

Washington State Human Rights Commission
October 26, 2007
Minutes
Olympia, WA

ATTENDANCE

Commissioners: Yvonne Lopez-Morton, Commission Chair; Ellis Casson; Jerry Hebert; and Shawn Murinko. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Idolina Reta, Deputy Director; Jennifer Greenlee, Operations Manager; Traci Friedl, and Assistant Attorney General. Staff joining the Commissioners for their working lunch: Renee Knight, Administrative Assistant 4; Seth Kirby, Program Specialist 3; Les Smith, Information Technology Specialist 2; Debbie Ralph, Human Resource Consultant Assistant; Amanda Allard, Customer Service Specialist 2; Terecita Torres, David Hamilton, and Mai Kim Ly, Civil Rights Investigators.

OPENING AND WELCOME

Commissioner Lopez-Morton called the meeting to order at 9:05 a.m.

ACTION ITEM REVIEW

Tanya Calahan reviewed action items. She commented that she will have the minutes from the September 27-28, 2007 meeting available for the Commissioners' approval at the November 16, 2007 meeting.

Commissioner Lopez-Morton requested that the Commissioners review Op Ed pieces prepared by the Executive Director prior to submission to newspapers for publication.

The Commissioners and Marc Brenman discussed the farm worker briefing paper project. The paper will address housing as well as other issues affecting farm workers. Columbia Legal Services is doing most of the work on the Department of Labor and Industries (L&I) proposed regulations regarding heat stress. Outdoor workers, especially Latino men are impacted by these rules. Commissioner Murinko suggested a more concerted effort to dialogue with L&I. He also suggested that staff present a tangible idea to L&I

regarding their proposed regulations. Columbia Legal Services sent a document to L&I with proposals. Mr. Brenman will provide a copy to the Commissioners. Commissioner Murinko asked that Mr. Brenman include him in the discussions with L&I.

Human Resources Manager Jean Ciallella continues to gather comparable salary information regarding other deputy director positions in Washington State Government. Commissioner Hebert asked that the ongoing personnel discussions include salary differences; staff job descriptions, staff development, compression, and qualifications of individuals in Management positions

The Commissioners discussed the agency's website. Commissioner Murinko previously requested that staff put the public forum disability accommodation request form on the agency's webpage. Information Technology Manager Tim Reynolds placed a prominent link on the agency's webpage that goes to the Commissioners' webpage. Commissioner Lopez –Morton suggested a welcome page on the agency's website. The Commissioners suggested that staff make the website more user friendly and look at a revising it. The website design and content will be part of strategic planning discussions.

Commissioner Casson suggested that the WSHRC have greater involvement with the Ethnic Commissions and other Boards and Commissions with overlapping work. Commissioner Hebert further suggested a strategic relationship with other Commissioners on other boards; not just Executive Director to Executive Director but Commissioner to Commissioner. This item will be included in strategic planning discussions.

CASE CLOSURES

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

REPORT FROM THE CHAIR

Commissioner Lopez-Morton expressed appreciation for being on the Commission. She recognized the work of previous chair, Kathy Baros Friedt. She asked that Commissioners and staff exercise patience as she gets further acquainted with the work of WSHRC. She commented that she has no personal agendas and she looks forward to getting to know everyone.

She then spoke about her background. She has worked in communications and media relations. She then turned her focus to education, equity, and non profit work as a volunteer. She shared information about her family and volunteer work.

MONTHLY BUDGET AND CASE PRODUCTION REPORTS

Marc Brenman pointed out that sex discrimination complaints have increased as compared to disability complaints. Historically, disability complaints have been higher. Housing disability complaints, however, have increased.

Mr. Brenman then distributed a document regarding a proposal to increase employment jurisdiction to one or more employers instead of the current eight or more. The document identified various scenarios for budget impacts to WSHRC. Costs escalate significantly using the consultation model as described in the document.

Commissioner Murinko expressed that he would support an "Eight to One" bill depending on the language in the bill; especially as it relates to exclusive remedy provisions.

EXECUTIVE DIRECTOR'S REPORT

Commissioner Casson asked for an affirmative action report for all staff of WSHRC. Commissioner Casson spoke about outreach to attract people of color, particularly African Americans to WSHRC.

Commissioner Hebert asked about the gang initiative. Mr. Brenman reported that WSHRC is not taking the lead on this issue but did prepare a gang profiling paper. The task force has a goal to come up with a universal model for identifying gang activities. Commissioner Lopez-Morton spoke about the Spokane model. She suggested waiting for the findings of the task force and then evaluating it for possible improvements.

Regarding Shelton Commission initiated complaint; staff expects a resolution before the end of December 2007.

Commissioner Hebert asked about the bus pass grievance that Mr. Brenman described in his report. Mr. Brenman explained why management agreed to the bus passes. Providing the bus passes was not a guaranteed condition of employment nor should staff expect that the agency will automatically provide bus passes next year. The money was available in the current year's budget.

Commissioner Hebert requested that the Commissioners discuss the Indian Civil Rights Commission project when Commissioner Lee is present. This will be an agenda item for the November 16, 2007 Commission meeting.

Commissioner Hebert suggested that WSHRC make public service announcements, such as on the Washington State Ferry system. This idea will be discussed with other outreach ideas during the Commissioners' planning session/retreat.

OLD BUSINESS

In December 2007 key stakeholders and the Mayor of Vancouver will meet with the Commission on Hispanic Affairs. WSHRC may also be able to access the same individuals. Commissioner Hebert requested that Marc Brenman provide him the exact date of the CHA's meeting in Vancouver.

WORKING LUNCH & NEW BUSINESS

During the Commissioners working lunch, several staff from the Olympia Office joined the Commissioners and introduced themselves. The Commissioners then considered new business.

Commissioner Hebert spoke about the work that he has done with individuals in Snohomish County to help them implement a local human rights ordinance. The group looked at ordinances nationwide to identify a model. At the November 16, 2007 Commission meeting in Everett, guests from the community will take 20 to 30 minutes at the beginning of the agenda. A Snohomish County prosecutor plans to come observe the reconsideration process. The Snohomish County working group will provide an update at the November 16, 2007 Commission meeting.

The Commissioners discussed the format for the November 16, 2007 meeting and whether to have specific time set aside for public comments. Commissioner Casson then suggested that the Commissioners set aside time for public comment as the first item on the agenda, announce it, allow the public time to speak, and close public comment for the remainder of the agenda. The other Commissioners agreed.

The Commissioners next discussed the draft meeting schedule for 2008. They talked about options for work study sessions and public forums, including Friday/Saturday meetings instead of Thursday/Friday meetings. The Commissioners agreed to have their planning session/retreat on Thursday, January 25, 2008 and Friday, January 26, 2008 from 9 a.m. to 4 p.m. in SeaTac. They will hold a conference call meeting on January 30, 2008 from 12 p.m. to 2 p.m. to approve cases and discuss other agency business. Marc Brenman will contact consultant Dee Endelman to facilitate the Commissioners planning session in January 2008, particularly on January 26, 2008.

Commissioner Hebert spoke about the federal Employment Non Discrimination Act (ENDA). He requested that WSHRC go on record to support changes to ENDA to include "transgender" in the protected class definition. He will draft a letter for Commissioner Lopez-Morton's signature. Assistant Attorney General Traci Friedl will also check on legality of a letter of support regarding the ENDA issue. She will research whether the Chair on behalf of the Commissioners can issue a position in writing to support ENDA. WSHRC might need to submit a letter to the federal liaison in the Governor's Office.

ACTION ITEM REVIEW

Tanya Calahan reviewed action items.

EXECUTIVE SESSION

The Commissioners entered an executive Session at 1:55 p.m. to discuss a pending complaint against a public employee.

ADJOURN

There being no further business, the meeting adjourned at 2:30 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

**Washington State Human Rights Commission
Action Items
October 26, 2007**

1. Marc Brenman will prepare a timeline/outline regarding L&I heat stress regulations and ongoing discussions with L&I. Also, distribute the document that lists Columbia Legal Service's recommendations for changes to L&I WACs/rules.

Status: Sent out on 11/12/07

2. Send Commissioner Casson background information for 11th District Legislator, Senator Prentiss.

Status: Tanya Calahan mailed information from Senator Prentiss' website including her bio and most recent newsletters to Commissioner Casson on November 7, 2007.

3. **Strategic Planning Discussion Items:** *Mechanisms for addressing the special interests of ethnic Commissions and reaching more out to them. *Agency website design content. Discuss how to make website more user friendly and look at content from a strategic level. *Outreach & Visibility including public forums. Include items in the discussions such as PSA's on the WA State Ferries. *Legislative Plan (see item D below).

4. Staff will email OFM budget questions to Commissioner Hebert.

Status: Item completed.

5. Agenda item for December 21, 2007 Commission meeting: discussion regarding support of "8 to 1" bill.

Status: Tanya Calahan will add this item to the December 21, 2007 meeting agenda.

6. Commissioner Casson requested that staff prepare an affirmative action report that includes all staff of WSHRC.

Status: Jean Ciallella prepared a report. Tanya Calahan will provide the information to all Commissioners by November 9, 2007.

7. Staff will prepare a follow up report after conclusion of current Commission initiated investigation.

Status: Investigation is ongoing.

8. Commissioner Lopez-Morton will prepare a questionnaire regarding options for public forums and work study session ideas and distribute to all Commissioners.

Status:

9. Commissioner Hebert will draft a letter to of support for changes to the Federal Employment Non Discrimination Act (ENDA) to include “transgender” in the protected class definition. The letter will be for Commissioner Lopez-Morton’s signature. AAG Traci Friedl will also check on legality of a letter of support regarding the ENDA issue.

Status: Per Commissioner Hebert, this item is no longer needed.

Previous

- A. Marc Brenman will write an OpEd piece for the Wenatchee World regarding farm worker housing issues. (September 07)

Status: OpEd submitted; waiting for response. Marc Brenman will provide drafts of future OpEd pieces to the Commissioners prior to submission and publication.

- B. Marc Brenman will write a farm worker briefing paper with the assistance of staff.

Status: Rough draft completed. Item is ongoing.

- C. Personnel follow up: Look at salary differences, staff job descriptions, staff development, compression, and qualifications of individuals in Management positions. (August 07)

Status Personnel discussions ongoing. HR Manager Jean Ciallella is gathering information regarding salaries of other deputy director positions. It’s been challenging to find deputy positions that have comparable job duties to WSHRC’s deputy. Also, staff submitted a decision package to address Manager raises and compression issues.

- D. Legislative Outreach Plan. (April 07)

Status: Commissioner Hebert and Marc Brenman will work on talking points for the Legislature. Legislative Strategy will be part of strategic planning discussion.