

Duluth Human Rights Commission (HRC)

Regular Session Meeting
December 11, 2019 at 5:30PM
City Hall – 3rd Floor

Vice Chair Grimm called the meeting to order at 5:33PM - a motion passed to amend the agenda and move Commissioner Lucero's telephone conference call to agenda item II

- I. Roll Call
 - a. Commissioners present: Ashley Grimm, Mark Hakes, Carl Huber, Bettina Keppers, Ashley Neenan, Ri Preap, and Sandra van den Bosse
 - b. Commissioners absent: Princess Kisob (excused) and Sherry Williams
 - c. Others present: Carl Crawford, Human Rights Officer (HRO), Kathy Peterson, and a member from the Legal of Women Voters

- II. Discussion with Commissioner Lucero and MN Department of Human Rights
 - a. Call opened with a thank you for our time and a review and discussion of MDHR's Vision for 2020 three Policy Proposals:
 - i. **Ending the Pay History Questions** - Gender and racial gaps develop early in the careers of women and people of color. When future salaries are anchored to past salaries, unequal pay perpetuates. To address pay discrimination, MDHR is proposing to End the Pay History Question, which would prevent employers from inquiring into, considering, or requiring that a prospective employee shares their salary history.
 1. 17 states have passed differing versions of this proposal
 2. No further discussion
 - ii. **Adding a Penalty Clause to the Minnesota Human Rights Act** - Currently, MDHR has few avenues of recourse to compel businesses to change their practices if they are non-compliant and failing their equitable hiring goals. At the federal level, monetary penalties are used by the EEOC to compel bad acting entities that face similar situations. MDHR is proposing that non-compliant businesses who are failing their equity hiring goals face a monetary penalty if they remain non-compliant.
 1. Commissioner van den Bosse asked - what amount of fines are being considered? And are other states doing something similar?
 - a. Response from Commissioner Lucero - Reviewing what the EEOC has used, the fines have ranged from \$1,000 to \$75,000 with an occasional six figure penalty. The fine is dependent on the type of working group and the level of disruption. MDHR is looking at the \$5,000 to \$10,000 range. In situations where contractors are "unruly" in their equitable hiring goals, MDHR is not aware if other states

are implementing these fines. Minnesota only one of the few states to have an HRO.

- b. Response from Jeff from MDHR office - Again, looking at the federal model on this issue and having some type of scalable model. It would most likely start with a warning then fine if non compliant. The fact that there would be fines for business failing their equity hiring goals serves as a deterrent to violations of the contracted goals.

- 2. Commission Grimm asked - Is this for project labor agreements or does it have a larger scope?

- a. Response - Currently, State of Minnesota requires contractors with state projects over \$100,000 and with 40 or more employees to make best effort to abide to maintaining a diverse workforce hiring women and people of color. Contractors are asked to make good faith efforts in diversity in the hiring efforts

- iii. **Equity in Bonding** - The State of Minnesota requires contractors with state projects over \$100,000 and with 40 or more employees to have workforce certificate detailing the contractor's plan to hire a diverse workforce. MDHR is proposing to extend these same equity goals to bonding projects. The benefits of bonding investments should extend beyond the project itself, and further economic opportunities to local communities through equitable hiring practices.

- b. Other discussion

- i. Human Rights Officer Crawford asked - How far reaching is MDHR in workforce development initiatives?

- 1. Response - MDHR works for equitable hiring goals and reaches out to other state agencies for assistance and collaboration. This topic would be entertained by partnering with Minnesota's Department of Employment and Economic Development (DEED).

- ii. Commissioner Grimm suggested as an action item added to the discussion the work done by CEDAW committee of Duluth's HRC

III. Consent agenda

- a. Commissioner Hakes motioned to add discussion on a proposal regarding the Duluth City Council's upcoming vote on banning conversion therapy. It passed by all and was added as agenda item VI.
- b. Minutes from the Commission's November 13th meeting were approved.

IV. Public comments

- a. Community member Kathy Peterson brought forth her complaint against Minnesota Power and the right for people to congregate on public spaces and the use of recreational fires. They have been meeting and having fires at the Minnesota Power plaza and been able to collect winter clothing to distribute to

homeless people. Someone at MN Power called the police. She had an incident that is before the Citizen Review Board (CRB) regarding the behavior of a Duluth Police Officer when she was issued a ticket. The Duluth Fire Department issued her a citation for use of fire that she is currently waiting for hearing. She faced financial hardship in paying the \$100 to contest this citation.

- i. Commissioner van den Bosse will talk with City Council member Arik Forsman
- ii. Commissioner Grimm suggested addressing Minnesota Power as an action of the HRC

V. Chair Report - no report Commissioner Kisob was absent

VI. Conversion Therapy Ban

- a. Duluth City Council will vote at their December 16, 2019 7:00PM meeting on a proposal to ban conversion therapy in the area. Commissioners unanimously supported the ban. Commissioner Hakes volunteered to read a statement prepared by the HRC to the City Council in support of the ban. Commissioners Keppers and van den Bosse will assist in writing the statement.

VII. Committee Reports

a. Findings

- i. Commissioners serving on include: Huber, Keppers, Kisob, and van den Bosse
- ii. Committee met on November 18 and HRO Crawford reported that two complaints have been resolved

b. Education and EEA letter

- i. Commissioner serving on include: Grimm, Huber, and Neenan
- ii. Committee met and discussed the statement in support of the Education Equity Alliance email request to Commissioner van den Bosse and HRC
- iii. Commissioner Grimm read the following statement at the November 19 Duluth School Board meeting:
 1. The Human Rights Commission is here to support a process that engages the community, especially underrepresented populations throughout the search for a new superintendent. We want to acknowledge the work that the school board has done to advance equity goals in the city and offer our partnership and assistance in any way that seems fit. We also encourage the school board to reach out to the Indigenous Commission, NAACP and families affected by the education disparities in our city. This is not just the work of the school board. This is all of our work, and we stand in partnership committed to serving the families and children in our area.

c. Homeless Person's Bill of Rights

- i. Commissioners serving on include: Grimm, Hakes, and van den Bosse

- ii. Commissioner van den Bosse has invited St. Louis County Commissioner Patrick Boyle to our January, 2020 HRC meeting to address our questions regarding the warming shelters. They are working on two locations and shelters open when temperatures drop below 10 degrees.
 - iii. Commissioner Grimm brought to our attention the challenges homeless people with mental health issues can have in accessing and using the warming shelters.
 - iv. Commissioner van den Bosse spoke with First District Councilor Gary Anderson regarding the feasibility of the City of Duluth establishing a hygiene facility for people experiencing homelessness. Next steps is to get action on the study.
 - d. CEDAW - changed name to Gender/Sexuality
 - i. Commissioners serving include: Hakes, Grimm, Preap
 - ii. Commissioner Hakes proposed forming a Gender/Sexuality sub-committee and including CEDAW and Pride as part of this committee.
 - e. Onboarding
 - i. The HRO prepared folders for all the Commissioners that included a roster of the Commissioners and their terms, Chapter 29C - Human Rights, the Discrimination Complaint process, and HRC regular meeting schedule.
 - ii. Commissioner Huber reviewed the materials with the Commission and asked any edits be sent to Laura in the HR office.
- VIII. Strategic Planning and retreat planning
 - a. Commissioner Huber reported he had spoken with the Consultant used for the previous retreat, Patty Beech, and she agreed to facilitate a one-day strategic planning retreat for the HRC. The Commissioners suggested the following Saturday options: February 29, March 21 and March 28
 - b. Commissioner Huber will follow-up with the date and Commissioner van den Bosse volunteered to work with the consultant on the retreat agenda.
- IX. Relevance of committees and restructuring - discussion occurred during CEDAW committee report
 - a. CEDAW
 - b. Homeless Person's Bill of Rights
 - i. Commissioner Hakes suggested name change to Housing Justice
 - c. Gender/Sexuality
- X. Community Based Commission Meetings
 - a. Commissioners want to continue to reach out and consider holding the monthly HRC meeting at community partner locations.
- XI. Community Correspondence
 - a. Commissioner van den Bosse is working on a letter regarding housing as a human right to local area healthcare providers as expansion of facilities displaces people from their homes.
 - b. Commissioner Grimm reported that local organizations are coming together at the Housing Justice meeting planned at the DaMiano Center on Monday, December 16 at 6:30PM

- c. Annual Christmas party at DaMiano is December 12 from 4:00 to 6:00 pm
 - d. Gaelic Dancing at the College of St. Scholastica on December 13 from 8:00 to 11:00 pm
- XII. Human Rights Officer Report - HRO Crawford gave the following report
- a. Working with Lee Stewart, CHUM, on warming center and looking at second location in Lincoln Park area
 - b. Riot Gear Policy committee work continues and an open meeting for the public will be happening soon.
 - c. Snow removal on private property is not happening and people with disabilities can't get out of their homes
 - d. Working with two new families in Child Protective Services and continue to advocate for the African Heritage Preservation Act.
 - e. Spoke to a group called Future Teachers about stopping racism in the classroom
 - f. ISD709 is not being forthright in reporting suspension rates. There are issues with police officers in the schools. Asking for support from Commissioners to advocate in the schools.
 - g. Creating a monthly report from the Findings Committee to provide to the Commission.
- XIII. Adjournment - the Meeting adjourned at 7:25PM

Respectfully submitted by Commission Huber, recording secretary