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COMMONWEALTH OF PENNSYLVANIA

MONTHLY MEETING MINUTES OF:

PENNSYLVANIA HUMAN RELATIONS COMMISSION

TIME: 1:00 P.M.

Honors Suite

333 Market Street

Harrisburg, Pennsylvania 17101

September 19, 2022

PENNSYLVANIA HUMAN RELATIONS COMMISSION
SEPTEMBER 19, 2022

COMMISSIONERS:

Joel Bolstein, Esquire, Chair
Dr. Raquel O. Yiengst, Vice Chair
Mayur Patel, Esquire, Secretary (via telephone)
Michael Hardiman, Esquire
Curtis Jones (via telephone)
Aleena Sorathia, Esquire

EXECUTIVE DIRECTOR

Chad Dion Lassiter, MSW

CHIEF COUNSEL

Samuel Rivera, Esquire (via telephone)

COMMISSION COUNSEL

Lisa Knight, Esquire
Damian DeStefano, Esquire

STAFF

Adrian Garcia, Director of Fair Housing and Commercial
Property
Kurt Jung, Esquire, Director of Enforcement
Lyle Wood, Regional Office Director, Pittsburgh
Heather Roth, Regional Office Director, Harrisburg
Robert Lindsey, Regional Office Director, Philadelphia
Darlene Hermerka, Esquire, Hearing Examiner
Shanon Levin, Esquire, Hearing Examiner
Debbie Walters, Administrative Officer

MEDIATORS

Desiree Chang
Christopher J. Young

ALSO PRESENT:

James Welsh, Esquire (via telephone)
Zulay Rojas
William Myers (via telephone)

1 ***

2 Pennsylvania Human Relations Commission

3 September 19, 2022

4 ***

5 Executive Session was held prior to the commencement
6 of this meeting.

7 ***

8 MEETING CALL TO ORDER AND OPENING STATEMENT

9 [Joel Bolstein, Esquire, Chair, called the meeting
10 to order at 1:00 p.m. Chair Bolstein noted,
11 pursuant to Section 711 (a) of the Sunshine Act,
12 this Commission meeting may be recorded by
13 attendees. Voluntary participation in the meeting
14 constituted consent to be recorded.

15 Chair Bolstein stated the meeting was
16 advertised in accordance with the provisions of the
17 Sunshine Act. Prior to the meeting, in keeping with
18 the confidentiality requirements of the Sunshine
19 Act, the Commission had a closed session to discuss
20 compliance matters, management updates, and
21 adjudicative case deliberations.

22 After concluding the business portion of the
23 meeting, the Commission will invite guests to
24 introduce themselves and their organizations.
25 Guests will have a brief opportunity to address the

1 Commission. Chair Bolstein welcomed comments about
2 equal opportunity, Civil Rights issues or problems
3 of discrimination. The Commission values a
4 partnership in promoting equal opportunity and was
5 eager to hear about the work of organizations in
6 this area; however, the Commission cannot hear any
7 specifics about open investigations or cases the
8 Commission may have to rule on in the future.

9 Chair Bolstein convened the monthly meeting of
10 the Pennsylvania Human Relations Commission. He
11 noted the presence of a quorum and call the meeting
12 to order.]

13 ***

14 ADOPTION OF AGENDA

15 CHAIR BOLSTEIN:

16 I need a motion to adopt the agenda.

17 COMMISSIONER HARDIMAN:

18 So moved.

19 CHAIR BOLSTEIN:

20 Is there a second?

21 VICE CHAIR YIENGST:

22 Second.

23 CHAIR BOLSTEIN:

24 Moved and seconded. All in favor of
25 adopting the agenda please say aye.

1 Any opposed?

2 [The motion carried unanimously.]

3 ***

4 APPROVAL OF PUBLIC MEETING MINUTES

5 [Chair Bolstein noted no minutes from the last
6 meeting had been received, so approval would be
7 tabled until next month.]

8 ***

9 ADJUDICATIONS - RECOMMENDATIONS AND PROPOSED FINAL
10 ORDERS

11 [Chair Bolstein noted that voting on adjudications
12 would be held at the Commission's next meeting.]

13 ***

14 CONCILIATION AGREEMENTS/CONSENT ORDERS

15 [Chair Bolstein requested approval of items four
16 throughseven, 201900759, 202000763, 202101865, and
17 202102390 on the agenda.]

18 CHAIR BOLSTEIN:

19 Is there a motion?

20 VICE CHAIR YIENGST:

21 So moved.

22 MR. HARDIMAN:

23 Second.

24 CHAIR BOLSTEIN:

25 It's been moved and seconded. Is

1 Commission. Adrian Garcia, Director of Fair
2 Housing and Commercial Property, three years. Kurt
3 Jung, Esquire, Director of Enforcement,
4 approximately 15 months. Debbie Walters,
5 Administrative Officer, 12 years. Darlene Hemerka,
6 Esquire, one of the hearing examiners, about 5
7 months. Sharon Levin, Esquire, the other hearing
8 examiner, 3 months. Desiree Chang, Mediator, about
9 2 1/2 years. Chris Young, Mediator, 9 years. Lyle
10 Wood, Regional Office Director, Pittsburgh, 33
11 years. Heath Roth, Regional Office Director,
12 Harrisburg, approximately 10 years. Robert Lindsey,
13 Regional Office Director, Philadelphia, 9 months.
14 Lisa Knight, Esquire, Commission Counsel, about
15 14 years. Damian DeStefano, Esquire, Commission
16 Counsel, 3 months. Samuel Rivera, Esquire, Chief
17 Counsel, will be with the Commission for 2 years in
18 November. Michael Hardiman, Esquire, with the
19 Commission for 33 years and served as commissioner
20 for 6 years.

21 Joel Bolstein, Esquire, Chair, with the
22 Commission since 1999, appointed by former Governor
23 Tom Ridge, re-appointed by former Governor Rendell
24 and Governor Wolf, who named Chair Bolstein as the
25 Interim Chair in October of 2016 and then Chair of

1 the Commission in May of 2018. He is also a partner
2 with the law firm Fox Rothschild in Bucks County.

3 Dr. Yiengst, Vice Chair, has been with the
4 Commission her entire adult life. Mayur Patel,
5 Commissioner for 5 years and is in the real estate
6 development business.

7 Zulay Rojas introduced herself as Mr.
8 Lassiter's new special assistant and provided a
9 brief history of her professional background. She
10 hoped to live up to the expectations required of
11 her and to serve every resident of the Commonwealth.

12 ***

13 PENNSYLVANIA LEGISLATIVE UPDATE

14 Report of Director of Mediation, Policy and
15 Intergovernmental Affairs

16 [Mr. Lassiter reported that Grace Dunigan, the new
17 Director of Policy and Intergovernmental Affairs,
18 will start on Monday, October 24, 2022. He provided
19 a brief history of her professional background. He
20 noted Chris Young and Desiree Chang as Mediators
21 and that both would provide a presentation later in
22 the meeting.

23 ***

24 REGULATION UPDATE

25 [Samuel Rivera, Esquire, Chief Counsel, provided an

1 update with regard to Proposed Regulation 52-13. He
2 noted pushing the regulation to final form
3 expeditiously before being submitted to IRRC for
4 approval. He thanked all of legal, directors and
5 staff for their assistance, including two public
6 listening sessions in August and September 2022.

7 Chair Bolstein commended the staff for their
8 efforts to get this regulation finalized, including
9 the listening sessions. He noted many comments were
10 received, and the regulation package was moving
11 forward to finalization.]

12 ***

13 MANAGEMENT REPORTS

14 Executive Director

15 [Chad Lassiter, MSW, provided highlights under
16 Professional Development, Civil Rights Engagement.
17 He announced that the PHRC CROWN Act Conference was
18 in the planning stages and scheduled for October 27,
19 2022 at the Loews Hotel. The top person who pushed
20 for the legislation was confirmed to be one of the
21 keynote speakers. Another keynote speaker could
22 possibly be either PA Senator Vince Hughes or U.S.
23 Senator Corey Booker.

24 Mr. Lassiter also announced that the PHRC and
25 PennLive Peace and Justice event was in the planning

1 stages. He noted that PennLive is the largest media
2 entity in the Commonwealth. Approximately 300 plus
3 nominations had been received for this second annual
4 Peace and Justice Award.

5 EEOC Conference will be held in Baltimore,
6 Maryland. Mr. Lassiter will be attending the
7 conference along with Director Jung, Robert Lindsey,
8 and Debbie Walters.

9 Director Lassiter stated a conference in
10 Washington, D.C. with regard to Human Resource
11 Management was recently held. He noted a PHRC
12 Advisory Council luncheon will be held on October
13 28, 2022.

14 He referred to the use of PHRC Legal Lean
15 Management for Communications and PHRC Lean
16 Management for Enforcement to enhance and strengthen
17 the actions of PHRC.

18 With regard to Social Justice Marketing, Mr.
19 Lassiter indicated that each regional office will
20 conduct an open house in October 2022 for the
21 purposes of making the public aware of the offices
22 and also to brand the offices as friendly
23 environments.

24 Director Lassiter commented that PHRC continues
25 to receive national and local recognition. Mr.

1 Lassiter was humbled to have been asked to be the
2 commencement speaker at the University of Michigan's
3 School of Social Work for the fall or the spring.

4 Mr. Lassiter noted the PHRC Third Annual No
5 Hate in Our State Report had been completed and
6 thanked staff for their suggestions and being part
7 of the proofreading team.

8 The PHRC Social Justice Lecture Series with
9 Anita Hill was scheduled for October 3, 2022, at
10 Temple University, Beasley School of Law.

11 Hispanic Heritage Month commenced with Norman
12 Bristol Colon.

13 Updating PHRC Funding, Mr. Lassiter noted
14 budget meetings continue. Efforts continue with the
15 Anti-Defamation League. Habitat for Humanity
16 Initiative was tabled due to COVID but will be
17 revisited.

18 The Director of Communications position was
19 reposted. The Director of Education position will
20 soon close.

21 Mr. Lassiter commented there had been
22 discussion regarding post-pandemic Commonwealth
23 noting employees now work three days at home, two in
24 the office for a majority of the staff. He asked
25 staff to be mindful of the fact that the new

1 governor may decide to bring the workforce back into
2 the workplace. He noted there would continue to be
3 discussion regarding the matter.]

4 ***

5 Chief Counsel

6 [Samuel Rivera, Esquire, Chief Counsel, reported
7 that his office continues to work with Director Jung
8 with respect to procuring a new docket system and a
9 new case management system. Members had questions.]

10 ***

11 Hearing Examiners

12 [Darlene Hemerka, Esquire, Hearing Examiner,
13 reported on receiving post-hearing briefs for three
14 cases and working on drafting recommendations. Two
15 cases would be brought before the Commission at the
16 October 2022 meeting. She is working with a staff
17 member disability 101 panel so the community and
18 staff members are aware of disability rights.

19 Attorney Hemerka congratulated colleague Sharon
20 Levin for conducting her first hearing.]

21 ***

22 [Sharon Levin, Esquire, Hearing Examiner, reported
23 the Office of the Hearing Examiner continues to move
24 forward to assure that matters are evaluated and
25 addressed in a timely manner. She indicated her

1 first hearing was an employment damages case in York
2 County. She thanked the York County Human Relations
3 Commission for allowing a hearing to be held in
4 their space.

5 Ms. Levin obtained a waiver of regulation
6 requirement of one hearing examiner and three
7 commissioners to a case in Reading so that one
8 commissioner could sit on that case. Hearing
9 Examiner Levin may request waivers in other cases
10 that the Commissioners might want to hear.

11 Ms. Levin thanked ED Lassiter, Commissioners
12 and senior managers for their enthusiasm and support
13 and "energy" around social justice. She plans on
14 remaining a partner and support of PHRC as she
15 watches it "continue to shine" under ED Lassiter.]

16 ***

17 [Mr. Lassiter thanked Ms. Levin and wished her well
18 as she moves on to another social justice
19 opportunity.]

20 ***

21 Regional Director - Pittsburgh Regional Office
22 [Lyle Wood, Pittsburgh Regional Office Director,
23 commented that due to staff consistency, continued
24 training, and great leadership, there had been a
25 continuity and consistency in terms of the numbers

1 of cases. He indicated outreach efforts had also
2 increased. He noted contact with LGBTQ with regard
3 to forming partnerships.

4 Mr. Wood noted an upcoming senior fair hosted
5 by Senator Lindsey Williams and Representative Emily
6 Kinhead. In October 2022, Director Jung and
7 Director Garcia will present virtual outreach
8 training in Pittsburgh. He noted the YWCA reached
9 out to the office regarding a meeting on housing
10 issues.

11 An October 2022 meeting with the Latino Center
12 in Pittsburgh will be held with regard to taking
13 steps to establish a partnership.

14 A meeting with the Mayor Ed Gainey will be scheduled
15 with regard to joint outreach activities.]

16 ***

17 Regional Director - Harrisburg Regional Office
18 [Heather Roth, Harrisburg Regional Office
19 Director, thanked Directors Garcia and Wood for
20 their assistance. She noted that three vacancies
21 exist on staff. Four candidates have applied. So
22 far, one of the four applicants declined to
23 interview and the other three will be interviewing
24 shortly. Ms. Roth indicated that HRR3 Chelsie
25 resigned to take a position working from home. An
investigator vacancy

1 closed on Friday, and no candidate list had been
2 received as of yet.

3 Ms. Roth had one HRR3 out on medical leave
4 until at least October 11, 2022, and the HRR3
5 would be retiring by the end of the year, creating
6 another supervisor vacancy. An HRR2 was also out
7 on medical leave for a month, and in two weeks, one
8 would be out on maternity leave.

9 She noted August 2022 was a very productive
10 month. The intake team docketed 119 cases and
11 closed 10 out. Intake had 137 scheduled
12 appointments; 117 were kept.

13 Investigation closed 188 cases, 40 from the
14 month before. \$176,000 were the result of
15 settlements. Three PC cases were approved, and 6
16 are pending review.

17 Four conciliation conferences were held.
18 Two of the four were successful. Two were passed
19 back to legal to put on the public hearing docket.

20 Ms. Roth discussed a partnership
21 opportunity with Susquehanna Service Dogs, who
22 contacts the office for advice, guidance, and
23 emotional support. Ms. Roth and staff were invited
24 to tour the facility and to watch a training demo
25 involving service animals.]

1 ***

2 Regional Director - Philadelphia Regional Office
3 [Robert Lindsey, Philadelphia Regional Director,
4 happily reported that August 2022 was a very
5 productive month for his office. He highlighted
6 portions of his report by first noting an HRR1
7 vacancy and stated the position would be replaced
8 with a qualified candidate.

9 Mr. Lindsey noted an anticipated HRR2
10 vacancy October 7, 2022, which would be filled as
11 quickly as possible.

12 Mr. Lindsey referred to caseload targets
13 for number comparisons. He reported 115 for the
14 month of August 2022, which had a target of 40,
15 total year to date at 676. Housing for the current
16 month was at 20 with a total currently of 28. He
17 highlighted portions of his report with regard to
18 intake activity and appointments.

19 Mr. Lindsey will be attending a conference
20 in Baltimore. He referred to an article taken from
21 the August achievement report, which he had
22 submitted.]

23 ***

24 Director of Communications
25 [Currently interviewing for the position.]

1 ***

2 Director of Education Report

3 [Interviews will close the end of September 2022.]

4 ***

5 Director of Policy, Intergovernmental Affairs and
6 Mediation

7 [A new person will start that position on September
8 26, 2022.]

9 ***

10 Director of Fair Housing and Commercial Property

11 [Adrian Garcia, reported there would be much

12 activity for the month of September 2022,

13 including an upcoming PA Latino Conference, a

14 Huntingdon County FFAH presentation, and a virtual

15 presentation for Adams County.

16 He referred to his report for further
17 discussion of AFFH research, the Department of
18 Aging to discuss fair housing programs, and the
19 ECHO housing opportunity, which will involve
20 changes to zoning in some cases.

21 The Fair Housing Collaborative met August
22 22, 2022, to discuss the status of all mutual
23 cases, which is all part of the partnership. Call
24 logs were being reviewed.

25 Director Garcia reported, with regard to

1 HUD, 87 cases have been submitted for closure, more
2 than 70 percent of the expected annual goal.

3 Director Garcia noted plans were being made with
4 regard to the PHRC Housing Quality Conference,
5 which would be held in Philadelphia indicating one
6 of the themes being considered is "Fair Housing
7 Getting Our Act Together".

8 He referred to the outreach portion of his
9 report for further discussion. He stated a full
10 webinar awaiting approval is a Fair Housing Series
11 called Back to Basics for Community Members. The
12 Commission discussed housing policy issues.]

13 ***

14 Director of Enforcement

15 [Kurt Jung, Esquire, Director of Enforcement,
16 referred to the Compliance Report for further
17 discussion of the tables. He stated numbers are
18 "phenomenal and speak for themselves" and commended
19 Directors Roth, Wood and Lindsey. He noted a rise
20 in intake numbers, settlements and mediations.
21 Director Jung looked forward to working with the
22 hearing examiners, chief counsel, and prosecuting
23 attorneys.

24 He noted working again with law schools,
25 including the University of Penn, Temple, and

1 Drexel. He looked forward to working with hearing
2 examiners, chief counsel, prosecuting attorneys.

3 A meeting would be held in October 2022 to
4 finalize procedures with regard to the
5 ambassadorship program. Director Jung looked
6 forward to working with chief counsel to help
7 create a new document system and taking technology
8 to the 21st Century. The Commission discussed
9 whether or not there were any LGBTQ cases,
10 including those related to bathrooms, locker rooms,
11 school policy, and religion.]

12 ***

13 Old Business

14 [None.]

15 ***

16 New Business - Mediation Division Presentation
17 [Desiree Chang and Christopher Young, Mediators,
18 presented before the PHRC for discussion of the
19 mediation division. Ms. Chang acknowledged the
20 support of senior leadership, including the
21 Executive Director, Director of Enforcement and
22 Director of Fair Housing.

23 She noted the program existed previously,
24 went dormant for a few years, and was then brought
25 back in early 2019.

1 Ms. Chang noted their individual
2 biographies were included in the report.

3 Ms. Chang stated some of the main points of
4 the division, including the information utilized
5 when facilitating mediation, would be provided in
6 detail as the presentation continued.

7 Mr. Young stated PHRC has the jurisdiction
8 to enforce statutes of anti-discrimination,
9 employment, housing, commercial property, public
10 accommodations, and education.

11 Ms. Chang indicated the first mediation
12 took place in April of 2020, and the mediation
13 program was recognized as a division through the
14 PHRC last year under the direction of ED Lassiter
15 recognizing the program as a reputable and
16 respectable division.

17 She noted, in 2021, approximately 500 cases
18 were interviewed. She indicated that data has
19 shown that cases that are offered mediation at an
20 earlier stage were likely to reach resolution.

21 Ms. Chang stated outreach was conducted to
22 over 400 cases. 161 cases were scheduled, and 24
23 carried over into the previous year. Cases for
24 2023 will start to get scheduled as early as
25 October 2022. She noted 167 mediations were

1 conducted in 2021 with a 73 percent rate with the
2 goal being a minimum of 85 percent.

3 Of the cases mediated, 133 were EEOC.
4 Settlements for 2021 were \$1.8 million. As of
5 August of 2022, there were 292 outreach cases, 55
6 referrals to regional offices, and 70 mediation
7 sessions.

8 Ms. Chang referred to the number of cases
9 successfully mediated for further discussion. She
10 commented the goal was to each have at least 100
11 mediations for the year. Volunteer mediators were
12 being considered as well as an additional in-house
13 mediator.

14 Mr. Young explained the PA Mediation
15 Statute requires all mediation correspondence to be
16 confidential. He noted other situations that are
17 considered confidential. He discussed the
18 requirements to be a mediator.

19 Mr. Young noted the benefits of mediation.
20 He explained that once a case is accepted to the
21 mediation division, the process would take an
22 average of 90 days to close.

23 Ms. Chang also explained there has to be an
24 understanding of the state and federal laws to give
25 some type of idea as to what the alternatives to

1 mediation are and whether or not mediation would
2 provide the best possible outcome.

3 Ms. Chang noted the importance for the
4 complainant to understand the terms of a settlement
5 agreement and that it would be a legally binding
6 contract. While the PHRC and the mediation
7 division are not parties to the settlement, if a
8 party feels the opposing side has not followed
9 through with the terms of the settlement agreement,
10 that party can petition the PHRC to review
11 additional remedies.

12 Ms. Chang commented that economic
13 settlements are emphasized, but there have been
14 cases successfully resolved that have zero economic
15 components. She discussed how the PHRC settlement
16 agreement was revamped, which would allow for
17 flexibility with the parties. The Commission
18 discussed what makes a case eligible for mediation.

19 Ms. Chang explained the discussion session
20 of the mediation and noted that each party is given
21 10 to 15 minutes to share their position. An
22 opportunity is then provided for each side to ask
23 clarifying questions or provide clarifying
24 information followed by separate caucuses. At a
25 point where the parties are at a resolution, the

1 mediation is reconvened as a joint session and the
2 matter is reviewed. A settlement agreement is
3 drafted at a later date with a chance for both
4 parties to review and provide additional language
5 the parties had agreed to previously. Ms. Chang
6 explained if the parties do not reach a resolution,
7 the session is not reconvened as a joint session.
8 The matter is then returned to the investigator
9 originally assigned to the matter. It was noted
10 that a copy of the presentation would be emailed
11 after the meeting.]

12 ***

13 PUBLIC COMMENT

14 [William Meyers, Esquire, Counsel for the Port
15 Authority of Allegheny County, hoped to offer public
16 comment regarding several cases before the PHRC. It
17 was explained that the Commission was not allowed to
18 hear facts of a case while in the investigatory
19 process.]

20 ***

21 [James Welsh, Esquire, Counsel for Port Authority
22 employees, listened in to ensure that no further
23 adverse action was taken in the matter.]

24 ***

25 [Chair Bolstein noted that for the month of October

1 Commission meetings would be held in Philadelphia.
2 For the month of November, the PHRC Commission
3 meeting would be in State College.]

4 ***

5 ADJOURNMENT

6 DR. YIENGST:

7 Motion to adjourn.

8 COMMISSIONER HARDIMAN:

9 Second.

10 CHAIR BOLSTEIN:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 [The meeting adjourned at 3:19 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the Pennsylvania Human Relations Commission meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the Pennsylvania Human Relations Commission meeting.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

PENNSYLVANIA HUMAN RELATIONS COMMISSION
REFERENCE INDEX
August 22, 2022

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TIME	AGENDA
1:00	Official Call to Order/Opening Statement
1:02	Adoption of Agenda
1:03	Conciliation Agreements/Consent Orders
1:04	Requests for Preliminary Hearings
1:05	Executive Director Statement
1:25	Pennsylvania Legislative Update
1:28	Regulation Update
2:00	Management Reports
2:20	Mediation Division Presentation
3:12	Public Comment
3:19	Adjournment

APPROVAL OF MINUTES

MOTION:

At the April 24, 2023, Public Meeting, Commissioner Hardiman made a motion, seconded by Commissioner Yiengst to approve the minutes of the September 19, 2022, Public Meeting. With all in favor, motion carried.



M. Joel Bolstein, Chairman



o/b/o Commissioner Mayur Patel

Mayur Patel, Secretary