

Council on Human Rights
Monday, June 4, 2007
Comfort Inn and Suites Danville
100 Tower Drive, Danville, Virginia
2:00 p.m.

Council Members Present: Jon D. Strother, Chairman; David A. Drachsler, Vice Chairman; Members Donald O. Campen, Jr.; Dyana Mason; and Deborah Segaloff.

Staff Present: Sandra D. Norman, Director; Cortley West, EEO Manager, and Timothy Wilson, Administration/Operations Manager.

Call to Order and Adoption of Agenda and Minutes

The Chairman called the meeting to order. On motion by Member Segaloff and seconded by Member Campen, the motion carried to approve the agenda. On motion by Member Campen and seconded by Member Drachsler, the motion carried to adopt the minutes from the March 9, 2007 meeting.

Director's Report

Ms. Norman greeted the board and gave an overview of the following topics.

Relocation of Human Rights Office

- The relocation went very well on March 30th. She looks forward to having the next meeting in the new office. A security door will be installed to notify staff members of incoming visitors to the agency.

Staff Changes and Accomplishments

- Stacey Brayboy is no longer with the Human Rights Council staff. She has accepted a position with the Obama for President Campaign effective May 18th. A new deputy director will be appointed and his or her name will be made public at the appropriate time.
- Mr. Snead and Mr. West were both accepted into the Commonwealth Management Institute (CMI) and will be attending its fall session.

Interns and Part-time Investigator

- Mr. West coordinating the solicitation of interns to the agency, primarily from Virginia State and Virginia Commonwealth universities. The goal is to attain two (2) interns and one (1) P-14 investigator (part-time employee).

Statistics

- The staff is doing a wonderful job with turning the cases around. A report has been initiated to track statistics from January 2006 to 2007. Results from this effort should be presented in a six-month report ending June 30th.
- Mr. West is doing a wonderful job with the 45-day intake review.

VITA Update

- As previously reported, the Virginia Information Technology Agency (VITA) has started to assess agency equipment such as computers and printers and a monthly service fee will be charged for the number of pieces of equipment and maintenance. This fee was not included as a budgeted item.

As for the Council, the Department of Planning and Budget (DPB) was able to find funds to help pay for the difference in the fees assessed separate from the agency's existing budget. The Council will likely have to budget for this item next year.

- All of the agency's computers have been refreshed. This included replacing old computers with new computers. The state is becoming like an enterprise and the computers will be uniform with the exception of certain programs.

Audit

- An audit was conducted and the agency is in compliance with state guidelines. No constructive recommendations were noted.

Events attended

- Ms. Norman attended Equality Virginia's fourth annual Commonwealth Banquet at the Greater Richmond Convention Center on April 14th. There were over 1,300 persons in attendance. Governor Kaine made a special appearance.
- Mr. Wilson attended the Holocaust Remembrance Day program at the Virginia Holocaust Museum in Richmond on April 15th.
- Ms. Norman and Mr. West attended the annual banquet of the Fairfax County Human Rights Commission on May 17th.

Budget

- There may be a budget short-fall for the next fiscal year. The agency was prompted to carry over funds to next year's budget, but there was none to forward because of the move and rent allocation expenses. The 2008 budget may bring some cuts which are a cause for concern.

On-site Investigation

- Ms. Norman and Mr. West conducted an on-site investigation at a Respondent's attorney's facility. The requested information was provided. After reviewing the files, it was considered necessary to request more information to prove or disprove pertinent details alleged by the Complainant.

After returning to the office, a follow-up letter was sent to the Respondent requesting the additional documents needed. The Respondent or the Respondent's attorney's response was that "they felt" that the agency had received sufficient information to render a determination. The Respondent refused repeatedly to comply with the request for additional documentation. Ms. Norman disagreed with their decision and has asked Mr. Horsley, the agency's counsel, to intervene in the case. This may be a case where subpoena power may need to be exercised.

Death of former Council Member, Sam Garrison

- Sam Garrison passed away on May 27th. Mr. Garrison was an outstanding attorney and served in various, astonishing capacities. Among his accomplishments, he served as the Chief Minority Counsel to the House Judiciary Committee during the Watergate hearings. Mr. Garrison was dedicated to advancing the work of the Human Rights Council and made every effort to participate in all Council meetings. Mr. Garrison resided in Roanoke and was rarely absent from Council meetings held in Richmond or other locations.

Public Forum

- Ms. Norman thanked Vice Chairman Drachsler for submitting contacts for the Danville area. A media blitz with contacts from around the state was done, a local radio station conducted an "on the air" interview with Ms. Norman, and public notices were sent to the local newspapers.

Jon D. Strother Student Human Rights Award

- The award at John Rolfe Middle School will be postponed for this year. A new principal at John Rolfe Middle School along with her leadership team have requested that some of the prerequisites be revised for the essay portion. Ms. Norman will be meeting with the new principal soon.

Annual Report

- Ms. Norman has met with a graphic designer to assist with drafting the annual report.

Website

- The agency was chosen to be part of a "Google" project that would have included many updates to the current website without costs. However, the agency was removed from the project because the agency's webmaster is no longer participating with that initiative. The goal was to have the updates established by June 30th, but its completion may be a little later than planned.

Chairman's Report

Public Forum

- The Chairman did visit the site for tonight's public forum and checked for adequate accessibility for all persons to come and participate. He gave an overview of the facility, parking, and directions to the campus of Averett University. He also discussed the rules and decorum for the forum for both Council members and citizens in attendance.

Meeting with the Secretary of Administration and Proposed Amendments

- The Chairman met with the honorable Viola O. Baskerville, Secretary of Administration on April 27th. Also included in the meeting were her two (2) deputy secretaries, Ms. Kim Farrar and Mr. Richard Zorn, and the agency director, Ms. Norman.
- The Chairman raised the issue of the proposed amendments to the Virginia Human Rights Act that were prepared, but not included for the 2007 session. Secretary Baskerville will review and consider them for the 2008 session. She did advise the Chairman that it is up to the Governor as to what he chooses to include in his legislative package to the General Assembly.
- The Chairman concurred with Ms. Norman that there is a process via the administration to submit ideas, proposals, and amendments to the Governor for review.
- The Chairman distributed copies of the draft proposed amendments to sections 2632 and 2635 to the Virginia Human Rights Act as discussed with Secretary Baskerville and led a brief discussion on the components of each proposal.

Strategic Plan

- The Vice Chairman commented that he has viewed the Equal Employment Opportunity Commission's (EEOC) website. Many references to case law are presented and could be linked to the Council's website. Such links would show examples to the citizen or attorney of what type of cases the Council investigates and what elements are looked for regarding certain bases of discrimination. Ms. Norman asserted that the agency does already have a link to the EEOC, but would want to make it more accessible to the case data it displays.

Charts of General Funds and Authorized Positions

- The Chairman distributed copies of graph charts showing the agency's general fund allotments from 1998-2007 and the number of authorized positions filled from 1998-2007. A brief discussion was held on the comparative data presented.

Ledbetter v. Goodyear Tire and Rubber Company, Incorporated

- The Chairman led a discussion on the Ledbetter v. Goodyear Tire and Rubber Company, Inc. decision rendered by the United States Supreme Court on May 29, 2007. There was consensus that the federal statutes involved in this case need to be amended soon to protect the rights of individuals.
- The discussion of this case also brought up issues involving the clarification of disparity and the elements of the “Discovery Rule.”

Appeal Assignment

- The Chairman appointed an appeal panel for Case #1702 and appointed Member Campen chairman.

Chairman’s Closing Remarks

- The Chairman gave his concluding remarks. He commented that this is his last meeting within his term that expires on June 30th. He gave credit to Ms. Norman for her constructive, detailed counsel regarding the agency. He thanked the Council members for their participation.

There being no new business to discuss, the meeting adjourned at 3:42 p.m.

Submitted by,

Jon Strother
Chairman

Timothy Wilson
Recorder