

**PENNSYLVANIA HUMAN RELATIONS COMMISSION
MINUTES OF COMMISSION MEETING
OF SEPTEMBER 26, 2016**

The meeting convened at 1:10 PM, Monday, September 26, 2016 at 333 Market Street, Harrisburg, Pennsylvania.

ATTENDANCE:

Commissioners present:

Joel Bolstein, Interim Chair
Dr. Radheshyam Agrawal (phone)
George Dawson (phone)
Hon. Terence Farrell (phone)
Michael Hardiman
Gerald S. Robinson

Commissioners Absent:

Dr. Raquel O. Yiengst, Vice Chairperson (excused)
Kathleen Dormer-Carusone (excused)

Staff present:

JoAnn Edwards, Executive Director
Tammy McElfresh, Special Assistant to the Executive Director
Kathy Morrison, Chief Counsel
Geoffrey Biringer, Director of Education and Community Services
John Clark, Director of Enforcement
Diana Medley, Acting Philadelphia Regional Office Director
Heather Roth, Harrisburg Regional Office Director
Carl Summerson, Hearing Examiner
Christine Reese, Press Secretary
Debbie Walters, Administrative Officer
Lyle Wood, Acting Pittsburgh Regional Office Director

CALL TO ORDER

Chairman Bolstein called the meeting to order 1:10 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 session to discuss compliance matters.

Chairman Bolstein announced the meeting was being recorded.

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

INTRODUCTION OF GUESTS

Chairman Bolstein noted guests in attendance; Howard Reid and Homer C. Floyd.

Chairman Bolstein yielded the floor for Mr. Reid to provide feedback on his experiences with having filed a complaint with the PHRC. Mr. Reid noted that as a complainant it would have been beneficial to have education on the process, some type of internet solution that provided automated case status updates, increased transparency on the process, it needs to be cost prohibitive to Respondents to have

complaints filed, the need for PHRC to get the word out that if PHRC gets involved it will be costly and for PHRC to be in a place where it can be proactive versus reactive.

During the break between the Compliance Session and Public Meeting an awards presentation took place. The Homer C. Floyd Pinnacle Award was presented to Hearing Examiner Carl Summerson. Unfortunately, Mr. Floyd was unable to attend the time of the presentation and arrived just prior to the Public Meeting. The ceremony was continued with words of comment from Mr. Floyd and staff members.

APPROVAL OF COMMISSION MEETING MINUTES

Minutes of the Public Commission held on August 22, 2016 were presented for approval.

MOTION:

Commissioner Hardiman made a Motion, seconded by Commissioner Agrawal to approve the minutes with. 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.

Chief Counsel Morrison highlighted a news article regarding the Ban the Box law.

Chairman Bolstein shared a discussion conducted during the Executive Session on what PHRC's role would be if events such as those in North Carolina happened here in Pennsylvania. Education Director Geoffrey Biringer provided handouts related to the Harrisburg Response Plan.

Director Biringer noted PHRC needs to be able to respond quickly to protests and civil unrest. His department has been working with Susan Buchanan with the Department of Justice on protocols going forward.

Chairman Bolstein asked how can PHRC be helpful and have partnerships maintained, as these are responsibilities within the Act.

Chairman Bolstein asked Past Executive Director Homer Floyd if PHRC had ever been asked by the governor to respond to excessive force by police.

Mr. Floyd explained that PHRC had held hearings across the state in the past, many were school related. PHRC worked with community organizations and staff was able to respond to such situations.

Director Biringer shared that PHRC's Education Division is still involved in providing police training. Tameka Hatcher noted that two years ago when the situation in Ferguson started, PHRC began receiving requests to train police departments including the Reading City Police Academy, local college campus police departments and local government police departments.

It was noted that Harrisburg area arrests are proportionate to the demographics; however, this is not the case in outside areas where there is a higher rate of African Americans arrested than others. It is important for PHRC to have a presence when situations begin.

Chairman Bolstein urged we need to elevate these issues as a priority emergency response plan. PHRC has been tasked with response by statute. Chairman Bolstein suggested bring in an annuitant who could work on this full-time.

Commissioner Hardiman suggested it would help to get input from community members and get their feelings about what is going on.

Chairman Bolstein said it would be good to set up hearings to hear directly from community members. How else do we plan to gather the information?

Time could be allotted during the December Commission Meeting for local community members to speak.

Acting Regional Director Lyle Wood discussed the Pittsburgh area and will forward information to Director Biringer and Tameka Hatcher.

Acting Regional Director Diana Medley is to assist with contact information for the Philadelphia Police Advisory Council to get an invitation for PHRC to get involved. Chairman Bolstein stated he will look forward to an update at the next commission meeting.

EXECUTIVE DIRECTOR'S REPORT

Education Division Report

Director Biringer provided an update on the Reading School District court case. Both parties have agreed on the settlement terms.

Director Biringer asked if there is a role for advisory councils to play during a civil unrest situation. York City Council is focused on recent shootings.

Press Secretary Christina Reese shared it would be nice if a commissioner could attend a local advisory council meeting.

Chairman Bolstein asked that the link to upcoming calendar of events be sent out weekly and that as much information is added to the calendar as possible.

The PHRC Task Force meetings are now attended by local FBI and are seen as a good partner to the PHRC.

Press Secretary Reese noted that an Op Ed was published in Lancaster and Reading. The Op Ed articles will be published on a quarterly basis to get information out to the public as well as updating brochures and the housing campaign.

Report on the Budget

Executive Director Edwards provided an update on the current budget as well as

staffing. A second recruitment plan is to bring on board as many staff as possible to reach the 101 complement.

The consolidation of the Philadelphia regional office into Commonwealth-owned space may be a dead end as much excess space has been sold off. PHRC may need to continue paying rent in the amount of a half a million dollars per year until the two leases expire. PHRC needs to find an agency with a large unused space.

Report on EEOC and HUD Contracts

The performance of each office toward meeting its MTD goal for the EEOC contract is as follows:

Pittsburgh - 16 cases submitted for a target of 25 = 64% toward satisfying goal
Harrisburg - 64 cases submitted for a target of 33 = 194% toward satisfying goal
Philadelphia - 39 cases submitted for a target of 29 = 134% toward satisfying goal

Year to date, Pittsburgh has submitted 224, Harrisburg 603 and Philadelphia 299 cases for credit. 60 cases or 5% remain to reach the goal of 1,186. The monthly and year-to-date reports are attached.

The performance report for Housing cases was included in the commission packet and shows 12 cases were received during July for our contract goal of 150 cases.

Chairman Bolstein asked if an increase in the EEOC contract should be requested due to the hiring of more staff. Director Clark explained that an increase is possible and EEOC will look at the spring production numbers to determine if an increase is possible.

Based on the direction received, the Local HRC's will be using a work share agreement versus an MOU. This will allow the complainant to file at either entity and maintain security. Commissioner Hardiman is to be included in the meetings and once the work share agreement has been deployed look to engage by the end of next fiscal year.

Report on Mediation

An overview was provided of the report contained within the commission packets as it contains new metrics on the Mediation Program.

The next Mediation Attorney Training will be conducted October 6, in Philadelphia. A new report tracking the time line of the process is to be implemented.

Satisfaction surveys are being received and the newsletter is being used to look for volunteers as well as share tips and pointers.

Chairman Bolstein noted that the Department of Environmental Protection has attorneys in Pittsburgh. Maybe it is possible for the Harrisburg volunteers too also spread the word throughout their offices.

NEXT SESSION

The September Commission meeting will be held Monday, October 24, 2016, at 1:00 PM in Harrisburg, PA.

UNFINISHED BUSINESS

None

NEW BUSINESS

Adjudication: Lipchak v. Smoq Pitt

MOTION:

Commissioner Hardiman made a Motion, seconded by Commissioner Agrawal to accept the recommendation of the Hearing Examiner to find the Respondent in the above case liable. With all in favor, motion carried.

ADJOURNMENT

This meeting was electronically recorded. The file will become part of the permanent record.

MOTION:

Commissioner Agrawal made a motion, seconded by Commissioner Hardiman to adjourn. With all in favor, the Public Session was adjourned.

Respectfully submitted,

S\Joel Bolstein

Joel Bolstein
Interim Chairman

S\Radheshyam Agrawal

Dr. Radheshyam Agrawal
Commissioner