



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

MINUTES

Hawai‘i Civil Rights Commission Office
via Zoom
May 16, 2023
2:00 p.m.

Present: Liann Ebesugawa, Joan Lewis, William Puette, Jon Matsuoka, and Arsima Muller, Commissioners; Robin Wurtzel, Marcus Kawatachi, and Heather McVay, Staff.

Chair Liann Ebesugawa called the meeting to order.

Approval of Minutes

The Commissioners reviewed the draft minutes of the April 18, 2023 meeting. Corrections were made on page 4 of the draft minutes, by replacing the sentence “This confirmation would allow Commissioner Muller to remain a holdover until the governor can appoint her to a second term.” with “This confirmation would allow Commissioner Muller to serve her current term and remain as a holdover.” With this correction, the minutes were approved.

Executive Director’s Report

Executive Director (ED) Marcus Kawatachi presented an FY 2023 HCRC Mediation Program year-to-date summary.

Summary & Details (7/1/22 through 5/15/23)

Referrals	20
Dispositions:	21
Settlements:	11
Non-agreements:	10
Settlement Rate:	52.4%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements: 9

State-only settlements: 2

Employment cases settled:	4
Housing cases settled:	7

Primary Bases for Complaints Settled in Mediation

Disability	7
Familial Status	2
Religion	1
Retaliation	1

Dispositions by Mediation Center

Mediation Center of the Pacific	2/4	(settlement rate 50%)
Mediation Services of Maui		
Private Mediators	1/1	(settlement rate 100%)
Ku‘ikahi Mediation Services (Hilo)		
West Hawaii Mediation Center	2/3	(settlement rate 66.7%)
Kauai Economic Opportunity, Inc.		
Hawai‘i Civil Rights Commission	6/13	(settlement rate 46.2%)
OVERALL	11/21	(settlement rate 52.4%)

ED Kawatachi also presented a data and production report showing caseload data through May 15, 2023.

As of May 15, 2023, the written report showed 346 open cases, an increase of 8 cases from the number reported as of April 18, 2023.

Of the 346 open investigation cases, 1 (0.3%) was filed in 2017, 12 (3.5%) in 2018, 34 (9.8%) in 2019, 44 (12.7%) in 2020, 57 (16.5%) in 2021, 118 (34.1%) in 2022, and 80 (23.1%) in 2023.

ED Kawatachi reported a breakdown of the status of the open cases by type of case and investigation stage.

2017	2018	2019	2020	2021	2022	2023	Total
------	------	------	------	------	------	------	-------

Housing Cases	0	0	2	4	7	24	21	58
Response Monitoring	0	1	13	24	37	83	56	214
Mediation	0	0	3	9	11	10	3	36
Pending Assignment	0	6	11	2	1	0	0	20
Active Investigation	1	5	5	5	1	1	0	18
TOTAL	1	12	34	44	57	118	80	346

The report indicated no new subpoena enforcement litigation.

Case Aging

31.2 % of all cases are 2 years or older

8.4 % of all cases are over 18 months, but less than 2 years old

13.6 % of all cases are over 12 months, but less than 18 months old

17.3 % of all cases are over 6 months but less than 12 months

29.5 % of all cases are 6 months or less

The report also covered the year-to-date data for the past five fiscal years:

	7/1/18 – 5/15/19	7/1/19 – 5/15/20	7/1/20 – 5/15/21	7/1/21 – 5/15/22	7/1/22 – 5/15/23
Category					

PCQ Received	567	465	413	429	473
Intake Decision	445	537	366	414	490
Complaint Filed	259	248	190	172	170
Investigation Closed	236	184	189	220	166
Notice of Cause	11	9	9	15	11
Enforcement Closure	13	6	12	10	3

Chief Counsel’s Report

Chief Counsel (CC) Robin Wurtzel reported no change on *Morning Hill Foods, LLC dba Mana Bu’s v. The Hawaii Civil Rights Commission*, Civil No. 18-100034-01 KKH, pending in the ICA.

2023 Legislation

CC Wurtzel provided a final update on the status of bills and resolutions that the HCRC has been tracking. The following bills that were discussed in previous meetings all passed but have not been signed by the Governor:

RELATING TO EMPLOYMENT EARNINGS

SB 1057, SD2, HD2, CD1

Requires job listings to include an hourly rate or salary range and is a significant step forward in equal pay.

RELATING TO BACKGROUND CHECKS

HB 777, HD2, SD2, CD12

Authorizes the Department of Human Services to conduct national criminal background checks for current and prospective employees; volunteers; contractors; and contractors' employees, agents, and volunteers, who are in positions that require close proximity to certain minors, young adults, or vulnerable adults.

RELATING TO MARRIAGE

HB 485, HD3, SD2

Provides for the replacement of certificates of marriage for individuals who have changed their gender, sex, and, if applicable, name.

RELATING TO AMERICAN SIGN LANGUAGE

HB 834, HD1, SD1

Recognizes American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

In addition, one resolution passed:

ENCOURAGING THE FACILITATION OF A PATH TO CITIZENSHIP FOR IMMIGRANTS FROM PARTIES TO THE COMPACTS OF FREE ASSOCIATION

SCR 102 and its companions encourage the facilitation of a path to citizenship for immigrants from parties to the Compacts of Free Association.

CC Wurztel also discussed two bills that passed that will have an impact on the HCRC's meetings:

RELATING TO PUBLIC AGENCY MEETINGS

Act 19, SB1513

Any discussion or final action taken during an executive meeting must be reported immediately after, provided it is no inconsistent with the purpose of convening the session. Goes into effect July 1, 2023.

RELATING TO RECORDINGS OF PUBLIC MEETINGS

HB712, HD1, SD1

Encourages boards to maintain recordings of meetings on the board's website and requires boards to provide a copy to the State Archives. If it becomes law, it goes into effect October 1, 2023. A recording is not required for live meetings.

Next meeting

The next meeting of the Commission was scheduled for June 20, 2023, at 2:00 p.m.

Closed Executive Session

There being no objection, the Commissioners went into Closed Executive Session, to discuss a personnel matter pursuant to HRS §§ 92-4 and 92-5(a)(2).

The Commissioners came out of Closed Executive Session.

Adjournment

**Draft minutes circulated by Marcus L. Kawatachi, Executive Director.
Approved by Commission, as circulated, on June 20, 2023.**