



VT Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
<http://hrc.vermont.gov>

[phone] 802-828-2480
[fax] 802-828-2481
[tdd] 877-294-9200
[toll free] 1-800-416-2010

**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
March 23, 2017**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers (by telephone), Mary Brodsky (by telephone), Nathan Besio, and Dawn Ellis, Commissioners. Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ayn Lee Sing, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Marzec called the meeting to order at 9:15 a.m.

BUSINESS MEETING

MINUTES: Brodsky moved to accept the minutes of the January 26, 2017 meeting as written. The motion was seconded by Ellis. Vote 5-0

EXECUTIVE DIRECTOR REPORT:

BUDGET: The General Fund (GF) is currently projected to be under budget by \$36K (\$53K of this is carryforward from last FY). Federal Funds are projected to over spend by about \$9K but we will receive an additional \$7500 from a FHAP Partnership grant so that will close much of this gap. We are currently projected to end the year \$34K under budget in our GF.

Our proposed FY18 GF target is \$479,657 – total budget \$549,758. The House Appropriations Committee (HAC) has asked the HRC to do a two-year budget. The ED appeared in HAC on 2/9/17. The ED provided testimony to the Senate Appropriations Committee (SAC) on 3/22/17.

Performance measures were submitted on 12/1/16 for relief in enforcement cases and training and outreach.

HUD GRANT: VHRC is up for our five-year recertification. HUD conducted a Performance Assessment Review (PAR) at VHRC on 1/17 and 1/18 in connection with the recertification. The PAR Report was issued on 2/22/17 recommending recertification.

VHRC is required to process 15 housing cases by 6/30/17.

As of 7/1/17, the number of housing cases the VHRC needs to process in a year increases from 15 to 20.

OTHER BUSINESS:

Ellis and Marzec-Gerrior suggested VHRC have capability to track number of individuals viewing website. ESA Bolduc to reach out to State web contact to make request.

POST CASE UPDATES:

Rababah v. DMV, HRC Case No. PA15-0012 – as part of the mediated settlement agreement ED Richards and ALE Yang are working with the EEO staff at the Agency of Transportation to present implicit bias training to all of the DMV managers, supervisors and counter staff. Managers and supervisors, including the Commissioner, were trained on 2/14/17. ED Richards is also working with DMV law enforcement on Fair & Impartial Policing training for its sworn law enforcement officers. ALE Yang is conducting the bulk of trainings for counter staff due to ED Richards legislative activities.

Merriam v. Department of Public Safety, HRC Case No. PA16-0006 – The parties are not able to reach an agreement. The HRC will be closing its case.

LEGISLATIVE REPORT – Bills the VHRC is Actively Working On:

H. 136- An Act relating to pregnancy accommodations – This bill would require employers to provide accommodations to a pregnant employee unless the accommodation would impose an undue hardship on the employer. The purpose of the bill is to fill an unidentified gap for pregnant women who may need an accommodation but do not have a disabling condition that would provide protection under the ADA, The VHRC would enforce these provisions for state employees. The VHRC testified in favor of this bill. The bill passed out of the House and is on its way to the Senate.

S.79 -An Act relating to security, public safety and privacy – This bill, also known as the “Governor’s Bill” proposes to promote public safety by protecting Vermont residents from compulsory collection of personally identifiable information or dissemination of that information for purposes of establishing a mandatory federal registry. The bill also provides that only the Governor, in consultation with the Attorney General, may enter agreements with the federal government to enforce federal immigration law. This bill was voted out of Senate Judiciary 6-0 and passed the Senate by 30-0 vote. It was voted out of the House Judiciary 10-0 on 3/3 with no changes to the Senate bill. The House also passed the bill. It is waiting for the Governor’s signature.

S.61 – An Act relating to Corrections and Mental Health – This bill was introduced to address some of the recommendations of the Commission on Offenders with Mental Illness. Specifically, it has the Mental Health Law Project represent individuals found incompetent to stand trial due to mental illness; it amends the definitions of segregation in the statute to exclude confinement to an infirmary or residential treatment center for purposes of evaluation or treatment; it requires DOC to establish access to a forensic unit within DOC (i.e. create one) by July 1, 2018. VHRC has testified multiple times on this bill.

H.492/S.116 – An act relating to fair and impartial policing (FIP); Racial Justice Oversight Board- This bill proposes to establish a Racial Justice Oversight Board to manage and oversee implementation of racial justice reform in the criminal justice system. The board would consist of 12 members, including the VHRC. It would have a broad range of powers and responsibilities relating primarily to ensuring that data is collected and reported, developing training regarding implicit bias and other topics related to policing and other parts of the criminal justice system (prosecutors, public defenders, judges). It would require that there be single FIP policy statewide, provide a mechanism for periodic review of FIP policies, and take over some responsibilities from the Criminal Justice Training Council for ensuring compliance with FIP training and data collection and analysis. The bill was taken up in House Judiciary this week and the committee has been taking testimony. VHRC supports the Racial Justice Oversight Board concept and changes to FIP.

S.16/H.207 - an act relating to therapeutic use of cannabis. These bills make changes related to how one qualifies for medical marijuana, as well as addressing dispensaries, growing, etc. For purposes of the VHRC's interest, the bill adds PTSD as a specific qualifying debilitating mental condition along with Crohn's and Parkinson's disease. VHRC has been monitoring but has not testified.

RESTORATIVE PROCESS UPDATE:

On May 12, 2017 Commissioners and Staff will attend a Commission retreat to continue discussion on Restorative Justice initiative. The retreat will be at Main Street Landing in Burlington. ED Richards is meeting with a potential consultant/facilitator on 3/24 to discuss/plan the agenda for the retreat.

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

Individual v. Medical Facility
VHRC Case No. PA17-0011

Individual v. Property Owner
VHRC Case No. HV17-0007

Individual v. Property Owner
VHRC Case No. HV17-0008
HUD Case No. 01-17-5572-8

STATISTICS and OUTREACH

A comparison of cases accepted through the end of the second quarter of the 2016 and 2017 fiscal year shows that the numbers of most cases are slightly up or down from the number of cases accepted during the same period in the last fiscal year and the total has decreased by 11.

For the first six months of the 2017 fiscal year, HRC staff conducted twenty-one training events with a total number of individuals trained being nine hundred seventy. Entities trained included employees and managers of the State, law enforcement, Commissioners, community members, ACLU members, criminal justice reform advocates, private employees, housing providers, individual landlords, and service providers.

EXECUTIVE SESSION

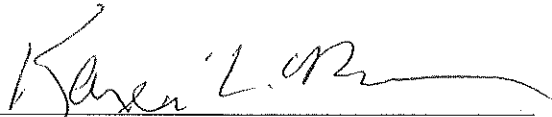
Ellis made a motion to go into executive session at 11:18 a.m. to discuss litigation where premature general public knowledge would clearly place the VHRC at substantial disadvantage. The motion was seconded by Besio. Vote 5-0

Marzec-Gerrior brought the Commission out of executive session at 12:05 p.m.

NEXT MEETING April 27, 2017.

The meeting was adjourned at 12:40 p.m.
Dated at Montpelier, Vermont this 23rd day of March 2017.

Respectfully submitted:



Karen L. Richards
Executive Director