

New Hampshire Commission for Human Rights

COMMISSIONERS

CHRISTIAN KIM, CHAIR
DOUGLAS PALARDY
HARVEY KEYE
NANCY LEROY
ALEX SAMUEL
BASRA MOHAMED
ELIZABETH ASCH



2 INDUSTRIAL PARK DRIVE, BLDG.1
CONCORD, NEW HAMPSHIRE 03301
TEL (603) 271-2767
TDD Access: Relay NH 1-800-735-2964
FAX (603) 271-6339
E-MAIL: humanrights@nh.gov
www.nh.gov/hrc

EXECUTIVE DIRECTOR
AHNI MALACHI

ASSISTANT DIRECTOR
SARAH E. BURKE COHEN, ESQ.

INVESTIGATORS
KATRINA E. TAYLOR
NICOLE LEMELIN
DANIEL DEYERMOND
KELLY MEDEROS

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

May 5, 2022 at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Christian Kim (chair), Alex Samuel (via Zoom – He was home alone.), Douglas Palardy, Nancy LeRoy, Elizabeth Asch, and Harvey Keye (Zoom – He was home alone.)

Commission Staff: Executive Director, Ahni Malachi
And Assistant Director, Sarah Burke Cohen

Commissioner Kim called the meeting to order at 5:24 PM.

1. PUBLIC COMMENT

Commissioner Kim asked if anyone from the public was present and wished to make public comment. There was no one present.

2. APPROVAL OF APRIL MEETING MINUTES

Commissioner Asch moved and Commissioner LeRoy seconded a motion to approve the minutes with a minor revision. The motion carried.

Upon a roll call vote, all were in favor: Commissioner Kim – yea; Commissioner Palardy - yea; Commissioner Asch – yea; Commissioner Keye – yea; Commissioner Samuel— yea; and a Commissioner LeRoy - yea. The motion carried.

3. GACDI UPDATE

Executive Director Malachi stated the Governor's Council on Diversity and Inclusion ("GACDI") last met on April 19, 2022. Executive Director Malachi explained that the Governor has requested GACDI to create a guide for NH Educators. He requested it be completed by the beginning of the school year in the Fall of 2022. Also, sent with the

request were examples of similar guides. Executive Director Malachi explained this requested was discussed at the last GACDI meeting. Different members of GACDI volunteered to gather information to put toward the guide. Executive Director Malachi will be putting together a framework for the guide.

GACDI was also watching certain legislation. Most of the legislation being watched has been voted ITL and/or interim study.

4. OFFICE UPDATES

Executive Director Malachi discussed SB296, which is legislation that would remove the ability of Respondents to remove cases to court following a probable cause finding. SB296 passed the Senate. It is now in the House. Executive Director Malachi testified before the House Committee relative to it. The House Committee voted SB296 to interim study. Executive Director Malachi stated the House Committee indicated it would be setting up an interim study of the Commission. Executive Director Malachi stated she will be contacting the Chair of the House Committee to let him know of the Commission's interest in being part of any interim study. In preparation of possible interim study and suggestions Representative DiLorenzo made during her testimony. Executive Director Malachi and Assistant Director Burke Cohen will be meeting with other Region 1 FEPAs to discuss their process. In addition, AAG Sean Locke will also be involved in the interim study should it go forward. Executive Director Malachi also stated that AAG Locke will now be the Commission's Client Services Representative from the DOJ. AAG Perlow is still with the DOJ and her position has changed to a more supervisory role in the Client Services Unit, which lead to AAG Locke being appointed to the Commission. AAG Locke is also the head of the Civil Rights Unit. Executive Director Malachi will send a link to her testimony to the Commissioners. The interim study could occur over the summer.

The EEOC had a training last week for the staff last week. The materials sent as part of the training will be beneficial for future trainings here at the Commission going forward.

The Commission has had several RSA 91-A requests related to the Right to Freedom from Discrimination in Public Workplaces and Education. The Commission has responded to all submitted after being advised by our Client Services Representative to ensure the response follows RSA 91-A. The Commissioners discussed these requests and RSA 91-A and the Commission's confidentiality rules.

Commissioner Asch asked how many RSA 91-A requests relatives to this aspect of the statute have been received. Executive Director Malachi stated there were approximately 10 received over the last several months. Executive Director Malachi stated the staff passes any requests on to her and stated the Commissioners can likewise send any RSA 91-A requests to her.

Executive Director Malachi stated Assistant Director Burke Cohen provided training to a local business for their managers/supervisors.

Executive Director Malachi discussed the current status of the budget process. She has requested additional staff and has discussed the requests with the Governor's Office. That office was amenable to our additional staff requests.

Executive Director Malachi discussed the upgrades to the conference room. The room will be set up and allow for virtual events to take place.

5. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen discussed the investigator caseload. Assistant Director Burke Cohen said the investigators continue to move cases through the process efficiently. In the month of April, the Commission closed more cases than it opened. Further, the Commission has made completed 72% of the EEOC Contract and contract is 58% through.

Commissioner LeRoy asked if the Commissioners believe they are receiving enough information. The Commissioners said that most call and seek input from the Investigators. The Commissioners agreed they would seek input from the Investigators should they have questions.

6. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the hearing scheduling and updated it. The public hearing scheduled for July will no longer go forward as it has been removed by Respondent. She also updated the remainder of the calendar.

7. OTHER BUSINESS

Commissioner LeRoy moved to accept Alan Kintisch as a volunteer mediator for the Commissioner. It was seconded by Commission Asch.

Upon a roll call vote, all were in favor: Commissioner Kim – yea; Commissioner Palardy - yea; Commissioner Asch – yea; Commissioner Keye – yea; Commissioner Samuel— yea; and a Commissioner LeRoy - yea. The motion carried.

8. NON-PUBLIC SESSION

Commissioners Kim requested the Commissioners enter non-public session to discuss a personnel matter. Commissioner Kim moved that pursuant to RSA 91-A:3, II (a), the Commission enter non-public session to discuss personnel matters. Commissioner Palardy seconded the motion. Upon a roll call vote, all were in favor: Commissioner Kim – yea; Commissioner Palardy - yea; Commissioner LeRoy – yea; Commissioner Keye – yea; Commissioner Samuel—yea; and Commissioner Asch - yea. The motion carried. The entered non-public session at 6:23 PM.

At 6:28 PM, the Commissioners returned to Public Session. Commissioner Kim moved and Commissioner Palardy seconded that pursuant to RSA 91-A:3,III to “withhold minutes of the non-public session until such time as the majority of the Commissioners are of the opinion that it was no longer likely that the divulgence of the information in the minutes would affect adversely the reputation of any person not a member of the agency, or render the proposed action ineffective.”

Upon a roll call vote, all were in favor: Commissioner Kim – yea; Commissioner Palardy - yea; Commissioner Asch – yea; Commissioner Keye – yea; Commissioner Samuel— yea; and a Commissioner LeRoy - yea. The motion carried.

9. ADJOURNMENT

Commissioner LeRoy moved for adjournment. The Commissioner’s meeting adjourned at 6:30 PM.