



# **HAWAI‘I CIVIL RIGHTS COMMISSION**

## **KOMIKINA PONO KIWI‘LA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 568-8692

[DRAFT] MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

March 28, 2024

2:00 p.m.

Present: Chair Liann Ebesugawa, Commissioner Joan Lewis, Commissioner William Puette, Commissioner Jon Matsuoka, Commissioner Arsima Muller

Staff: Executive Director Marcus Kawatachi, Chief Counsel Constance Yonashiro, Deputy Executive Director Heather McVay, Adjudications Secretary Sandy Yoshimura,

Chair Ebesugawa called the meeting to order.

### **Approval of Minutes**

The Commissioners reviewed the draft minutes for the meetings on January 25, February 7, and February 26, 2024. Those minutes were approved as circulated.

### **Executive Director’s Report**

Executive Director (ED) Kawatachi presented the FY 2024 HCRC Mediation Program year-to-date summary:

#### **Summary & Details (7/1/23 through 3/28/24)**

Referrals	28
Dispositions:	19
Settlements:	7
Non-agreements:	12
Settlement Rate:	36.8%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements: 5

State-only settlements: 2

Employment cases settled: 3

Housing cases settled: 4

**Dispositions by Mediation Center**

Mediation Center of the Pacific	2/3	(settlement rate 66.7%)
Mediation Services of Maui		
Private Mediators	1/2	(settlement rate 50%)
Ku'ikahi Mediation Services (Hilo)	0/1	(settlement rate 0%)
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawai'i Civil Rights Commission	4/13	(settlement rate 30.8%)
<b>OVERALL</b>	<b>7/19</b>	<b>(settlement rate 36.8%)</b>

ED Kawatachi also presented a data and production report showing caseload data through March 28, 2024.

As of March 28, 2024, the written report showed 367 open cases, an increase of 18 cases from the number reported as of January 25, 2024.

Of the 349 open investigation cases, 1 (0.3%) was filed in 2017, 4 (1.1%) in 2018, 17 (4.6%) in 2019, 23 (6.3%) in 2020, 45 (12.3%) in 2021, 76 (20.7%) in 2022, 147 (40.1%) in 2023, and 54 (14.7%) in 2024.

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	2024	Total
Housing Cases	0	0	1	1	4	14	52	14	86
Response Monitoring	0	0	7	13	28	49	48	31	176
Mediation	0	0	3	6	8	7	15	5	44
Pending Assignment	0	0	3	1	1	2	9	0	16
Active Investigation	1	4	3	2	4	4	23	4	44
<b>TOTAL</b>	<b>1</b>	<b>4</b>	<b>17</b>	<b>23</b>	<b>45</b>	<b>76</b>	<b>147</b>	<b>54</b>	<b>367</b>

The report indicated no new subpoena enforcement litigation.

**Case Aging**

28.6 % of all cases are 2 years or older

9.5 % of all cases are over 18 months, but less than 2 years old

15.8 % of all cases are over 12 months, but less than 18 months old  
 18.5 % of all cases are over 6 months but less than 12 months  
 27.5 % of all cases are 6 months or less

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

Category	7/1/19 – 3/28/20	7/1/20 – 3/28/21	7/1/21 – 3/28/22	7/1/22 – 3/28/23	7/1/23 – 3/28/24
PCQ Received	428	333	371	384	425
Intake Decision	487	293	346	383	457
Complaint Filed	236	151	147	135	153
Investigation Closed	169	163	192	141	171
Notice of Cause	9	7	14	9	3
Enforcement Closure	4	10	9	5	13

**Chief Counsel’s Report**

- Update on docketed cases for contested case hearings:  
 For one case that may be close to docketing, the final demand had to be resent to the Respondents for proper service, so the case has not been docketed yet.
- Update on public hearing on proposed rule amendments:  
 Staff sent the Attorney General’s office the language for proposed rule amendments that the Commission approved during the last meeting, as well as a required Native Hawaiian Impact statement. The Attorney General’s office has not responded yet.
- Update on legislation:
  - HB2552 (Amends the Family Leave Act) – The most recent draft of the bill amends Chapter 378 to include neonatal care as part of related medical conditions relating to pregnancy, under the definition of sex. The bill is going to Ways and Means next, with one more reading and conference.
  - HB2802 (Constitutional Amendment re Marriage) – The bill looks like it will be moving forward. Commissioners and staff discussed the votes needed to pass a constitutional amendment vs. votes needed to pass at the legislature, and what might happen if the bill moves forward.
  - SB2683 (Defamation) – In a previous meeting, staff had expressed concerns that the language of the bill might implicate First Amendment issues. Staff reported that this was no longer a concern after discussing the issue with the U.S. Department of Housing and Urban Development, and after HCRC’s suggested amendments were adopted in the most recent draft of the bill.

**Announcements**

Commissioner Matsuoka announced the Interfaith Community Town Hall and Iftar Dinner on April 2, 2024, at 5:30pm, organized by the Hawai'i Betsuin and the ACLU of Hawai'i.

**Next Meeting**

The next meeting of the Commission was scheduled for Thursday, May 2, 2024, at 2:00 p.m.

**Adjournment**

**Draft minutes circulated by Marcus Kawatachi, Executive Director.**

**Approved by Commission, as circulated, on \_\_\_\_\_, 2024.**

Draft