

Utah Antidiscrimination and Labor Advisory Council
Meeting Minutes
May 14, 2009
12:05 pm to 1:10 pm
Room 319

Council Members in attendance:

Sherrie Hayashi, Commissioner
Alan Hennebold, Deputy Commissioner
Heather Morrison, UALD Division Director
Ralph Chamness, General Public Representative
John Chindlund, Employer Representative
Robert Wilde, Employee Representative
Paul Smith, Landlord Representative
Lisa Fine, Tenant Representative
Sara Danielson, Council Secretary
Brent Asay, Wage Claim Unit Manager
Monica Austen-Smith, Employment Discrimination Case Manager
Rick Thaler, General Public Representative
Monica Whalen, Employer Representative
Bev Uipi, General Public Representative
Antonella Packard, General Public Representative
Sue Verhoef, Legislative Auditor

Not in attendance:

Marty Blaustein, Tenant Representative
John Salazar Sr., Employee Representative
Keith Nielson, Landlord Representative
Tony Montano, Employee Representative

Commissioner Sherrie Hayashi called the council meeting to order at 12:05 pm. Sherrie welcomed everyone, especially the new council members, Bev Uipi and Antonella Packard. Sherrie asked that introductions be made of each member in attendance. Sherrie stated that the approval of the minutes would be moved to later in the agenda due to the anticipation of a quorum at the meeting.

Sherrie gave a brief history of the UALD Advisory Council. The Council began in about 1996 after a legislative audit. The council's purpose is to provide discussion regarding policy making issues. The council is made up of representatives of both sides of employment, fair housing and wages. Sherrie asked for suggestions on how to make the council a stronger body and improve attendance of members.

Discussion Issues:

Legislative Audit – Heather introduced Sue Verhoef, the senior Legislative Auditor handling UALD’s legislative audit. Sue stated that the audit is currently in the survey stage, and it is anticipated that the audit will last a couple of months, and then be in the writing stage. After the audit findings are written up, the Division will have an opportunity to respond before the audit is published. The audit will only deal with employment and fair housing claims.

New Fair Housing Case Manager – Heather stated that Dan Singer had accepted the position as the Fair Housing Case Manager and is doing very well. She explained that he was out-of-town, but that he would be attending the next council meeting.

New Requirements for appeals of UALD cases – Heather passed out a listing of the new requirements from Adjudication for appeals from UALD decisions. These new requirements become effective at the end of May. Heather stated that these requirements will become part of the appeal rights given at the end of UALD’s decisions. She also stated that a form may be created for use in filing a Notice of Appeal. Discussion has held. Heather stated that Richard La Jeunesse would be attending the November council meeting to get feedback on how these new requirements and the process in general are working.

Sherrie asked that the council assist in disseminating these new requirements to the community.

HB 206 – Discussion was held as to the implications of HB 206 which passed during the 2009 Legislative Session. This bill deals with what an employer can ask for from applicants, including social security number and date of birth. The purpose of bringing this to the advisory council is to find out if the employer community has concerns with this bill. Concerns were raised about 1) what the bill started out as and what is ended up; 2) a significant change in the hiring process for many employers – slow down the process for the larger companies; 3) could be conflicts with federal requirements (DOT) – driving record; 4) the retention of records, 2 years, is against best practice advice of 6 years retention for employment records, 5) enforcement by UALD; and 6) does a violation of this law give rise to an invasion of privacy tort claim.

Sherrie summarized the concerns. Monica Whalen made a motion to recommend repeal of this bill. Rick Thaler seconded the motion. The vote was unanimous in favor of the motion to recommend repeal of this bill. The council offered to assist however necessary to follow through with this recommendation – signed letter, in person conversations with legislators.

Wage Claim Unit presentation - Brent offered a brief presentation to the council as to what the wage claim unit does and how it is organized. The numbers of claims have about doubled in the last year. The majority of the claims are for non-payment of wages.

Partnership with Salt Lake City Mayor's Office of Diversity and Human Rights – Heather explained that she has been asked to work with the Mayor's Office of Diversity and Human Rights on education/outreach. This is in the beginning planning stages. Heather explained that UALD is willing to participate in outreach education opportunities.

Approval of past meeting minutes. Sherrie recognized that there was a quorum of the council present approval of past meeting minutes could be dealt with. Monica made a motion to approve the minutes of February 2008, May 2008, August 2008, November 2008, and February 2009 meetings. Bob Wilde seconded the motion. The minutes for these meetings were approved.

The next meeting will be on August 13, 2009 at 11:30 am.

Sherrie adjourned the meeting at 1:10 pm.