



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
January 28, 2016**

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

Commissioner Marzec called the meeting to order at 9:03 a.m.

BUSINESS MEETING

MINUTES: Vickers moved to accept the minutes of the December 3, 2015 meeting as written. The motion was seconded by Besio. Vote 4-0 (Ellis not yet present)

EXECUTIVE SESSION

Vickers made a motion to go into executive session where premature general public knowledge would clearly place the VHRC at substantial disadvantage. The motion was seconded by Besio. Vote 4-0 (Ellis not yet present)

Marzec-Gerrior brought the Commission out of executive session.

Vickers made a motion to accept the recommendation of ED Richards in favor of the VHRC having jurisdiction to hear a Vermont Parental Family Leave Act case. The motion was seconded by Ellis. Vote 5-0

BUSINESS MEETING RESUMED

EXECUTIVE DIRECTOR REPORT

Budget:

The 2017 Budget Request was submitted to the Administration at the end of December with copies provided to the Commissioners in their meeting packets. The Governor's recommended budget is \$455,632. An increase of \$5,480 is due to salary and benefit increases for staff. Neither of the HRC appropriation meetings have been scheduled to date.

Gender Pricing:

The Attorney General's Office contacted ED Richards about the idea of holding a press conference sometime in March to highlight gender-based pricing differentials in provision of services such as haircuts, dry cleaning, etc. VHRC has jurisdiction over this issue as a Public Accommodation. ED Richards to notify Commissioners when the date of press conference is solidified.

Annual Report:

The HRC annual report was submitted to the Speaker of the House and Pro Tem of the Senate on December 31, 2015 with copies provided to the Commissioners in their meeting packets.

Litigation Update:

Silloway and VHRC v. DOC and DHR, Docket No. 778-11-12 Wncv

The Vermont Supreme Court issued its decision on December 24, 2015, affirming the trial court's decision granting summary judgment to the State of Vermont. Copies of the decision were provided to the Commissioners in their meeting packets.

EXECUTIVE SESSION

Marzec-Gerrior made a motion to go into executive session to hear confidential cases. The motion was seconded by Besio. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session.

Vickers moved to accept the Administrative Law Examiner's recommendation of reasonable grounds as to PFLA rights – exemption from order-ins, in *Thissell v. Vermont Department of Corrections*, VHRC Case No. E16-0004. The motion was seconded by Ellis. Vote 4-1 (For: Vickers, Besio, Marzec-Gerrior, Ellis – Against: Brodsky)

Vickers moved to accept the Administrative Law Examiner's recommendation of no reasonable grounds as to PFLA rights – unpaid leave in VHRC Case No. E16-0004. The motion was seconded by Besio. Vote 5-0

Marzec-Gerrior made a motion to go into executive session to hear confidential cases. The motion was seconded by Vickers. Vote 4-0 (Brodsky not present)

Marzec-Gerrior brought the VHRC out of executive session.

Besio moved to accept the Administrative Law Examiner's recommendation of no reasonable grounds as to a reasonable accommodation request and retaliation in VHRC Case No. HV16-0012, HUD Case No. 01-15-0523-8. The motion was seconded by Vickers. Vote 4-0 (Brodsky absent)

BUSINESS MEETING RESUMED

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

Individual Tenant v. Rental Company
VHRC Case No. HV16-0009

Individual Tenant v. Property Owner and Property Management Company
VHRC Case No. HV16-0001
HUD Case No. 01-15-0403-8

Ellis suggested after VHRC provides trainings that there be more follow-up with trainees to see how effective the training was. Marzec-Gerrior suggested we spend some time during April meeting to discuss this or look at samples of how this would look. ED Richards indicated that VHRC currently does evaluations with participants.

The VHRC will have a staff/ Commission retreat in place of its April meeting on 4/28/16. ED Richards will invite an individual or individuals from Nova Scotia to present to the Commissioners and staff on the implementation of a restorative justice approach that was adopted by the Nova Scotia Human Rights Commission.

LEGISLATIVE REPORT

School Discipline –

S. 194 An act relating to student expulsion and suspension as a last resort (Senators Campion & Sears). Bill would amend 16 V.S.A. §1162 by changing the standard under which students can be excluded from school. Based on the findings that students of color and those with disabilities are disproportionately subjected to exclusionary disciplinary practices, ED recommends actively supporting this legislation.

S. 248 An act relating to truancy and school discipline and student offense reporting requirements (Senator Sears). This bill would increase the fine for truancy from \$1000 to \$2000 and would require the collection of data by age, race, gender, etc. and the reporting of disciplinary action taken, among other statistics. ED recommends actively supporting the data piece of the legislation. ED recommends not supporting the part of the bill related to the truancy fine increase.

H. 187 An act related to absence from work for health care and safety (Passed the House on 4/23/15 and is currently pending in the Senate). The bill, which is supported by Governor Shumlin, would require all private employers in the State to offer paid sick leave after an employee's first year of employment (with some exceptions). The ED recommends keeping an eye on it.

H. 473 An act related to fair and impartial policing (Rep. Lippert) Act 193 requires all police agencies in the state to collect roadside stop data and work with the Criminal Justice Training

Council to adopt uniform storage methods and periods and ensure that the data can be analyzed. The bill also requires all agencies to adopt a Fair and Impartial Policing (FIP) Policy (or be presumed to have adopted the Attorney General Model Policy), and receive and report on training for all officers FIP. This bill builds on last year's bill by specifically requiring that agencies send their data to a centralized place and that the data be made publicly available. It also mandates training on FIP every two years. The ED recommends actively supporting this legislation.

STATISTICS and OUTREACH

A comparison of cases accepted through the end of the second quarter of the 2015 and 2016 fiscal years shows that the number of all types of cases are up and the total cases accepted has increased by 13.

For the first six months of the 2016 fiscal year, HRC staff conducted thirteen (13) training events. Entities trained included plumbing apprentices, housing providers, individual landlords, condominium boards, municipal employees, law enforcement, correctional officers, other service providers (WomenSafe, Disability Rights Vermont), and fuel providers.

NEXT MEETING March 24, 2016.

The meeting was adjourned at 3:05 p.m.
Dated at Barre, Vermont this 28th day of January 2016.

Respectfully submitted:



Karen L. Richards
Executive Director