

New Hampshire Commission for Human Rights

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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

January 11, 2023, at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Christian Kim (chair), Douglas Palardy (via Zoom – New Castle, NH, alone), Harvey Keye, Nancy LeRoy (via Zoom – Laconia, NH, alone), Basra Mohamed (via Zoom – Manchester, NH, alone), Elizabeth Asch and Adrienne Evans

Commission Staff: Executive Director, Ahni Malachi
Asst. Director Sarah Burke Cohen (via Zoom)
Investigator Joyce J. Samuel

Commissioner Kim called the meeting to order at 5:18 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 DECEMBER MEETING MINUTES

Commissioner Asch moved, and Commissioner Keye seconded a motion to approve the minutes.

Upon a roll call vote, the motion carried: Commissioner Kim - yea; Commissioner Palardy – yea; Commissioner LeRoy — yea; Commissioner Mohamed - yea; and Commissioner Evans - yea.

3. NEW BUSINESS

a. Administrative Rules Discussion

Assistant Director Burke Cohen briefly discussed the changes proposed in the HUM 100s and 300s.

Commissioner LeRoy moved and Commissioner Asch seconded the approval of the Administrative Rule HUM 100s, as presented, and authorize the Commission staff to proceed with these rules in the JLCAR process.

Upon a roll call vote, the motion carried: Commissioner Kim - yea; Commissioner Harvey – yea; Commissioner Evans – yea; Commissioner Palardy- yea; and Commissioner Mohamed. The Motion carried.

Commissioner Keye moved and Commissioner Palardy seconded the approval of the Administrative Rule HUM 300s, as presented, and authorize the Commission staff to proceed with these rules in the JLCAR process.

Upon a roll call vote, the motion carried: Commissioner Kim - yea; Commissioner Evans – yea; Commissioner Asch – yea; Commissioner LeRoy- yea; and Commissioner Mohamed. The Motion carried.

b. Delegation of Authority to Executive Director to Hire/Discharge Commission Staff

Executive Director Malachi explained that the certain authority needs to be delegated annually to the Director. Specifically, the Commission discussed designating the Executive Director to have the authority to hire, terminate, perform reviews and issue disciplinary documentation to staff at or below the Assistant Director and discussed the Commission maintaining the same authority over the Executive Director.

Commissioner Palardy moved and Commissioner LeRoy seconded that the Commissioners designate the Director to “appoint such attorneys, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties” pursuant to RSA 354-A:5(III) for all positions below and including the Assistant Director. The Commission will maintain its authority to hire, terminate, perform reviews, and issue disciplinary documentation relative to the Executive Director.

Upon a roll call vote, the motion carried: Commissioner Mohamed - yea; Commissioner Kim – yea; Commissioner Keye – yea; Commissioner Asch — yea; and Commissioner Evans- yea. The Motion carried.

c. Commission Fee Schedule

Executive Director Malachi discussed that per the audit conducted, a recommendation was made that the NHCHR set a fee schedule. Executive Director Malachi explained the components of the presented fee schedule. She stated the below for vote by the Commissioners:

Fee Schedule:

Copies of Documents:

\$30.00 – Administrative Fee

\$0.25/page – (There is no charge for requests under 25 pages.)

Copies of Recordings:

\$5.00 – (Recordings are copied onto a DVD/USB Flash Drive.)

Trainings:

Ethnic & Cross-Cultural Skill Development Training:

\$800.00 (Full day/6 hours)

All Other Trainings:

\$200.00/hour

Commissioner Asch moved to accept the presented fee schedule and Commissioner LeRoy seconded. Upon a roll call vote, the motion carried: Commissioner Mohamed - yea; Commissioner Palardy – yea; Commissioner Kim – yea; Commissioner Keye — yea; Commissioner Evans- yea. The motion carried and the fee schedule was adopted.

d. Appointment of Volunteer Mediators

Assistant Director Burke Cohen introduced the Mediator Appointment list. Annually, the Commissioners must appoint the volunteer mediators to the Commission’s Mediation Program. Assistant Director Burke Cohen noted most of the mediators listed are returning mediators, a few are new. Commissioner Keye inquired if all the mediators are lawyers. Director Malachi answered that some are lawyers, some are retired judges, and some are certified mediators.

Commissioner Asch moved, and Commissioner LeRoy seconded a motion to approve the listed mediators and appoint them to the Commission’s Mediation Program.

Upon a roll call vote, the motion carried: Commissioner Kim - yea; Commissioner Palardy – yea; Commissioner Keye – yea; Commissioner Mohamed - yea; and Commissioner Evans - yea.

e. Other Business

Director Malachi reported a hearing on SB28 was held this morning. Rogers Johnson was the previous chair of the Diversity and Inclusion Council and a Commissioner of the NH Human Rights Commission for the period 2003 – 2008. To commemorate him, the Diversity and Inclusion Council requested a portrait of Mr. Johnson for the State House. Senator Regina Birdsell put the bill in, and fifteen other Senators signed on. Mr. Johnson’s wife, Poppy, was present and spoke at the hearing, along with Director Malachi. If the bill passes, Mr. Johnson will be the first African American to have his portrait in the State House.

Commissioner Keye requests permission to leave. Commissioner Kim approved. Commissioner Keye left at 5:48 PM.

4. GACDI UPDATE

Executive Director Malachi discussed the ongoing work of the Governor’s Council on Diversity and Inclusion (“GACDI”).

GACDI submitted their annual report to the Governor. The main addition was a toolkit. Once the Governor approves the report, Executive Director Malachi will distribute the toolkit to the Commissioners.

5. OFFICE UPDATES

Executive Director Malachi requests that all Commissioners provide a copy of their RSA 15 form for the office, in addition to providing the original to the NH Secretary of State.

Executive Director Malachi provided an update on new case management system – Civi-CRM. Executive Director Malachi had a meeting last week with the developer and has requested a quote so a contract can be drafted and finalized with the DoIT.

Executive Director Malachi reported the paralegal position is still vacant.

Commission Palardy requests permission to leave. Commissioner Kim approved. Commissioner Palardy left at 6:02 PM.

Executive Director Malachi invited all the Commissioners to a community celebration for Martin Luther King, Jr. Day at Memorial High School in Manchester, NH on Monday, January 16, 2023, where she will moderate a policy-makers panel.

6. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen discussed the investigators' caseload. The cases are being moved forward with 29 closures in November. Investigator Kelly Mederos will be going through the pending file to verify proper jurisdiction and determine if parties would consider mediation.

7. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the hearing schedule and updated it. There is one on the schedule for February and the next is in May.

8. PROPOSED LEGISLATION/LSR UPDATE

Executive Director Malachi briefly discussed the six items of legislation that involve the Commission. The hearings are in progress and Executive Director Malachi will share links to the videos.

9. OTHER BUSINESS

Commissioner Asch reported reading recent reports where the Respondent claimed the NHCHR did not have jurisdiction over the case and inquired if any other Commissioners had seen the same in reports reviewed by them in case it was a significant trend. Assistant Director Burke Cohen responded alleging a lack of jurisdiction is a standard affirmative defense. Commissioner Kim reported he has noticed it in some reports in the past and it seems to be common from certain law firms or attorneys as standard language.

10. NON-PUBLIC SESSION

None.

11. ADJOURNMENT

Commissioner Asch moved for adjournment and Commissioner LeRoy seconded. The Commissioner's meeting adjourned at 6: 25 PM.