

**PENNSYLVANIA HUMAN RELATIONS COMMISSION
MINUTES OF COMMISSION MEETING
OF APRIL 24, 2017**

The meeting convened at 1:07 PM, Monday, April 24, 2017 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)
Kathleen Dormer-Carusone
Michael Hardiman
Curtis Jones (phone)
Mayur Patel
Gerald S. Robinson

Staff present:

JoAnn Edwards, Executive Director (Absent)
Tammy McElfresh, Special Assistant to the Executive Director
Kathy Morrison, Chief Counsel
Heather Roth, Harrisburg Regional Office Director
Jinada Rochelle, Assistant Director of Enforcement
Geoffrey Biringer, Director of Education and Community Services
Christine Reese, Press Secretary
Carl Summerson, Hearing Examiner
Lyle Wood, Pittsburgh Regional Office Director (until 1:45 P.M.)
Diana Medley, Philadelphia Regional Office Director
Debbie Walters, Administrative Officer
Katie Petruczok, Mediation Coordinator

CALL TO ORDER

Chairman Bolstein called the meeting to order at 1:07 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

Tiffany Chang Lawson, Executive Director, Kao Kue and Anna Perng Commissioners for the Governor's Advisory Commission on Asian Pacific American Affairs were in attendance for this meeting.

APPROVAL OF COMMISSION MEETING MINUTES**MOTION:**

Commissioner Agrawal made a motion, seconded by Commissioner Dawson to approve the March minutes of the Commission Meeting. With all in favor, the motion carried.

MOTION:

Commissioner Yiengst made a motion, seconded by Commissioner Hardiman to approve the February minutes of the Commission Meeting. With all in favor, the motion carried

CHIEF COUNSEL'S LITIGATION STATUS REPORT

Chief Counsel Morrison reviewed of her status report and a copy was provided. Chief Counsel Morrison also provided in her report an outline of work done by the legal staff and trainings they have conducted. Chief Counsel Morrison also provided for the commissioners an overview of cases filed in commonwealth court and cases of interest to PHRC.

EXECUTIVE DIRECTOR'S REPORT

Chairman Bolstein asked that our thoughts and prayers be with Executive Director JoAnn Edwards today as her mother had passed away last evening.

Report on the Budget

Special Assistant McElfresh provided an update of the PHRC budget and reviewed the current budget summary. A copy of the budget summary is included in the meeting records. Special Assistant McElfresh also noted that information was received from the governor's office indicating they are trying to help raise the complement level for the next fiscal year.

A Procedures Committee has met every other month to considerable revisions to the procedures.

Report on Mediation

An overview of the monthly report was provided. Ms. Petruczok noted the addition of Karen George of the Pittsburgh Regional Office to the Mediation team.

Chairman Bolstein asked if the program is achieving its goal. Ms. Petruczok responded that it is currently behind but given the staffing changes since last May when Angela Evans transferred out of PHRC and now Karen George is catching up, it is doing better.

**Report of Director of Education and Community Service
Advisory Councils**

Director Biringer announced that the 10th Council, Lehigh Advisory Council, is up and running and meeting every other month. The next county targeted will be Erie. Bucks County has shown interest in setting up a council. Chairman Bolstein noted he would be surprised if Bucks County commissioners are aware.

Local Human Relations Commissions

During April, Hearing Examiner Summerson is scheduled to speak with a new local commission. Director Biringer is reviewing newly enacted ordinances and identifying where the possibility exists for new HRCs to be formed.

Chief Counsel Morrison noted a form confidentiality agreement has been developed and can be used for each local HRC.

Commissioner Robinson noted his difficulty in understanding why, since this is outlined in our Act, we still are not providing information to local commissions. We are supposed to be providing the Local HRCs with information.

Chief Counsel Morrison explained the technical difficulty with current data fields available in CMS makes the system unable to define locality and determine the proper local HRC with regard to data sharing.

Chief Counsel Morrison also shared that she and Hearing Examiner Summerson are working on the next level local HRC MOU form-addressing those instances where the local HRC has mediation authority only. Hearing Examiner Summerson added further explanation. In addition, Chief Counsel Morrison advised the Commissioners that the upcoming Partnership Summit will be held June 19, 2017.

Commissioner Jones referred to the upcoming Partnership Summit and requested commissioners be invited.

Report of Press Secretary

Press Secretary Christina Reese noted the legislative meetings conducted and that Commissioner Hardiman will join Tammy McElfresh and Christina Reese in a meeting with Representative Grove. Additional legislative meetings are being scheduled.

The Annual Report has been sent out along with the newsletter and the website has been updated.

Commissioner Carusone asked if Twitter is used to announce these events. Secretary Reese indicated that yes, Twitter is used to share tips and information.

MOUs

Hearing Examiner Carl Summerson provided an update on the MOU project, noting there are five levels of local commissions and those with similar statutes, PHRC will attempt to enter an MOU with.

The first effort will be with those who only provide mediation. Chief Counsel Morrison noted the confidentiality agreement has been developed for information sharing.

Chairman Bolstein noted the goal is to move forward and create deadlines. He is looking to staff to advise what a reasonable timeline is to get the agreements completed.

Hearing Examiner Summerson indicated letters have been sent but only a few have responded. It was noted that phone calls may be more productive. Hearing Examiner Summerson agreed and indicated he would be willing to make those calls. Chairman Bolstein asked Hearing Examiner Summerson to come back to the commissioners with a timeline and possibly a walk-through of the process.

Chief Counsel Morrison asked if the chairman wanted a draft run through the Programs Committee and Chairman Bolstein indicated to at a minimum use Commissioner Hardiman to review and then send to the board of commissioners for questions and comments.

Hearing Examiner Summerson felt in his experience speaking directly is better for them.

Report on EEOC and HUD Contracts

The performance of each office towards meeting its MTD goal for the EEOC contract is provided in the monthly reports.

Performance reports for both the EEOC and HUD contracts were reviewed and reports are attached with meeting records.

It is projected that PHRC will be short 400 cases and a downward modification will need to be submitted.

Commissioner Yiengst noted the Pittsburgh and Philadelphia Regional Directors' reports need to be submitted timely. Special Assistant McElfresh noted there will be a change in the due date to resolve this issue.

NEW BUSINESS

ADJUDICATION

201600381 Kenneth Leach vs. Menasha Packaging Company, LLC

Hearing Examiner Summerson noted a Rule to Show Cause was issued and no response received prompting the Finding of Liability.

MOTION:

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

201500221 Jose Canseco Zarate v. AVR GROUP, LLC

Hearing Examiner Summerson noted a Rule to Show Cause was issued and no response received prompting the Finding of Liability.

MOTION:

Commissioner Yiengst made a motion seconded by Commissioner Agrawal to accept the recommendation of the Hearing Examiner in the Finding of Liability. With all in favor, the motion carried.

NEXT SESSION

The May Commission meeting will be held Monday, May 22, 2016, at 1:00 PM in Harrisburg, PA.

GUEST COMMENTS

Members of the Asian Pacific American Affairs commission were in attendance. Executive Director Tiffany Chang Lawson, Commissioner Kao Kue and Commissioner Anna Perng provided testimony and comments. Copies of testimony provided by Commissioners Kue and Perng are attached to the minutes.

Chairman Bolstein stated he really appreciated the members of the Asian Pacific American Affairs Commission for coming today and the information provided will be reviewed by the PHRC Commissioners to see what we can do.

Commissioner Yiengst noted PHRC sees the same ESL issues mentioned and not just in Philadelphia and Allentown. Commissioner Yiengst pointed to reasons for the ESL issues and stated if there are children whose rights are being violated; PHRC needs to see what we can do.

It was noted that the same issues are being seen in Pittsburgh and Lancaster.

Chairman Bolstein felt that PHRC, Asian Pacific American Affairs Commission and the Department of Education should work on this together.

Commissioner Yiengst noted it is up to the individual school district to allocate funds for these priorities.

Ms. Lawson noted that Geoffrey Biringer has been a great resource to the Commission and in learning what PHRC does.

ADJOURNMENT

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

MOTION:

Commissioner Yiengst 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