



LEHIGH COUNTY HUMAN RELATIONS COMMISSION
(LCHRC)
MEETING MINUTES
October 8, 2024

The meeting of the LCHRC was held at 6:00 p.m. by Zoom video conference. A recording of this meeting is available at <https://www.lehighcounty.org/Departments/Community-Economic-Development/Human-Relations-Commission>.

ATTENDING

Joanna Armstrong (JA), Angela Baio (AB), Amy Beck (AmB), Michael Blicher Jr. (MB), Liz Bradbury (LB), Tony Branco (TB), Andrew Gildner (AG), Joyce Moore (JM), Luis A. Perez Jr. (LP), Christopher Raad (CR), Pas Simpson (PS), Tony Swartz (TS).

Also in attendance representing Lehigh County: Carmen Bell (CB) ex-officio non-voting advisor, Catherine Roseberry (CR), Assistant Solicitor

County Staff: Frank Kane (FK), Absent: Cyndi King (CK)

ABSENT

Guillermo Lopez Jr. (GL)

AGENDA ITEMS

Call to order at 6:05 p.m. by LB.

Roll call by LB.

Announcement that the meeting is recorded for public record by LB.

Quorum is present.

LB called for review and approval of minutes from September 10, 2024

meeting. No questions or concerns; motion for approval by LP, seconded by JM. Unanimous voice approval to approve and accept the minutes.

No public present for input on agenda items.

OLD BUSINESS

Two commissioners were not present at the inaugural meeting on September 10, 2024. LB asked each to introduce themselves and provide background to their community involvements:

JA originates from Broward County, Florida and has always served on boards; she has previously served on three or four boards. JA currently serves as the coordinator for the Multi-Cultural Affairs office at Lehigh University. In New Mexico, JA served on the board of Luna County Employee Charities and then also as a representative for the United Way in Broward County. JA views serving on the LCHRC as an opportunity to represent unrecognized or under-represented voices in the community that may not always have a chance to be equally heard.

TS is a resident of the South Whitehall Township area. TS is retired from the County of Lehigh Information Technology Department. TS also runs a small voice-over business. TS is most interested in providing a voice for people who are under-represented or not represented. In particular, TS's interest is in serving people with disabilities although he intends to serve the entire community. TS characterized his strengths in governance and by-laws and will provide whatever expertise he is able.

Interim Complaint Form

LB reported that the Complaint Form Committee had a great meeting on 9/17/24 and reviewed the draft complaint form. Suggestions were made as to changes and/or items to incorporate into the forms. One such change reduced the amount of verbiage thereby making it easier to fill out the form. AG volunteered to assist the County in making "click through" links on the complaint form so that there would be [multi-layers of information available rather than having information accumulate onto one long, continuous, multi-page complaint form.] AG and a webmaster from the County will handle getting the interim complaint on the County's website. [After the complaint is filled out,] AG suggested that the complaint be immediately submitted and sent through a secure email address to LB as the CHAIR and LP as the VICE CHAIR and to FK as the County staff doing the intake and preliminary investigation. The Complaint Form Committee will again

meet to work on the explanations and definitions that will be incorporated into the form. Staff will set that meeting up before the next regular LCHRC meeting.

LB, AG, and anyone else from the LCHRC can together meet with the County's webmaster on the preliminary discussions on what the County's IT platform can accommodate.

LB shared her display screen of the draft complaint form. JA raised a question of compliance with the Americans with Disabilities Act (ADA). TS would be available to proof the final draft of the complaint. FK identified the importance of such compliance and ensured the County's support in making the complaint form compliant. Contact FK if a line item is required. More explanations and discussions ensued.

LP questioned if a person can file a complaint on behalf of another person? Discussion ensued. Ultimately, the answer was no. There will be a section at the end of the complaint for the complainant to verify the truthfulness of the information provided.

AB suggested a place on the website for people to provide feedback on their experience. LB reiterated that while the LCHRC is directly working with complainants, [it will be easy to identify which questions, if any, need to be reworded by the number of people who repeatedly do not understand the same question.]

LB scrolled through and read aloud the interim draft complaint. TB disagreed that it is appropriate to assist a complainant to fill out the complaint form. TB asked, how far does the committee go with helping someone fill out the form? He observed doing so as a "slippery slope." LB replied, "The point of this is that we are not telling a person what happened. [The complainant] must provide the evidence of what happened. FK interjected that as the intake person, he views that role as similar to the intake nurse [at a medical facility] rather than the desk person at the district magistrate's office who is not allowed to assist "with legal advice." FK sees the intake as more of a helping-to-file role so the complainant can get their complaint [filed] for the committee to assess.

TS interjected that the LCHRC is the deliberative body determining whether discrimination has occurred; there has to be separation between that body and the individual filing the complaint. If we are assisting and then we are evaluating whether discrimination has taken place and we have been involved with that person, he noted there is no separation. LB observed it is similar to the police [who interact with a victim reporting an incident.] LB offered one reason the LCHRC [has 13 commissioners] is because there are the intake people, the

investigating people, and the adjudicating people. If a board member assists a complainant in filling out the form, they may not vote on whether it is a legitimate complaint; that would be up to other members of the LCHRC. CR clarified that there is a difference between being helpful in explaining what the form means and helping one generate their answers. One can be very helpful to find a word and it is almost like learning how to do research; you can help someone understand what you are asking. CR does not believe this is a big issue. AB suggested using the board members' expertise to build this sort of detail into the online complaint form.

AB asked for clarification on what a walk-in complainant will receive when they come into the government center to file a discrimination complaint. Will they receive an ipad or a paper complaint? LB replied that the complainant would sit with the intake person to file the online complaint. AB noted that "most people" will be able to apply "online" and that much of what is currently being discussed is important and should be incorporated into the levels of the online complaint form thereby [greatly reducing the need to hash out the details currently being discussed.]

TB brought up about an earlier example of an employer being the discriminating entity against an individual or group of individuals and he asked "what muscle [does the LCHRCC] have to go into an employer to talk with them?" LB said there is a law in place [by virtue of Ordinance 2024-106]. LB said the LCHRC has subpoena power. LB reminded the group that she has never come into contact with an issue [in that manner.] She said it would be similar to a respondent not showing up to the court case; the respondent would lose. CR offered that the majority of times, LCHRC will not [be required] to go into premises to investigate an allegation and if it does, that is a whole different process. A search warrant will not be a concern for this Commission.

AG suggested the LCHRC be divided into the groups LB earlier spoke of having i.e. intake and determinations. LB agreed it wasn't a bad idea but said that it depends on [each individual] complaint. LB offered an example of when she was the investigator for the Allentown Human Relations Commission. A sexual orientation complaint had been filed. LB, along with two other people also on the Allentown Commission, knew the owner of the establishment where the problem occurred. Neither LB or the other two commissioners could investigate [the incident.] They had to have other members of the Allentown Human Relations Commission do it who were not familiar with the owner of the establishment. She said that most of the work done will be intake because often issues can be resolved without any kind of "strong arming" or "pushing." It is resolved by going to the

respondent and asking “did this happen” and then they say, “yes, but I didn’t know that was wrong.” She went on to clarify that in “every complaint [she] investigated, the respondent said, “well, yeah, I did this but I didn’t know it was wrong” and then they asked, “what do I have to do to fix it” and she told them and it was the end. Those types of complaints and those that weren’t really discrimination were the [most prevalent] issues [encountered.] LB has never known, in the state of Pennsylvania, of a human relations complaint through a human relations commission where the people insisted that they didn’t do something when the complainant had clear evidence that they had. Detailed explanative discussion ensued.

AB reminded that the Complaint Form Committee had discussed inserting “how did you find out about the LCHRC or the Ordinance or the law” somewhere into the form to which LB agreed that it could be inserted at the end of the form.

CB questioned whether the LCHRC wanted to include a section where complainants were asked if they had comments or suggestions about making the form easier to use. LB said that information could be collected when an allegation is investigated and that it could be part of the steps used when people are contacted to go to the next step.

No further questions or issues with the interim complaint form were raised. LB asked for a motion to include additional information at the end of the complaint form to gather information on how a person heard about filing the complaint and the LCHRC. TB made a motion that the Board accept the complaint form as written with the addition at the end of the complaint form on how the complainant found out about the LCHRC and any other pertinent information that may be garnered to help better the form. AB seconded the motion. Unanimous voice approval; motion passed.

Update on Ordinance amendment

On October 9, 2024, Lehigh County Board of Commissioners (LC BOC) will vote on a minor technical issue within the Ordinance. When the ordinance was written, the Office of Human Resources (HR) was designated as the place to file discrimination complaints. It has since been determined that the Department of Community and Economic Development (DCED) would be better suited to receive the complaints and to carry on with current staff handling the workload. FK offered that DCED was a “public-facing office” whereas HR really does not have that staff. HR deals with County employees and is not a destination the public comes to unless they want a job application.

Discussion of Ordinance 2024-106 – No further discussion.

NEW BUSINESS

Seeking clarification on meeting procedures

TS observed that while [the LCHRC] has been given a broad mandate as what to do, it is written in broad strokes with no real process document. Either in the next meeting or the meeting after that, TS suggested that it be defined exactly how the LCHRC will do its work. It is understood that a form will come in, a complaint will be filed, FK will oversee the intake process but then it is unclear what happens after that. How will the commission deliberate? Make a final decision? LB referred to the Ordinance pointing out that is defined, step-by-step with how it comes in; the time constraints on the discriminating action taking place, the intake person must make certain that it is a *prima facie* case, the investigator must be sure that it is a *prima facie* case and if it is, notify the respondent and within a certain number of days the respondent must, in fact, respond to the allegations in the complaint; additional information is then collected and based upon that information, the complaint is moved forward to determine whether or not there is an instance of discrimination.

TS clarified his comments by asking if the [completed] form will be distributed to the entire board and each commissioner will evaluate and if that form is distributed by email, is that form viewable by the community, and so forth. Those are the types of procedural questions TS would like to see addressed. LB replied, “it is not.” LB stated that the LC BOC has made it clear that [the complaint] is not public information so that after the intake people, FK, LB, and LP, [handle the complaint] they would go through the steps of investigation and the investigator would bring that information to the rest of the LCHRC if there is necessity to move forward. LB stated that she served on the Allentown Human Relations Commission for 15-years. During that period, there were four actual complaints that were investigated. Of those four, every complaint never got to the point where there was serious adjudication because the investigator brought clear evidence that the respondent admitted to the discrimination. She stressed that there must be *bona fide* evidence from the complainant and she offered the *Gwen Greenberg* case as an example and went on to explain the circumstances of the discrimination which clearly highlighted the point she was making. She had three additional examples but did not elaborate saying only that those instances, too, were very easy to determine.

CR posed a question on behalf of the group observing that the entire LCHRC is relying on one person to evaluate a complaint and then asking whether that is

something everyone is comfortable with or did the commission want to review it and make sure they are comfortable that someone else's evaluation is the same as theirs would be.

CR continued that the decision on the jurisdiction of the complaint and the issues [being discussed] might be a bit more finely tuned there and there might need to be a "back-up" to evaluate or "yes, you've made that decision; is it the correct decision" LB explained the reasoning for arranging the process as it is. LB explained that, in her experience, on the rare instances that a complaint was investigated by the Allentown Human Relations Commission, more than one commissioner investigated the complaint.

CR suggested having more than one person look at the complaint when it comes in. LB agreed and stated that the procedure currently has three people looking at complaints when they come in.

TS reiterated his continued desire to have procedures more clearly "spelled out" and observed that how the LCHRC operates cannot be based on what has happened in the past. [The LCHRC] must think about what could happen and supposing something reaches the point where it requires a number of commissioners or perhaps the entire commission to discuss a particular complaint, will it be discussed in this type of forum? If it is, TS reminded everyone that [the meeting] is open to the community [and recorded.] JM agreed that it would need to be discussed in a closed session; LB agreed, too. TB agreed that TS is making [valid and helpful] points. TB directly asked CR whether a discussion about a particular complaint would be held in executive session. CR agreed and acknowledged that the LC BOC had been concerned about the possibility of complaints being public discussions. CR said each case is its own small litigation situation which is allowed to be discussed in executive session because it is litigation. CR or another attorney could advise the LCHRC during executive session on whether the [allegation within the complaint] meets the definition [of discrimination] and whether or not there are other issues prior to moving forward. TS agreed with the discussion and suggested that [wording] be included within the form that the contents of the complaint will not become a public matter because complainants need to feel safe filing with the LCHRC. LB agreed that could be done and added that what protects a person filing a complaint which they believe is a *bona fide* complaint which turns out to not be a legitimate complaint is the circumstance of retaliation which is covered by the ordinance.

CB added that she has concerns about protecting a complainant's confidentiality stating a person might file a complaint but then have reservations about having filed that complaint because even if [it is a *prima facie* case] and the discrimination

occurred on the job, the person is still in that toxic environment at that workplace. CB stated there are all types of microaggressions that can be perpetrated against a person that are not necessarily “discriminating” but are effective at making one’s life miserable while in that environment simply because they [have been made aware that the person has] filed a complaint. Whether it wins or it doesn’t, if it does it [may even be] worse. CB wants to ensure there is a measure of confidentiality before the accused/respondent is informed. CB also would like to make certain that while reviewing the complaint and the evidence with the complainant, whomever does it takes the time to make certain that the complainant understands that from this point moving forward, the respondent will know that a complaint has been filed. CB wants to make certain that the respondent is made aware that once the complaint is being investigated there is no anonymity. CB and AB stated this needs to be included somewhere within the complaint. LB made several points about reasons why the current procedures support a complainant and that the law is written in a way so that people can have enough time to consider all of the things that they are going to do before it immediately goes to the respondent and then stated that the older language of laws was set up to make people filing a complaint be reticent about it and to be afraid because they were “really sticking their neck out.”

CR does not want the complaint form to suggest that a complainant MUST file something with their Human Resources Department before filing with the LCHRC or that it be a preliminary requirement or prerequisite. CR says there are many instances where that would not be a good option for people. CR does not know why it is in the form. LB asked the group if everyone felt that way. Discussion ensued. TB made a revision to his previous motion to eliminate question 10 from the document and the person who seconded it would have to agree (AB). Unanimous voice vote eliminated question 10 from the interim complaint form.

Additional discussion ensued. CR agreed that it would be a good idea to have a record keeping structure that gives numbers to everything that comes in. For example, 2024-01, 2024-02 etc. and that would be the manner in which everything that comes in would be tracked. Not every complaint will warrant executive session but everything can be identified by number and then those that warrant coming into discussion can be identified by the number assigned it and the LCHRC goes into executive session and everyone has that information in front of them and it doesn’t have to be in the public as to what all of that is.

Discussion ensued. AG agreed with TS and TB about needing a written process. AG suggested it be one piece of paper that FK or whomever is doing the intake can give to the complainant outlining the step-by-step process and delineating at which

point in the process it becomes public knowledge or someone else's knowledge outside of the form [referencing CB's point to be an employer.] Having it laid out in print is just good form to do that. LB repeated that the complaints will come directly to FK, LB, and LP. The rest of the procedures can be discussed at the next meeting.

**Discussing a listserve for communication among members –
tabled until next meeting**

CLOSING AGENDA ITEMS

Citizens Input (on Non-Agenda items) - none

LCHRC Announcements

LB has been approached by a local church that represents the LGBT community to speak in January 2025 about the Ordinance. Her plan is to prepare a PowerPoint for that talk. She is hoping to have the complaint form fully in place prior to talking about how to file a complaint with the LCHRC. LB advised the LCHRC that she plans to notify the community in other ways, also, that the LCHRC is functioning.

Motion to Adjourn

LB called for a motion to adjourn; TB made the motion. Unanimous voice approval. Meeting adjourned.

The next meeting of the LCHRC is November 12, 2024, at 6:00 via Zoom.

Respectfully submitted,

Cynthia L. King