

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
COMMISSION MEETING MINUTES
FEBRUARY 27, 2020 AT 9:30AM
CONFERENCE CALL**

ATTENDANCE

Commissioners: Deborah Cook (Chair), Skylee Sahlstrom, Guadalupe Gamboa and David Hackney.

Staff: Sharon Ortiz, Executive Director; Cheryl Strobert, Deputy Director; Sharon James, Assistant Attorney General; Laura Lindstrand, Policy Analyst; Jerry Lee, OPS Manager; Ana Sepulveda, Customer Service Specialist 2; and Deborah Gonzales, Commission Clerk.

OPENING AND WELCOME

Chair Cook chaired the meeting and called the meeting to order at 9:35AM.

MEETING MINUTES

Approval of the January 23, 2020 Minutes was postponed until the next scheduled meeting.

CASE CLOSURES

The following cases were pulled prior to the meeting for additional review:

Mendoza, Elias v DBD Washington, LLC
Kautzman, Mark v. Taco Time Northwest
Knutson, Cassandra v. Tacoma Goodwill Industries
DiNardo, Tom v. Skagit Regional Health
DiNardo, Tom v. The Everett Clinic
Payton, Starlette v. Providence- St. Joseph Health

Commissioner Sahlstrom made a motion to approve the remaining cases for closure;
Commissioner Gamboa seconded the motion and the motion was carried.

BUDGET UPDATE

Executive Director Ortiz announced that the Senate, House, and Governor's budget was released. The agency should be receiving funding for two additional investigators, as well as additional funding for cases referred to the Attorney General's office to litigate. Other legislative bills that passed may require additional investigators since it will affect the agency's jurisdiction.

LEGISLATIVE UPDATE

Policy Analyst Laura Lindstrand provided a legislative update.

Senate Bill 5165 involves discrimination on the basis of immigration status which would add a protected class to RCW 49.60. It will be in executive session on February 28th, and is likely to pass. The agency has always included immigration status under national origin so it should not impact the agency in the number of cases received. One of the benefits of having this included in

the language is that it will provide clarity in regards to the agency's jurisdiction over any allegations made. *There was no clear definition for immigration status provided in the bill.*

Senate Bill 6034 would change the statute of limitations for pregnancy discrimination from 6 months to one year. It will also be in executive session on February 28th and is expected to move to a floor vote. A fiscal note was submitted for additional staff since the increase time of the statute of limitation could result in more complaints filed.

Senate Bill 6182 requires closed captioning on televisions who have that capacity in all places of public accommodation. It is expected to go into executive session on February 28th. There would be a \$75 penalty for any entity who does not have the closed captioning. A fiscal note is due since it may impact our agency, including the need to travel to the location to verify their capabilities to provide closed captioning.

Senate Bill 6205 prevents harassment of long term care workers. Labor & Industries was designated as the lead agency. A workgroup involving our agency and Labor & Industries will explore the issue of harassment of long term care workers.

House Bill 1783 the office of equity passed the house with some amendments and will be in executive session on February 28th.

House Bill 2511 is a companion bill to Senate Bill 6247 regarding protection for domestic workers. It is currently in executive session, and there should be a final substitute bill soon. A fiscal note may be needed to address

House Bill 2602 regarding ethnic hairstyles is headed towards a floor vote. This would fall under a broader category of race discrimination.

House Bill 1056 deals with workplace domestic violence has passed onto the Rules Committee for second reading. It will not impact the agency directly, and appears it may be heading toward a floor vote.

House Bill 2266 allows for the expression of breast milk at work. The jurisdiction will fall to the Attorney General's Office. It will slightly impact our agency when receiving calls, then referring these types of issues to the appropriate office.

COMMISSIONER REPORTING

On January 29th, Commission Hackney traveled to Olympia and distributed a list that Executive Director Ortiz had provided to all Commissioners. He did have four appointments with representatives, and met with their staff. He met with the staffers from Representative Sherry Appleton's office with the 23rd District, Representative Steve Bergquist's office with the 11th, District, Representative Gael Tarleton's with the 36th District, and Representative Pat Sullivan's office with the 47th District. The staffers indicated that all their members were open and likely to approve the topics covered in the list he provided. He discussed the struggles of the agency since the budget cuts, and how the number of complaints filed are rising.

He also attended a tenant law seminar. A topic that was discussed was whether or not webpages were ADA compliant for individuals who are visually impaired. Recent case law supports that webpages are accommodations, and websites are to be accessible under the ADA.

AAG UPDATE

Assistant Attorney General Sharon James spoke with Division Chief Colleen Melody of the Civil Rights unit at the Attorney General's Office. She was provided with three updates to report. In *HRC v Thomas*, the administrative law judge concluded that the Respondent did not discriminate against the biracial family who were sued for violating restrictions applicable to their land. Although many other neighbors admitted they violated the CCR, the biracial family was the only one sued for those violations. Despite this and the testimony that the property owner made discriminatory statements against the biracial family, the administrative law judge ruled in favor of the Defendant. HRC submitted a petition for review with the King County Superior Court, and a scheduling order should be issued in 2020.

The Attorney General's Office filed a housing discrimination suit in Clark County Superior Court on behalf of the HRC after the Complainant elected to have her complaint heard in superior court. The Commission alleges that Linda Haring discriminated against a family when she refused to provide a requested reasonable accommodation to a member of the family who was diagnosed with cancer. Instead she terminated the family's tenancy. Specifically the complaint alleges Haring refused to fix the family's central heating system after the family member, whose first cancer removal surgery affected her body's ability to regulate its temperature, requested this repair. Haring did this despite notification that rats had gotten into and contaminated the vent with rat hair and feces. Instead of making the needed repair, Ms. Haring served the family with an End of Tenancy Notice just two days after that family member underwent a second cancer removal surgery. Ms. Haring's actions left the family without sufficient heat for nearly a month and for forced them to secure alternate housing.

The complaint in *HRC v. Lopez Gomez* was filed in Yakima County Superior Court on January 21st. The HRC alleges that the defendant discriminated on the basis of familial status, which is in violation of WLAD, when the defendant refused to rent an apartment to a family because the family had three young children. The Commission investigated and concluded that there was reasonable cause to believe there was a violation of WLAD. The Commission filed a law suit after unsuccessful attempts to conciliate the matter, and the court has not yet set a trial date.

2019 COMMISSION MEETING SCHEDULE

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| March 26, 2020 at 9:30AM: | Via Conference Call |
| April 23, 2020 at 9:30AM: | Via Conference Call |
| May 28, 2020 at 9:30AM: | Mount Vernon, WA - tentative |
| June 25, 2020 at 9:30AM: | TBD |

ADJOURN

There being no further business, the meeting adjourned at 10:16AM.

Respectfully submitted by,
Deborah Gonzales