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VERMONT HUMAN RIGHTS COMMISSION
MINUTES
April 19, 2018

PRESENT: Commissioners: Kevin Christie, Chair, Donald Vickers (by telephone), Nathan Besio, and Dawn Ellis. Staff: Karen Richards, Executive Director, Ayn Lee Sing, Administrative Law Examiner, Laura Savall, Law Intern, and Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Christie called the meeting to order at 9:09 a.m.

BUSINESS MEETING:

MINUTES: Ellis moved to accept the minutes of the March 15, 2018 meeting as written. The motion was seconded by Besio. Vote 4-0

EXECUTIVE DIRECTOR REPORT:

Ellis raised the question of whether HRC implicit bias trainings can be capitalized on with current media attention in the wake of the “Starbucks incident” on how and where to get training. Christie indicated we used to have directory with services and suggested maybe HRC could provide a link on the website as reference point for resources. ED Richards relayed that HRC FaceBook page has been created, will go live soon and that we can put resources there as well. Ellis further discussed whether HRC could send out surveys six months post training inquiring what participants are doing with the training received.

Ellis suggested having a method of posting upcoming events for the Commissioners. Christie mentioned the possibility of a Google calendar that Commissioners could monitor as they see fit.

Commissioners reviewed the new wallet sized brochure created for outreach. Suggestions were made about distribution to schools and other entities. There was also discussion about making the brochure more accessible by changing the color contrast and increasing font size for some of the information. These changes can be made at the next re-print.

LEGISLATIVE REPORT

H. 412- An act related to creating a homeless bill of rights- This bill is not moving forward. It would have expanded HRC jurisdiction to include “housing status” as a protected category.

H. 294- An act related to equal pay - This bill makes it an unlawful employment practice to ask about or determine compensation for a position based on previous salary history. It passed the House on 2/16/18 and is on track to pass the Senate.

S. 281- An act relating to Systemic Racism Mitigation Oversight and Equity Review Board- This bill passed the Senate on 3/22/18. The board mimics the HRC structure of an appointed board of five (with one of the board members appointed by the HRC for a one-year term which can then be renewed by the HRC) to oversee systemic racial disparities across state systems. The Commission/Board would then hire an executive director of Racial Equity. The executive director will act as a liaison between the Administration, the HRC and the Governor’s Council on Equity and Diversity in the Workplace to ensure that the work is coordinated. The director is independent of any agency but sits in the Agency of Administration. The director will oversee a comprehensive review of state government to identify disparities, figure out what data exists and what needs to be collected and figure out what training needs to be offered to whom, etc. The Governor is expected to issue an Executive Order to agencies to cooperate on reducing racial disparities. The bill is making its way through the House Committee on Government Operations which has been taking testimony. The final version is very close to completion. It is a must pass bill for both Houses.

H. 333- An act relating to gender neutral single stall bathrooms- This bill passed the House last year but it was too late in the session for the Senate to take it up. HRC supported the bill last year. The Senate just passed the bill. The Governor has committed to signing it.

H. 707- An Act relating to sexual harassment- This bill passed the House and has been referred to the Senate Committee on Economic Development, Housing and General Affairs. It includes prohibitions on “do not darken my door clauses” in sexual harassment settlement agreements only, requires HRC to notify respondents in all discrimination complaints of the prohibition on retaliation, gives HRC and AGO independent audit authority of employers, require plaintiffs to report lawsuits filed based on sexual harassment to the AGO or HRC (so we can intervene or submit amicus briefs on important

issues), requires the AGO/HRC to set up a hotline and requires complaints sent to the hotline to be reviewed by AGO/HRC, requires the VT Women's Commission with the AGO and HRC to conduct outreach re sexual harassment, and requires annual reports from the AGO/HRC for the next two years. It is expected to pass the Senate.

H. 711- An act relating to crime victims - This bill passed the House and adds crime victims as a protected category under the Fair Employment Practices Act, thus expanding HRC jurisdiction. The definition of crime victim is broad. It specifically includes victims of domestic or sexual violence, vulnerable adults, or the parent, foster parent, etc. of a child victim who lives with that child and anyone otherwise identified as a victim of a crime by the prosecutor. The main controversy was whether it should track the parental leave provisions (apply to employers who employ 10 or more employees for an average of at least 30 hours per week)(this is how it passed the House) or family (medical) leave act which is 15 or more employees and an average of at least 30 hours per week. It requires employers to allow employees in this status unpaid leave to go to court, depositions, etc. or to use an accrued leave they may have. It is expected to pass the Senate.

H. 794- An act relating to an Ethnic and Social Equity Standards Advisory Board - This bill would establish the above advisory board to advise the Secretary of Education on the development of ethnic studies standards for schools and model policies regarding those standards. The bill has been added to the must pass education "big bill" along with pre-K and after school programming.

STATISTICS and OUTREACH (July 1, 2016 – March 31, 2017 and July 1, 2017 – March 31, 2018). Commissioners discussed housing intake and ways to increase it. Christie suggested that he and the executive director set up a meeting with the Housing Discrimination Project at Vermont Legal Aid to discuss increasing testing in Burlington (given that the vacancy rate is increasing due to more UVM housing), referrals of cases and adding HRC as a resource on their website.

Besio requested that maybe add previous years comparison pertaining to the relief portion of this report.

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff & ED)

Karshagen v. Hinsdale – HRC Case No. HV17-0028 & HUD No. 01-17-7425-8

LoPreste v. Ryan - HRC Case No. HV18-0012 & HUD Case No. 01-18-8675-8

Lewis v. Gilman Housing Trust & Gilman Property Management, d/b/a Rural Edge Property Management – HRC Case No. HV18-0011 & HUD Case No. 01-18-8432-8

POST-DETERMINATION CONCILIATION AGREEMENTS (ED)

Chefan v. Macy- HRC Case No. HV17-0011 & HUD Case No. 01-17-5773-8.
The case has settled through informal post conciliation.

OTHER BUSINESS:

30th Anniversary Celebration - Commissioners and ED discussed additional thoughts and ideas for the HRC 30th Celebration. Some thoughts include providing opportunity for audience to weigh in on HRC process and other substantive topics, such as housing and conclude with a panel.

Discussion was had concerning timing of the event (weekday or weekend) and it was determined that it was necessary to flush out the agenda and determine who the target audience is. Suggestion was made to do afternoon sessions that would provide continuing education credits for various professions, followed by a dinner and an evening session for stakeholder input. This could bridge the audiences of organizations and individuals.

A firm date needs to be picked that will ensure no conflicts for HRC staff, Commissioners and likely audience members. We are looking at September/October. We might want to 'piggy back' off another large event taking place in Vermont so anyone needing to travel may be more easily able to attend both events.

Possibly introduce incoming ED, if hired.

Vickers suggested bringing topics, audience and ideas to the May Commission meeting and then firming up the date.

EXECUTIVE SESSION:

Ellis made a motion to go into executive session at 11:22 a.m. to discuss litigation where premature public knowledge would place the Commission at a disadvantage. The motion was seconded by Besio. Vote 4-0

Christie bought the HRC out of executive session at 11:51 a.m.

BUSINESS MEETING (continued):

Executive Director Hiring- ED Richards submitted her resignation/ retirement notice effective October 31, 2018. Commissioners and ED discussed setting a timeline for new ED hire including: HRC staff liaison, advertising, hiring committee, etc. Due to the absence of Commissioner Brodsky, who was very involved in the last hiring, it was decided to table further discussion until May meeting. ED or ESA will resend hiring documents electronically to Commissioners.

NEXT MEETING May 24, 2018.

The meeting was adjourned at 12:25 p.m.
Dated at Montpelier, Vermont this 20th day of April 2018.

Respectfully submitted:



Karen L. Richards
Executive Director