

SENATE STATE GOVERNMENT COMMITTEE

TESTIMONY OF M. JOEL BOLSTEIN

JUNE 7, 2016

Senator Folmer, Senator Williams, Members of the Committee, my name is Joel Bolstein. I am an attorney at Fox Rothschild, I live in Doylestown, Bucks County, and I currently serve as the Interim Chair of the PHRC. I was asked by Governor Wolf if I would take on the role of Interim Chair in April, and I said yes. I was originally appointed as a Commissioner by Governor Ridge in 1999, then reappointed twice by Governor Rendell, and most recently the Senate confirmed my reappointment by Governor Wolf, so thank you for giving me another five-year term.

I wanted to give you an understanding of the role of a Commissioner versus the paid professional staff which is overseen by the Executive Director. The Pennsylvania Human Relations Act (PHRA) created the Commission and gives the Governor the authority to appoint the eleven Commissioners, who each serve a 5-year term, with the advice and consent of a majority of the Senate. The Commission is bipartisan. The PHRA says no more than six Commissioners may be from the same political party. To be honest, in the seventeen years I have been a Commissioner, I've never spent one minute thinking about any Commissioner's party affiliation. It's more non-partisan than bipartisan. All Commissioners serve as volunteers. It's not a full-time position. We are not Commonwealth employees.

The specific roles and duties of the Commissioners are set forth in a policy document adopted by the PHRC in 2004, a copy of which I have attached to my testimony. To summarize,

Commissioners are expected to attend monthly meetings either in person or by phone. Those meetings are organized by the staff and run by the Chairperson. During those monthly meetings, the Commissioners are given a number of reports by the staff. I have attached a copy of the agenda for the public session and meeting minutes from a recent monthly Commission meeting so you will have an appreciation of the way the meetings are organized. The Commissioners hear reports from the Executive Director, Chief Counsel, division directors and regional directors. Those reports summarize the activities of staff since the prior meeting and provide an update on case activities. We also hear reports on the budget and strategic plans.

Occasionally, but not on a regular basis, Commissioners will play a role in developing policy or guidance for the Commission. Usually the ideas bubble up from the staff who see a recurring issue and then discussions begin on whether that issue is significant enough to warrant a policy or guidance so complainants and respondents will understand how the Commission intends to handle complaints touching upon that issue. For example, the Commission staff saw a problem with predatory lending, and it created a draft policy which was reviewed and approved by the Commissioners, so we could explain that the Commission had jurisdiction and articulate what activities would be prohibited as discriminatory types of predatory lending.

Occasionally, where an investigation by the staff has found probable cause and conciliation efforts have failed, Commissioners may be assigned to panels to hold hearings, issue subpoenas, receive testimony and adjudicate cases. The Commission has a full time paid Hearing Examiner who also hears cases. After the evidence from the hearing is put into a transcript, each Commissioner must review the transcript, any documents placed in evidence, and the full Commission votes on proposed findings of fact and conclusions of law. This

adjudicative role requires Commissioners to avoid any involvement with a complaint or the progress of any individual case as it works its way through the Commission staff. Again, since we all serve as volunteers, the majority of cases are heard by the full-time paid hearing examiner and panels are convened generally on an infrequent basis. I would say I might serve on 2 or 3 panels that go to hearing each year. In some cases I will get assigned to a panel but the case will settle prior to the hearing.

The Commissioners are also expected to act as goodwill ambassadors for the Commission by being active in their communities, working with local advisory councils of the Commission, and explaining the role of the Commission and its responsibilities.

One way to look at the Commissioners is that we are like the board of directors of a corporation or non-profit and the Executive Director is the CEO. The Commissioners aren't expected to supervise the Commission's staff. We have no actual control over the day to day operations. Our shareholders, who I would consider to be the citizens of Pennsylvania, would expect the Commissioners to come to the board meetings prepared to ask the right questions to ensure that the Executive Director and paid professional staff are implementing the mission of the Commission, which in this case is to prevent unlawful discrimination.

At its heart, the PHRC is a creation of the General Assembly. Our jurisdiction is set by statutes passed by the General Assembly, and our budget is set on an annual basis by the General Assembly.

To the extent the General Assembly believes the Commission is useful and serves an important function for its citizens, then I would urge each of you to think seriously about

supporting an ongoing sustainable level of funding for the agency. I can't say exactly how many full time professional staff are needed to fulfill the important role of the Commission. I just know that the current circumstances present a very challenging environment for the staff to act on complaints filed by your constituents in a timely fashion. Also, I know the Commission staff is limited in the amount of outreach and training it can provide due to vacancies that it has not been able to fill. When I started my tenure on the Commission, we had over 200 paid professional staff. Now we are down to 77 at the latest count. I'm all for streamlining government. The problem is the Commission's work has not decreased. We are not an advisory commission. When a complaint is filed we have a statutory duty to investigate and, if necessary, prosecute to a resolution. Investigators now routinely handle caseloads of 80 to 100 cases at one time. More investigators would definitely be helpful. If the Governor's proposed budget for the PHRC were to be enacted, the Commission's staff complement could go from 77 to 104.

For me, it's an honor to serve on the Commission. My grandparents came to this country so they could freely practice their religion. That religion compels me to do good deeds and try to help people in need. The Commission's mission is to help Pennsylvania become a discrimination-free society. We are clearly not there yet. You only need to count the number of complaints coming into the Commission to know we still have some distance to go. Can we get there? I would like to hope we can, but discrimination has existed for thousands of years. The effectiveness of the Commission in helping achieve that mission is a function of how efficiently the paid professional staff works within the confines of the budget provided by the Commonwealth.

As a Commissioner, I try to be as supportive as possible of the staff and its efforts to provide justice to the citizens of Pennsylvania who deserve to be protected from discrimination. I would like the PHRC to be a place where everyone -- Commissioners and staff -- works together toward a common goal, which is fighting discrimination in all its forms. I care deeply about the Commission. I appreciate and respect all of the Commissioners I have served with over the years. Jerry Mondesire, who for years served as the Chair of the Pennsylvania Chapter of the NAACP, was a good friend who I sat next to at Commission meetings for years. We may not have been from the same political party, or the same race or religion, but we were friends and I greatly respected him and learned from him, just like I try to do with everyone. And on the PHRC we were both highly motivated to help people. I think everyone who serves as a Commissioner is motivated for the right reasons. As I said, it's a volunteer position. You have to be asked by the Governor to serve, and that is a great honor and it carries great responsibility.

As a Commissioner, I don't expect to involve myself in the day to day workings of the Commission or its staff. That's the job for the Executive Director and the other managers. We were created as a civil rights agency, we remain a civil rights agency, and our job is to deliver justice. As long as I am Interim Chair, that will be what we try to accomplish, as best we can, with the resources we receive from the Commonwealth.

I think every person working at PHRC is highly motivated to do the right thing, work hard, and they believe in the mission. And I will support their efforts 100 percent.

Thanks to you, I have another 5 years to keep working with that staff who I greatly admire for their passion and dedication to the mission of the PHRC.

ROLE AND DUTIES OF THE COMMISSIONERS APPOINTED UNDER THE PENNSYLVANIA HUMAN RELATIONS ACT

(Approved at the April 26, 2004 Executive Session)

INTRODUCTION

The Pennsylvania Human Relations Commission is composed of 11 Commissioners who are appointed by the Governor with the advice and consent of a majority of the members of the Senate. No more than six may be from the same political party. Commissioners serve for a term of five years or until a successor is duly appointed and qualified after the five-year term runs. The Governor appoints the Chairperson and the Commissioners elect a Vice Chairperson, Secretary and Assistant Secretary. A Commissioner's seat is forfeited if the Commissioner fails to attend three consecutive meetings unless the Chairperson receives written notification from the Commissioner that the absence is due to personal illness or the death or illness of an immediate family member.

The 11 Commissioners of the Pennsylvania Human Relations Commission have the ultimate responsibility for the enforcement of the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA). In fulfilling their role as Commissioners, the duties can be broken down into six basic functions: 1) policy making, 2) Commission oversight, 3) adjudication, 4) investigatory hearings, 5) public liaison and 6) other duties.

For purposes of simplicity, all further references shall be to the PHRA, which should be understood to include the PFEOA.

I. POLICY MAKING

Section 7 of the PHRA establishes the powers and duties of the Commission. This section gives the Commission, and the Commissioners, the responsibility to:

1. Formulate policies to effectuate the purposes of the Act.
2. Adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of the Act.
3. Make recommendations to agencies and officers of the Commonwealth or political subdivisions of government or board, department, commission or school district thereof to effectuate such policies.

Additional areas of policy making:

1. Propose legislation to expand the jurisdiction of the statutes enforced by the Commission.
2. Comment on proposed legislation that does not amend the PHRA as to its impact on civil rights. This includes supporting such legislation, recommending that such legislation not

be enacted, or proposing amendments to such proposed legislation. Comparable action may be taken regarding proposed regulations of other agencies.

Manner in which issues may be raised:

1. Issues may be brought to the attention of the Commissioners by staff, with or without a recommendation for taking a position, at the time that the issue is raised.
2. One or more Commissioners may raise an issue and refer it to staff through the Executive Director to look into the issue and report back *to* the Commissioners with a recommendation.
3. One or more Commissioners may raise an issue and staff may be directed through the Executive Director to prepare a position statement for the Commission.
4. Members of the general public, other local, state or federal agencies, or legislators may raise issues with the Commission staff or with Commissioners, which then may be handled as outlined in points 1 -3, above.

Limitations on the Commissioners' Policy Making Authority

1. The Commissioners' authority is limited to the promulgation of policies that effectuate the policies and purposes of the PHRA.
2. State and federal law and regulations.
3. Policies of the Governor that apply to agencies that are in the Governor's Office.

II. COMMISSION OVERSIGHT

It is the responsibility of the Commissioners to ensure that the Commission is fulfilling its statutory mandate. Commissioners may have overall goals for the Commission *to* achieve and for its top management.

Basically, Commissioner oversight is accomplished through:

1. Monthly Commission Meetings

Detailed written information is provided for both the closed Compliance Session and the public Commission Meeting. In the Compliance Session details on case activity is provided, broken down into categories by type of activity. Detailed reports are provided on action by the Executive Director, the Director of Compliance provides detailed statistical information providing monthly updates as well as year-to-date information and other information as requested; the Chief Counsel provides a Litigation Status Report on cases before the Commission and on appeal and there is a detailed public hearing and Commonwealth Court litigation docket that is updated at the Commission meeting. Detailed analyses and reports on a variety of issues including proposed

legislation, recent court decisions, civil rights issues in education and community services and other issues related to the Commission's mission are provided, along with reports from all of the Regional and Division Directors. In addition, oral reports are given at the meetings, supplementing the written reports.

2. Open lines of communication exist with the Executive Director, not only between the Executive Director and the Chairperson, but with the other Commissioners, as well.
3. Budget information is provided in Commission packets and updated at the meetings.
4. Per the statutory requirement, letters of comment from complainants and respondents are provided to the Commissioners after the final disposition of a complaint.
5. The Executive Director is responsible for the day-to-day management of the Commission.
6. Oversight of the Commission staff has limitations imposed by the numerous restrictions on personnel actions that apply to all Commonwealth agencies. Depending on the position of the individual, actions must be in accordance with the Civil Service Commission requirements, the Commonwealth's Management Directives, rules and regulations and the various union contracts. Many actions are not within the purview of an agency, but fall under the Office of Administration.

Within these constraints, the Commissioners engage in the following oversight of Commission staff:

- a. Recruitment, appointment, oversight and evaluation of the Executive Director.
- b. Appointment of key staff (*i.e.*, Regional and Division Directors, Chief Counsel, Supervisory Permanent Hearing Examiner) in conjunction with the Executive Director.
- c. Review of performance evaluations of key staff (*i.e.*, Regional and Division Directors, Chief Counsel, Supervisory Permanent Hearing Examiner) with the Executive Director.

7. Specific Duties of the Chairperson

- a. The Chairperson, in conjunction with the Executive Director, schedules and sets the Agenda for all meetings involving the Commissioners, specifically, Commission Meetings, the Compliance Sessions, Adjudicatory Sessions, Executive Sessions and Commissioner Training Institutes.
- b. Open lines of communication exist between the Chairperson and key staff (*i.e.*, Regional and Division Directors, Chief Counsel, Supervisory Permanent Hearing Examiner) in conjunction with the Executive Director.
- c. The Chairperson works with the Executive Director and designated staff on the development and implementation of the budget.

d. Appointment of Hearing Panels, Hearing Examiners and Motions Commissioners (see III. "ADJUDICATION", 1. "Functions Specific to the Chairperson," below).

III. ADJUDICATION

Commissioners have many adjudicatory functions:

1. Functions specific to the Chairperson:

- a. Appointment of a Hearing Examiner or Panel of Commissioners to hear a public hearing (in consideration of the recommendation of the Executive Director).
- b. Appointment of the Motions Commissioners.

2. Approval of Conciliation Agreements/Consent Orders

3. Motions Commissioners (sitting with one of the permanent hearing examiners acting as an advisor).

4. Issuance of subpoenas.

5. Sitting as part of a panel of Commissioners at a public hearing. When participating as part of a hearing panel, a Commissioner:

- a. May chair the panel and be responsible for being the public face of the proceedings and controlling the proceedings.
- b. Maintains a neutral, objective posture throughout the proceeding.
- c. Must provide due process to all parties
- d. May make evidentiary rulings, based on the guidance of the hearing panel advisor.
- e. May question witnesses.
- f. Must listen to all testimony presented.
- g. Must read all documents accepted into evidence.
- h. Must provide guidance to the hearing panel advisor as to how the Commissioner views the evidence, the credibility of the witnesses, understands the legal principals involved and the case law as it is and can be applied, must read the entire transcript, discuss with the other Commissioners all of the issues of fact and law, including the weighing of the evidence and, based on all of this, provide direction to the hearing panel advisor as to the Findings of Fact, Conclusions of Law and Legal Opinion that should be drafted to be presented to the full Commission.

6. Public hearing cases may be discussed in an Adjudicatory Session which may be scheduled by the Chairperson in conjunction with the Executive Director (see II. "OVERSIGHT," 7. "Specific Duties of the Chairperson," above).

7. When a case is presented for a vote, all Commissioners voting must have read the entire record and be prepared to discuss any questions that the Commissioner may have about the case.

IV. INVESTIGATORY HEARINGS

Two sections of the PHRA provide for the Commission to initiate investigatory hearings and one section provides for the Governor to request the Commission to conduct an investigation. In addition, the Commission has the authority to file a complaint of discrimination on its own initiative.

A. Commission Initiated Investigations

1. "Powers and Duties of the Commission," Section 7(f.1), 43 P.S. § 957(f.1)

Under Section 7(f.1) the PHRC has the power "[t]o investigate where no complaint has been filed but with the consent of at least eight of the members of the Commission any problem of racial discrimination with the intent of avoiding and preventing the development of racial tension."

2. "Investigatory Hearings Relating to Racial Problems," Section 8.1, 43 P.S. § 958.1

"Whenever any problem of racial discrimination or racial tension arises, the Commission may immediately hold an investigatory hearing. The place of any such hearing shall be in the county where the problem exists. The hearing may be public or private and the Commission shall have the same powers as provided in clause (g) for hearings on complaint filed.

"The purpose of the hearing shall be to resolve the problem promptly by the gathering of all the facts from all the interested parties and making such recommendations as may be necessary.

"Should the recommendations of the Commission not be accepted within a reasonable time the Commission may, with the consent of eight members, on its own behalf initiate a complaint and the hearing findings and Commission order shall proceed the same as where a complaint has been filed."

B. Governor Initiated Investigations, Section 7(f.2), 43 P.S. § 957(f.2)

"On request of the Governor, to investigate claims of excessive use of force by police in civil rights protest activities."

C. "Procedure", Section 9(a), 43 P.S. § 959(a)

1. The PHRC, "upon its own initiative ...may... make, sign and file such complaint."

2. Unlike the investigatory complaints of sections 7(f.1) and 8.1, a Commission complaint filed pursuant to section 9(a) is not limited to race discrimination and is not an investigatory hearing that requires the approval of eight Commissioners. This type of Commission initiated complaint is normally initiated by staff, signed by the Executive Director.

V. PUBLIC LIAISON

The Commissioners can be the link between the law and the communities of the Commonwealth. The liaison role is a two-way role. First, Commissioners bring to the Commission deliberations their knowledge, information and sensitivities from their experience and community background. Second, Commissioners bring to their communities and to all of the communities with which they have contact their insights as to the PHRA, Commission policy, Commission actions and what is going on in sister civil rights communities. Commissioners help to generate support for the PHRC's efforts, specifically, and for civil rights, in general.

1. The PHRC, by statute, is required to provide an annual report to the Governor and the Legislature detailing our activities and making legislative recommendations.
2. The PHRC, by statute, issues publications and the results of investigations that will tend to promote good will or eliminate discrimination. The PHRC makes numerous publications available explaining discrimination, both in hard copy and on the Commission's web site. Commissioners have made good use of these materials in making presentations to various groups.
3. The Commission creates Advisory Councils. Section 7(i), 43 P.S. § 957 (i). Commissioners can participate in and interaction with these Advisory Councils.
4. Section 8 of the PHRA, "Education Program," 43 P.S. § 958, provides that "[t]he Commission, in cooperation with the Department of Education, is authorized to recommend a multicultural educational program "
5. Local human relations commissions maybe created by the legislative bodies of political subdivisions. Section 12.1, "Local Human Relations Commissions," 43 P.S. § 962.1. This is another area where the PHRC and its Commissioners can engage in significant community interaction.
6. The PHRC encourages the adoption of local ordinances and the creation of local commissions.
7. The PHRC provides support to local commissions by providing training of commissioners and staff, when requested, and legal advice and support, when requested.
8. The Commission holds its Commission Meetings at various locations throughout the Commonwealth. There have been increased efforts at publicizing these meetings and increasing the attendance of the local populace, both to make them aware of the protections that are available under the PHRA and to make the Commissioners and the Commission staff aware of the problems that are being faced by the members of the communities whom we serve.

9. Meet with federal, state and local civil rights organizations and other governmental agencies and commissions to foster compliance with existing civil rights statutes and explore the need for the further development and expansion of existing civil rights statutes on the federal, state and local levels, and work in collaboration on common areas of interest.

10. Meet with public and private organizations to learn about their concerns, educate them about the existing and proposed civil rights laws and enlist their cooperation in developing, implementing and advocating for programs promoting individual and inter-group relations involving the various classes protected, and in need of protection, under the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act.

11. Hold meetings in communities and meet with community, organizational and civil rights leaders to elicit information as to the issues and problems being faced by the community.

12. Meet with members of the Executive Branch/Governor's Office to promote the PHRC and its mission.

13. Meet with members of the legislature and their staff to promote the PHRC and other Commonwealth civil rights agencies and their missions and to promote amendments favorable to the PHRC such other Commonwealth civil rights agencies and the ensuring of civil rights to persons in the Commonwealth of Pennsylvania.

14. Engage in such other public relations and communications endeavors as will promote the purposes and principles of the PHRA.

VI. OTHER DUTIES

1. Attend monthly Commission Meetings, Compliance Sessions and training sessions and retreats.
2. Serve on designated committees.



pennsylvania
HUMAN RELATIONS COMMISSION

COMMISSION MEETING
MONDAY, MAY 23, 2016
1:00 P.M. – 2:30 P.M.

333 MARKET STREET
1ST FLOOR, HONORS SUITE
HARRISBURG, PENNSYLVANIA

PUBLIC SESSION
AGENDA

1:00 P.M. **Call to Order and Opening Statement – Joel M. Bolstein, Chairman**

Introduction of Guests

1:05 P.M. **Approval of Minutes of April 25, 2016 Meeting**

1:10 P.M. **Report of Chief Counsel**

Report of Executive Director

- A. Budget
- B. Status of Reading School District
- C. Status of Coatesville School District
- D. Status of Pittsburgh School District and MOU
- E. HUD Contract
- F. EEOC Contract
- G. Mediation Program
- H. Task Force
- I. Advisory Councils
- J. HRC's – MOU Status
- K. Press Secretary Report

Strategic Plan Update – JoAnn L. Edwards, Executive Director

Unfinished Business

New Business

- A. Adjudication
- B. Chair and Executive Director Presentation

Guest Comments

Next Meeting – Monday, June 27, 2016 in Harrisburg, PA

2:30 P.M. **Adjournment**

**PENNSYLVANIA HUMAN RELATIONS COMMISSION
MINUTES OF COMMISSION MEETING
APRIL 25, 2016**

The meeting convened at 1:00 PM, Monday, April 25, 2016 at 333 Market Street, Harrisburg, Pennsylvania.

ATTENDANCE:

Commissioners present:

Joel Bolstein, Interim Chair
Dr. Raquel O. Yiengst, Vice Chairperson
Dr. Radheshyam Agrawal (phone)
George Dawson (phone)
Gerald S. Robinson
Meron Yemane

Commissioners Absent:

Kathleen Dormer-Carusone (excused)
Hon. Terence Farrell

Staff present:

JoAnn Edwards, Executive Director
Tammy McElfresh, Special Assistant to the Executive Director
Kathy Morrison, Chief Counsel
John Clark, Director of Enforcement
Geoffrey Biringer, Director of Education and Community Services
Christina Reese, Press Secretary
Heather Roth, Harrisburg Regional Office Director
Carl Summerson, Hearing Examiner
Debbie Walters, Administrative Officer
Morgan Williams, Acting Pittsburgh Regional Office Director
Diana Medley, Acting Philadelphia Regional Office Director (phone)

CALL TO ORDER

Chairman Bolstein called the meeting to order 1:00 PM. He further announced that the meeting had been advertised and was open to the public, in accordance with the provisions of the Sunshine Act. He stated that prior to the meeting, in keeping with the confidentiality requirements of the Sunshine Act; there had been a closed session to discuss compliance matters.

Chairman Bolstein announced the meeting was being recorded.

Attendance was taken and the presence of a quorum was noted.

INTRODUCTION OF GUESTS

Chairman Bolstein noted the attendance of guest, Howard Reid and the later arrival of John Burgdoff of York.

APPROVAL OF COMMISSION MEETING MINUTES

Minutes of the Public Commission held on March 28, 2016 were presented for approval.

MOTION:

Commissioner Yiengst made a motion, seconded by Commissioner Yemane to approve the minutes with the correction noted on the spelling of Mr. Reid's name. With all in favor, motion carried.

CHIEF COUNSEL'S LITIGATION STATUS REPORT

Chief Counsel Morrison provided a review of her status report and a copy is attached for review. Ms. Morrison also provided in her report an outline of work done by the legal staff and trainings they have conducted.

Also reported on was the Governor's new policy and Executive Order regarding LGBT discrimination. Neither the policy nor executive order will change the PHRA.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Edwards welcomed Mr. Reid and extended her appreciation of his continued support and partnership with the PHRC.

Report on the Budget

Executive Director Edwards provided an update on the Budget, advising that at the meeting on Friday, the Office of the budget shows a \$56K deficit. The remaining waiver fund balance is at \$140K. The Governor's proposed budget if passed will provide for a complement of 101 plus three additional education positions and a \$500K surplus.

Report of Education and Community Services Division

Director of Education and Community Services Geoffrey Biringier provided an update on current outreach activities and an overview of the division for visitors.

Director Biringier also noted that his division is compiling information regarding all PHRC outreach.

It has been noted there has been racial tension building in Coatesville. The Education Division will be attempting to schedule additional trainings.

A letter was sent to the Reading School District citing deficiencies and the division continues to attempt to schedule a conference with Allentown School District to discuss their equity plan.

Director Biringier reported that the new advisory councils have begun to work on specific issues needed for their areas. Lehigh is the next on the list for development. Montgomery County has been going to each town in their jurisdiction to discuss issues. The ID badges for advisory council members are almost complete.

Commissioner Yiengst and Hearing Examiner Carl Summerson have the opportunity to meet with Pottstown's Council and discussed their reconsideration of disbanding the local commission. Director Biringier is awaiting their decision.

Commissioner Robinson asked if PHRC will be discussing the Education Funding Formula or passing a resolution. Director Biringer offered to speak to Millersville University to do research on the Prison Pipeline; however this may not be timely.

Guest Howard Reid offered a partnership with North Penn YMCA. North Penn will be conducting a Fair Employment Training in October. He understands the school district is having issues with gender identity and asked that PHRC provide the training.

Report on EEOC and HUD Contracts

The monthly and year-to-date reports contain specifics and are attached.

The monthly HUD report was provided in the commission packet for review in advance of the meeting.

Mediation

The monthly Mediation report was provided in the commission packet for review. Of specific interest it was noted that referrals are increasing. The Mediation Office has been reaching out to the Office of General Counsel to get greater participation with more mediators. Hearing Examiner Carl Summerson will provide training to four attorneys in Pittsburgh and work continues with county Bar Associations.

The priority is to meet with LHRC's to ratify more MOUs.

Director Clark discussed the Delta Report comparison to current processes. Reviews with the regional office staff have been conducted and now is looking into the specific processes for intake, investigation, ROOT, ready-to-write and PC & Beyond.

The process maps of intake, investigation and closure processes will be used for developing the new CMS.

Director Clark discussed the survey previously distributed electronically to commissioners and directors. It was asked that these surveys be completed as soon as possible to be able to provide results from the survey at the next commission meeting.

Commissioner Robinson inquired about the status on data sharing of complaint information with LHRC's. Director Clark stated this will be discussed at the next meetings with the LHRCs that need to sign MOUs.

Report of Press Secretary

Press Secretary Christina Reese provided her report in the commission packet for review and noted she will continue to work on legislative visits, working with committees and the Education Division.

Secretary Reese noted that in November the York County Advisory Council began reforming and last month they were able to elect officers.

The Book Facilitator, a HUD Initiative, will be onboard by May 14th. There have been post cards printed and will be working with school districts and public libraries.

STRATEGIC PLAN UPDATE

An update on the Strategic Plan was provided by the Executive Director and current scorecards were distributed. Executive Director Edwards noted that at last week's meeting it was noted we are on target with most areas and she is proud of the work of the staff and thanks them for their hard work.

Commissioner Robinson asked about specific measurement goals and asked why there was no score for these sections. It was explained that certain sections need to have the goals revisited for a realistic expectation and some taken out that do not apply any longer. The Strategic Plan goals should be things we have control over for staff to focus on what is actually attainable.

NEXT SESSION

The May Commission meeting will be held Monday, May 23, 2016, at 1:00 PM in Harrisburg, PA.

UNFINISHED BUSINESS

Resumes were presented for approval by the commission for membership with advisory councils.

Commissioner Yiengst made a motion seconded by Commissioner Robinson to approve the applicants, Crystal Fox, Tawanda Hunter and Brandon Flood to the Cumberland- Dauphin-Perry Counties Advisory Council. With all in favor, motion carried.

Commissioner Agrawal made a motion, seconded by Commissioner Yiengst to approve the applicants Marakay Rogers and Koko Enomoto for the York County Advisory Council. With all in favor, motion carried.

ADJUDICATION

Donald Jackson v. Legion Home Association

MOTION:

Commissioner Robinson made a motion, seconded by Commissioner Yiengst to accept the finding and recommendations of remedy of the Hearing Examiner. Motion carries with all in favor.

GUEST COMMENTS

Guest, Mr. Burgdoff of York asked the commission if there has been any response provided regarding the William Bender article in the *Philadelphia Inquirer*.

Chairman Bolstein shared that the Commission is preparing a response that would correct some of the inaccuracies within the article. It has not yet been determined if there will be a response to every item. Director Biringer stated that all of the Commission's staff is here because it is our job to fight illegal discrimination. We have told the governor and anyone else who will listen, that we will continue to push for additional funding.

Commissioner Robinson expressed the commission is appreciative of you coming to discuss this at the commission meeting.

Press Secretary Christina Reese stated that she was never contacted by Mr. Bender regarding the article and the discussion continued.

Executive Director Edwards expressed her thanks from staff to Commissioners Robinson and Yiengst for their time and dedication to the commission. All commissioners serve as volunteers.

ADJOURNMENT

This meeting was electronically recorded. The file will become part of the permanent record.

Commissioner Yemane made a motion, seconded by Commissioner Yiengst to adjourn. With all in favor, Chairman Bolstein adjourned the Public Session.

Respectfully submitted,

Joel M. Bolstein
Interim Chairman

Dr. Radheshyam Agrawal
Commissioner