

# New Hampshire Commission for Human Rights



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**PARALEGAL**  
KELLY MEDEROS

## NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

February 10, 2022 at 5:00 PM

### MINUTES

**ATTENDANCE:** Commissioners present: Alex Samuel (chair), Basra Mohamed, Douglas Palardy, Nancy LeRoy (via Zoom. She was home and alone.), Elizabeth Asch, and Harvey Keye

Commission Staff: Executive Director, Ahni Malachi (via Zoom) And Assistant Director, Sarah Burke Cohen

Commissioner Samuel called the meeting to order at 5:16 PM.

#### 1. PUBLIC COMMENT

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

#### 2. APPROVAL OF OCTOBER MEETING MINUTES

Commissioner Asch moved and Commissioner Mohamed seconded a motion to approve the minutes with a minor revision. The motion carried.

#### 3. GACDI UPDATE

Executive Director Malachi stated the Governor's Council on Diversity and Inclusion ("GACDI") last met on January 18, 2022. GACDI is chaired by Executive Director Malachi and Assistant Director Burke Cohen serves as the representative of the NHCHR. Executive Director Malachi stated during the January meeting, GACDI elected officers and established subcommittees. There are three established subcommittees:

1. the Executive Subcommittee, which is made up of the officers and chairs of the other subcommittees;

2. the Outreach and Education Subcommittee which would focus on looking outward to the community through networking and outreach; and
3. Government Relation Subcommittee which would focus on looking within state government at policies and practices that would encourage diversity and inclusion.

Commissioner LeRoy asked how many were on GACDI. Executive Director Malachi replied there are currently about 14 members, but there are a few vacancies. Vacancies are appointments made by the Governor. Commissioner LeRoy inquired about GACDI's purpose. Executive Director Malachi stated that GACDI was set forth by Executive Order and it was to focus on reviewing RSA 354-A and looking at advising the Governor on issues revolving around diversity and inclusion inside the state government and as it relates to the state. Executive Director Malachi stated she would send the most recent GACDI annual report to the Commissioners for review as this will relate on what GACDI was established to do and summarize what it has done since its inception. Commissioner Keye asked about the mission of GACDI and when it reports to the Governor. Executive Director Malachi stated there is good relationship between GACDI and the Governor's office as the GACDI can discuss issues and potential solutions with the Governor as necessary. Executive Director Malachi stated it is GACDI's role to spearhead how to make change and inculcate to move issues toward resolutions.

#### **4. OFFICE UPDATES**

Executive Director Malachi gave a brief legislative update. She stated there have been numerous hearings and is in the midst of updating her legislative spreadsheet and will forward it to the Commissioners upon completion. Executive Director Malachi briefly discussed the legislative process and where it was currently.

#### **5. REVIEW OF INVESTIGATOR CASE LOAD**

Assistant Director Burke Cohen discussed the investigator caseload. She stated 19 cases were closed in January. She said this means the NHCHR is currently has fulfilled approximately 42% of its EEOC contract as it has closed a total of 84 case in Federal Fiscal Year 2022.

Assistant Director Burke Cohen stated the EEOC recently rolled out a new database. The NHCHR uses the EEOC database to allow for dual filing of cases with the EEOC and track all NHCHR cases, even those not dual filed. The new system is called ARC. Assistant Director Burke Cohen explained that there have been some issues with ARC, such as the NHCHR is currently unable to gather statistical information from the system. Assistant Director Burke Cohen stated the system is currently in process and we are hopeful there will be continued improvements that will allow us to use statistical reporting. The system does allow us to view both the NHCHR caseload and EEOC caseload to ensure there are no duplicate cases.

Assistant Director Burke Cohen discussed the process update that the NHCHR staff has been working on since November 2021. The NHCHR has been working toward

streamlining our cases to allow for faster process times. This streamlining will benefit both parties. As part of that process, the NHCHR reports will be formatted differently and will provide a more succinct synopsis of the investigation. As the NHCHR moves toward streamlining, we are requesting it take place in all areas from intake to investigation to my review of reports to Commissioners returning of reports promptly. Assistant Director Burke Cohen stated that, as always, Commissioners are welcome to contact the staff to discuss questions about the process and/or individual cases. Assistant Director Burke Cohen stated the Commissioners are the factfinders and it is the Commissioners that must feel comfortable deciding based on the investigation.

## **6. HEARING SCHEDULE UPDATE**

Assistant Director Burke Cohen discussed the hearing scheduling and updated it. She said there will likely be a public hearing in April. She stated the respondent has not responded to any contact from the NHCHR in the case. The hearing will likely be short should a respondent fail to appear. Assistant Director Burke Cohen briefly discussed the hearing process. Commissioner Palardy inquired about there being some sort of default judgement that could be issued in the case where a Respondent did not attend or participate in a public hearing. Assistant Director Burke Cohen and Executive Director Malachi said they would make inquiries about if other FEPA organization had this ability and discuss with the Commission's legal representative at the Attorney General's office.

## **7. MEDIATORS**

Assistant Director Burke Cohen introduced the Mediator Appointment list. Annually, the Commissioners must appoint the volunteer mediators to the Commission's Mediation Program. Commissioner Keye moved, and Commissioner Palardy seconded a motion to approve the listed mediators and appoint them to the Commission's Mediation Program. The Motion carried.

## **8. OTHER BUSINESS**

None.

## **9. NON-PUBLIC SESSION**

Commissioners Samuel requested the Commissioners enter non-public session to discuss a personnel matter. Commissioner Samuel moved that pursuant to RSA 91-A:3, II (a), the Commission enter non-public session to discuss personnel matters. Commissioner Mohamed seconded the motion. Upon a roll call vote, all were in favor: Commissioner Palardy - yea; Commissioner LeRoy - yea; Commissioner Keye - yea; Commissioner Samuel—yea; Commissioner Asch - yea; and Commissioner Mohamed —yea. The motion carried. The entered non-public session at 6:11 PM.

At 6:52 PM, the Commissioners returned to Public Session. Commissioner LeRoy moved and Commissioner Mohamed seconded that pursuant to RSA 91-A:3,III to

“withhold minutes of the non-public session until such time as the majority of the Commissioners are of the opinion that it was no longer likely that the divulgence of the information in the minutes would affect adversely the reputation of any person not a member of the agency, or render the proposed action ineffective.”

Upon a roll call vote, all were in favor: Commissioner Palardy - yea; Commissioner Asch – yea; Commissioner Keye – yea; Commissioner Samuel—yea; Commissioner LeRoy - yea; and Commissioner Mohamed. The motion carried.

**10. ADJOURNMENT**

Commissioner Mohamed moved for adjournment and Commissioner Palardy seconded. The Commissioner’s meeting adjourned at 6:55 PM.