

Employment Discrimination Advisory Council Meeting | MINUTES

January 19, 2017

Type of meeting: Utah Employment Discrimination Advisory Council Meeting
Note/Time taker: Waiva Roberts
In attendance: Alison Adams-Perlac, Paul Burke, Kevin Cote, Dave Jensen, Kass Harstad, Laura Henrie, Waiva Roberts, Mark Wagner

Welcome and Approval of Minutes

- Approved minutes from December meeting.
- Update on Legislative Audit.
- UALD 180 day timeframe on start to finish cases – implementing changes.
- Checklists - Analysis, grammar, punctuation, putting out the best information possible.
- Making the process to file much smoother. Addressing issues up front.

Action items

Legislative Audit – Alison Adams-Perlac

- Legislative Audit – UALD presenting response to the Audit Committee on January 26, 2017 with Commissioner. Will address process, training issues, and many issues that were addressed during the audit.
- Possible statutory clean up.
- Audit will be public after January 26, 2017. Council will address the audit more in-depth at its next meeting.

Action items

Mediation/Open Discussion – David Jensen and Alison Adams-Perlac

- Mediation process – Audit states that mediation and investigation shouldn't run together.
- Mark Wagoner – Discussed position statement and the importance of having it before mediation. He suggested requiring a mediation brief.
- Paul Burke – Stated his experience on the defense side on completing mediation before position statement to allow settlement or resolution and the positive benefits. If mediation is chosen then he suggests an extension on RFI and Response. Extension given from the date of mediation. Suggested allowing parties the option of agreeing to extend deadline for response 15-20 days IF they attend mediation.
- Alison Adams-Perlac – Stated that UALD has deadlines to meet and timeframes. Would prefer to have cases out of mediation within 30 days. 180 day agreement was addressed. The audit suggests restarting the database clock on amended charges so that the 180 deadline would still apply.
- Mark Wagoner – Defense with companies – Stated he felt a rush at the beginning of the filing process and then cases sit for 3-6 months. Entity sees the rush but why rush when Investigator won't see the case for months? He suggested reasonable extensions.
- Alison Adams-Perlac – Addressed UALD goal to assign 25 cases to investigators to resolve cases piling up. She also stated that UALD is hiring 1 part time person to schedule and reschedule mediations. This should eliminate back up in the mediation process.
- Alison Adams-Perlac – Membership in the council – suggestions with having someone from wages, investigator in employment and UOSH involved in the committee. This could be as needed in the future. Discussed inviting citizen members and respondents but difficult to see that happening.

- Paul Burke – Asked to have a member of legislature – AAP would discuss with legislative liaison. Perhaps have an attorney from the legislative office – bill writer, administrative info. AAP will address with Commissioner and Commission’s Legislative Liaison and contact.
 - Mark Wagoner – Would you have 2 members from either party be the legislative member?
 - Laura – Made suggestions regarding completing surveys after determination. UALD wanting feedback. Maybe having Michael Barrett attending some of the meetings as Outreach.
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Agenda for next meeting:

- ✓ Hope to have more information regarding the legislative audit after January 26, 2017.
- ✓ Upcoming Employment Legislation - Bullying statute?
- ✓ Additional training for UALD investigators. Version of EEOC investigation and blend with Utah law specifics. Fact finding – available training for investigators online. Maybe have information online for RP and CP to review and gather information specific to their case.
- ✓ UALD to address having an EEOC Investigator coming to us and if that’s in the budget.

Next meeting is scheduled for Thursday, February 16, 2017 at 12:00 p.m. at the Heber Wells building. Lunch will be provided.