



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

September 26, 2019

PRESENT: Commissioners: Kevin Christie, Chair; Nathan Besio, Donald Vickers, and Joan Nagy. Staff: Bor Yang, Executive Director; Nelson Campbell, Supervising Attorney (minutes); Melissa Horwitz and Cassandra Burdyslaw, Investigative Attorneys.

Commissioner Dawn Ellis and Executive Staff Assistant John McKelvie absent.

Commissioner Christie called the meeting to order at 9:40a.m.

EXECUTIVE SESSION:

Commissioner Nagy made a motion to go into executive session to hear confidential cases at 9:45am. The motion was seconded by Commissioner Besio. Vote 4-0.

Commissioner Christie brought the VHRC out of executive session at 10:10am.

VHRC Case No: HV19-0012

Commissioner Nagy moved to accept the recommendation of no reasonable grounds that discrimination occurred on the basis of minor children. The motion was seconded by Commissioner Vickers. Vote 4-0.

BUSINESS MEETING:

MINUTES: Commissioner Nagy moved to accept the minutes of the August 23, 2019 meeting as written. The motion was seconded by Commissioner Vickers. Vote 4-0.

EXECUTIVE SESSION CONTINUED:

Commissioner Nagy made a motion to go into executive session to hear confidential cases at 10:35 am. The motion was seconded by Commissioner Vickers. Vote 4-0.

Commissioner Christie brought the VHRC out of executive session at 10:47am.

VHRC Case No: HV19-0018

Commissioner Vickers moved to accept the first recommendation of no reasonable grounds that discrimination occurred on the basis of race, color, disability, or minor children. The motion was seconded by Commissioner Nagy. Vote 4-0.

Commissioner Nagy moved to accept the second recommendation of reasonable grounds that discrimination occurred on the basis of receipt of public assistance. The motion was seconded by Commissioner Besio. Vote 4-0.

BUSINESS MEETING CONTINUED:

EXECUTIVE DIRECTOR REPORT:

Budget: Executive Director Yang observed that the FY2021 Budget Bill is due in October. The HRC is maintaining its carryforward funds of approximately \$30,764. The HRC also received extra funding from HUD as a result of pursuing litigation and because of a partnership grant in the amount of \$25,000. These funds will remain in the HRC budget to offset administrative costs, expenses, and outreach efforts.

New Position at the HRC: HRC staff are in the process of hiring a Director of Policy, Education and Outreach Position, who will oversee the partnership grant and more.

Outreach & Training: ED Yang noted that she and other HRC staff members continue to complete outreach and training events, such as the following:

- Community Forums: ED Yang continues to collaborate with the AG's office to conduct outreach through a series of community forums. The next community forum is October 17, from 5:30-7:30 p.m. at Oak Grove School Cafeteria in Brattleboro.
- ED Yang recently participated in a discussion with VPR on diversity initiatives.
- ED Yang and staff continue to provide implicit bias and fair housing trainings throughout Vermont and are working on new trainings around mental health issues in housing.
- ED Yang and Nelson Campbell attended the New England FHIP/FHAP HUD conference in Providence, Rhode Island on September 12th and 13th.
- In an effort to continuously improve, staff will engage in quarterly trainings/learning sessions on various areas of the law that impact the work we do. An upcoming session conducted by Attorney Angela Zaikowski will be focused on tenant/landlord laws, and will occur on October 9, from 12-2 p.m. at the HRC. Commissioners are invited to attend.

POST-CASE UPDATES & LITIGATION:

Francois v. DMH: The most recent update from DMH's General Counsel was that it had selected a bidder who then conducted an assessment of the hospital and determined that the RFP had to

be updated and re-issued. ED Yang requested an update and the Commissioners directed ED Yang to issue a demand letter to the State requesting compliance.

Hay v. UVMC: The status remains unchanged since the last Commission Meeting.

Congress v. DOC: The matter went to mediation at the end of June and failed to settle. The statute of limitations expires in October. Both parties have agreed to extend the statute of limitations to December 31, 2019 so that other pending investigations and matters may continue. The goal is to reach a settlement agreement that is comprehensive, not duplicative, and does not subject DOC to inconsistent obligations.

“Oak” v. Town of Waterbury: There are competing motions before the Court. The matter is scheduled for a hearing on October 10, 2019.

OTHER BUSINESS:

Miscellaneous: The Executive Director brought up a request from concerned citizens who requested that the HRC oppose bill H.238, which seeks to remove the religious exemption for vaccinations. Commissioners determined that the HRC would not take a position on the bill.

ED Yang also noted that there will *not* be a strategic meeting on October 11, 2019 as originally scheduled. Larry Novins, Executive Director of the Vermont State Ethics Board will be presenting at the next Commission Meeting on October 26, 2019 in Montpelier at 9 a.m. The business meeting and cases will follow.

PRE-DETERMINATION CONCILIATION AGREEMENTS

HRC Case No. PA18-0029

EXECUTIVE SESSION CONTINUED:

Commissioner Vickers made a motion to go into executive session to hear confidential cases at 11:29am. The motion was seconded by Commissioner Nagy. Vote 4-0.

Commissioner Christie brought the VHRC out of executive session at 12:15.

VHRC Case No: E18-0009

Commissioner Vickers moved to accept the first recommendation of no reasonable grounds that retaliation occurred on the basis of a workers' compensation claim and usage of leave.

Commissioner Vickers moved to accept the second recommendation of reasonable grounds that the Respondent interfered with the Complainant's right to use the Parental Family Leave Act.

NEXT MEETING October 24, 2019.

The meeting was adjourned at 12:32pm.

Dated at Montpelier, Vermont this 26th day of September 2019.

Respectfully submitted:



Bor Yang

Executive Director