

**PENNSYLVANIA HUMAN RELATIONS COMMISSION  
MINUTES OF COMMISSION MEETING  
FEBRUARY 5, 2016**

The meeting convened at 1:23 PM, Friday, February 5, 2016 at 333 Market Street, Harrisburg, Pennsylvania. This was a rescheduled meeting previously scheduled for Monday, January 25, 2016. Due to severe winter weather, the meeting was cancelled.

**ATTENDANCE:**

Commissioners present:

Gerald S. Robinson, Chairman  
Dr. Raquel O. Yiengst, Vice Chairperson  
George Dawson  
Kathleen Dormer-Carusone  
Hon. Terence Farrell (Phone)

Commissioners Absent:

Dr. Radheshyam Agrawal  
Joel Bolstein  
Varsovia Fernandez  
Meron Yemane

Staff present:

JoAnn Edwards, Executive Director  
Tammy McElfresh, Special Assistant to the Executive Director  
Kathy Morrison, Chief Counsel  
John Clark, Director of Enforcement  
Geoffrey Biringer, Director of Education and Community Services  
Christina Reese, Press Secretary  
Morgan Williams, Acting Pittsburgh Regional Office Director (Phone)  
Heather Roth, Harrisburg Regional Office Director  
Debbie Walters, Administrative Officer

**CALL TO ORDER**

Chairman Robinson called the meeting to order 1:23 PM. He further announced that the meeting had been advertised and was open to the public, in accordance with the provisions of the Sunshine Act. He stated that prior to the meeting, in keeping with the confidentiality requirements of the Sunshine Act; there had been a closed Executive Session to discuss confidential matters.

Chairman Robinson announced the meeting was being recorded.

Attendance was taken and the presence of a quorum was noted.

**INTRODUCTION OF GUESTS AND COMMENTS**

Howard Reid was present at the meeting and provided comments to the commissioners and staff. Mr. Reid noted his case is almost at the one year mark said he is frequently asked if the process has been worth it. His response is absolutely. Mr. Reid says he feels for those working at minimum wage that goes

through this same situation and understands the drain on those people. He also understands why employees are afraid to file complaints in fear of being fired.

Mr. Reid feels it is important for people to understand the importance of the commission and he has shared his feelings with others so they understand as well.

### **APPROVAL OF COMMISSION MEETING MINUTES**

Minutes of the December 21, 2015 meeting were presented for approval.

#### **MOTION:**

Commissioner Yiengst made a motion, seconded by Commissioner Farrell to approve the minutes and with all in favor, motion carried.

### **CHIEF COUNSEL'S LITIGATION STATUS REPORT**

Chief Counsel Morrison provided a review of her status report and a copy is attached for review. Ms. Morrison also provided in her report an outline of work done by the legal staff and trainings they have conducted.

An update was provided regarding the settlement distribution of Swim Club Complainants who are over 18 years of age. The Plaintiff Counsel is working to distribute those funds and cases are being closed as the funds are distributed.

### **ADJUDICATION**

Case #	EEOC #	HUD #	Docket Date	Closing Date	Mtg Date	Office
201500212	17F201561263		07/24/15		01/25/16	03
Jacqueline M. Whelan; Clifton Heights vs. Cook's 2, LLC; Clifton Heights sex (female); discharge, harassment						

#### **MOTION:**

Commissioner Yiengst made a motion, seconded by Commissioner Carusone to accept the recommendation of the Hearing Examiner to find the Respondent liable. With all in favor, motion carried.

201500071	17F201561199		07/10/15		01/25/16	02
Reina Yanes Reyes; Bethlehem vs. Lineage Logistics; Allentown sex (female), retaliation; harassment, suspension						

#### **MOTION:**

Commissioner Yiengst made a motion, seconded by Commissioner Farrell to accept the recommendation of the Hearing Examiner to find the Respondent liable. With all in favor, motion carried.

### **EXECUTIVE DIRECTOR'S REPORT**

#### **Notification of Personnel Actions**

Executive Director JoAnn Edwards presented the attached personnel transactions from the month of November.

Ms. Edwards asked commissioners to refer to their packets for other personnel actions.

### **Report on the Budget**

Executive Director Edwards provided an update on efforts underway to meet with staff of the Governor's office, state representatives and appropriations committee members on the need to reinstate the PHRC budget. Letters have also been sent outlining options on proposed solutions to the budget issues and the necessity of maintaining 11 open positions, including the two regional director positions.

### **Director of Enforcement report**

The monthly and year-to-date reports contain specifics and are attached.

Director Clark provided a comparison of the case numbers in the EEOC report versus the reports contained in the Compliance packet as well as an in-depth analysis of the HUD and EEOC contracts. Director Clark is working with the regional directors to receive realistic production estimates.

Given the current projected production level, it is predicted that PHRC would be short 307 cases. This would result in a negative fiscal impact of \$214,900.

Director Clark provided options for consideration to correct this potential shortage of credit cases.

1. Leverage annuitants in the regional offices who have a higher skill level and higher closure rate
2. Leverage team leaders to investigate
3. Implement Comp-time to 1,000 hours with the time to be taken after September 30, 2016 when the EEOC contract period has ended.

Director Clark believes that rolling out all three options at the same time would allow PHRC to meet the contract goal and avert the negative fiscal impact.

Chairman Robinson asked what would be the fiscal impact of using annuitants in the event the open positions are able to be filled. Executive Director Edwards explained that annuitants are not full-time employees and are not guaranteed a set number of hours. Annuitants can be discontinued at any time.

An in-depth discussion ensued on the productivity levels of new investigators versus annuitants.

Acting Regional Director Williams provided insight on the new investigators and the ramp up time needed. It will depend on each individual's background.

The monthly HUD report was provided in the commission packet for review in advance of the meeting.

Director Clark also noted that the productivity estimates are based on full complement and the monthly reports reflect current staffing.

**Report on Mediation**

PHRC Mediation group has mediated 29 cases this year. 52 cases were referred in December. Since July 1, 2015, 50 cases have been mediated.

The current priority is on tracking cases better. To recruit mediators in Pittsburgh, Director Clark will be contacting universities with law professors and the Allegheny Bar Association.

**Report of Education and Community Services Division**

Prior to this report, Commissioner Carusone left the meeting to prevent a conflict of interest with the Reading School District.

Director of Education and Community Services Geoffrey Biringer provided an update on the school districts and the status of the Reading School District case.

Thanks to help and insight received from Hearing Examiner Carl Summerson, MOU's have been created between PHRC and many local commissions and HRC's to permit accepting complaints.

Chairman Robinson asked about when we will start sharing data? This is being developed through the assistance of OA/OIT to implement monthly data sharing for an automatically generated report that would transmit data to local HRC's through the new CMS.

Chairman Robinson stated he would like this implemented before the new CMS is launched as this is a priority.

**Report from Task Force**

The last meeting included a presentation on working with those with disabilities.

**Report of Press Secretary**

The Annual Report is submitted to the commissioners for approval. The finalized Annual Report is to be distributed to contacts the executive director and chairman are meeting with on the budget situation.

Chairman Robinson provided the names of four additional contacts he would like added to the list. Press Secretary Christine Reese was asked to send the commissioners an email and hard copy of the Annual Report for their review.

Ms. Reese provided an update on the list of brochures in the process of being updated. Chairman Robinson asked if the questionnaires can be published in Spanish. A discussion ensued regarding translation of documents and the need for a certified translator.

Commissioner Yiengst asked to table the discussion.

Ms. Reese encouraged those contacting legislators to review the talking points that have been prepared.

**STRATEGIC PLAN UPDATE**

Executive Director Edwards provided an update on the current status of the Strategic Plan.

**UNFINISHED BUSINESS**

It was noted that a Diversity Awareness Brochure included in the Commission Packet. It was noted that this could potentially be a presentation provided at a future Commission Meeting.

**NEW BUSINESS**

Director Biringer provided the Commissioners with resumes of persons seeking the Commission's approval for Local Advisory Councils.

Chief Counsel Morrison noted that one of these resumes was submitted by a PHRC staff member and would need to be withdrawn. PHRC staff is not permitted to be a member.

The one remaining resume was tabled to the February Commission Meeting when a Quorum is present.

Executive Director Edwards advised the Commissioners to the information in their packets regarding Diversity training which will be rolled-out to the Commissioners and management staff in the next several months.

**NEXT SESSION**

The February Commission meeting will be held in Allentown at the Lehigh County Government Center. The February Public Meeting of the PHRC will be Monday, February 22, 2016 and will begin at 1:00 PM.

**ADJOURNMENT**

This meeting was recorded. The tapes are on file with the permanent record.

Commissioner Yiengst made a motion, seconded by Commissioner Carusone to adjourn. With all in favor, Chairman Robinson adjourned the Public Session.

Respectfully submitted,

S\Gerald Robinson

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Gerald Robinson  
Chairman

S\Radhesham Agrawal

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Dr. Radheshyam Agrawal  
Commissioner