

New Hampshire Commission for Human Rights



2 INDUSTRIAL PARK DR.
CONCORD, NEW HAMPSHIRE 03301-8501
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

COMMISSIONERS

MATT MAYBERRY, CHAIR
SHERYL L. SHIRLEY, Ph.D
HARVEY KEYE
JOSE R. LUNA
DOUGLAS J. PALARDY
ALEX SAMUEL
NANCY LEROY

EXECUTIVE DIRECTOR
AHNI MALACHI

ASSISTANT DIRECTOR
SARAH E. BURKE COHEN, ESQ.

INVESTIGATORS
KATRINA E. TAYLOR
NICOLE LEMELIN
DANIEL DEYERMOND
KATE MULLEAVEY
TAMARA SAXBY

ADMINISTRATIVE ASSISTANT
LOIS MONETTE

SECRETARY
NANCY RODGERS

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONER'S MEETING

May 2, 2019 at 5:00 PM

MINUTES

ATTENDANCE: **Commissioners: Matthew Mayberry (chair), Harvey Keye, Douglas Palardy, Sheryl Shirley, Nancy LeRoy and Jose Luna arrived approximately at 5:50 p.m.**

Commission Staff: Executive Director, Ahni Malachi and Assistant Director: Sarah Burke Cohen Administrative Assistant: Lois Monette

**Assistant Attorney General: Jill Perlow
Absent: Alex Samuel**

The meeting was called to order by Chairman Mayberry at 5:05 PM.

1. APPROVAL OF APRIL MEETING MINUTES:

Commissioner LeRoy moved and Commissioner Palardy seconded to accept the April 4, 2019 minutes. Motion carried.

2. HUD REPRESENTATIVES:

Executive Director Malachi and Chairman Mayberry met with Greg Carson from HUD about the Commission becoming substantially equivalent and potentially eligible for HUD monies. HUD is very interested in continuing the discussion of a partnership with them. We are the only state east of the Mississippi that is not substantially equivalent and eligible for HUD monies. The HUD representatives are interested in giving a presentation at the June Commission meeting.

3. OFFICE UPDATES:

Assistant Director Burke Cohen will be presenting sexual harassment training on Monday, May 8th.

EEOC Monies for engagement and travel:

Executive Director Malachi attended the last G & C meeting on April 17th. The Commission had an item on the agenda to accept and expend the EEOC monies vouchered for 2018 Engagement and the EEOC National Convention travel reimbursement.

LBA Audit:

The LBA audit is progressing, the auditors will complete their field work around mid-May and then will begin finalizing their report.

EEOC 2019 Contract:

As reported at the last Commission meeting, the EEOC reimbursement rate increased from \$700 to \$800 per charge resolution and \$70 to \$80 per intake services. However, the caveat is with the increased rates the EEOC will be reimbursing the FEPA agencies at 87% of the recommended levels of the District Office for charge resolutions and 100% of the recommended levels for intake services. This means that our contract for full credit resolutions dropped from 186 to 161 cases.

Our plan is to continue working to close 186 cases and potentially request an upward modification close to the end of the fiscal year contingent upon the EEOC making the offer and having money left in its budget. If there isn't money left to upward modify, the additional cases will be closed for the FFY20 contract year.

Engagement Workshops:

The EEOC Engagement workshops are going to be held the week of August 16th in 4 locations around the state. As we get closer to the EEOC/HRC EEO workshops in August, Ken An and Executive Director Malachi will schedule an interview with Fred Kocher on "NH Business" to discuss the workshops.

Mediator Appointment Letter:

Executive Director Malachi presented for the Commissioners approval a sample letter of appointment for volunteer mediators. This letter will be standardized and sent out to all mediators yearly. We currently have 44 mediators.

4. DIVERSITY AND INCLUSION COUNCIL 2018 REPORT:

Commissioner Luna presented the Diversity and Inclusion Council 2018 report. The Council still has more work to do; it has offered 6 recommendations, which includes 4 legislative recommendations, 1 budget recommendation and 1 finance recommendation relative to the Commission's funding.

- 5. REVIEW OF INVESTIGATOR CASE LOAD:**
Assistant Director Burke Cohen discussed the investigators work load. Everyone is at full capacity and working to close cases. Our investigators are doing great, shout out to Katrina Taylor, who has closed over 50 cases this federal fiscal year and is moving the mediation program along quite nicely. Intake has been very busy this week; the intake coordinator has been working diligently and using her back up to continue to process incoming charges efficiently. Our hope is that with the two new people requested in the next budget cycle that we would be able to assign 50 cases each out of the pending file to help continue to bring down our backlog. Interns are starting May 13th. The hope is that they will work the pending file for interest in mediation and settlement.
- 6. HEARING SCHEDULE UPDATE:**
Assistant Director Burke Cohen discussed the upcoming Hearing Schedule including the public hearing scheduled for May 22.
- 7. HEARING PANEL TRAINING DISCUSSION:**
Remained tabled from the April 4, 2019 meeting.
- 8. HRC ADMINISTRATIVE RULE DISCUSSION:**
AAG Perlow presented for consideration, two examples of wording as a replacement language for the commissions “Pro Hac Vice” Administrative Rules. (Hum 204.01-Hum 204.04)
Director Malachi and Assistant Director Burke Cohen offered to refine the proposed language and bring a proposal forward for the June meeting.
- 9. OTHER BUSINESS:**
Chairman Mayberry has suggested that the Commission doesn’t meet for the month of July.

Chairman Mayberry proposed filing a Commissioner’s claim against the American Red Cross because it discriminates based on sexual orientation as it has specific requirements for gay men. Specifically, a gay man cannot donate blood unless he has abstained from sex with a man for one year. The Commission discussed this concept and determined further research was necessary before bring such an action.
- 10. ADJOURNMENT**
Commissioner LeRoy moved to adjourn the meeting and it was seconded by Commissioner Palardy. The Motion carried and the meeting adjourned at 6:18 PM.