

New Hampshire Commission for Human Rights



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ALEX SAMUEL
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BASRA MOHAMED
CHRISTIAN KIM

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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

May 6, 2021 at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Douglas Palardy, Nancy LeRoy, Basra Mohamed, Alex Samuel, Christian Kim and Harvey Keye (arrived at 5:15PM)

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 5:08 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 Mohamed: office, alone; Commissioner Kim: home; alone;
Commissioner Samuel: home, alone; Commissioner Keye (arrived at 5:15PM):
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 APRIL MEETING MINUTES

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

3. OFFICE UPDATES

Executive Director Malachi gave the office update. The paralegal, Kelly Mederos started and has been great. She has been helpful in drafting orders and conducting legal research. The Intake Coordinator starts tomorrow, May 7. Her name is Johanna “Jonna” Allard. She is coming from NH Employment Security. She has a great skillset and we think she will be more than up to the task of performing intake for the Commission. The part-time Secretary position was posted for the 3rd time. The posting closes tomorrow. Director Malachi is hopeful this posting will yield a qualified candidate. Director Malachi and Assistant Director Burke Cohen will begin interviews as soon as possible after the

candidates are certified. Director Malachi stated there is a budget hearing on April 23. She remains hopeful that the Commission will get the full-time Administrative Assistant and part-time Intake worker as part of the Commission's prioritized needs. Director Malachi stated SB126, which revised the Commission's statute to allow it to be eligible for HUD substantial equivalence is making it through the system and has passed the NH Senate and is progressing through the NH House. Director Malachi will be in touch with Greg Carson to further discuss the Commission's next steps in becoming eligible as substantially equivalent and therefore, eligible for a HUD contract. Commissioner Keye interjected that he was proud of the progress the Commission is making with regard to this legislation.

4. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen stated the NHCHR does not currently have a contract amount for EEOC. We have decided to report the number as our proposed case amount which is 200 cases. The NHCHR is currently at 49% of its proposed contract.

Assistant Director Burke Cohen said cases continue to be steadily filed by both *pro se* complainants and attorney represented complainants. With the start of the Intake Coordinator, she is hopeful this will allow the investigators to move away from having to do the added intake task and back to moving cases forward through investigation. Commissioner Keye asked how we can measure discriminatory practices in NH and if there is less discrimination. Assistant Director Burke Cohen stated that the Commission's action as both enforcement agency and educator continues to discourage discriminatory practices in the areas over which we have jurisdiction such as employment, housing, public accommodation and public education.

5. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the hearing scheduling. She stated a hearing is scheduled for May 19 and 20. There may be another hearing scheduled for August depending on how the parties proceed.

6. OTHER BUSINESS

a. IN-PERSON MEETINGS

Director Malachi stated the Governor's Order allowing the Commission to meet remotely will soon expire. This means the Commission will again need to meet in-person. This means in order to meet the Commission will need to have an in-person quorum, which would allow others to participate electronically or telephonically if necessary. Commissioner Palardy and Commissioner LeRoy asked when specifically the order expired. Director Malachi was unsure, but understands that it is soon, likely the next few weeks. The Commissioners discussed holding an in-person meeting within the next few months.

b. REPORTS VIA EMAIL

Director Malachi inquired if the Commissioners wished to receive reports electronically. She discussed wanting the process to be as efficient as possible and this was a possible way to ensure that occurs. Director Malachi inquired about how long it took Commissioners to turn around a report. Commissioners Palardy and LeRoy stated it took them approximately 48 hours to turn around a report. Commissioners Kim and Mohamed stated it usually takes them 1-2 weeks to turn around a report. Commissioner Palardy expressed that he would like Commissioners to try to turn around reports as efficiently as possible. Director Malachi asked who would like to receive the documents via email. Assistant Director Burke Cohen discussed how the procedure should be to ensure compliance with RSA 91-A, which included that the Commissioners would be able to email the decision form to the Commission, but would also need to send the original. The Commission will provide self-addressed stamped envelopes to the Commissioners for them to return signed forms to the Commission. In response to Director Malachi's request, Commissioners Palardy, Samuel, Mohamed and Kim stated they would prefer receiving documents via email. Commissioners LeRoy and Keye would like to continue to receive their documents via regular mail. Commissioner Malachi stated she would note the preferences and let the staff know.

Commissioner Palardy inquired about the atmosphere of the office now that the staff had resumed working in the office together. Assistant Burke Cohen stated the staff is getting used to working together again. Director Malachi stated Assistant Director Burke Cohen and she hope to begin some team building exercises revolving around case discussion and investigations.

7. NON-PUBLIC SESSION

None.

8. ADJOURNMENT

Commissioner Palardy moved for adjournment and Commissioner LeRoy seconded. The Commissioner's meeting adjourned at 6:05 PM.