

**PENNSYLVANIA HUMAN RELATIONS COMMISSION
MINUTES OF COMMISSION MEETING
OF NOVEMBER 28, 2016**

The meeting convened at 1:10 PM, Monday, November 28, 2016 at 333 Market Street, Harrisburg, Pennsylvania.

ATTENDANCE:

Commissioners present:

Joel Bolstein, Interim Chair
Dr. Raquel O. Yiengst, Vice Chairperson)
Dr. Radheshyam Agrawal (phone)
George Dawson (phone)
Michael Hardiman
Mayur Patel
Gerald S. Robinson

Commissioners Absent:

Kathleen Dormer-Carusone (excused)
Hon. Terence Farrell

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 1:00 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

None present

APPROVAL OF COMMISSION MEETING MINUTES

Minutes of the Public Commission held on October 24, 2016 were presented for approval.

MOTION:

Commissioner Hardiman made a Motion, seconded by Commissioner Yiengst to approve the minutes with the addition of a detailed conversation to be added which was at the request of Commissioner Yiengst. 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 noted a brief regarding Chestnut Hill College was filed.

EXECUTIVE DIRECTOR'S REPORT**Education Division Report**

The Director of Education and Community Services Division provided his monthly report. Director Biringer noted a recent increase in incidents in the West York and York Technical School. A SPIRIT Program is to be conducted at the York Vo-Tech in December. The Pittsburgh School District is reviewing the MOU, the Reading School District's annual report is due this coming Thursday, and a meeting with Allentown School district is set to discuss Education Equity Program.

Director Biringer noted he is looking at best practices to take to the meeting with Allentown.

Commissioner Yiengst asked if PHRC has received the Bethlehem Equity Plan. Commissioner Yiengst elaborated, stating I don't believe we can tell any school district that Bethlehem is "best practice." Plans from across the country need to be collected and reviewed to determine what "best practice" truly is.

The Bethlehem Area Equity Plan was just written. We have no idea if it is being used or if it should be used as a best practice. This is not something we should be presenting to anyone without knowing what results were received from the plan and documented progress.

Commissioner Yiengst noted regarding the Allentown School District that working with an interim superintendent will be all for not, once a superintendent is actually appointed. A public hearing should be held to hear from parents. It is not known how long Dr. Cooper will be there and this has caused concern on working with Allentown.

Chairman Bolstein noted it would be good if we had a university with an education program review plans. PHRC does not have adequate staff to do this but the Education Division should be building relationships with those universities.

Commissioner Robinson noted he had previously brought Millersville University to PHRC; however, PHRC has since abandoned the project.

Director Biringer shared that PHRC, Millersville University and Pa Department of Education are working on a symposium together.

Commissioner Robinson felt it was embarrassing when these projects are started and then left to fall through and was dismayed to hear Director Biringer went back if we were not going to follow through.

Commissioner Yiengst agreed we just do not have the staff in our Education Division.

The fact is we are working in so many school districts said Director Biringer. When so many racial tension incidents are occurring, we need to put out the fires.

The Education Division is now also working with the Governor's Office.

The commissioners agreed that PHRC should be able to do better than just put out fires.

Commissioner Yiengst explained she understands we have issues in York but with school districts, we have issues going on for many years. There needs to be plans and strategies to address long standing issues. If we are going to work with a school district, let's have a thoughtful plan.

Commissioner Bolstein added, if the plan was to just hand them the Bethlehem Plan, I do not agree. We are not equipped as the commission stands today. We can be part of the solution and shine light to help. We must be part of something larger. I believe we should leave this to the executive director and the Education Division to develop a thoughtful plan that can turn to long-term strategy for areas like Reading.

Commissioner Robinson asked for a status update on the Allentown Advisory Council. Director Biringer said it is still forming. Commissioner Robinson noted we should be finalizing the advisory council first.

Commissioner Yiengst noted that Bethlehem and Allentown while geographically close to each other, they are exactly opposite in demographically.

With current staffing around 70 positions agency wide, those positions being filled are investigators which leaves Education in a deep ditch. The Education Division has the least resources available. They will need to make the best use of resources we do have to get the maximum out by looking to partner and not reinvent the wheel. It is going to be left with the Executive Director and Education Division

Commissioner Patel asked how we interact with PA Department of Education, there is a liaison. Director Biringer noted we now work with Dave Volkman. PHRC just received an invite over the past weekend.

Commissioner Yiengst reiterated her request that anything involving education, she wants to be included and invited to meetings. Commissioner Yiengst stated she is tired of being excluded and finding out afterwards what has happened.

Executive Director Edwards offered to clarify, stating that the Governor issued a statement regarding safe schools issues and PHRC and PDE was told to prepare a report for the Governor's office for the Governor to develop a plan.

Commissioner Hardiman offered that the US Department of Education may have information to assist us. I would like to see commission meetings used to discuss what our priorities are as an agency. How do we place Education complaints as a priority? Director Biringer added that last year, only 6 education complaints were filed.

Chairman Bolstein stated that the January meeting will be a discussion about our priorities and best uses of our resources with an overarching conversation on what each commissioner would like to see accomplished next year. Executive Director Edwards will tell us how to accomplish these goals. The best case scenario would be that we have the resources to accomplish these priorities.

Commissioner Yiengst noted that she sees that at the end of the EEOC and HUD contract periods we push to meet the contracts. Education has never been a priority.

Commissioner Hardiman asked what if we as the civil rights agency in PA went to EEOC and say we can't do cases for \$700 and if not raised, we won't do dual filed cases.

Chairman Bolstein responded that PHRC needs to build up public knowledge on what we do. There needs to be more proactive reaching out to legislature to explain if PHRC received an increase in budget we would be able to do more cases. Maybe it is time to take a step back and reevaluate our priorities. We would like to make more of an impact.

Commissioner Patel asked what the PHRC mission is and what we are tasked to do.

Director Biringer continued with his report highlighting upcoming non-mandated trainings listed in the commission packet and noted the Interagency Taskforce met last week.

Director Biringer noted there are currently 9 advisory councils and has a meeting scheduled to solicit more members. Chairman Bolstein added that he attended the last Montgomery County Advisory Council meeting who noted they do not have money for programs or outreach.

Commissioner Yiengst stated she is looking forward to visiting the Lebanon ELL program.

Director Biringer noted that our councils are getting recognition from other states.

Press Secretary Christina Reese provided information on current projects and noted the press release issued regarding the temporary move of the Philadelphia Regional Office.

Ms. Reese noted she is receiving RSVP's for the December Commission meeting. It

was asked that Executive Director Edwards and Ms. Reese reach out to each guest to provide them with instructions on the two minute comment time limit and format of the meeting.

Commissioner Robinson offered feedback regarding the annual report noting the format should remain consistent with last year's report.

Report on the Budget

Executive Director Edwards provided an update regarding the budget. Executive Director Edwards advised the Commissioners that the PHRC waiver funds have been moved to the reserve and the budget office advised the waiver funds being sent to the reserve affects the CMS project. There was no indication they will not continue paying for CMS but PHRC must supply justification for costs.

Report on EEOC and HUD Contracts

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

Pittsburgh - 11 cases submitted for a target of 18 = 61% toward satisfying goal
Harrisburg - 25 cases submitted for a target of 57 = 43% toward satisfying goal
Philadelphia - 24 cases submitted for a target of 16 = 150% toward satisfying goal

Year to date, Pittsburgh has submitted 20, Harrisburg 50 and Philadelphia 35 cases for credit. 105 cases or 91% remain to reach the goal of 1,214.

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 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.

The drafting of work share agreements is underway with HRC's so that dual filing can be done. A letter has been drafted to go to the HRC's regarding enforcement powers. The geographical boundaries must be validated then focus can be prioritized on which eight to start with first. Those eight should be the ones with equal enforcement powers.

Report on Mediation

An overview was provided of the report contained within the commission packets as it contains new metrics on the Mediation Program. A review of the program statistics and satisfaction surveys was also provided.

Commissioner Hardiman asked if any effort in the questions about what could be done differently. It was also suggested that we reach out to any other agencies that also have a mediation program and survey their process. IAOPA would also be a source of contact information and discrimination information.

NEXT SESSION

The December Commission meeting will be held Monday, December 19, 2016, at 1:00 PM in Philadelphia, PA.

UNFINISHED BUSINESS

Executive Director Edwards noted that during the executive session, the commissioners were provided with an update on the planning of the December Commission Meeting.

NEW BUSINESS

Adjudication: Rule to Show Cause - 201500686

MOTION:

Commissioner Hardiman made a Motion, seconded by Commissioner Agrawal approve the request from the Hearing Examiner to issue a Rule to Show Cause and to find the Respondent in the above case liable. With the majority of commissioners in favor, motion carried. Commissioner Robinson abstained from the vote.

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