

BLOOMSBURG HUMAN RELATIONS COMMISSION MEETING

Thursday, June 6, 2024 6:00 p.m.

Council Chambers or via Zoom

PUBLIC CAN JOIN: DIAL: +1 646 558 8656 US & INCLUDE THE MEETING ID: 456-920-3798 & PRESS #.

JOIN ONLINE AT: <https://us02web.zoom.us/j/4569203798>.

Members: John Grabusky (Chair), Tara Moore (Vice-Chair/ Secretary), Joan Mosier, Maria Valentin & Nichole Harmon.

- 1.) Approval of the minutes from the April 4, 2024 meeting.
- 2.) Review and recommendation to pass along the amended ordinance to Council.
- 3.) Discussion of next steps.
 - a. Organizations to speak to
 - b. Events
 - c. Welcome letter
 - d. Complaint letter
 - e. Acknowledgement letter
- 4.) 2024 Meeting dates:
 - August 1st, Oct 3rd & Dec. 5th

Commission

- Templated Communications.
- Promotion/Awareness Plan- Bloomsburg School District, Bloomsburg University, Coalition for Social Equity and local churches.

Volunteers

- Training.
- Recruitment plan as needed.

Commissioners

- Additional Training.
- List of Resources - Mediators, HUD, & EEOC.

Bloomsburg Human Relations Commission Minutes
Thursday, April 4, 2024 at 6:00 p.m.
Town Hall or via Zoom

The meeting started at 6 p.m. Present were John Grabusky, Joan Mosier, Tara Moore, Nichole Harman and Maria Valentin. Lisa Dooley, Town Manager/ Secretary/ Treasurer was also present.

On a motion by T. Moore, and seconded by N. Harmon, and voted on unanimously, the February 8, 2024 meeting minutes were approved.

The Committee discussed the Renaissance event and what materials they would like to see purchased and ready for the event. It was discussed to have the same canvas board as last year provided by Geisinger, finger paints, lollipops, stickers and tattoos. It was also discussed to have a \$25 raffle to Om Sai Convenience and Grocery Store.

The meeting ended at 7:04 p.m. with no further business.

Notes taken by L. Dooley.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 6, PART 10 OF THE CODE OF
ORDINANCES OF THE TOWN OF BLOOMSBURG, ENTITLED
“ANTIDISCRIMINATION”**

WHEREAS, the Town of Bloomsburg (the “Town”) enacted Chapter 6, Part 10 of the Code of Ordinances of the Town of Bloomsburg (the “Code”) entitled Antidiscrimination; an

WHEREAS, the Town desires to amend Chapter 6, Part 10 of the Code as set forth herein

AND NOW be it ORDAINED and ENACTED by the Bloomsburg Town Council, as follows:

1. Section 6-1005 2. of Chapter 6, Part 10 of the Code shall be deleted and the following inserted in its place:
 2. The Commission shall consist of five members who shall serve staggered terms of three years each, except that the initial members shall have a term of one year for one member, two years for two members, and three years for two members, respectively. At all times, there shall be an odd number of members. All members of the Commission shall be appointed by Town Council. Commission members shall consist of any combination of the following: (a) citizens of the Town; (b) not more than one (1) owner of a business in the Town; (c) an individual employed by a business located in the Town; or (d) individuals living within five (5) miles of the geographic boundaries of the Town and having a Bloomsburg address. No voting member of the Commission shall hold any office in any political party. Members of the Commission shall serve without salary, but may be reimbursed for expenses incurred in the performance of their duties, as approved by Town Council.
3. Section 6-1005 3. of Chapter 6, Part 10 of the Code shall be deleted and the following inserted in its place:
 3. One of the Commission’s members shall be appointed as Chairperson of the Commission by Town Council. The Chairperson will be responsible for setting Commission meetings, coordinating with the Town Manager or Town Secretary of the Town of Bloomsburg regarding received complaints and answers, and generally ensuring that the duties of the Commission are fulfilled. The Chairperson may designate non-voting duties to specific Commission members, the Town Manager or Town Secretary, if applicable.

4. Section 6-1005 6. of Chapter 6, Part 10 of the Code shall be deleted and the following inserted in its place:

6. The Commission shall operate within the scope of funds which may be annually allocated by Town Council and shall not exceed the annual allocation in any year, except upon prior approval by Town Council. It is the intention of Town Council that the Commission's actions shall be supported by volunteers and employees of the Town, and shall be as close to "zero-cost" to the Town as reasonably feasible, except for salaries and benefits paid to Town employees.

5. Section 6-1006 4. A. (3) shall be deleted and the following inserted in its place:

(3) The complainant and respondent shall each be responsible for one-half of all costs and expenses which may be associated with the mediation.

6. Section 6-1006 4. A. (4) shall be deleted and the following inserted in its place:

(4) Mediation sessions shall remain private and not otherwise subject to public attendance. Mediation sessions shall be conducted by volunteers and monitored by the Commission.

ORDAINED AND ENACTED into law by the Bloomsburg Town Council in lawful session assembled this ____ day of _____, 2024.

Attest:

TOWN OF BLOOMSBURG

Lisa Dooley, Secretary

Justin Hummel, Mayor

Part 10
ANTIDISCRIMINATION

§ 6-1001. Purpose and Declaration of Policy. [Ord. No. 1016, 10/26/2020]

1. In order to ensure that all persons, regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, veteran status, mental or physical disability, or the use of guide or support animals and/or mechanical aids, enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, and use of public accommodations, it is necessary that appropriate legislation be enacted.
2. It is hereby declared to be the public policy of the Town to foster the employment of all individuals in accordance with their fullest capacities without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, veteran status, mental or physical disability, or the use of guide or support animals and/or mechanical aids, and to safeguard their right to obtain and hold employment without such discrimination; to secure housing accommodation and commercial property without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, veteran status, mental or physical disability, or the use of guide or support animals and/or mechanical aids; and to assure equal opportunities to all individuals and to safeguard their rights to public accommodation without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, veteran status, mental or physical disability, or the use of guide or support animals and/or mechanical aids.
3. Nothing in this Part shall be construed as supporting or advocating any particular doctrine, position, point of view, lifestyle, or religious view. To the contrary, it is the intention of this Part that all persons be treated fairly and equally, and it is the express intent of this Part to guarantee fair and equal treatment under the law.
4. This Part shall be deemed an exercise of the police power of the Town for the protection of the public welfare, prosperity, health, and peace of the Town.

§ 6-1002. Definitions. [Ord. No. 1016, 10/26/2020]

The following words and phrases when used in this Part shall have the meanings given to them in this section. All definitions from the Pennsylvania Relations Act will also stand true.

DISCRIMINATION — Any discriminatory act(s) by any person, employer, employment agency, labor organization, or public accommodation on the basis of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, veteran status, mental or physical disability, or the use of guide or support animals and/or mechanical aids.

DISCRIMINATORY ACTS — All acts defined in Section 5 of the Pennsylvania Human Relations Act, 43 P.S. § 955, as unlawful discriminatory practices. The fact that the Pennsylvania

Human Relations Act would not define a practice as unlawful when that practice is taken on the basis of actual or perceived sexual orientation, gender identity or expression, genetic information, or marital status shall not exempt such practice from being considered a discriminatory act under this Part.

EMPLOYEE — An individual employed by an employer for compensation. An employee does not include any individuals who, as a part of their employment, reside in the personal residence of the employer. Any independent contractor is also considered an employee.

EMPLOYER — Any person who employs four or more employees, including the Town, its departments, boards, and commissions, and any other government agency within its jurisdiction, but except as hereinafter provided, does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations. The term "employer" with respect to discriminatory practices based on race, color, age, sex, national origin or non-job-related handicap or disability, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more person.

FRIVOLOUS CLAIM — A complaint where the complainant lacks any factual or legal basis for the alleged conduct in violation of this Part and clearly lacks any probability of success on the merits.

GENDER IDENTITY OR EXPRESSION — The actual or perceived gender-related identity, expression, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

GENETIC INFORMATION — That information which is defined as genetic information in the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C.A. § 2000ff.

INDEPENDENT CONTRACTOR — Any person who is subject to the provisions governing any of the professions and occupations regulated by state licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act.

ORDINANCE — This Part, which shall be known as the "Antidiscrimination Ordinance."

PERSON — Any natural person, fraternal, civic, or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company, or similar business organization, including the Town, its departments, boards, and commissions, and any other government agency within its jurisdiction, and other for-profit and nonprofit organizations.

PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT — Any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public, including but not limited to inns, taverns, roadhouses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, barrooms or any store, park or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectioneries, soda fountains and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, bathhouses, swimming pools, barber shops, beauty parlors, retail stores and establishments, theaters, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs,

bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all educational institutions operating within the Town, nonsectarian cemeteries, garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof, financial institutions and facilities and services within the Town of Bloomsburg, but shall not include any accommodations which are in their nature distinctly private.

SEXUAL ORIENTATION — Actual or perceived homosexuality, heterosexuality, and/or bisexuality.

§ 6-1003. Unlawful Practices. [Ord. No. 1016, 10/26/2020]

1. Discrimination in employment, housing, and access to public accommodations is prohibited under this Part.
2. Retaliation against any person because such person has opposed any practice forbidden by this Part, or because such person has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this Part is prohibited under this Part.
3. Aiding, abetting, inciting, compelling, or coercing any person to perform any act declared by this Part to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Part is prohibited under this Part.

§ 6-1004. Exceptions. [Ord. No. 1016, 10/26/2020]

1. With regard to discrimination in housing, this Part shall not bar any religious or denominational institution or organization or any charitable or educational organization, which is operated, supervised, or controlled by or in connection with a religious organization or any bona fide private or fraternal organization, from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes, or fraternal principles for which it is established or maintained.
2. It shall not be an unlawful employment practice for a religious corporation or association not supported by Town funds to hire or employ an individual on the basis of sex in those certain instances where sex is a bona fide occupational qualification because of the religious beliefs, practices, or observances of the religious corporation or association.
3. The provisions of this Part shall not make it an unlawful employment practice for a religious corporation or association not supported in whole or in part by governmental appropriations to refuse to hire or employ an individual on the basis of religion or sex in those certain instances where that is a qualification due to the beliefs and practices of the religious corporation or association.

§ 6-1005. Establishment of Human Relations Commission. [Ord. No. 1016, 10/26/2020]

1. Pursuant to 43 P.S. § 962.1 of the Pennsylvania Human Relations Act, there is hereby

established a Human Relations Commission in and for the Town of Bloomsburg (hereinafter referred to as "the Bloomsburg Human Relations Commission" or "the Commission").

2. The Commission shall consist of five members who shall serve staggered terms of three years each, except that the initial members shall have a term of one year for one member, two years for two members, and three years for two members, respectively. At all times, there shall be an odd number of members. All members of the Commission shall be appointed by Town Council. Members shall be residents of the Town. No voting member of the Commission shall hold any office in any political party. Members of the Commission shall serve without salary, but may be reimbursed for expenses incurred in the performance of their duties, as approved by Town Council.
3. One of the Commission's members shall be appointed as Chairperson of the Commission by Town Council. The Chairperson will be responsible for setting Commission meetings, coordinating with the Town Manager or Town Secretary of the Town of Bloomsburg regarding received complaints and answers, and generally ensuring that the duties of the Commission are fulfilled. The Chairperson may delegate responsibility for Commission duties to specific Commission members or to the Town Manager or Town Secretary, if applicable.
4. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary to acquaint themselves with the functioning of the Bloomsburg Human Relations Commission under this Part, as well as the terms, conditions, and provisions of the Pennsylvania Human Relations Act and the operations of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson and shall be performed in conjunction with the Pennsylvania Human Relations Commission.
5. Town Council hereby grants to the Commission all of the powers necessary to the execution of its duties as set forth herein.
6. The Commission shall operate within the scope of funds which may be annually allocated by Town Council and shall not exceed the annual allocation in any year, except upon prior approval by Town Council. It is the intention of Town Council that the Commission's actions shall be supported by volunteers and unpaid staff and shall be as close to "zero-cost" to the Town as reasonably feasible.
7. The Commission shall develop and maintain standing rules to provide structure for its work. Council shall approve these standing rules.

§ 6-1006. Complaints and Procedures for Processing Complaints. [Ord. No. 1016, 10/26/2020]

1. Filing a Complaint.
 - A. Any person(s) claiming to be aggrieved by a practice which is made unlawful under this Part may prepare, sign, and file a verified complaint, in writing, as provided for in this Part, alleging violations of this Part. Such complaint shall, at a minimum, contain the following information:

- (1) The name, telephone number, mailing address, and email address, if applicable, of the aggrieved person(s);
 - (2) The name, telephone number, mailing address, and email address, if applicable, of the person(s) alleged to have violated this Part;
 - (3) A detailed statement, including pertinent dates, times, locations, persons, and acts involved constituting the violation of this Part;
 - (4) If the violation relates to housing, the address and a description of the dwelling unit which is involved; and
 - (5) Such other information as may be required by the Commission.
 - B. Complaints may be filed in person at the office of the Town Manager or Town Secretary of the Town of Bloomsburg, or by mailing such complaints to the Bloomsburg Town Hall or to the Chairperson of the Bloomsburg Human Relations Commission. All complaints must be received by the Town or the Commission within 180 days of the alleged act(s) of discrimination giving rise to the complaint, or such complaint shall be dismissed as untimely. The time limits for filing any complaint or other pleading under this Act shall be subject to waiver, estoppel, and equitable tolling. The limitations of filing will follow the Pennsylvania Human Relations Act.
 - C. If the complaint is filed with the Town, it shall be provided by the Town Manager or Town Secretary to the Chairperson of the Commission within 10 days of the Town's receipt thereof.
 - D. The Commission may promulgate forms for use by the persons wishing to file a complaint, however, complaints which are prepared and filed without the use of an approved form shall be deemed acceptable under this Part so long as the facts set forth under Subsection 1A of this section can be clearly determined from the document submitted as a complaint.
 - E. The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer or other staff person affiliated with the Commission who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint, and gaining access to pertinent information such as the content of this Part, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations Commission as an additional venue within which the prospective complainant may seek redress when possible. If the complainant alleges discrimination on a basis proscribed under federal law, the complainant should also be provided information of a possible right to file with the Federal Equal Employment Opportunity Commission or HUD.
2. Review and Notification. Within 30 days of its receipt of a complaint, the Commission shall:
- A. Review the Complaint:
 - (1) If deemed to be a frivolous claim, by majority vote of the Commission, the complaint may be dismissed. Notice of the finding of a frivolous claim shall be

sent to the complainant within 10 days of the action and determination of the Commission.

- (2) If the Commission finds that the complaint is not a frivolous claim, the complaint shall be processed in accordance with the provisions set forth in the following subsections.

B. Notification.

- (1) Send a copy of the complaint to the person(s) charged with a discriminatory act or practice under this Part (hereinafter "the respondent(s)") together with a copy of this Part.
- (2) Send a notice to the person(s) aggrieved, acknowledging that the complaint has been received by the Commission. If the complaint alleges discrimination on a basis prescribed under federal or state law, the notice sent to the person(s) aggrieved shall also inform them of the right to file with the Pennsylvania Human Relations Commission and/or with the Federal Equal Employment Opportunity Commission, as well as the United States Department of Housing and Urban Development, where applicable.
- (3) Notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of the Pennsylvania Human Relations Commission, as required under the Act.
- (4) Provide a notice to both the complainant and the respondent(s) of the option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the complaint and provide a form to the parties to be completed and returned to the Commission setting forth each party's choice regarding method of mediation.

3. Answer.

- A. The respondent(s) shall file a written verified answer to the complaint within 30 days of service of the complaint on the respondent.
- B. The Commission, upon request of the respondent, may grant an extension to answer the complaint of not more than 30 additional days.
- C. An answer to a complaint may be filed in the same manner as a complaint, as set forth above.
- D. If the answer is filed with the Town, it shall be provided by the Town Manager or Town Secretary to the Chairperson of the Commission within 10 days of the Town's receipt thereof.
- E. The Commission shall promptly send a copy of the answer to the person(s) aggrieved.

4. Mediation.

- A. Within 30 days of receipt of an answer to a complaint, or where no answer is filed within 60 days of service of the complaint upon the respondent(s), the matter shall proceed in

accordance with the following:

- (1) In the event that both the complainant and the respondent (hereinafter "the parties") have consented to mediation, then the Commission shall refer the matter to a recognized alternative dispute resolution service, which service may be provided through Columbia County, the Columbia County Bar Association, or any other professional mediation service provider; or the Commission may refer the matter to a licensed member of the Pennsylvania Bar who may be willing to perform service to the Commission as a volunteer mediator.
 - (2) The parties shall jointly select the mediator; however, in the event that the parties cannot jointly agree on a mediator within 30 days of agreeing to mediation, the Commission shall select the mediator.
 - (3) Any costs or expenses which may be associated with the mediation shall be the joint responsibility of the parties (complainant and the respondent).
 - (4) Mediation sessions shall remain private and not otherwise subject to public attendance. Mediation sessions shall be conducted by the Commission with a minimum of two members.
- B. When mediation has resulted in an amicable resolution of the complaint, the Commission shall enter of record the result of the mediation in a notice of resolution, and shall send a copy of the same to the parties.
- C. In the event the complaint has not been resolved through mediation, or mediation has been declined by either party, and the case alleges discrimination not covered by the Pennsylvania Human Relations Act the parties are entitled to proceed to the Court of Common Pleas in Columbia County. If the matter is covered by the Pennsylvania Human Relations Act, the complainant may not proceed to court before exhausting their administrative remedies through investigation and a hearing by the Pennsylvania Human Relations Commission if probable cause is found.

§ 6-1007. Nonlimitation of Remedies. [Ord. No. 1016, 10/26/2020]

Nothing contained in this Part shall be deemed to limit the right of an aggrieved person to recover under any other applicable law or legal theory.

§ 6-1008. Multiple Filings. [Ord. No. 1016, 10/26/2020]

This Part shall not apply to matters which are the subject of pending or prior filings made by an aggrieved person before any federal or state court or agency of competent jurisdiction.

§ 6-1009. Enforcement. [Ord. No. 1016, 10/26/2020]

The complainant or the Commission may secure enforcement of the order of the Commission or other appropriate relief. When the Commission has heard and decided any complaint brought before it, enforcement of the Commission's order shall be initiated by filing a petition in the Court of Common Pleas of the 26th Judicial District, Columbia County Branch, together with a copy of the transcript of the hearing before the Commission, and issuance and service of a copy of the

petition as in proceedings in equity.

§ 6-1010. Severability. [Ord. No. 1016, 10/26/2020]

In the event that any provision of this Part is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Part or of this Part as a whole, but such shall continue in full force and effect as though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof.

§ 6-1011. Repealer. [Ord. No. 1016, 10/26/2020]

Any ordinance or parts thereof that are inconsistent with this Part are hereby repealed.

§ 6-1012. When Effective. [Ord. No. 1016, 10/26/2020]

This Part shall be effective 90 days after enactment.