limited capacity to keep up with the volume of work. There is a high amount of construction activity in the City well beyond School Construction, which is winding down. To maintain full compliance and oversight of the many different contracts and projects, the department can no longer function with just 1 existing General Fund position. At a minimum additional, a 1 FT Utilization Monitor and 1 FT Administrative Assistant will be required to cover the forecast work in 2014-2015. Examples of major projects:

School Construction (NH Academy, ESUMS, Leeder Hill and Bowen Field)
 LCI Housing Construction / Renovation (various locations)
 Development Projects (Coliseum/LWLP; R34 West/Continuum and 100 College)
 HANH (Farnum, Chatham Sq., Eastview)
 Voluntary Compliance (Winchester Lofts)

Note that EDA currently funds two of the special fund utilization monitor positions. The EDA funding is non-capital and not sustainable going forward.

Develop Consistent Responsibilities for CEO, CWI2 and New Haven Works. With the creation of New Haven Works and the jobs pipeline, it is important to reinforce the regulatory responsibilities of CEO and the construction training responsibilities of CWI2. Early in the process for Achievement First, the construction manager did not come in for their required pre-construction meeting because they had thought the responsibility was through New Haven Works. The issue was resolved but not before work started on the project.

Non-Compliance. Below are the current non-compliance matters which may or may not be fully resolved and corrected before December 31, 2013:

Commission on Equal Opportunities		
Contract Compliance Division		
Contact Person: Hope Wiggins, Grants Admin. Contacts Coord.		
Contractor	Project Name/No.	Noncompliance Issue
A&G Contracting, Inc. GC: Giordano Construction	122 Wilmot Road CT 09-038	Wage Claim: Contractor made improper/unauthorized payroll deductions for union dues to nonunion workers. Possible falsified payroll records.
Affordable Solar Works GC: Solar City Corporation	Solar PV at King Robinson IB-065031-00	Subcontractor failed to attend pre-award meeting prior to construction; \$2,000 fine - Outstanding.
J&J Concrete Floors GC: Haynes Construction	Rockview Phase I Rental	Wage Claim: Corrected Certified Payroll
Standard Demotion GC: Fusco Corporation	Amistad High School Achievement First 289-0001	Failure to maintain proper paperwork onsite for monitoring Outstanding fine (\$500)
Walsh Construction	Q Bridge	Allegations of Discrimination on Job Site
Nosal Industries	Lyman Hall Yale University	Wage Claim: Failure to pay overtime

Major Functions / Projects:

As CEO as the Labor Enforcement Arm of the government our model is **the only** agency with public mandated hiring of women and minorities bundled services focusing on disadvantaged and underrepresented population in the city of New Haven effectively elimination discrimination within the City of New Haven with a goal to grow jobs, educate and train residents.

The Commission on Equal Opportunities (CEO) enforces 12½ City Code of Ordinance.

1. CEO is agent empowered to regulate and enforce all **Davis-Bacon Federal Wages Act any contract over \$2,000.00 that uses any federal funds in whole or part.**
2. CEO is the agent delegated to enforce Federal & State Labor Standards Laws (DBRA).
3. CEO is the agent empowered to enforce State of Connecticut Prevailing Wage Laws.
4. CEO is the agent empowered to enforce and monitor the Apprenticeship Programs.
5. CEO is the agent empowered to enforce Federal and City Section 3 **24 CFR Part 135.**
6. CEO is the agent empowered to enforce Federal Executive Order 11246 regulations that cover employers with federal contracts that exceed \$10,000.00.
7. CEO is the agent empowered to enforce the Federal Executive Order 12138 Connecticut Fair Employment Practices Act.
8. CEO is the agent empowered to regulated Federal Executive Order 11246 Section III all construction to be financed wholly or partially by federal financial assistance.
9. CEO is the agent empowered to enforce the Affirmative Action Requirements for Construction and non-Construction projects.
10. CEO is the agent to regulate and enforce the federal goals for women of 6.9 Percent to utilize women in the skilled trades.
11. CEO is the agent to inspect and **monitor all construction projects** including payroll desk audits.
12. CEO is the agent to **impose sanctions** on contractors for non-compliance.
13. CEO Oversight Enforcement of Federal Fair Labor Standards Act;

14. Oversee Project Labor Agreement-School Construction *Labor Standards*;
15. Oversees Contract Work Hours and Safety Standards –Federal *40 U.S.C. Section 327 et seq; 29 CFR 5*;
16. Oversees the Federal, state and city Copeland “Anti-Kickback” Act;
17. Oversees State of CT Prevailing Wage Laws for projects within City of New Haven-
Conn. Gen. Status 31-53 and 31-53a;
18. Oversees State of CT Standard Wage Law for projects within City of New Haven –
Conn. Gen. Stat. 31-57f, 31-52;
19. Oversees Conduct Pre-Construction Meetings for projects within City of New Haven
with federal, state or city funding;
20. Oversees Federal & State Compliance of Certified Payrolls & *Fringe Benefits Packages* for projects within City of New Haven;
21. Oversees Federal National Labor Relations Act for projects within City of New Haven(*Collective Bargaining Agreements*);
22. Oversees Employment Discrimination Complaint's for projects within City of New Haven;
23. Oversees Affirmative Action Practices for projects within City of New Haven;
24. Oversees Educational Construction Training for projects within City of New Haven Residents;
25. Oversees Living Wage Ordinance for construction projects only;
26. Investigations of Fraud / Misrepresentation of Hiring Practices in the Construction Trades;
27. Justice Department / Partnership & Agreement;
28. Employment Eligibility Verification –Citywide;
29. Immigrations Customs Enforcement / Agreement;
30. I-9 Inspections-Construction Sites Only;
31. Resident Verification- Construction Site Only.

Major Functions / Projects:

- Administer contract compliance under agreement for School Construction Projects Contracted Interagency Agreement;
- Administer New Haven County Funnel Training Program.
- Administer the Green Jobs Training Program;
- Conduct all Pre-Award Conferences for all work performed within city limits that is subject to 12½. This includes the City capital projects, development agreements, Board of Education projects, HANH projects when City funding is included and certain federally-funded projects. See chart on next page for workforce reporting requirements.
- CEO oversees data collection and analysis of regulations and contractor labor policies;
 - assembles and reviews pre-award EEO submission for adequacy city, state and federal labor standards;
 - reports through desk audits of contractors, vendors and suppliers;
 - conducts on-site inspections at construction projects;
 - compiles statistical data and provides analyses as required;
 - provides technical assistant to departments;
 - preparation of progress reports, both oral and written;
 - maintains relationships with labor agencies, government and business groups;
- The department conducts a general round of community outreach activities on an annual basis. This includes outreach on program, regulations and CWI enrollment opportunities.

Major Functions / Projects:

- CEO is responsible for sponsoring educational programs, providing resources and expanding outreach efforts in all segments of society appropriately and effectively eliminating discrimination within the City of New Haven.

In 1999, New Haven's Mayor John DeStefano, Jr. called together the City's construction trades unions and contractors, the Board of Education, the Connecticut Department of Labor, Empower New Haven, the Regional Workforce Development Board, community organizations, and city staff to charge the group with some important tasks; (1) developing a pool of New Haven residents ready for employment in the construction industry and (2) insuring the hiring of these residents in upcoming school construction projects.

A steering committee of representatives from these groups has worked with the RWDB to make operational this mission. The Connecticut State OWC, Empower New Haven, and the RWDB have provided CWI's funding, with substantial in-kind support from the New Haven Board of Education, the Southern Connecticut Building Trades Council, and Gilbane Construction.

Early in 2002, the Office of Workforce Competitiveness arranged for a review of the Construction Workforce Initiative by Mt. Auburn Associates. Mt. Auburn found that the core elements of the program appeared to be in place and functioning effectively. Mt Auburn's recommendations for strengthening the program included the following:

- Strengthen the steering committee leadership
- Broaden the steering committee membership
- Consider adding a senior level staff person
- Broaden the program's outreach to Yale and the D.O.T.
- Create higher-level construction-related training opportunities
- Build stronger connections to the building trades
- Develop a stronger database and tracking program

During 2002 and the first half of 2003, a reinvigorated and expanded Steering Committee worked to implement Mt. Auburn's recommendations. A meeting was called May 1, 2003 that the primary funder from the State of Ct was pulling the plug on the project due to the major areas of the program not being managed effectively. During this same time period, Mayor DeStefano was strengthening the demand side of the school construction equation.

Over the years, the value of uniting CWI's supply-side and CEO's demand-side work in the school construction program has become clear. As the CWI steering committee sought to implement the Mt. Auburn recommendations, having CEO take a leading role in CWI became obvious:

- In response to the recommendation to strengthen the steering committee leadership, CEO Executive Director Jefferson had been elected co-chair.
- The implementation of this management structure clearly adds the functions of the “senior level staff person” recommended
- The contract compliance unit functions (especially its review of audited weekly payroll for all city construction contractors) allow it to develop Mt. Auburn’s suggested “stronger database and tracking program.”

The extensive working relationship developed when Nichole Jefferson was an apprentice in the IBEW electrical union years before heading up CEO with the building trades. The relationship within the construction industry provides a strong foundation to broaden the program’s outreach and create higher-level construction-related training opportunities.

Construction Workforce Initiative 2 is the next generation of the public-private collaborative, working to create quality training and employment opportunities for New Haven County residents in the city’s active construction industry.

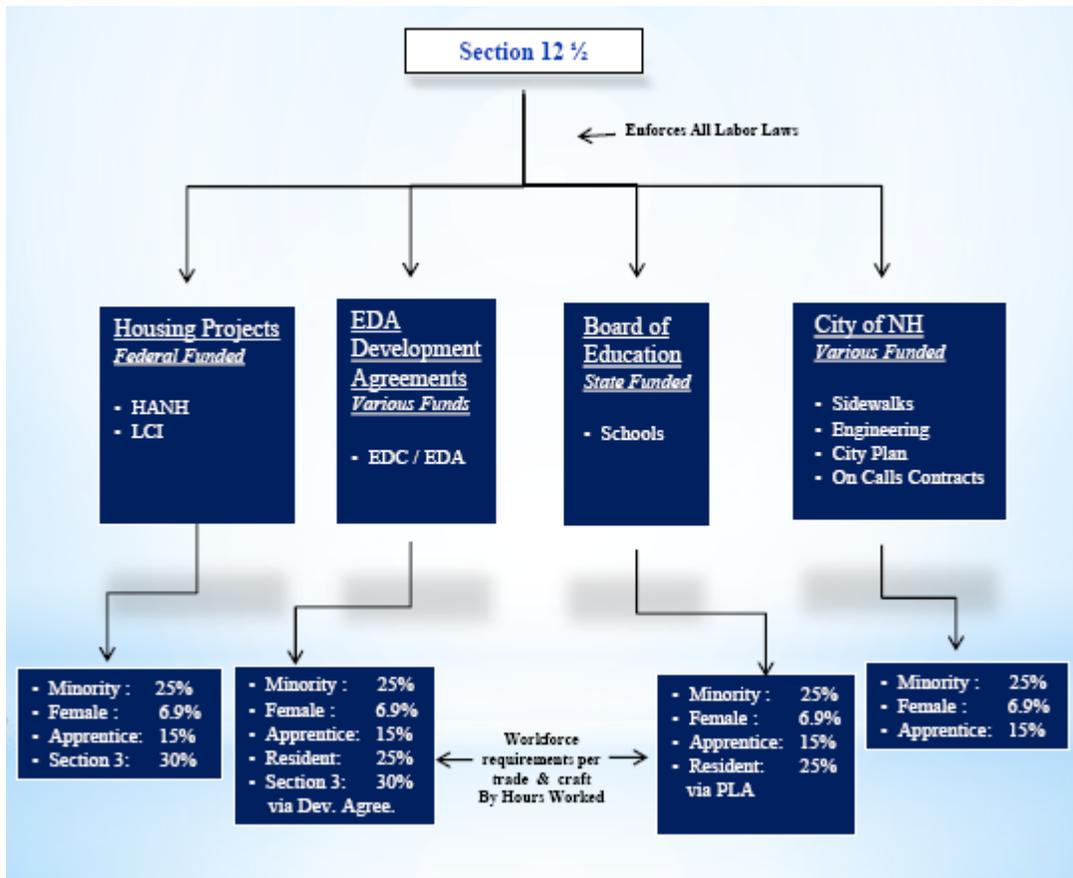
Its primary goal was to ensure that a cadre of New Haven County residents are identified and nurtured to successfully reap the benefits of the \$1.5 billion put into school construction offered by the City school construction program over the past 10 years.

Construction Workforce Initiative 2 builds from the relationships of the Commission on Equal Opportunities and New Haven construction industry, is supported by an unprecedented collaboration between the Commission and Yale University. Yale in fact is a significant donor to the program, which was a major emphasis of the Mt. Auburn report. ConnDOT, while not a direct program sponsor, has participated through job fairs and other activities aimed to hire a more local construction workforce.

The Construction Workforce Initiative 2 (CW12) program was established in June 2003 under the direction of the current executive director of the Commission. The executive board indicated that a new level was needed to simulate an actual work construction environment within the program by creating the Career Development School in January of 2007. The initial program changed from basic job training, employability and life skills workshops with limited training to an all-encompassing trade specific union pre-apprenticeship training school. In 2010, CW12 matured into a federal recognized non-profit with by laws, articles of incorporation in good standing as a 501(c)3. CW12 was developed initially from a separate job training appendage to an incorporated certified workforce development non-profit.

CW12 organization is funded directly from outside funding sources. The primary funding source of CW12 required the program to become a federally-recognized registered corporation with a 501(c)3 certification in order to continue funding the program, with no affiliation with the RWDB. It would no longer qualify for federal funding under the City of New Haven’s administration.

Workforce Reporting Requirements by Project Type



Key Systems/Processes:

Pre-Construction Meetings

- Pre-Award: Pre-award documentation is a must! The successful bidder and his subcontractors shall be required to attend a pre-award conference. If a contractor or subcontractor starts work on a city of New Haven project before a Pre-Award Conference is conducted a \$2,000.00 fine will be issued to prime and/or general contractor. A contractor or subcontractor will be deemed in non-compliance and all sanctions and penalties will be placed against the prime and/or general contractor. (The \$2,000.00 fine policy does not apply to HANH Projects only HANH Projects with Duel Funding)
- Any contracts over One hundred Thousand Dollars (\$100,000.00) shall submit an affirmative action plan that will be reviewed and approved by CEO before the pre-award conference.
- No contract over \$2,000.00 may be finally awarded until the contract compliance director, or his representative, has had reasonable time to review submissions (*EEO Package- (Equal Employment Opportunities Package)*) from contractor, vendors, and convene a pre-award conference.

Inspections / Site Visits

- Site visits should be made at least twice in one month, depending on total assigned projects. Utilization Monitors will complete a site visit report on all sites regarding minority and, female compliance prior to site visits.
- It is important that all utilization monitors should view non-compliance as the failure of a contractor to utilize minorities, females, City Sponsor Manpower, Section 3 Residents, New Haven Resident, and Apprentices to the extent reasonably within his/her ability. This is measured by failure to meet goals.

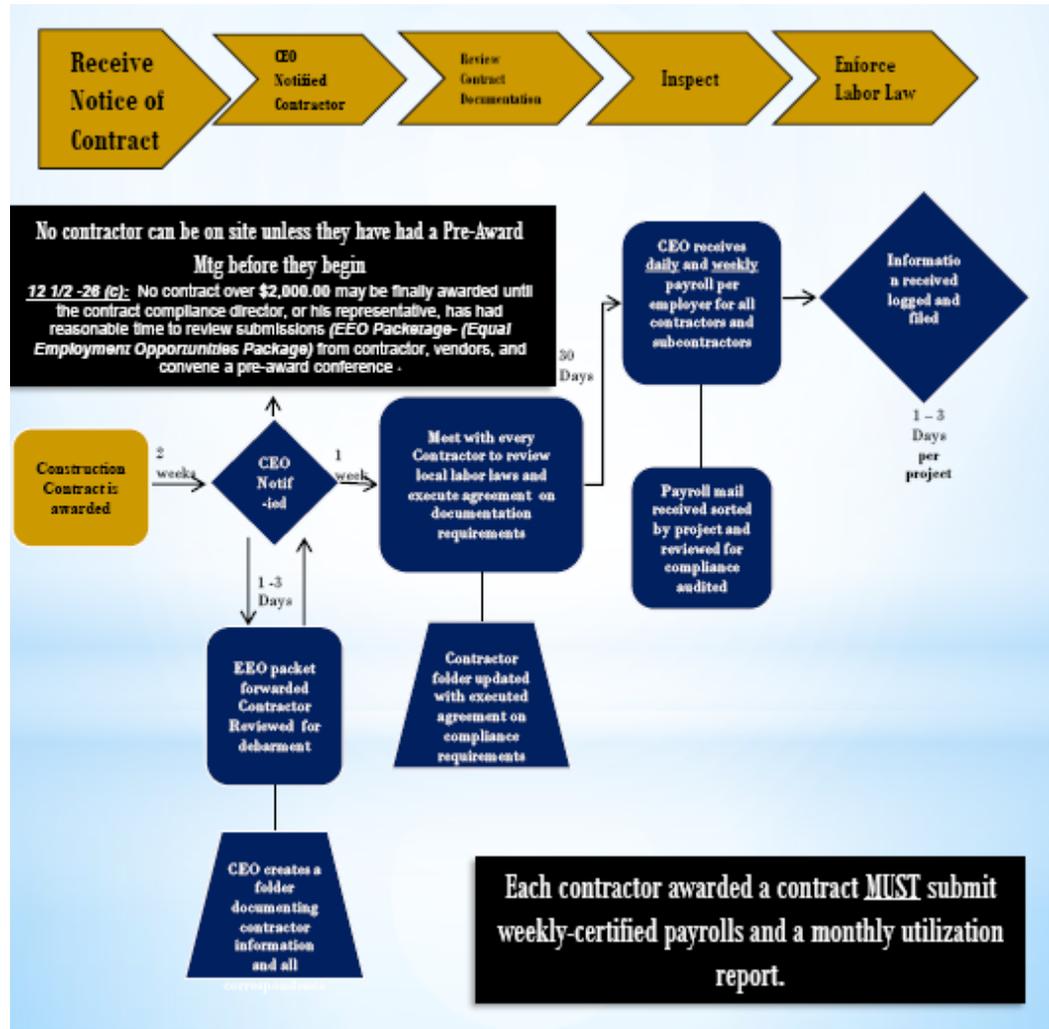
Internal Audit

- When CEO Grant Administrator/Contract Coordinator("Internal Auditor") Auditor is notified that a contractor and/or Subcontractor may be out of compliance, there are specific areas that should be investigated to insure that the project is ran according to federal, city and state regulations.
- Once the Internal Auditor is given information that prompts investigation, the certified payrolls of the contractor and/or subcontractor must be reviewed. The hours worked, wage rate and benefits being calculated for each employee must be reviewed to assure that they are being paid properly. All certified payrolls should show the employee name, address, social security number, gender, race and work classification. It should also show the payroll number, the date the week ends, the Project Name and Address, and the Worker's Compensation Insurance Carrier.

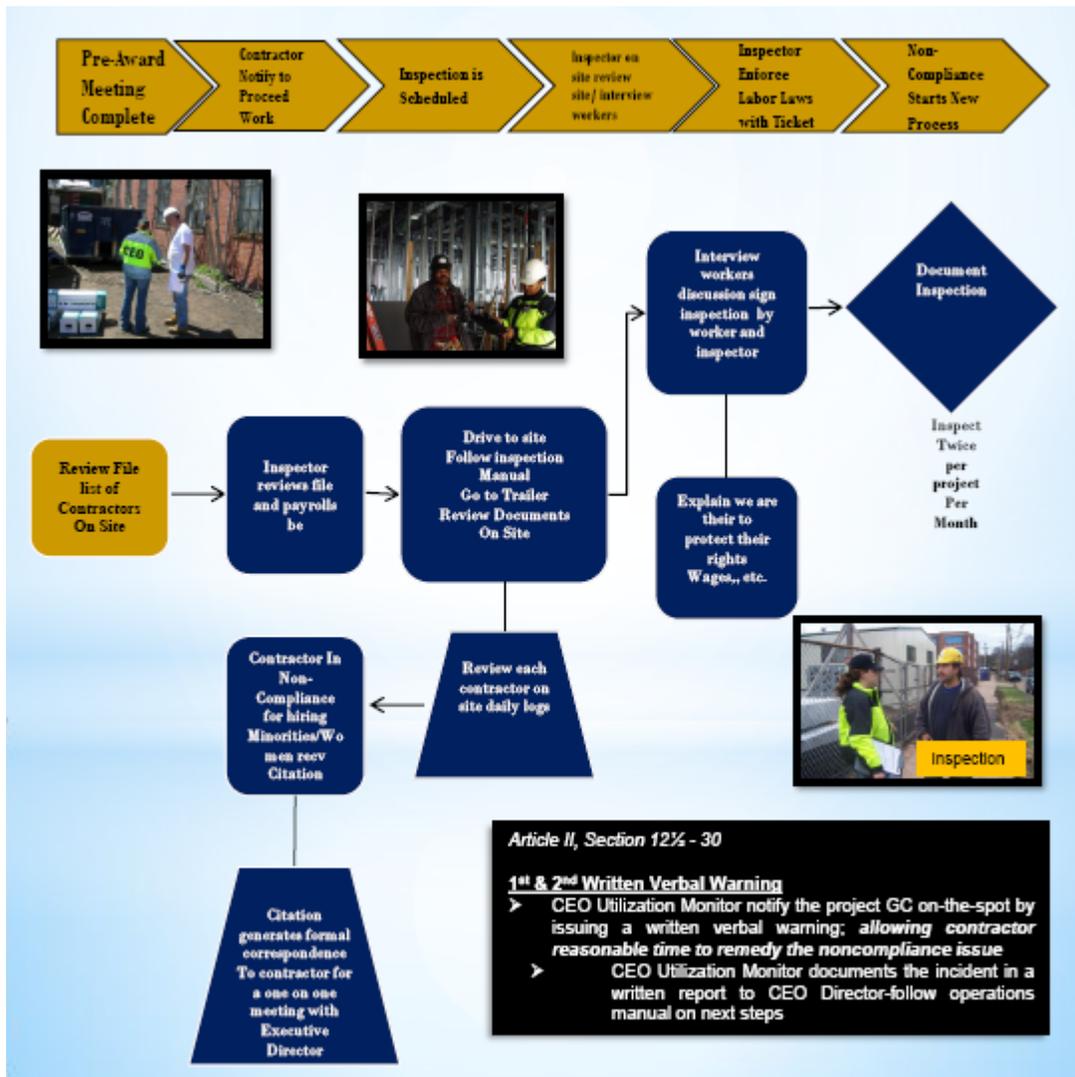
Official Records

The department maintains extensive official records for each project both in the office and in storage. Given the sensitivity of the data (which includes personal information on many construction workers), care, custody and access are a top priority.

Contract Compliance Process Map



Inspection Compliance Process



System Deficiencies/Attention Required:

- Per Ordinance, CEO is responsible for setting the target minority and women employment goal for each trade or craft and..."under no circumstances, shall the minimum minority employment goal be less than 66 2/3% of the percentage of the minority group population.." Attention is required to review demographic and other factors and adjust employment goals accordingly.
- Deficiencies in funding in training staff appropriately (see earlier section on staff capacity).
- Deficiencies in funding for internships, our department has none available.
- Deficiencies in funding legal services appropriately, under the Code of Ordinance states in part our legal staff must be paid half of corporation counsel.
- Deficiencies in general office maintenance:
 - data clerk / entering data
 - general administrative assistance within the agency
 - sorting payrolls, general office duties
 - including funding for general office supplies
- CWI2 utilizes the City-owned building at 316 Dixwell Avenue as the main training school. Renovations and use of the space were initiated as a pilot on a short-term agreement, which now needs to be converted into a long-term lease agreement.