



LEHIGH COUNTY HUMAN RELATIONS COMMISSION
(LCHRC)
MEETING MINUTES
November 12, 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), Guillermo Lopez Jr. (GL), Joyce Moore (JM), Luis A. Perez Jr. (LP), Christopher Raad (CR), Pas Simpson (PS), Tony Swartz (TS) and Carmen Bell (CB) ex-officio non-voting advisor

Also in attendance representing Lehigh County: Lehigh County Commissioner Dan Hartzell (DH), and Catherine Roseberry (CR), Assistant Solicitor

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

Public: None

ABSENT – No LCHRC Commissioners absent

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.
CR advised LB that the Commissioners must turn their cameras on when there is a vote. Quorum is present.

LB called for review and approval of minutes from October 8, 2024 meeting. No questions or concerns; motion for approval by TB, seconded by LP. Unanimous voice approval to approve and accept the minutes.

Moving forward, LB would like the minutes to reflect either the “Human Relations Commission” or the “Commission” and every member on the Commission is a “Human Relations Commissioner” or a “Commissioner.”

No public present for comment on non-agenda items.

OLD BUSINESS

Interim Complaint Form

LB reported that the complaint form has been updated with all of the Commissioners’ suggestions. CR reported that the complaint is “ready to go.” LB stated that the form can be changed [as becomes needed.] Upcoming Commission discussion will [tentatively] approve confirmation of the “Procedures of the Commission regarding the complaint process” document which LB earlier distributed to the Commission and which confirmation would allow the form to be prepared for posting to the website. LB shared her screen and asked for comments. TB commented that the wording contained a lot of “legalese” which might [alienate] the average person wanting to file a complaint. LB disagreed and ultimately pointed out that the form states, [If you need help to fill out this form or need help for explanation, put your information [in a specific area of the form] and a member of the Commission will contact you.]

TB also pointed out #12 [paragraph containing Law Suits] and questioned why the Commission is [advising complainants] they can file law suits when that is not the reason for the existence of the Commission. LB disagreed and provided an example of attempting to recoup lost wages.

CR interjected that the Commission provides an essential step for anyone who wants to file a lawsuit. An administrative complaint must be filed with the Commission to exhaust the remedies which are available to the complainant before proceeding to court. Having done [this] a “Right to Sue” letter would be issued at the end of every case and once that happens, the time clock begins to count a certain amount of time for the complainant to file a suit and it is the complainant’s right to be made aware that.

JA asked who are the investigators and what type of investigating are they doing. LB used her screen to point out (#3) where that particular information on procedures can be found.

JA asked for clarification on whether Commissioners are advocates on the complainant's part or stewards of [something else] to which LB replied that Commissioners are stewards of the law. A commissioner's job is to investigate the complaint from both the point of view of the complainant and of the respondent and see what the preponderance of the evidence is. This is the whole function of the Human Relations Commission. Discussion ensued.

JA questioned what stops a complainant from suing a Commission investigator [if something is missed] since [no one on the Commission is a law enforcement officer or an attorney]. LB stated that the Ordinance, which is a law, states the procedures for investigating beginning with the complainant bringing forth information which is strong evidence that they have been discriminated against. If they can't provide that [there is nothing to investigate.] It is not the function of the Commission to [create a fishing expedition.] Further discussion ensued in support of the complaint advising a complainant of their legal right to sue.

TB addressed #1 about the need to provide a Spanish-speaking Commissioner to non-English speaking complainants. LB acknowledged there is a large population of the County who may or may not speak English and that the Commission must be sensitive to that issue [so that accurate information can be exchanged.] LB pointed out that the complaint form asks whether a complainant requires an interpreter and if so, in which language. TB would like the process and procedures document to reflect that point and LB agreed to add it.

TB addressed #5 and LB clarified that a complainant may change or even withdraw their complaint before it goes to the respondent. It is their right to do so. It is the obligation of the Commission to explain to them that they "can" but not that they "have to" or "should." The respondent also has the right to change their responses in their response prior to replying. Additional discussion ensued; LP added his own illustration of how and when an investigator might assist a complainant.

TB addressed #9 if the respondent admits to discrimination. LB gave a few examples of why this is included. She ended by reminding the Commission that this procedures document is internal – for the Commission - and that she was asked to create this at the last meeting.

TS addressed #11. At a future meeting, TS would like to discuss the process of adjudication and determining resolution [of the complaint] specifically if those

events would occur in a [public] meeting similar to this one or in a private meeting. He would like enumerated steps for these two events should the Commission find itself at this point in a case. LB responded that if the Commission ever got to the point where it had to adjudicate a complaint within the Commission, surely at that point, the Commissioners would take it to the County's attorneys to be sure that the Commission proceeded in the right way. So, the step-by-step procedure for an adjudication would vary on a case-by-case basis. To further clarify, LB stated that if a case got to that stage, the Commission would probably have to meet in person.

Because LB & LP have previously worked with people in legal settings perhaps more than other commissioners, LP offered to do a quick "training" video on how each of them might handle the processes of an investigation. He feels it will help clear the other Commissioners' minds. JM and LB agreed with LP.

LB asked for a motion of support of the process and procedures document as written so that the updated complaint form can be put on the website. GL made the motion which was seconded by MB. No additional discussion. AB left the meeting earlier; otherwise, the vote was unanimous.

Update on Ordinance amendment

Lehigh County Commissioners amended the Human Relations Ordinance 2024-106 with Ordinance 2024-138 (passed 10/9/24 with second read on 10/23/24) which substitutes the Department of Community & Economic Development for the Lehigh County Human Resources as the location for filing a Human Relations Commission complaint.

NEW BUSINESS

Discussing a listserve for communication among members

TS made a motion to table the discussion on listserves until the commission can determine in which ways it will be communicating. Unanimous voice approval.

However, CR stressed that because of the Sunshine Law, commissioners must be careful not engage in discussions of matters that go before the commission. One or two commissioners may talk to one another outside of a meeting but having a group discussion it is not permissible. Discussion ensued.

CLOSING AGENDA ITEMS

Citizens Input (on Non-Agenda items) - none

LCHRC Announcements

AG obtained pricing for the online forms which were earlier discussed at this meeting. The lowest priced plan is approximately \$250 per year which includes email notifications of a complaint form being received.

Motion to Adjourn

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

The next meeting of the LCHRC is December 10, 2024, at 6:00 via Zoom.

Respectfully submitted,

Cynthia L. King