



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 15, 2018

PRESENT: Commissioners: Kevin Christie-Chair, Nathan Besio, Donald Vickers, Mary Brodsky, and Dawn Ellis. Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ayn Lee Sing (minutes), Administrative Law Examiners. Laura Savall, Law Clerk.

Commissioner Christie called the meeting to order at 9:13 a.m.

EXECUTIVE SESSION:

Don Vickers made a motion to go into executive session to hear confidential cases at 9:32 a.m. The motion was seconded by Nathan Besio. Vote 5-0.

Christie brought the VHRC out of executive session at 9:43 a.m.

VHRC Case No.: HV18-0009

HUD Case No.: 01-18-8450-8

Besio moved to accept the recommendation of No Reasonable Grounds. The motion was seconded by Brodsky. Vote: 5-0

BUSINESS MEETING

MINUTES: Ellis suggested a correction, which Vickers clarified into a motion to amend the minutes related to H. 412 as follows: The Commissioners did not make a decision about the bill but asked the ED to report back to them on the progress. The motion to amend the minutes as indicated was seconded by Ellis. Vote: 5-0.

EXECUTIVE DIRECTOR REPORT:

Kevin Christie appointed as Chair: Governor Scott appointed Commissioner Christie to chair the Commission. He replaces Mary Marzec-Gerrior who served on the Commission for ten years. Thank you, Mary!

ED Richards reported on the status of post cases and litigation. Most of the ED's time has been spent at the legislature.

HRC 30th Anniversary Celebration:

ED Richards outlined the staff proposal for the celebration. Ellis suggested having an opportunity during the day for people to weigh in on the Commission's work and community needs—a process similar to the stakeholder meetings that were held to look at racial disparities across state systems under Act 54. ED Richards indicated that part of the idea behind providing training was to attract people to come and receive professional development credits. The Chair suggested finding the “sweet spot” between these two ideas.

Besio raised the issue of transportation for people with disabilities. The Chair suggested contacting the transportation companies around the state in advance to make arrangements for transportation. We discussed ensuring sufficient accessible parking spaces and interpreters for the Deaf and hard of hearing. Further discussion ensued about where to have it. Vermont Technical College in Randolph, the VA Hospital and the Army Reserve Station in WRJ were also discussed.

ED Richards indicated that staff would take the helpful feedback and come back to the next meeting with a revised plan for discussion.

LEGISLATIVE UPDATE

H. 412- An act related to creating a homeless bill of rights- This bill would expand HRC jurisdiction to include “housing status” as a protected category. House General has requested a crossover waiver for this bill.

H. 294/S. 275- An act related to equal pay. This bill would make 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 has been referred to the Senate Committee on Economic Development, Housing & General Affairs.

S. 281- An act relating to Systemic Racism Mitigation Oversight and Equity Review Board- This bill, and a companion bill in the House, H. 868, have been a moving target. As of 2/21/18, the Senate Government Operations Committee has created a structure that mimics the HRC/Commission on Women structure of an appointed board of five including 3 people of color (in

its present iteration with one of those appointments by the HRC) to oversee systemic racial disparities across state systems. The Commission/Board would then hire an executive director (currently called the Chief Civil Rights Officer which we need to get changed in the House or it will be confusing). The director will oversee the process of sending out an RFP process for a consultant to examine state government agencies, 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 bill was voted out of committee on March 2nd, just making crossover.

Brodsky asked whether it made sense to create an entirely new Commission or to place the work in the HRC with additional resources. She raised concerns about siloed work and lack of coordination. ED Richards indicated that another bill H. 868 would have placed these responsibilities in the Commission. The Chair indicated that now that the bill is moving over to the House, there will be a fresh look at it.

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. It was read for the first time in the Senate Committee on Economic Development, Housing & General Affairs on March 14th and presumably will move forward without significant opposition.

H. 707- An Act relating to sexual harassment- This bill would prohibit “do not darken my door clauses” in settlement agreements, give 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), require the AGO/HRC to set up a hotline and require complaints sent to the hotline to be reviewed by AGO/HRC, require the VT Women’s Commission with the AGO and HRC to conduct outreach re sexual harassment, and require annual reports from the AGO/HRC for the next two years. The bill passed the House on 3/14.

H. 711- An act relating to crime victims. This bill would add crime victims as a protected category under the Fair Employment Practices Act, thus expanding HRC jurisdiction again. It would also require employers to allow employees in this status unpaid leave to go to court, depositions, etc. The bill has moved to the House floor.

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. Not sure if it was voted out of committee by crossover. Ellis noted that the name presumes that people of color are the ethnic persons and persons who are Caucasian are not which is not true. There are a number of Caucasian ethnic backgrounds that are not considered in the curriculum. Therefore language, such as “the histories of the persons here both past and present” should be integrated into the social equity piece.

MEDIATED SETTLEMENT (formal mediation)

Tello-Noriega v. St. Albans Police Department
HRC Case No. PA18-0001

PRE-CONCILIATION AGREEMENTS

Omega Williams v. Roberts Properties of Burlington, LLC
HRC Case No. HV18-0010
HUD Case No. 01-18-8531-8

Nelson Campbell o/b/o Vermont Human Rights Commission v. Cheryl Hryckiewicz and Vermont Community Media, LLC d/b/a Rutland Herald
HRC Case No. HV18-0014
HUD Case No. 01-18-8532-8

POST-CONCILIATION AGREEMENTS

Minor v. Apple Island Resort
HRC Case No. PA17-0003

OTHER BUSINESS

NEXT MEETING April 19, 2018.

The meeting was adjourned at 12:03 p.m.

Dated at Montpelier, Vermont this 15th day of March 2018.

Respectfully submitted:



Karen L. Richards
Executive Director