

Erie County Human Relations Commission (ECHRC) – Commissioners Meeting

Minutes/Notes – March 26, 2019 Meeting

Call to Order/Roll Call:

The Meeting was called to Order by Commission Chairperson Shawnta' Pulliam-Brown at 6:31 PM.

Commission Members Present: Shawnta' Pulliam-Brown (Chair.); Christine Mitchell (Sec.); Tracy Leet; Connie Manus; Hallie Hillinski; Willie McAdory; and Melonie Jackson.

Commission Members Not Present: Mary Jo Campbell (V. Chair.) (out-of-state); and James Wandless (out-of-state).

ECHRC Staff Present: Tony Logue and Wayne Harbison

Invited/Public Guests: Erie County Councilman Carl Anderson; Erie City Councilperson Kathy Schaaf; and Erie County Council Clerk Doug Smith.

Approval of Commissioners Minutes / Notes:

The Minutes of the February 26, 2019 meeting was unanimously approved by the Commissioners.

Guest / Public Comment(s):

There was discussion regarding the January 2019 minutes approval. They were approved at the February meeting. A copy of these minutes is to be provided to Chairperson since she was not able to attend the February meeting. November 2018 minutes were not prepared during the initial transition from HRC member (Sec.) to staff now taking minutes during the re-organization. Future minutes are to be prepared and distributed to the members as soon as possible after the meeting. ECHRC agreed that minutes should go out closer to the meeting so that issues discussed would be fresher in our memories. In regard to taking the minutes, Chairperson Pulliam-Brown recommended that the By-laws should be amended to reflect this change.

It was also recommended by the HRC Director that the Commission consider assisting in the update of the HRC's By-Laws to ensure they are in agreement with the changes to the Ordinance. It was recommended that a Committee be formed. The Director is looking to work with the Commission on the changes.

Commissioner Leet recommended that a "back-up plan" be established to ensure minutes are kept and that we don't miss any minutes like what happened for the past November meeting. The Chair asked members to keep notes their own notes that could be shared in case the recording process is not available.

It was noted that Commissioners Manus and Hallinski were now in attendance.

Chair Report / Commissioners Comment(s):

The Chair presented discussion about a letter received from the County Executive's Attorney Richard Perchacs Received on or about November 29, 2019 (copied to HRC Commissioners and County Council) concerning County Council's 11/2/18 action on the appointment of Attorney Tony Logue as the new HRC Director. The Chair read the

letter aloud to those present (to be attached). The letter regards legal issue(s) raised by the County's administration concerning the changes to the Ordinance and its impact in the hiring selection process of Mr. Logue. It was felt that the change in the process violated the PA Human Relations Commission Act. The Chair also discussed her research and further contacts with others at the State and/or local municipal officials concerning the ordinance and the hiring process. Reference in the letter was also made regarding Atty. Perhacs's research into the possible violation of the PA Human Relations Act - Section 962(c). The Chair also had also spoken with PA HRC Staff attorney in Harrisburg about this matter. The Chair indicated that their office would not be able to get involved and was aware of similar commissions having a hiring process that involved Council instead of Commissioners in hiring HRC Staff. The PA HRC attorney believed that the City of Reading may operate that way. The Chair was had spoken with Reading about this and confirmed that City Council was responsible for employment process. Chairperson Pulliam-Brown indicated a report about her research was shared with Commission members. Some members still had concerns about the legality of the process and possible violation of the PA Constitution/HRC Act. This info and further discussion about authority/legal issues was shared with other Commission members. The Chair stated she also met with the County Council Chairperson Mr. Fiore Leone concerning the Home Rule Charter (Article 9 Sec. 2) and County Council's authority to make ordinance changes. The Chair had consulted with Atty. Perhacs about his availability to discuss this issue further. The Chair also indicated that this info was shared with other Commissioners during a Special Commissioners Meeting a week prior to the Commissioners Regular Meeting. Staff requested copies of the Attorney Perhacs letter and related info for the record. The Chair agreed to provide HRC Staff with a copy. Commissioner Leet continued the discussion about the situation is still under an on-going investigation. Some Commission members may still not be satisfied with discrepancy between Erie County's Home Rule Charter v. PA State Law regarding involvement in the current hiring process. Commissioner Leet was also still trying to gather additional information.

Chairperson Pulliam-Brown discussed outreach efforts with the PA HRC Regional Director Lyle Wood of Pittsburgh about providing training to Commission, Advisory and Staff members. The chair requested any input for topics or subjects for discussion or training. Commissioners were to inform her so she can get back with them. Commissioner Mitchell asked if there a listing of subjects. Topics such as investigations and hearing process would be of interest. Commissioner Manus agreed with the need for further training. In addition HRC Staff has been in contact with Marcel Baldwin of the EEOC Cleveland office about providing training this June. We are discussing possible dates with him. Training during this time frame would replace the Annual Employment Training normally held during this time of year.

Erie County Council Clerk Doug Smith requested re-consideration of the previous item in regards to the ECHRC hiring process and its history. Past issues regarding the staffing, handling and processing of cases became a serious issue for County Council members. Because of those issues, County Council found it necessary to take the steps to change the Ordinance and become more involved in the oversight of the office and its staff. Mr. Smith acknowledged that under Director Logue noticeable progress is being made since the re-organization. He also was concerned that some continuing efforts may be working to undermine the Director and the re-organization or not reflect well on the future of the agency. He requested that those Commissioners who have continued concerns work towards a common goal. Commissioner Leet noted that previously that under former Chairperson, the Commissioners made it clear that they still wished to participate in the hiring process but were not included. This issue is part of the on-going investigation. Commissioner McAdory requested clarification about the authority of Commission v. Council authority over ECHRC staff and its operations. Mr. Smith tried to clarify the political realities to the Council's position (budgeting). Discussion continued about oversight and evaluations of staff. Commissioners acknowledged that past evaluation of staff was not done by the Commissioners. Chair Pulliam-Brown asked whether they could be consideration to change the ordinance back in some form. Mr. Smith suggested that Commissioners and County Council has the option to consider making future changes to the Ordinance. Commissioner Jackson asked for clarification about how the process to change in the Ordinance came about and how it was shared by County Council. In July 2018 a Search Committee was formed by the Commission/Advisory Members to participate in the hiring/ selection process. Commissioner Leet and other members volunteered but were not able to participate which was discouraging. Erie County Councilmen Carl Anderson discussed his understanding of how the process moved forward with the approval of County Council and County Executive of the Ordinance changes. His goals are to have

better involvement with the Commissioners. He recommends the Commission/Commissioners ask for meeting(s) with some or all of the County Council members in moving forward.

Chair also addressed the Commissioners and County Council representatives to be mindful and respectful of Mr. Logue and staff as we address the issue of the Ordinance. She also stated that the Commissioners must respect Tony Logue's role and position as our Executive Director, as we move forward on addressing the concern of the Commissioners.

Commissioner McAdory raised questions of who has authority over the Commission. Mr. Smith explained his understanding of the roles of the Commission as an independent judicial body.

Director's Report:

Director Logue acknowledged his staff person Wayne. He also welcomed new Commission Member Melonie Jackson from the HR Dept. of UMPG NW. She shared her background. She stated she had over 20 years of HR experience in Michigan and Texas before coming to Erie recently. She looks forward to working with the Commission.

Director Logue updated the Commissioners about the expansion/update of the ECHRC office. Currently our office occupies Suite 812 and starting April 1st, we will be expanding to the adjoining Suite 811. Commissioners were invited to see the new area that will be undergoing renovations soon. With the expanded space future Advisory and Commission meetings will be better accommodated. We also expect to have additional work station for assisting in legal preparation as well accommodating college interns. Future activities include guest luncheon speakers, wi-fi access and meeting space availability for Advisory/Commission members' use. It is also expected that EEOC trainings, Erie Reader staff and others will be invited to speak or provide training.

Director Logue also briefly discussed future efforts to continue the education of HRC Commission and Advisory Committee members and the public of the roles and limitations of the ECHRC.

The term "audit" as contained on the Agenda refers to the case load information and status of the complaint process. Commissioner McAdory will serve as the Commission Analyst in reviewing cases for dismissal or withdrawal. A discussion of the process was summarized. Cases are moving along at a good pace. Time frames are to be move quickly. In general cases are to be resolved in 3 to 12 months. A continuing case log is requested by the Chair to help them follow along with the progress of cases. A better spreadsheet system and call log is being developed.

Old Business:

Discussion on the status of the Finding(s) of the Public Hearing Panel concerning the Woodard v. Melegrango (Housing Discrimination) case included the delay in finalizing the written document. Attorney Bryan Spry is working to complete it as soon as possible. Commissioners expressed concern in concluding this case in a timely manner. According to the Director, the possible appeal by the Respondent may be of some concern to Atty. Spry and he wants to ensure of its completeness. The Director stated that he will follow-up with Atty. tomorrow since he was unable to attend today's meeting. Discussion continued concerning the availability Atty. Spry. Though the Director and Commissioners expressed their positive satisfaction with Atty. Spry and his work but they are however also concerned about timeliness and how it may reflect on the ECHRC. Commissioners agreed to request that the Findings(s)/Opinion(s) be submitted by April 5th. He Director agreed to contact him about the requested deadline.

Next discussion concerned the ECHRC request for FY 2019 City of Erie Community Development Block Grant (CDBG) funds from HUD for continued Fair Housing Public Service Announcements (PSAs) for next year as well as a new request for funding of Education/Outreach materials. ECHRC requested a total of \$10,500 (\$8,000 for PSAs

and \$2,500 for Education/Outreach). The new request for funding of Education/Outreach materials would be matched with \$2,500 in County funds set-aside in ECHRC budget. The City has tentatively approved \$8,000 of our request. We hope to negotiate the possibility of utilizing some funds for Education/Outreach. The first CDBG Public Hearing was held the first week of March and second will be held on April 6th.

The PSAs for this year will start airing this week on all the major television broadcasters in the Erie area (WSEE & digital Affiliates, FOX, WJET, CW). Both cable/satellite and non-cable/non-satellite viewers will have access. Two PSA versions will be aired. We also may looking at additional radio PSAs in the near future. The TV PSA's will run from now through the end of the June CDBG contract.

A question was raised by Commission Leet about the Seminars (Housing & Employment) that the ECHRC sponsored. Director Logue discussed the on-going re-organization of the office and the clearing the backlog of cases it was decided that the ECHRC may be off addressing these issues as priority with a focus on the education of the Staff and Commissioners. He also discussed having more focused outreach and education with a variety of municipalities and organizations (Corry, Union City etc.).

Discussion moved to the selection and establishment of the Hearing/Motions Panel as well as the establishment/appointment of a Commission Analyst. Director Logue discussed the proposed selection of Commissioner McAdory as the Analyst. Since it is proposed that McAdory be the Analyst, he would not therefore be involved (recused) from any Hearing or Motions Panels during that appointment. Commissioner Leet volunteered to serve on the Hearing Panel (Motions) Chair. It is proposed that Commission Analyst would assist the Staff/Attorney in reviewing any deciding proposed actions of cases to be dismissed or withdrawn. This will be done on as needed basis depending on the number of cases being considered. A discussion also was had concerning the appointment to the Motions Panel. Newly appointed Commissioner Jackson was invited to participate.

Commissioners were also informed about the delays (elevators) in getting the ECHRC offices completed for the May 2019 Commissioners Meeting. Once completed the office will be self-contained and will not require off-site meetings in conducting routine business. Another Commissioner/Advisory Committee Meeting will likely be held in May.

Commissioner McAdory re-introduced his concern about the lack of black folks not being representative in the ECHRC office. He wants to see a change. Discussion continued about the two ECHRC Staff positions and the involvement of Legal Staff. Staffing issues could be discussed with County Council.

Adjournment:

The meeting was adjourned at 8:05 PM.