

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
MEETING OF NOVEMBER 16-17, 2006**

**Radisson Hotel Gateway Seattle
Seattle-Tacoma Airport**

FORUM, NOVEMBER 16

ATTENDANCE

Commissioners: Kathy Baros-Friedt, Commission Chair, Commissioners Ellis Casson, Jerry Hebert; and Shawn Murinko.

Panelists: Frank Jose, Executive Director, National Alliance on Mental Illness (NAMI), Seattle; David Carlson, Associate Director, Legal Advocacy, Washington Protection and Advocacy System (WPAS); Toby Olson, Executive Secretary, Governors Committee on Disability Issues and Employment (GCDIE); Lonnie Davis, Attorney, Alliance for People with Disabilities; Joelle Brouner, Executive Director, Washington State Rehabilitation Council, Laura Lindstrand, Civil Rights Investigator (CRI), WA State Human Rights Commission.

Staff: Marc Brenman, Executive Director; Jean Ciallella for Tanya Calahan, Clerk of the Commission; Idolina Reta, Deputy Director; Jennifer Greenlee, Operations Manager, Seattle; Dixie Shaw, Operations Manager, Olympia; Teresita Torres, CRI, Olympia; Olympia; Dana Hess, CRI, Seattle; Christina Higgins, CRI, Seattle.

Guests: David Lord, Attorney, WPAS; Emily Cooper, WPAS; Jeff Needle, Washington Employment Lawyers Association.

CALL TO ORDER

The meeting was called to order by Executive Director Brenman.

OPENING REMARKS & WELCOME

Commissioner Baros Friedt welcomed the panelists, staff and guests and introduced members of the audience.

OVERVIEW OF THE WASHINGTON STATE HUMAN RIGHTS COMMISSION

Executive Director Brenman provided an overview of the Washington State Human Rights Commission. He noted that, until the Supreme Court decision on *McClarty v. Totem Electric*, the definition of disability under RCW 49.60 was the broadest definition among U.S. civil rights jurisdictions.

OVERVIEW OF McCLARTY & INTRODUCTION OF PANELISTS

Commissioner Murinko introduced the panelists and provided an overview of *McClarty v. Totem Electric*. The panel discussion ensued, after which members of the audience were provided an opportunity to speak and ask questions.

ADJOURNED

The forum adjourned at 9:30 p.m.

COMMISSION MEETING, NOVEMBER 17

ATTENDANCE

Commissioners: Kathy Baros-Friedt, Commission Chair, Commissioners Ellis Casson, Jerry Hebert; and Shawn Murinko.

Staff: Marc Brenman, Executive Director; Jean Ciallella for Tanya Calahan, Clerk of the Commission; Idolina Reta, Deputy Director.

Guests: Traci Friedl, AAG.

OPENING AND WELCOME

Commission Chair Baros Friedt called the meeting to order at 9:12 a.m.

APPROVAL OF MINUTES

Commissioner Hebert asked that one change be made to the minutes of October 27th: on page 4 of the minutes, he asked that in the sentence "Commissioner Hebert requested that the Commissioners develop their own overall strategic plan," the word "overall" be replaced with "general." Commissioner Murinko made a motion to approve the minutes of September 28-29, 2006 and October 27, 2006. Commissioner Hebert seconded the motion. **MOTION CARRIED.**

ACTION ITEMS

Jean Ciallella provided a status report on the action items. The revised list of actions items is included with these minutes.

APPROVAL OF CASE CLOSURES

Commissioner Hebert commented that he is very impressed with the number of settlements using alternative dispute resolution (ADR) techniques. He asked about the confidentiality of settlements and whether information about the settlements could be shared with the Commissioners, since this is a State agency. Commission Chair Baros Friedt responded that the Commission would not want to jeopardize settlements where confidentiality was a part of the agreement. Executive Director Brenman commented that the CRI Specialists monitor settlement agreements for compliance and provide updates to the supervisors. If progress reports are part of the settlement, those are monitored as well. Monetary awards are sent by the Respondent to the Specialist, who in turn records the action and forwards it to the Complainant. Commissioner Murinko commented that ADR is frequently used to settle complaints. One of the terms is confidentiality. He is satisfied that staff provides the necessary oversights and maintains the integrity of the settlement agreements.

Commissioner Hebert asked whether the number of days to close cases under the contract with the US Department of Housing and Urban Development can be negotiated. Deputy Director Reta responded that the Federal Fair Housing Law and the contract with HUD require that cases be closed within 100 days.

Commission Chair Baros Friedt stated that the Commissioners will hold additional conference call meetings to ensure that case closures are approved by the deadlines in the agency's case closure contracts.

Commissioner Murinko made a motion to approve the case closures. Commissioner Hebert seconded the motion. MOTION CARRIED.

EXECUTIVE SESSION

The Executive Session was moved on the agenda to convene prior to lunch. The purpose of the meeting was to discuss a possible salary increase for the Executive Director, Marc Brenman. Commissioner Cano-Lee was included in the discussion via phone. The Commission meeting reconvened at 10:25 a.m. Commissioner Hebert made a motion to increase the Executive Director's salary to \$108,000/year, effective December 1, 2006. The motion was seconded by Commissioner Murinko. MOTION CARRIED.

Commission Chair Baros Friedt noted for the record that she was totally in agreement with the Commissioners re the many contributions made by the Executive Director and that he deserves a salary increase. However, she noted her opposition to providing the raise in December 2006, preferring to wait until June 2007, which would have been the scheduled period for the ED annual review.

Commissioner Hebert made a motion to conduct an interim evaluation prior to June 2007. Commissioner Casson seconded the motion. MOTION CARRIED. This is an agenda item for the January meeting.

Commissioner Casson inquired about whether, for parity, the Deputy Director should receive a salary increase as well. Commissioner Cano-Lee agreed.

MONTHLY BUDGET & CASE PRODUCTION REPORTS

Marc Brenman distributed the reports for the Commissioners' review. He noted that there was a dip in the number of complaints in September, but the number increased in October. Inquiries about possible discrimination under the new protected class of sexual orientation/gender identity are coming in regularly; about two a month result in filed complaints.

About 27% of all complaints filed were filed using the new online complaint form. Staff are working at making the form more accessible and easier to use.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Brenman discussed his report to the Commissioners. He spoke about economic trends in Washington. The revenue forecast for the state is \$1.7 Billion. The economy is slowly trending down. Commission Chair Baros Friedt commented that the Commission needed to be prepared in the event that the '07-'09 biennial budget is not approved with all of the agency requests. This is a longer legislative session, ending on June 30, 2007. It will be then that the state budget is finalized. If there are any surprises this leaves the agency with just the fourth quarter to make any adjustments. She asked that Executive Director Brenman prepare

some extrapolations on the agency's budget and contracts, using best/worst case scenarios. Further discussion about the budget needs to occur. Commissioner Casson asked about a breakdown of costs to conduct Commission meetings. That was prepared by Tanya Calahan, the Clerk of the Commission and provided to the Commissioners at an earlier date. Ms. Calahan will, if necessary, revise the breakdown and resubmit to the Commissioners.

Commissioner Hebert asked that a list of the budget questions asked by the House and Senate budget analysts be provided to the Commissioners. Commission Chair Baros-Friedt requested a three-year month to month comparison of HUD cases over 100 days old.

Commissioner Hebert asked that Executive Director Brenman provide the report written by Seth Kirby that includes statistics on the number of individuals who have requested to change their gender identity on such things as driver's licenses or state ID.

Commissioner Chair Baros Friedt noted that Executive Director Brenman was nominated for a Distinguished Citizen Award by the City of Seattle Office for Civil Rights and the Seattle Human Rights Commission. The event is being held on December 7 in Seattle. Commission Chair asked that staff provide information about the event to the Commissioners.

Commission Chair Baros Friedt asked about the recent investigator training that some staff attended. This training is provided by consultants through the Department of Personnel and is mandatory for all state personnel who conduct investigations. Staff who attended reported that some of the trainer's comments were very inappropriate, including jokes that were homophobic. They spoke to the trainer, but his response was considered to be somewhat cavalier. Executive Director Brenman sent a letter to DOP and scheduled a meeting on December 11th with the Deputy Director, Mike Sellars and Assistant Director for Training, Christina Valadez to discuss his concerns.

UNFINISHED BUSINESS

Commissioners discussed the meeting schedule for 2007. Commission Chair Baros Friedt asked that the email from Tanya Calahan, Clerk of the Commission, be entered into record. In that email, Ms. Calahan shared some of her suggestions and concerns about the scheduling of meetings for 2007. Discussion addressed issues such as the number of on-site visits, the number of forums and the location and cost of meeting space (e.g., finding locations for the forums that are in close proximity to the business meetings and locating meeting space that can be reserved at little or no cost). Commission Chair Baros Friedt noted that there was discussion in August or September of this year about reducing the number of forums to five or six a year. Commissioners would be responsible for taking the lead on planning a forum for a topic of interest to them.

Another suggestion was to have more presentations by other organizations (e.g., King County Civil Rights) during the business meetings. Commissioner Hebert suggested that annual presentations from various organizations be institutionalized. Commissioner Murinko commented that he likes the idea of having representatives from other Commissions attend to

share information and ideas. He suggested adding a public forum at which representatives of all human rights agencies would participate.

NEW BUSINESS

The Commissioners discussed the need for a strategic planning meeting and the need to be more deliberate in strategic planning and decision making. This will be a topic for further discussion at a future work study session. Commissioner Murinko commented that front-line staff who deliver service and enforce the laws should be involved. Commission Chair Baros Friedt agreed that there should be some staff involvement and noted the distinction between a strategic plan and an operational plan.

Commissioner Hebert reported that he would be attending the Governor's training for Boards and Commissions on December 4.

Commission Chair Baros Friedt reported that the Lemonade Project, which was part of the Olympia Unity in Community Festival in July of 2006, raised over \$6000. The Festival was organized to counter the Nazi presence in Olympia. The money was shared among such organizations as Community Youth Services, Stonewall Youth, the Tacoma NAACP, the NW Immigrant Rights Project and Tikkum Olam.

Executive Director Brenman reported that Justin Boyer, formerly the Washington State/Seattle Unit Leader, left the National Socialist Movement and moved back to Ohio, so he is no longer active in Washington State.

RECONSIDERATIONS

The Commissioners reviewed the reconsideration petitions, background information and Specialist recommendations prior to the Commission meeting.

Elijah Nnadi v. Family Resource Home Care. Complainant appeared to present his case. He alleged that he interviewed, completed all paperwork and attended an orientation for a job with Family Resource Home Care but was not hired. Commissioner Hebert suggested that Mr. Nnadi might be owed for the hours spent at the orientation, but that this would be an L&I issue. Commissioner Hebert made a motion to deny the petition for reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

Nada Verduzco v. T. Dale Townson, DDS. Complainant and Mike Madden, attorney for the Respondent joined by phone. Commissioner Casson made a motion to deny the petition for reconsideration. Commissioner Hebert seconded the motion. MOTION CARRIED.

Steven Weyer v. Securitas Security Services USA. Mr. Weyer joined by phone. Commissioner Hebert made a motion to deny the petition for reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

Michael Gummo and Richard Lennstrom v. Emerald Court Apartments. Mr. Gummo and Mr. Lennstrom joined by phone. Commissioner Hebert commented that there was no validity to the statements made by the complainant during the conversation and that he found the complainant's comments to be appalling and without credibility. Commissioner Hebert moved to deny the petition for reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

Alexander Venger v. Foster Farms. Commissioner Hebert made a motion to deny the petition for reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

ACTION ITEM REVIEW

Jean Ciallella reviewed the action items from the meeting, which are attached to these minutes.

ADJOURN

There being no further business, the meeting adjourned at 2:45 p.m.

Respectfully submitted,

Jean Ciallella for
Tanya Calahan, Clerk of the Commission.

Action Items
November 17 Commission Meeting

1. Commissioner Hebert will draft a letter supporting the Commissioners' decision to provide the Executive Director with a merit increase in recognition of progress made in areas such as production, improved credibility, and training and education.
Status: Commissioner Hebert drafted the letter, which was signed by all Commissioners and sent to Fred Olson, Deputy Chief of Staff in the Governor's office.
2. Commissioners will conduct an interim evaluation of the Executive Director.
Status: This will be an agenda item for discussion at the January meeting.
3. Jean Ciallella will send copies of the Executive Director evaluation for the period ending June 2006 to Commissioners Hebert, Murinko and Cano-Lee, to assist with the interim evaluation referenced in #2 above.
Status: The evaluation was included in the weekly mailing to the Commissioners.
4. Jean Ciallella will send copies of the Position Description Form (PDF) for Civil Rights Investigator 1, 2, 3 and 4.
Status: Those were sent to Commissioner Hebert.
5. Marc Brenman will provide the Commissioners with the report written by Seth Kirby that includes statistical information about requests to change gender identity (e.g., on driver's licenses).
Status: Done.
6. Marc Brenman will prepare budget extrapolations for worst/best case budget scenarios.
Status: Working on this.
7. Commissioner Casson requested a breakdown of costs to conduct Commission meetings and forums.
Status: Tanya developed a breakdown and provided it to the Commissioners at an earlier date. However, she will provide a revised breakdown at the January Commission meeting.
8. Commission Chair Baros-Friedt requested a three-year month to month comparison of HUD cases over 100 days old.
Status:
9. Marc Brenman will follow up on sharing information about the Vancouver office with Representative Jim Moeller.
Status: Done, 12/6/06.
10. Commissioners asked for a report on the December 7th Seattle Human Rights event.
Status:

11. Based on input from the Commissioners at the November meeting, Marc Brenman will compile a new list of topics and locations for 2007 Commission meetings.

Status:

Previous Action Items

1. Tanya Calahan will contact Kim Tanaka of Governor Gregoire's Office and provide contact information for the constituent from the Spokane forum who stated that he received no response from the Governor's Office, after several emails. He accessed her thru Gov's website. (July 06)

Status: Tanya Calahan is researching this information by reviewing audio recording of the Spokane meeting. Information is difficult to ascertain on the audio recording. She will continue to research it.

2. Staff will put the FMLA leave table handed out at the August 24, 2006 public forum on WSHRC's website. (August 06)

Status: Not completed yet.

3. Jerry Hebert will contact Barbara Yasui of the Study Circles Resource Center and obtain a copy of her PowerPoint presentation. (September 06)

Status:

4. Jerry Hebert will find out whether or not the Study Circles materials are available in other languages and alternative format for persons with disabilities. (September 06)

Status:

5. The Executive Director will outline when in-person investigations are particularly advised. (March 06)

Status: The ED drafted documents which the Operations Managers and Deputy Director are currently reviewing.

6. Marc Brenman will send the Commissioners the action plan from the climate survey when available. (August 06)

Status: