

**Approved Minutes – March 23, 2018 Meeting of the Iowa Civil Rights Commission**

- I. Roll Call: Jackson (Chair), Lipski, Oelschlaeger, Ordaz, Kooiker,  
Staff: Director Johnson, Supervisor Linda Grathwohl
  
- II. Minutes from 1/19/18 presented. Motion by Commissioner Ordaz, seconded by  
Commissioner Haugh to approve minutes from 1/19/18; motion approved.
  
- III. Commissioners' Reports –
  - a. Commissioner Kooiker – nothing to report
  - b. Commissioner Lipski – nothing to report
  - c. Commissioner Oelschlaeger – presented as an item of interest the public  
accommodation case pending before the U.S. Supreme Court which is anticipated to  
address the question of whether a baker who bakes cakes for weddings as a public  
accommodation can constitutionally be prohibited from refusing to bake a cake for a gay  
wedding. Director Johnson stated she would forward to the Commissioners the decision  
of the Colorado Supreme Court which is the subject of the appeal.
  - d. Commissioner Ordaz – nothing to report
  - e. Commissioner Haugh – nothing to report
  - f. Chair Jackson – the Commission has the opportunity to take action to advocate for the  
ICRC. She proposed drafting a letter requesting that the ICRC continue to be adequately  
funded and explaining how the funding for the ICRC works with respect to  
accomplishment of work eligible for federal funding. Discussion followed. All  
Commissioners agreed the ICRC needs to reach out to the Executive and Legislative  
branches to request that efforts be made to keep adequate state funding to the ICRC.  
Director Johnson also mentioned that other agencies' boards attend budget hearings  
with the Governor and the Legislature's Joint Justice Appropriations Committee, such as  
the Board of Parole. The Commissioners agreed this was a good idea. Further discussion  
was held regarding the possibility of drafting a letter to send to editorial boards of  
newspapers.
  
- IV. Director's Report – Director Johnson announced the resignation of Commissioner Mathew  
Hosford. The Commission thanked him for his service. If any current commissioners know of  
anyone interested in serving on the Commission, please let the Director know and she will pass the  
information to the Governor's office.

Director Johnson next discussed the FY 19 budget presentation. The ICRC requested status quo funding for FY 19 from the originally appropriated amount for FY 18. There are currently deappropriation bills pending: the House version and Governor's proposal would deappropriate over \$10,431 (about 1%) for current fiscal year; the Senate version would deappropriate over \$31,000 (about 3%) for current fiscal year. Director Johnson said the 1% deappropriation amount looked likely to pass and be signed by the Governor. The ICRC also earns federal funds through

worksharing agreements with HUD and the EEOC and a grant from IEDA that is specifically for training and testing of discrimination in housing. Director Johnson has used delays in filling vacancies as a way to cover anticipated deappropriations, but this causes the ICRC caseload to become backed up. If the ICRC could afford to be fully staffed, it would be able not only to conclude investigations more quickly, but also do more training and other outreach activities. The average number of days to close an investigation dropped due to a shift in efforts to the front end of the process, the screening, due to the fact that historically, an average of about 60% of cases are concluded at the screening stage. This has been the case since at least the early 1980s, no matter how summary or in-depth the screening is. Commissioner Oelschlaeger asked whether any other agency in Iowa has experienced a similar decrease in budget of 12% over the past 11 years. Director Johnson was not able to answer, but did mention reading in the newspaper that the Department of Aging had experienced cuts, and perhaps other smaller agencies. The bigger agencies have not experienced cuts like this. Commissioner Oelschlaeger commented it seems very unusual for there to be such cuts. Director Johnson indicated she spent much more time during the budget hearings this year explaining that the amount of federal funds to be earned is directly impacted by the general fund appropriation, because when there is the less money available for staffing, there is less money the ICRC can earn through federal worksharing agreements. There has also been legislation proposed this year to add to the ICRC's responsibilities without any additional funding to help ensure there is sufficient staff to complete the work. Further discussion addressed the possible impact of the ICRC's return of nearly \$100,000 about 5 or 6 years ago. The extra funds in that fiscal year appear to have resulted from a large number of long-term staff having left the agency and been replaced by lower paid staff members. The status quo budget requests directed by the Governor's office do not take into account the fact that these employees receive annual pay increases. Thus, costs of staff go up each year, but the general fund appropriation does not. In addition, support costs increase every year but the status quo funding recommendation does not take this into account. For example, the trend for capital costs such as computers is not to buy new ones to replace old ones, but to lease them at a monthly cost that the ICRC has no control over; these are items that the ICRC is required to procure through OCIO, another state agency. The ICRC has also been informed the current phones, which work well, will no longer be supported by the ICN, and the ICRC is being forced to get new phones, but these new phones do not support the ICRC's current voice recording equipment which is necessary for the conducting of investigatory interviews, and the ICN's replacement proposal added another monthly cost over which the ICRC has no control. It may be that the return of the funds 5 or 6 years ago sent a message that the ICRC can make up lost state funding with federal funding. For FY 19, Director Johnson's general fund budget request was status quo funding from the end of FY 18, after a 1% deappropriation in the middle of FY 18. Represented in dollars, it looks like this:

Fiscal Year	Requested Appropriation	Approved Appropriation	After Deappropriation
FY17	\$1.169 million	\$1.169 million	\$1.157 million
FY18	\$1.157 million	\$1.157 million	\$1.146 million
FY19	\$1.157 million	Not determined	

Director Johnson next discussed legislative activity. One bill that may pass, SF 2365, clarifies the definitions of assistance and service animals and asks the ICRC to implement regulations and create a form to be used by licensed providers when designating needs for assistance and service animals. She discussed the impact of fake claims of assistance and service animals on individuals with disabilities with legitimate needs for such. An earlier version of this bill would have allowed landlords who believed tenants had fake assistance animals to file complaints with the ICRC, who would be required to investigate and assess a civil penalty of \$100 for founded violations, but with no additional funding for this work.

SF2280 is an anti-profiling bill specifically prohibiting profiling by law enforcement. The unknown part of this bill involves funding for the ICRC's enhanced role in accepting and investigating complaints of profiling based on impermissible protected characteristics. The bill would require law enforcement to advise any person stopped of their right to file a complaint with the ICRC. The potential increase in complaint activity that could result from this bill is unknown. None of the complaints would be eligible for federal reimbursement as there is no worksharing agreement with any agency covering this type of claim. Three other bills did not survive the funnel date or pass out of committee.

Director Johnson reported that the District Court denied judicial review in the case of Fishnick and Kelly v. Fraternal Order of Eagles, and the Respondent appealed it to the Iowa Supreme Court. Director Johnson stated she would send the order to the commissioners. Commissioner Lipski asked Director to send thanks to AAG Michael Bennett for his assistance.

Director Johnson reported she was called into the Joint Administrative Rules Review Committee about the Housing chapter of the rules to ask about the ICRC's design and construction testing. Attached to the ICRC minutes are the ARRC's minutes reporting on the Director's appearance.

V. Commissioner Kooiker suggested that the Commission write an editorial to distribute to the newspapers in Iowa to point out the good things the ICRC does and the budget issues it is facing. Chair Jackson suggested all commissioners co-author a piece. Commissioner Kooiker agreed to prepare a draft and distribute to commissioners for input.

VI. Next meeting will be on Friday, May 18, 2018. Commissioner Haugh will inquire as to whether there's a room available at Grandview College.

Commissioner Lipski moved to adjourn, Commissioner Kooiker seconded, approved.

**Meeting adjourned.**

