

**WASHINGTON STATE HUMAN RIGHTS COMMISSION**

**COMMISSION MEETING  
JULY 26, 2012 AT 9:30AM  
711 S. CAPITOL WAY, SUITE 402  
OLYMPIA, WA 98504**

**MINUTES**

**ATTENDANCE**

**Commissioners:** Stephen Hunt, Chair; Shawn Murinko, Commissioner; Clarence Henderson, Commissioner; Charlene Strong, Commissioner; Deborah Lee, Commissioner. A quorum was present.

**Staff:** Sharon Ortiz, Executive Director; Cheryl Strobert, Assistant Director; Laura Skinner, Executive Assistant; Stacia Hollar, AAG.

**OPENING AND WELCOME**

Chair Hunt called the meeting to order at 9:33AM.

**MINUTES**

Commissioner Murinko made motion to approve May 24, 2012 meeting minutes; Commissioner Strong seconded; motion carried.

Commissioner Henderson abstained from approving the May 24, 2012 meeting minutes; was not in attendance.

Commissioner Murinko made motion to approve June 28, 2012 meeting minutes; Commissioner Henderson seconded; motion carried.

Commissioner Strong abstained from approving the June 28, 2012 meeting minutes; was not in attendance.

Chair Hunt and Commissioners had discussion on Commissioner's attendance at meetings; will revise Commissioner Attendance policy; further discussion on policy after Commissioner Reporting.

## **CASE CLOSURES**

Commissioner Murinko recues from voting on case Desdier-Nelson v. WA ST DOT and Goode v. WA ST DOT.

Commissioner Strong makes motion to approve the above named case closures; Commissioner Henderson seconds; motion carried.

## **CASE CLOSURES CONTINUED**

Commissioner Henderson had question regarding closure memo for Miller v. Chesterfield Services; needed to know Respondent name.

Chair Hunt had question regarding case Chekenian v. Lucky 7 Sports Bar & Restaurant; letter was sent to charging party; issue resolved; case pulled from agenda to clarify; discussed sending technical assistance letter to Respondent.

Commission Murinko made motion to approve case closures; Commissioner Lee seconds; motion carried.

## **RECONSIDERATION**

Director Ortiz explained reconsideration process to new Commissioners.

Assistant Director Strobert presented reconsideration, Maria Garcia-Rojas v. YMCA of South Puget Sound; specialist reviewed the case file and found no misapplication of the law nor relevant information that was submitted but not considered; provided overview of complaint filed by Complainant; discussed witnesses provided and why they were not contacted; discussed with Commissioners the subpoena process and when to subpoena a witness; discussed exit interview.

Commissioner Murinko made motion to deny request for reconsideration; Commissioner Strong seconded; motion carried.

## **ED REPORT**

Director Ortiz commented that June was the end of the fiscal year; spoke about the all staff training and Bill Tamayo from the EEOC who conducted a sexual harassment training; had presentation at the all staff from Living Voices on Women's Suffrage.

Director Ortiz explained next step in the rule making for sexual orientation and gender identity, public hearing to possibly be held in September or October; Commissioner Strong stated will know more in November after voting takes place; possible language changes.

Director Ortiz discussed the grant from HUD regarding testing cases; WSHRC will own the results.

Director Ortiz previously spoke with Meg Winch, Chair of the Snohomish County Human Rights Commission, about the offer to pay for two investigators; contacted L&I about satellite office, free space; contacted the AG for legality; discussed recruitment positions for two investigator 2 positions, a Bilingual Customer Service Specialist and a Management Analyst for budget and public records oversight.

Director Ortiz pointed out the upcoming HUD audit scheduled for August 16, 2012; discussed the service animal law and the difference between State and Federal; needs to be changed to reflect HUD; HUD has no definition of service animal considers this a reasonable accommodation; Laura Lindstrand, Policy Analyst, and I met with David Lord and Toby Olson regarding language which HUD has already accepted; will meet with Alexis Oliver on 07/30/2012; Commissioner Murinko to assist with language change.

Commissioner Murinko acknowledged the 22<sup>nd</sup> anniversary of the passing of the Americans with Disabilities Act; no jurisdiction over transportation issues; Director Ortiz stated we may have some jurisdiction, look at interpretation of the law; look at ADA regarding failure to accommodate; discussed statutes of disability issues.

Commissioner Murinko suggested starting work group on disability issues; Commissioner Henderson to assist in work group.

**BREAK 10:50AM**

**RESUME MEETING 11:03AM**

Commissioner Lee departed the meeting early to join the Nisqually Indian Tribe at Canoe Journey to welcome the Canoe Family's to Nisqually Land. A quorum is still present.

Chair Hunt addressed the case load of 80 per investigator; Assistant Director Strobert stated approximately 80 cases per investigator; Chair Hunt encouraged Director Ortiz and Assistant Director Strobert to alleviate high case load.

**ED REPORT CONTINUED**

Director Ortiz commented on investigator pending lists have increased; informed Commissioners the website and IQ's reflect changes such as do not file a complaint if it has to do with a religious institution, tribal related, or a federal entity; explains no jurisdiction.

Director Ortiz provided charts to Commissioners regarding types of cases and details of complaints.

Assistant Director Strobert announced submitted request to EEOC for upward modification of cases to 650.

Director Ortiz describes various meeting attended throughout the month.

**From Assistant Director Strobert:**

EEOC team on target this month, closed 56 cases; HUD team closed 7; 25 non contract cases were closed; attended various meetings.

**From Laura Lindstrand, Policy Analyst:**

Received our first conveyance industry whistleblower complaint, Complainant is in the Spokane area whom made a complaint regarding unsafe elevators to the City of Spokane; he was eventually banned from his work site and then fired; Investigator, Heidi O'Day, is assigned to investigate this case; we have sent a technical assistance letter to all conveyance contractors who do business in Washington state, advising them of the new law.

All four rulemaking workgroups on sexual orientation have been held; notes have been compiled and compared to the initial draft; next step to update draft rules with information gathered at workgroups.

**Outreach Report by Janice Whitman, CRI4:**

On July 12, 2012 investigator, Heidi O'Day, appeared on Radio Cadena to a Spanish speaking audience; provided information on RCW 49.60, answered questions; On July 11, 2012 Heidi also conducted training for management and staff at Spokane Housing Authority; On June 20, 2012, Janice Whitman presented training on disability, reasonable accommodation and the ADA at the Pierce County Leadership Conference.

**IT – Teddy Levenson:**

All HRC offices were assessed in March and April for technology issues; projects and plans were discussed and are moving forward with changes, upgrades and updates; "Exchange 2010 migration of our email & Vault with CTS" was completed in May; Olympia server room was reorganized and climate control enhanced also done in May; Projects are progressing, deployment of time keeping software, VDI (Citrix), desktop upgrades, web clean up and online forms; planning has begun for internal website and redesign of external website; Symantec virus protection server deployment and backup server deployment.

**COMMISSIONER REPORTING**

**Commissioner Strong:** have been in contact with the Democratic National Convention to speak on behalf of the LGBT community; attended the June 20<sup>th</sup> rule making meeting in Seattle; met with Senator Murray's LGBT liaison and was asked to submit problematic issues to him on behalf of the LGBT community; had crafted a letter regarding the

memorandum that was put out by the President two years ago regarding the LGBT community, addressed this with the Hospital Association and offered training for staff to assist in understanding new law; submitted letter to Senator Murray regarding the work done; also attended work group with Director Ortiz on June 6, 2012.

**Commissioner Murinko:** nothing to report in terms of outreach; once work groups resume, will work with Laura Lindstrand.

**Commissioner Henderson:** nothing to report.

**Chair Hunt:** Have been in contact with EEOC, Mike, Director in San Francisco office regarding space at the EEOC Seattle office for HRC staff to work out of, possibility, will follow up on this; will be meeting with Spokane staff for two days on August 7, 2012; will participate in a 2 day training session EEOC holds for the Indian Tribes in Coeur d'Alene Idaho, will present on the second day.

**Commissioner Strong:** added she spoke at the CIA who have implemented diversity training; provided curriculum on documentary; brought in to speak; discussed tour that was given; very interesting training.

#### **COMMISSIONER POLICIES**

Chair Hunt stated the Commissioner Attendance policy needs to be revised; discussed possible revisions and procedures with Commissioners; AAG Hollar suggested considering a Vice Chair if Chair is not available and stated will research other Commissions and their policies; Chair Hunt stated will start new policy next meeting.

**LUNCH BREAK 11:47AM  
RESUMED MEETING AT 12:20PM**

#### **NEW BUSINESS**

Director Ortiz spoke about Snohomish County and their proposal of staffing to investigators; looking to find free office space in the Tri Cities for HRC staff.

Commissioner Strong asked about Snohomish County and our assistance to them; Director Ortiz stated have been assisting them, provided a training; Commissioner Strong suggested sending a technical assistance letter out to Commissions around the state offering assistance and support in regards to persons filing a discrimination complaint; discussed nature of the letter, would provide proper information in regards to filing a complaint and statute of limitations in regards to serving the citizens of the state; Chair Hunt agrees, send out to all Commissions; Director Ortiz suggested Commissioners meet with Snohomish County.

Chair Hunt advised to hold three or four meeting outside of Olympia; Commissioner Murinko suggested holding a meeting in Yakima; Chair Hunt would like to hold a meeting in Spokane May 2013.

Director Ortiz stated Tri Cities satellite office is a need; Chair Hunt discussed Juanita Soto contracting cases and providing outreach; Commissioner Murinko stated Juanita is a community liaison once retired, lost the connection; Chair Hunt is in agreement to have Juanita for contracting cases.

Chair Hunt advised at the September 2012 meeting will plan for 2013; Director Ortiz expressed to plan on September meeting being longer.  
Commissioner Strong stressed the Commission needs to participate in better outreach.

Commissioner Murinko will plan legislative strategy and veteran status rule making;  
Commissioner Henderson to assist with legislative outreach.

**ADJOURN**

There being no further business, the meeting adjourned at 12:50PM.

Respectfully submitted,

Laura Skinner