



VT Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION
MINUTES
January 24, 2019

PRESENT: Commissioners: Mary Brodsky, Acting Chair; Dawn Ellis; Chuck Kletecka, Alternate; Mary Marzec-Gerrior, Alternate (by phone); Donald Vickers (by phone). Staff: Bor Yang, Executive Director; Cassandra Burdyslaw, Nelson Campbell, Melissa Horwitz, Administrative Law Examiners; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Brodsky called the meeting to order at 9:12am.

BUSINESS MEETING

MINUTES: Commissioner Vickers moved to accept the minutes of the December 6, 2018 meeting as written. The motion was seconded by Commissioner Ellis. Vote (3-0) Acting Commissioner Kletecka abstains, Commissioner Marzec-Gerrior abstained.

EXECUTIVE DIRECTOR REPORT:

Budget: The HRC received an additional \$50,000 in the Governor's FY2020 budget in support of the request to DHR for converting the existing ALEs to the Attorney Pay Plan. Executive Director Yang will request supplemental funding for an Education and Outreach Coordinator when providing testimony to the House and Senate Committees on Appropriations.

Discussion: ED Yang informed Commissioners that the statute of limitations for PA18-0005, Oak v. Village of Waterbury, will expire prior to the next Commissioners meeting. Discussion was tabled until executive session. ED Yang also discussed having filed a motion-to-intervene in the housing case HV18-0003, Alexander v. Churchill Realty. The Motion was granted by the judge.

Legislative Update: Commissioners discussed H.3 - An act relating to ethnic and social equity studies standards for public schools – and concluded that while the shorthand label of an 'Ethnic Studies' bill could misconstrue the intent of the legislation, the HRC strongly supports the implementation of the bill's draft language. Additionally, the Commissioners discussed S.25 – An act relating to the right to have an abortion – and concluded that the HRC supports the passage of the draft language and HRC staff will monitor the progress of both bills.

PRE-DETERMINATION CONCILIATION AGREEMENTS

HRC Case No. HV19-0006

HUD Case No. 01-19-1028-8

EXECUTIVE SESSION:

Commissioner Kletecka made a motion to go into executive session to hear confidential cases at 9:28am. The motion was seconded by Commissioner Ellis. Vote 4-0 in favor. Commissioner Marzec-Gerrior absent for vote to move into executive session but appeared by phone for the remainder of the executive sessions.

Commissioner Brodsky brought the VHRC out of executive session at 10:40am.

HRC Case No. E18-0007

Commissioner Marzec-Gerrior moved to accept the recommendation of no reasonable grounds on the basis of sex. The motion was seconded by Commissioner Vickers. Vote 5-0 in favor.

Commissioner Marzec-Gerrior moved to accept the recommendation of no reasonable grounds on the basis of age. The motion was seconded by Commissioner Vickers. Vote 5-0 in favor.

Commissioner Ellis moved to accept the recommendation of no reasonable grounds on the basis of pay. The motion was seconded by Commissioner Marzec-Gerrior. Vote 5-0 in favor.

EXECUTIVE SESSION CONTINUED

Commissioner Ellis made a motion to go into executive session to hear confidential cases at 11:07am. The motion was seconded by Commissioner Kletecka. Vote 5-0 in favor.

Commissioner Brodsky brought the HRC out of executive session at 12:39pm and the HRC broke for a short lunch break and celebration of Commissioner Brodsky's eight years with the HRC.

EXECUTIVE SESSION CONTINUED:

Commissioner Ellis made a motion to go into executive session to hear confidential cases at 1:20pm. The motion was seconded by Commissioner Kletecka. Vote 5-0 in favor.

Commissioner Brodsky brought the VHRC out of executive session at 3:06pm.

HRC Case No. E18-0003

Commissioner Kletecka moved to accept the recommendation of no reasonable grounds on the basis of sex. The motion was seconded by Commissioner Marzec-Gerrior. Vote 5-0 in favor.

Commissioner Kletecka moved to accept the recommendation of reasonable grounds of retaliation. The motion was seconded by Commissioner Marzec-Gerrior. Vote 3-2 in favor. (Commissioners Brodsky and Vickers opposed).

HRC Case No. HV19-0001

Commissioner Vickers moved to accept the recommendation of no reasonable grounds on the basis of disability. The motion was seconded by Commissioner Marzec-Gerrior. Vote 5-0 in favor.

EXECUTIVE SESSION CONTINUED:

Commissioner Ellis made a motion to go into executive session at 3:25pm where premature general public knowledge would clearly place the HRC at substantial disadvantage. The motion was seconded by Commissioner Vickers. Vote 3-0 in favor. Commissioners Kletecka and Marzec-Gerrior absent.

Commissioner Brodsky brought the VHRC out of executive session at 3:41pm.

Commissioner Ellis made a motion to proceed to litigation in the matter of PA18-0005, Oak v. Village of Waterbury. The motion was seconded by Commissioner Vickers. Vote 3-0 in favor. Commissioners Kletecka and Marzec-Gerrior absent.

NEXT MEETING March 28, 2019.

The meeting was adjourned at 3:42pm.

Dated at Montpelier, Vermont this 24th day of January 2015.

Respectfully submitted:



Bor Yang
Executive Director