

New Hampshire Commission for Human Rights



COMMISSIONERS
DOUGLAS J. PALARDY, CHAIR
HARVEY KEYE
ALEX SAMUEL
NANCY LEROY
BASRA MOHAMED
CHRISTIAN KIM

EXECUTIVE DIRECTOR
AHNI MALACHI

ASSISTANT DIRECTOR
SARAH E. BURKE COHEN, ESQ.

INVESTIGATORS
KATRINA E. TAYLOR
NICOLE LEMELIN
DANIEL DEYERMOND
KATE MULLEAVEY
LURA SEAVEY

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

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

March 3, 2021 at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Douglas Palardy, Basra Mohamed, Nancy LeRoy and Christian Kim

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 5:05 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 LeRoy: home alone;
Commissioner Keye: home, alone; Commissioner Mohamed: office, alone;
Commissioner Kim: 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 FEBRUARY MEETING MINUTES

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

3. OFFICE UPDATES

Commissioner LeRoy requested an update on legislation. She will send Director Malachi her questions and input. Director Malachi will send out an update of the status of relevant legislation to the Commissioners.

Director Malachi stated the 2 part-time positions have been posted. The part-time secretary and part-time paralegal. Those positions have closed and were opened both internally and externally. The applicants are being certified and interviews will be scheduled to occur virtually with Director Malachi and Assistant Director Burke Cohen. The goal will be to get those positions hired and starting as soon as possible. In addition,

the Governor & Executive Council approved the reclassification of the full-time Intake Coordinator position. This position will be posted as soon as possible. It will be posted internally. Director Malachi is hopeful the pool of internal candidates will be good and that position will be filled promptly.

Commissioner Keye made an inquiry about the Commissioner oversight of hiring. Commissioner Palardy responded that there is somewhat of a gray area relative to whose duty it is. Generally, it is seen as the duty of the Director and Assistant Director to manage staff including the hiring process. Commissioner Palardy reiterated that AAG Perlow had explained to the Commissioners that if the Commissioners were to become involved in the hiring process that it would become complicated by the Commissioners needing to form a subcommittee. Commissioner Keye commented that he is ok with the decision not to get further involved with the hiring process and to rely on the judgement of the Director and Assistant Director. Commissioner

Director Malachi and Assistant Director Burke Cohen are meeting with some other agency staff tomorrow to discuss the upcoming logistics of the April public hearing, which will be virtual.

Assistant Director Burke Cohen is working on securing interns this summer. She has reached out to 11 applicants. Interviews will be set up virtually for interested applicants with Director Malachi and Assistant Director Burke Cohen. Assistant Director is excited and hopeful that the Commission will secure 2 good summer interns for this year.

4. 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. Director Malachi and Assistant Director Burke Cohen have heard from the EEOC that the contracts are being worked on and should be distributed soon.

Assistant Director Burke Cohen said the cases continue to be filed at about 15-20 per months. The staff continues to close cases as promptly as possible including working to assist with direct negotiations and getting cases scheduled for mediation using the Commission's free mediation program. The mediation program has helped cases in the pending file move forward to closure. Assistant Director Burke Cohen is hopeful that once the Intake Coordinator is hired and with the addition of the interns that some of the pending file cases will be able to be moved to closure through resolution, which will reduce the number of unassigned cases.

Commissioner Keye asked Assistant Director Burke Cohen what her definition of accomplishments were for the Commission. Assistant Director Burke Cohen stated she saw accomplishment for the Commission as twofold. It is enforcement and outreach. Assistant Director Burke Cohen stated the Commission continues to do its duty as the enforcement agency by taking cases and processing the cases to investigation and

resolution. It has been a bit more difficult due to the national pandemic to complete a lot of outreach, but Assistant Director Burke Cohen is hopeful as life returns to the new normal after the pandemic that the Commission will be able to resume more of its outreach activities that Director Malachi and she had been working on pre-pandemic. Assistant Director Burke Cohen is also hopeful that the outreach and education could include requiring training for those cases in which probable cause is found.

Commissioner LeRoy inquired about the contract and why it is so delayed. Director Malachi explained this delay is normal. She added the Commission operates on the assumption that the contract amount will not be lower than the year before and operates to ensure we meet the contract plus some cases to allow for possible upward modification. Assistant Director Burke Cohen concurred with Director Malachi and added that currently the Commission has completed 36% of its contract, which seems low compared to last year. However, the Commission held some cases for closure until the new contract year in FFY2020 and going forward the Commissioners have chosen that we no longer continue that practice. Even though the contract completion is only at 36%, Assistant Director Burke Cohen and Director Malachi believe it will not be an issue for it to be completed with the possibility for upward modification eligibility. Both believe this will occur due to the staff and the additional staff to be hired, which will allow current staff to take a step back from the support duties they have been doing and concentrate on case processing. In addition, the Intake Coordinator and interns will help to process the pending file cases toward early resolution when possible.

5. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the hearing scheduling. She stated a hearing is scheduled for April 20, 2021. She said the panel is made up of Commissioner LeRoy, Commissioner Mohamed and Commissioner Samuel. Assistant Director Burke Cohen stated she sent an email out to the panel requesting confirmation of ability to attend and a conflict check. She has heard from Commissioner Samuel. She requested Commissioners LeRoy and Mohamed letter her know this week about their availability and any conflicts. Commissioner LeRoy requested the email be resent. Assistant Director Burke Cohen stated she would resend the email this evening and to let her know if either didn't receive it by tomorrow.

6. OTHER BUSINESS

Commissioner Shirley has stepped down from her position as Commissioner after approximately thirteen years of service. Commissioner LeRoy requested an official letter be sent to Commissioner Shirley thanking her for her service. Commissioner Palardy requested Commissioner Keye draft the letter as he served with Commissioner Shirley the longest. Commissioner Keye agreed to draft the letter and will send it to the other Commissioners for further input. Director Malachi will look into getting a certificate of service made for Commissioner Shirley to go along with the letter from the Commissioners. Commissioner Palardy requested the letter be ready at the next Commissioners' meeting in April.

7. NON-PUBLIC SESSION

None.

8. ADJOURNMENT

Commissioner Palardy moved for adjournment and Commissioner Keye seconded. The Commissioner's meeting adjourned at 5:45 PM.