

MINUTES OF THE COMMISSION FOR HUMAN RIGHTS

August 30, 2013

A meeting of the Commission for Human Rights was held on Friday, August 30, 2013 in the agency conference room. Present at the meeting were Commissioners John B. Susa, Chair, Nancy Kolman Ventrone, Rochelle Bates Lee, Alberto Aponte Cardona and Camille Vella-Wilkinson. Commissioners Alton W. Wiley, Jr., and Iraida Williams were not present. The meeting commenced at 12:35 p.m.

Michael D. Évora, Executive Director had reviewed and approved the minutes of the Commission meeting held on June 21, 2013. Cynthia M. Hiatt, Legal Counsel, had reviewed and approved the minutes of the Commission meetings held on May 31, 2013 and June 19, 2013. The Commissioners reviewed the minutes and reported no amendments. A motion was made by Commissioner Vella-Wilkinson to accept the minutes. The motion was seconded by Commissioner Ventrone and carried.

Status Report of Michael D. Évora, Executive Director

A written report was handed out. All new information is in bold print.

Case Production Report – Attached

Aged Case Report – No aged cases to report.

Outreach Report – attached

STATUS REPORT – COMMISSIONERS

STATUS REPORT: Commissioner Vella-Wilkinson reported that a meeting has been scheduled with the Department of Health to discuss inhalation rooms at the Compassion Center in Warwick so that the people can utilize their medically-prescribed prescriptions. She also noted that there is an outreach for the Library of Congress Veterans History Project to obtain the personal stories of the war time experience of veterans, particularly Disabled Americans Veterans and World War II veterans. She also noted that there will be an Open House for a project on which she has assisted, the opening of a private lounge for military personnel and their

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families at TF Green Airport. This lounge is not affiliated with the United Service Organization (USO) but was the result of numerous individual volunteer efforts and company donations.

At 12:55 p.m., Commissioner Aponte Cardona entered the meeting.

DECISION:

Commissioners Ventrone, Aponte Cardona and Susa discussed their decision in Yangambi v. Providence School Department. Commissioner Ventrone changed her position from the previous discussion and the Commissioners reopened their discussion. Commissioner Susa, the Hearing Officer, continued to find that the Complainant did not prove by a preponderance of the evidence that the Respondent discriminated against him with respect to denial of promotions because of his race, color or ancestral origin. He further found that the Respondent had not retaliated against the Complainant because of the Complainant's prior protected activity. Commissioner Ventrone and Commissioner Aponte Cardona agreed with Commissioner Susa except that they found that the Respondent retaliated against the Complainant with respect to denial of four of the positions of Acting Assistant Principal. Counsel will draft a decision and a dissent for the Commissioners' approval.

Commissioner Ventrone left the meeting at 1:25 p.m.

GENERAL STATUS: The Commissioners have requested in-house training. At the next meeting, staff will present materials on the newly-enacted "ban the box" law which amends the Fair Employment Practices Act effective January 1, 2014.

The Commissioners agreed that Commission meetings would

convene at 9:30 a.m. in the future.

STATUS REPORT – LEGAL COUNSEL by Cynthia Hiatt

LITIGATION: Report Attached. Counsel and the Commissioners

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discussed pending litigation in which the Commission has a role.

Commissioner Aponte Cardona left the meeting at 1:50 p.m.

LEGISLATION: Commissioners and staff discussed pending legislation which passed and legislation which did not pass in the 2013 legislative session.

REGULATIONS: It was reported that Legal Counsel Gaschen is consulting with the person in charge of rules at the Office of the Secretary of State about the Commission's proposed regulation on representing housing complainants in hearings.

ECONOMIC IMPACT OF COMMISSION REGULATIONS: The Commissioners considered the third quarter set of statements relating to the economic impact of Commission regulations on small

business. Commissioner Susa moved that the statements be approved, Commissioner Vella-Wilkinson seconded the motion and the motion carried.

HEARING SCHEDULE: Discussed

The meeting adjourned at 2:40 p.m. The next regular meeting will be on

Friday, September 27, 2013 at 9:30 a.m.

Respectfully Submitted,

**Michael D. Évora
Executive Director**

**Notes taken by C. Hiatt
EXECUTIVE DIRECTOR'S
REPORT TO COMMISSIONERS
30 August 2013**

I. BUDGET

S = State/General Revenue; F = Federal (EEOC/HUD); T = Total

	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
	(Supp.)	(Unconstr.)	(Constr.)	(Recomm.)	(Enacted)
S	1,133,129	1,192,069	1,121,778	1,150,785	1,150,785
F	306,688	258,638	301,405	308,638	308,638
T	1,439,817	1,450,707	1,423,183	1,459,423	1,459,423

The Commission's FY 13 (Revised) and FY 14 (Proposed) Budgets were submitted to the Governor on September 25. The submission included a Budget Impact Statement detailing the consequences to be realized should the seven percent general revenue decrease requested of all state agencies be implemented for the Commission [see Constrained Budget above]. On November 2, I met with representatives of the Budget Office to discuss the Office's pending recommendation to the Governor. On January 22, a bill was introduced which included the above supplemental budget for FY 13 and recommended budget for FY 14. The bill included authorization for the Commission's full 14.5 FTEs for FY 14.

On February 27, I attended the Senate Finance Committee's hearing on the Commission's FY13 and FY14 budgets. On March 13, I attended the hearing on the Commission's FY13 and FY14 budgets before the General Government Subcommittee of House Finance. Both Committees seemed to respond favorably to the Governor's budget recommendation.

On July 3, the Governor signed a budget which contained the Governor's FY14 Recommended Budget for the Commission as highlighted above. Betsy and I are working with our Budget Analyst to prepare our FY14 (Revised) and FY15 Budget Submission, which is due to the Governor by September 17.

II. FEDERAL CONTRACTS

EEOC – For federal FY 2012 (beginning October 1, 2011), according to EEOC Project Director Marlene Toribio, we closed 237 co-filed cases.

Our contract with EEOC for FY 2012 was for 235 cases. For federal FY 2013 (beginning October 1, 2012), we have closed 198 co-filed cases. Our contract with EEOC for FY13, received on May 13, is for 199 cases. EEOC Headquarters has explained that all FEPA contracts were unilaterally reduced by 16% this year. Two factors are cited for this reduction: 1) EEOC's FY13 budget started at 91%; 2) the federal sequestration caused another 7% reduction in EEOC funding. On August 1, I requested an upward modification of ten cases, which would bring our contract to 209 cases; the request was not approved by EEOC HQ due to EEOC funding. As of August 29, we must close an additional one case to meet our contract.

HUD – For FY12, according to HUD Project Director Angela Lovegrove, we took in 40 new housing charges, 37 of which were co-filed with HUD. Within this same time period, we processed 45

housing charges, 43 of which were co-filed with HUD. For FY13 (July 1, 2012 through June 30, 2013), we took in 51 new housing charges, all of which were co-filed with HUD. Within this same time period, we processed 50 cases, 47 of which were co-filed with HUD. For FY14 (beginning July 1, 2013), we have taken in seven new housing charges, six of which are co-filed with HUD. Within this same time period, we have processed one case, which was co-filed with HUD.

III. PERSONNEL

No new information.

IV. OUTREACH – Refer to attached report.

V. GENERAL STATUS

• Meetings with staff members – I continue to meet with individual investigative staff members on a monthly basis to monitor case production.

• Case Closures – Refer to attached report.

We ended FY 2012 slightly behind the prior fiscal year's case

processing rate. In FY 2011, we processed 422 cases; in FY 2012, we processed 411 cases (approx. 3.5% decrease). For FY13, we processed 389 cases (approx. 5% decrease from FY12). For FY14 (beginning July 1, 2013), we have processed 38 cases (compare to 33 cases in this same time period in FY13).

•Aged Cases – There are no aged cases in the Commission’s inventory for federal fiscal year 2013 (beginning October 1, 2012).

•Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 1998. We ended FY11 with 323 cases in inventory, FY12 with 255 cases, and FY13 with 265 cases. As of 8/22/13, we had a total of 282 cases in inventory; 14 of these cases were pending assignment.

•Performance Management Initiative – On July 16, I met with the Governor’s Performance Management Team to discuss the Commission’s agreed-upon performance goals. The Team noted that the Commission is one of the only state agencies that consistently complies with the Performance Management Directive in a complete/timely manner. These meetings will occur quarterly.

•EEOC National Conference – Marlene Toribio, EEOC Project Director, and I attended the annual national FEPA conference in Denver, CO, August 27-29.

●HUD Review – From Monday-Wednesday, August 26-28, John Geiss, an Equal Opportunity Specialist with HUD/Boston, conducted an on-site review/evaluation of the Commission’s fair housing unit’s work during FY13 to assess the Commission’s compliance with HUD’s rules and regulations. A detailed report of Mr. Geiss’ conclusions will be prepared and submitted to the Commission for review/response.

●Russian Delegation – On September 20 at 11 a.m., the Commission will welcome a small delegation of mid- to high-level Russian government officials to the office as part of the Congressional Open World Program. Members of the Scituate Rotary Club will host the delegation. The Commission will present an overview of the agency, its mission and operations.

Respectfully submitted,

**Michael D. Évora
Executive Director**

Attachments