



VT Human Rights Commission
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**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
August 25, 2016**

PRESENT: Commissioners: Donald Vickers, Mary Brodsky (arriving at 10:20 a.m.), Nathan Besio, Dawn Ellis, and Chuck Kletecka, Substitute Commissioner (arriving at 9:45 a.m.). Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ellen Maxon, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes).

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

BUSINESS MEETING

MINUTES: Besio moved to accept the minutes of the June 23, 2016 meeting as written. The motion was seconded by Ellis. Vote 3-0 (Brodsky, Kletecka not present)

Amendment to June 23, 2016 minutes: "Vickers moved to reopen" – Vote 1-4 with Vickers Yes. Motion failed.

EXECUTIVE DIRECTOR REPORT:

Budget:

The HRC ended the FY16 fiscal year with a \$53,647.46 carryforward. A plan has been submitted to use these funds to back fill federal funds, cover our FY18 pay act, purchase some needed equipment, fund our restorative justice project and fund outreach in housing for tenants.

Information was recently submitted to HUD for Federal FY16 for the purpose of calculating our FHAP grant from HUD. Based on ED Richards calculations, the HRC will be receiving around \$69,300 in HUD funding which is less than the \$75,767 budgeted hence the need to back fill federal funds for FY18.

The FY18 budget is due to the Agency of Administration (AOA) by 9/20/16 and budget meetings are being scheduled immediately thereafter. The HRC's meeting at the AOA is currently scheduled for 10/5/16. Guidance issued by AOA indicates that budgets should not contain any new initiatives.

Staffing:

ALE Maxon is retiring on 1/6/17. Intern Roberts returning to the HRC on 9/1/16 will work 20 hours weekly in a paid position.

Updates:

ED Richards sent an edited draft of the confidentiality agreement which is used to protect sensitive personnel and other information back to Senior Assistant Attorney General Michael Duane on 8/25/15. Conversations continue as to how to hold complainants responsible in the event of a breach of the agreement.

On 8/4/16, ED Richards sent a letter to the Deputy Attorney General about the issue of HRC jurisdiction over complaints under the Parental Family Leave Act (PFLA). A copy of this letter was provided to the Commissioners. The AGO is working on a response.

STATISTICS and OUTREACH YEAR END FY2016

ED Richards submitted to the Commissioners a twelve-page report summarizing the work of the HRC for Fiscal Year 2016 (FY2016), highlighting the information needed to understand how the agency is doing in meeting its statutory responsibilities to increase awareness of human and civil rights, examine and evaluate the effectiveness of current laws and identify and take enforcement action to remedy practices of discrimination that detract from Vermonters' and visitors' full enjoyment of those rights. A copy of the report will be posted on the HRC website.

Post Case Updates:

D.C. v. AHS, DOC, DMH, HRC Case No. PA15-0007 – Complainant's counsel has submitted a settlement demand. HRC has submitted its public interest demand. The state has conditionally agreed. Parties have agreed to extend the statute of limitations to October 21, 2016.

O.P. v. Camels Hump Middle School et al., HRC Case No. PA15-0026. - The parties are continuing to negotiate regarding a settlement.

C.S. v. DOC, HRC Case No. PA15-0001 – HRC is waiting for a response from the Attorney General's Office with regard to their position on mediation or settlement.

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

Vermont Human Rights Commission v. Private Property Owner
VHRC Case No. HV17-0001

Individual v. Private Property Owner
VHRC Case No. HV16-0019

MEDIATED SETTLEMENT (formal mediation)

State Employee v. Vermont Agency of Transportation

VHRC Case No. E16-0006, EEOC Case No. 16K-2016-00058C

POST-DETERMINATION CONCILIATION AGREEMENTS (by ED)

The matter of Rababah v. Department of Motor Vehicles, HRC Case No. PA15-0012.

A final settlement agreement with public interest relief and monetary damages for the complainant was executed on 8/15/16.

EXECUTIVE SESSION:

Ellis made a motion to go into executive session to hear confidential cases at 10:58 a.m. The motion was seconded by Besio. Vote 5-0

Vickers brought the VHRC out of executive session at 11:16 a.m. .

Brodsky moved to accept both recommendations of No Reasonable Grounds in VHRC Case No. E15-0008. The motion was seconded by Besio. Vote 5-0 (Motion passed).

Ellis made a motion to go into executive session for the purposes of evaluating the executive director. The motion was seconded by Besio. Vote 4-0.

Vickers brought the Commission out of executive session. Brodsky made a motion to recommend a 5% merit increase for the executive director. The motion was seconded by Besio. Vote: 4-0. Marzec-Gerrior absent.

NEXT MEETING September 22, 2016.

The meeting was adjourned at 2:34.

Dated at Montpelier, Vermont this 29th day of August 2016.

Respectfully submitted:



Karen L. Richards
Executive Director