

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

May 7, 2020 at 5:02 PM

MINUTES

ATTENDANCE: **Commissioners present: Douglas Palardy (chair), Nancy LeRoy (joined at 5:25PM), Sheryl Shirley, Alex Samuel, Christian Kim, Basra Mohamed**

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 5:06 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>.

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>.

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 Palardy: home, alone; Commissioner Mohamed: home, alone;
Commissioner Kim: home alone; Commissioner Samuel: home, alone;
Commissioner Shirley: home, alone; and Commissioner LeRoy joined at 5:25PM
and reported she was 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.

2. **APPROVAL OF APRIL MEETING MINUTES**

Commissioner Palardy moved and Commissioner Samuel seconded a motion to approve the April minutes. Roll call: Commissioner Shirley—yea; Commissioner Samuel—yea; Commissioner Mohamed—yea; Commissioner Kim—yea; and Commissioner Palardy—yea. The motion carried.

3. **INTRODUCTION OF NEW COMMISSIONERS**

Commissioner Palardy welcomed the two newly appointed commissioners, Basra Mohamed and Christian Kim. The commissioners introduced themselves and told a little bit about their backgrounds.

4. **OFFICE UPDATES.**

Executive Director Malachi stated the office remains closed to the public and the Commission staff is continuing to work remotely. The Administrative Assistant is working from the office daily to receive deliveries, accept paperwork from attorneys, etc. Pursuant to the Governor's stay-at-home order that expires on May 31, the office will remain closed at least through that time and reopening will depend on the Governor's orders.

Executive Director Malachi stated that she had received email confirmation of the Equal Employment Opportunity Commission (EEOC) contract. The Commission asked for 200 full-credit case; however, it has been offered a contract of 170 full-credit cases. The Commission is paid \$800 for each dual-filed resolution. Executive Director Malachi is confident the Commission will complete the contracted amount. Executive Director Malachi stated she will ask for an upward modification, if it is made available.

Executive Director Malachi informed the new commissioners that the Attorney General's Office has an Administrative Law training for CLE credit.

Upon joining the meeting at 5:25PM, Commissioner Nancy LeRoy inquired about the status of cases being sent to the Commissioners for decision. Assistant Director Burke Cohen discussed the current status and assured the Commissioners cases would be forthcoming.

5. **REVIEW OF INVESTIGATOR CASELOAD**

Assistant Director Burke Cohen stated the mediation program is continuing forward. Several of the Commission's volunteer mediators are conducting mediations virtually. Mediation Program Coordinator Katrina Taylor reported year-to-date that there have been seven mediations with six successful. Three virtual mediations have been conducted in May and two more mediations are in the process of scheduling. There are also 2 other mediations in the process of scheduling, but the parties have elected to wait until in-person mediation is possible.

Assistant Director Burke Cohen stated the Commission has reduced its unassigned cases to 277 and hopes to continue the trend of reducing the Commission's backlog. Assistant Director Burke Cohen discussed the current process both for investigations and intakes/charges. She explained the statutory requirement for notarization still presents a challenge, but Emergency Order 11, which allows for virtual notarizations, has assisted with ensuring Complainants can still comply with the statute. Attorneys continue to file Charges. This past month the Commission has closed 15 full-credit cases. The Commission has closed 158 full-credit cases under the current contract. This amounts to 79% of the Commission's proposed EEOC contract amount of 200.

She stated the staff is working hard in all aspects of investigation including assisting people resolve their cases through settlement.

6. HEARING SCHEDULE UPDATE AND PANEL ASSIGNMENT - DISCUSSION

Assistant Director Burke Cohen stated the commission does not have a hearing schedule at this time due to the Governor's stay-at-home order and the Commission's inability to conduct in-person hearings. She reported that probable cause (PC) cases are in a state of flux. Most parties are agreeing to push out the Prehearing/Conciliation to a time when it can be in-person or are allowing the Conciliation to be made into negotiations facilitated through the Commission. Although the Commission does not have the capacity to conduct events virtually, the Commission may move forward with phone Prehearing/Conciliation in a similar fashion to the court system.

Commissioner Palardy asked if anyone has pushed to have a Prehearing/Conciliation or Public Hearing. Assistant Director Burke Cohen said no. Everyone seems content to wait for now. Assistant Director Burke Cohen also stated the staff and she have been more lenient with document request responses as it is more difficult for parties to retrieve documentation if their facilities are closed. Commissioner Palardy asked Executive Director Malachi and Assistant Director Burke Cohen to let the investigators know how impressed the Commissioners are with the performance of staff.

7. OTHER BUSINESS

- a. Assistant Director Burke Cohen stated that the Commission has a new intern, Connor Parent, who will work with the Commission for the summer beginning in two weeks. He will be working on various tasks including research projects.
- b. Executive Director Malachi stated once we get back into the office and have the potential of doing public hearings, she will coordinate with Jill Perlow or the Commission's assigned Assistant Attorney General to conduct a brief discussion on conducting hearings.
- c. Executive Director Malachi said that masks and other hygiene supplies have been ordered and, hopefully, will be available when the office fully reopens.

8. NONPUBLIC SESSION.

None.

9. ADJOURNMENT

Chairman Palardy motioned for adjournment and Commissioner Shirley seconded. The Commissioner's meeting adjourned at 5:43 PM.