

**NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS  
COMMISSIONERS' MEETING**

**April 2, 2020 at 5:02 PM**

**MINUTES**

**ATTENDANCE: Commissioners present: Douglas Palardy (chair), Nancy LeRoy, Sheryl Shirley, Harvey Keye, and Alex Samuel**

**Commission Staff: Executive Director, Ahni Malachi and Assistant Director, Sarah Burke Cohen Administrative Assistant, William Darling**

(All participants attended this meeting telephonically)

Commissioner Palardy called the meeting to order at 5:02 PM.

As Chair of the Human Rights Commission, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means: We are utilizing freeconferencecall.com for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number (712) 770-4598.

b) Providing public notice of the necessary information for accessing the meeting:  
We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting telephonically. Instructions have also been provided on the website of the Commission for Human Rights at [nh.gov/hrc](http://nh.gov/hrc).

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anybody has a problem, please call 271-6727 or email at: [humanrights@nh.gov](mailto:humanrights@nh.gov).

d) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote. Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law."

Commissioner Shirley: home, alone. Commissioner Samuel: home, alone. Commissioner Keye: home, alone. Commissioner LeRoy: home, alone. Commissioner Palardy: home, alone.

## 1. **PUBLIC COMMENT**

Commissioner Palardy asked if anyone from the public was present on the conference call and wished to make public comment. There was no response.

Commissioner Keye inquired about former Commissioner Matthew Mayberry and appointment of new commissioners. Commissioner Palardy stated Mr. Mayberry had stepped down due to his political endeavors. Executive Director Malachi informed the commission that the appointment of new commissioners will likely be completed this month and the newly appointed would likely attend the May meeting.

## 2. **APPROVAL OF FEBRUARY MEETING MINUTES**

Commissioner LeRoy moved and Commissioner Keye seconded a motion to approve the February minutes. Roll call: Commissioner Shirley—yea, Commissioner Samuel—yea, Commissioner Keye—yea. Commissioner LeRoy—yea. Commissioner Palardy—yea. The motion carried.

Commissioner Keye asked about the Commissioner Training Manual, to which Executive Director Malachi stated it had been handed out at the February meeting and was available at the Commission's office.

3. **DIVERSITY & INCLUSION COUNCIL**

Commissioner Palardy decided to table the discussion of the Diversity & Inclusion Council due to the absence of Commissioner Luna.

4. **OFFICE UPDATES.**

Executive Director Malachi discussed that she and Assistant Director Burke Cohen attended the meeting to present the audit report to the Fiscal Committee. The report is available online if the Commissioners wish to review it.

Executive Director Malachi announced that office is closed to the public due to state of emergency and the Governor's stay-at-home order. The office continues to be open to allow for the receipt of mail and deliveries.

Commissioner Keye inquired about the status of the investigators, if they were all working at home and being paid. Executive Director Malachi confirmed the investigators are all working from home and being paid.

Commissioner Shirley asked if there will be changes in the case processing. Executive Director Malachi stated most procedures are still in effect and the Commission is deferring to the Governor's Emergency Orders including Emergency Order 11 regarding notarizations of documents. Additionally, Executive Director Malachi also discussed the Commissioners use of the file transfer protocol (FTP) in the future that would allow for an exchange of documents digitally without downloading the document to a personal computer. Use of FTP protects users in the event of a RSA 91-A request (i.e. Freedom of Information Act (FOIA)). The Commissioner staff will provide training regarding the use of this technology. In the event that the office is closed completely, all work will be done electronically.

5. **REVIEW OF INVESTIGATOR CASELOAD**

Assistant Director Burke Cohen further responded to Commissioner Shirley's question as it pertains to the verification of charges. Assistant Director Burke Cohen explained the verification of a charge is statutory and cannot be waived. But as stated, the Commission is adhering to the Governor's Emergency Order #11 that provides guidance on getting documents notarized during this time. Assistant Director Burke Cohen stated many complainants can also take advantage of the 180 day statute of limitation to allow some time to pass and hope that there will be some easing of restrictions which will allow for easier access to a notary.

The Commission is continuing to process cases and schedule mediations, as appropriate. Investigators are utilizing the available technology to complete interviews by phone and exchange information by email.

Assistant Director Burke Cohen stated the NHCHR has completed approximately 72% of

the proposed EEOC contract amount. Of note, the number of unassigned (i.e. pending cases not yet assigned to an investigator) has now fallen to below 300. Assistant Director Burke Cohen praised the staff, saying their diligence and hard work is what has made this possible. Commissioner Keye stated that this is the best he has seen it in the 14 years he has served on the Commission. Commissioner Palardy echoed those sentiments and said he was proud of the leadership and staff for their work in reaching this milestone.

## **6. HEARING SCHEDULE UPDATE**

Assistant Director Burke Cohen did not include the Hearing Schedule for the meeting because at this time there are no hearing scheduled due to the state of emergency. She estimated that if a hearing were to go forward, it would likely not occur until at least August.

## **7. OTHER BUSINESS**

- a. Executive Director Malachi discussed current legislation involving NHCHR. SB759, a bill covering pregnancy, takes what NHCHR already does and codifies it. She is confident it will pass. Executive Director Malachi assisted the legislative staff in getting wording right. Commissioner Shirley wondered if it was a bipartisan bill. Executive Director Malachi said she believed so but would forward the link containing the relevant information.
- b. HB1391, Pet Owners. The effect would be to make pet owners a protected class. After talking to sponsors, they removed wording that would add this legislation to the purview of the NHCHR. Commissioner LeRoy asked about the impact on property owners and some questions relative to assistance animals. Assistant Director Burke Cohen offer her opinion of the impact the bill could have on property owners and went on to discuss assistance animals as reasonable accommodations under RSA 354-A.
- c. There were two bills, one in the House and one in the Senate, relative to transgender female athletes and participation in school sports. The NHCHR tracked these bills. In the end, the House version was voted as “Inexpedient to legislate” (ITL) and the Senate version is pending.

Executive Director Malachi stated she would send out email covering the details of all legislation.

Commissioner Palardy asked if Commissioners had anything to add and none did.

## **8. NONPUBLIC SESSION.**

None.

9. **ADJOURNMENT**

Chairman Palardy motioned for adjournment and Commissioner Key seconded. The Commissioner's meeting adjourned at 5:42 PM.