

New Hampshire Commission for Human Rights



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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

December 3, 2020 at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Douglas Palardy, Sheryl Shirley, Harvey Keye, Alex Samuel, Nancy LeRoy, Christian Kim and Basra Mohamed

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

(All participants attended this meeting via Zoom)

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 Zoom 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 by contacting the Commission's office at 271-2767 and receiving the meeting id and passcode.
- 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 271-2767 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 Shirley: home, alone;
Commissioner LeRoy: home alone; Commissioner Samuel: home, alone;
Commissioner Kim: home, alone; Commissioner Keye: home; alone;
Commissioner Mohamed: home, alone

1. PUBLIC COMMENT

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

2. APPROVAL OF NOVEMBER MEETING MINUTES

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

3. MAJOR JOHN MARASCO, NH STATE POLICE – “TEAM BUILDING WORKSHOP” PRESENTATION

Director Malachi introduced Major Marasco from the NH State Police. Major Marasco has worked in the area of community policing, team building and communication. Major Marasco has given training on team building at various police departments. Director Malachi, after discussing the training with Major Marasco, thought that such a team building training would be valuable for the NHCHR.

Major Marasco thanked the Commissioners for allowing him to speak this evening and for the work the NHCHR does. Major Marasco also had greatly enjoyed working with Director Malachi over the years. Major Marasco gave the history of the training and discussed how it has evolved. The training is meant to be inspirational and education. It centers on teambuilding and reinforcing that your colleagues are your strength and offer different perspectives that can only benefit a situation and agency. Major Marasco has given the presentation to various groups including Police Standards and Training, Nacky Loeb Center for Communications and a Leadership Training at SNHU. Major Marasco made a recent presentation to various divisions of NH State Police and it was meant to help people understand communicating well with others, the importance of working together and creating synergy in the workplace. It was well received and has many valuable takeaways. The training is meant to be a “pick-me-up” in that it educates in a manner that is positive.

Commissioner Palardy expressed that this training would be valuable to the NHCHR and it would be beneficial for both Commissioners and Staff to participate in.

Commissioner Key concurred with Commissioner Palardy that the training would be beneficial for the NHCHR.

Director Malachi said she would get back to Major Marasco about this training for the NHCHR.

Commissioner Palardy said, unless there is an objection, that we should pursue scheduling this training.

4. DIVERSITY & INCLUSION COUNCIL UPDATE

The Diversity Council (“Diversity”) met in November. Director Malachi said the meeting began by discussing memories of Rogers Johnson. Director Malachi stated Diversity discussed what it would like to do to honor Johnson’s work in NH. Diversity also discussed the information compiled by its subcommittee, the Governor’s COVID-19 Equity Response Team (“GCERT”). The GCERT made recommendations to the Governor. Because GCERT is a subcommittee of Diversity, it is Diversity’s job to prioritize the recommendations and make plans on how to pursue positive outcomes for the recommendations. Diversity is also working on its annual report to be given to the Governor and Legislative Leadership, which is a reflection of what Diversity has done this year and recommendations. One of the recommendations will be that NHCHR is pursuing HUD equivalency and that Diversity is supportive of it.

5. OFFICE UPDATES

Director Malachi explained the state is revising its emails. The emails will now be the first name, middle initial and last name and the domain will be “hrc.nh.gov”. The staff will work on updating stakeholders accordingly including parties and attorneys.

Director Malachi stated there is a new process for the Financial Statement Form. There is a mandatory training this year due to the process change. Director Malachi has volunteered to take the training. Director Malachi will train the Commissioners and answer questions as needed.

Director Malachi discussed the Implicit Bias training. The entire staff participated. Director Malachi stated she would talk with the Department of Justice relative to certificates of participation. She will also check to see if it was recorded and can be watched for credit. Director Malachi is under the impression this training will be an annual requirement.

Director Malachi discussed the status of the budget cycle. Director Malachi went before the Budget Committee during round one, the Governor's round, on November 19, 2020 and was present for the budget presentation. The NHCHR is included within the Department of Justice budget. Director Malachi will send the budget presentation to the Commissioners. Commissioner Shirley asked if Director Malachi presented or if it was completed by the DOJ. Director Malachi stated she participates in the presentation and presents the NHCHR component. As part of the presentation, Director Malachi explains what the NHCHR does and the budget priorities. Director Malachi also discusses the NHCHR's accomplishments and, for this year, that the NHCHR will be pursuing HUD equivalency to allow the NHCHR to apply for a HUD contract.

Commissioner Keye discussed wanting to ensure our accomplishments are presented on our own and not in the shadow of the DOJ.

Commissioner Shirley expressed that she had concerns with the attachment to the DOJ. Specifically, she worries that the NHCHR could be absorbed into the DOJ should there be need for budget cuts, similar to the setup of Vermont. Commissioner Shirley also inquired about the relationship we have with the DOJ. Director Malachi addressed this question and explained that Vermont has two agencies that deal with discrimination in VT. She also discussed that the DOJ likely does not have the capacity to take on the work of the NHCHR. Director Malachi discussed that the administrative attachment to the DOJ has been beneficial and we have not had any negative interactions. Commissioner Mohamed asked about the setup of other agencies similar to NHCHR. Director Malachi explained that most similar agencies were stand alone and not within the state's DOJ.

Director Malachi discussed HUD equivalency. Director Malachi will work with the Illinois Human Rights Commission to discuss HUD equivalency and amending NHs statute and rules to allow it to be comprehensive enough to serve the needs of HUD, which will allow the NHCHR to proceed with applying for and negotiating a HUD contract. Director Malachi will meet with Illinois on Monday. She is hopeful that legislation can be drafted and submitted for this legislative session.

Commissioners Shirley reminded Director Malachi that Former Commissioner Chris Wellington was heavily involved in attempting HUD equivalency previously and was great at answering questions during Legislative Sessions. In addition, Attorney

Wellington has volunteered to assist. Director Malachi remembered Attorney Wellington had offered her assistance and will reach out to her. Commissioner Mohamed said that Attorney Wellington had partially retired from NHLA, but was still working on NHLA's Impediments to Fair Housing project.

Director Malachi discussed that the Commissioners have requested she take on some casework. She stated she would be able to undertake this after the office is "staffed up." The Commissioners inquired about the hiring status. Director Malachi stated the positions have been submitted to NH Department of Personnel: Reclassification Division and are currently pending. Director Malachi stated hiring cannot move forward until finalization is received from DOP Reclassification. Director Malachi is hopeful this will occur within the next month. Upon receipt from DOP Reclassification, the positions will be posted and interviews will commence as soon as able.

6. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen stated the NHCHR does not currently have a contract amount for EEOC; therefore, the number is defaulted to the amount of last year's contract, which was 170 cases. The staff is moving cases along as quickly as possible while also completing intake and office coverage. The Commission has also been receiving a significant amount of new cases, 20 in October and 21 in November. Many parties are utilizing the Commission's Mediation Program, which is helping reduce the unassigned cases.

7. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the hearing scheduling. She stated there will be no December 2020 and January 2021 hearings as those cases settled or were removed. She said there are cases currently scheduled for hearing on February 18, 2021. She also stated per instruction from Commissioner Palardy, she has randomly assigned Commissioners to hearings for the next year. She requested the Commissioners review the schedule and let her know as soon as possible if they are unable to be at a hearing for which they are scheduled. Assistant Director Burke Cohen said that although each month does not have a specific day at this time, she generally schedules the public hearings during the third week of each month.

Commissioners Shirley asked if the public hearings will be conducted in-person or virtually. Assistant Director Burke Cohen discussed that it has been offered to the parties for either, but given the current numbers that likely hearings will be conducted virtually unless the parties specifically request it to be continued to a time that would allow in person hearings. Assistant Burke Cohen explained that Director Malachi and she have been compiling guidance from OPLC and our Assistant Attorney General to prepare for a virtual hearing and ensure it will comply with RSA 91-A laws.

8. OTHER BUSINESS

Commissioners Keye inquired about the salary and qualifications of an anti-discrimination investigator. Director Malachi stated it would be easiest to send a copy of the Supplemental Job Description. Commissioner Keye agreed and the other Commissioners also requested she send them a copy as well. Director Malachi said she would do so.

Commissioner Palardy suggested not having the January meeting given its closeness to the New Year and that it has been relatively quiet. The Commissioners agreed it would be a good idea, but a final decision would not be made at this time.

9. NON-PUBLIC SESSION

None.

10. ADJOURNMENT

Commissioner Palardy motioned for adjournment and Commissioner LeRoy seconded. The Commissioner's meeting adjourned at 6:26 PM.