

COMMISSION MEETING MINUTES

July 13, 2010

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, July 13, 2010 at 10:05 a.m., in Baltimore, Maryland.

PRESENT Norman Gelman, John Hermina, Doris Cowl, Joyce De Laurentis, Kanan Hudhud and Gary Norman.

**APPROVAL OF THE
MAY AND JUNE
MINUTES** The minutes of the May meeting were approved as written.

The minutes of the June meeting were approved as written.

**CHAIRPERSON'S
REPORT** Commissioners did not receive a written report from the Chairperson this month.

Chairperson Gelman informed Commissioners that he has very little to report in the last several months as he has been preoccupied entirely with his wife's situation. Mrs. Gelman is improving and is at home. Sometime in the next few months Mrs. Gelman will begin cardiac rehab.

Mediation Chairperson Gelman reported that after last month's meeting, where it was agreed to postpone any further discussion of the issue of mediation until after the end of the fiscal year, the Chairperson, the Executive Director and the General Counsel talked at great length about why the Chairperson was suggesting the mediation enhancements. Chairperson Gelman stated that MCHR is losing its mandate. Chairperson Gelman is looking for a way in which MCHR can continue to do useful work at a time when MCHR's basic purpose is beginning to fade from the scene. The Executive Director and the General Counsel agreed that what has been said is the case. Chairperson Gelman stated that this subject will be looked at to see whether there is any area in which MCHR's mediation capability can be extended into other areas of human relations conflict. Chairperson Gelman also stated that MCHR is a human relations agency, but does very little in the field of human relations.

Chairperson Gelman would like to take a function that MCHR does have (mediation) and see if MCHR can do something more with it that will deal with human relations.

**EXECUTIVE
DIRECTOR'S
REPORT**

The Executive Director had nothing to report for the month of June. The Executive Director informed Commissioners that the Deputy Director is on vacation and will also be attending the 2010 National Fair Housing Policy Conference in New Orleans. He will return to the office around the end of the month. The General Counsel is conducting training in Southern Maryland for the State EEO Officers during the annual State EEO Retreat. The Assistant Director is not in today due to a family emergency.

**DEPUTY
DIRECTOR'S
REPORT**

Commissioners received copies of the Deputy Director's Case Processing Report (See attached). The Executive Director stated that MCHR took in 720 complaints for the fiscal year and closed 845 complaints. The present pending inventory is 611 which is down about 39 cases from when MCHR started the fiscal year. MCHR is on track to complete the contract with EEOC.

**ASSISTANT
DIRECTOR'S
REPORT**

FY 2010 Budget

Commissioners received copies of the Monthly Budget Status Report provided by the Assistant Director for the months of May and June.

The Executive Director stated that the agency closed out the FY 2010 budget in the black as MCHR is required to do by law.

The Executive Director reported that MCHR's budget is made up of general funds, which are comprised of state funds and federal funds. The federal funds come from EEOC and HUD. The state tells MCHR what to put in the general fund category. MCHR has to guesstimate how much we think we will get in federal funds from EEOC and HUD. The problem has been that as the federal government funding has shrunk and that amount is going down. MCHR overfunded that category for the last couple of years. During conversations last fall the Executive Director stated that MCHR needed to come up with a more realistic figure for the federal funds to reduce it by close to \$200,000 from the figure that MCHR was using. MCHR did take steps to bring down the federal spending by not filling 2 federally funded positions and some other steps. MCHR will close out the 2010 fiscal year with about a \$170,000 - \$180,000 less in federal funds than what was in the budget. This is not an issue because MCHR has cut its spending.

FY 2011 Budget

The Executive Director reported that the reduced figure was placed in the FY 2011 budget. As long as the budget is not further reduced MCHR should be okay as far as the guesstimate of what MCHR's federal funding will be.

MCHR was informed by the Department of Budget and Management that one of the agency's vacant pins was taken to meet the state budget crisis. There was a resignation a couple of months ago and MCHR asked Budget and Management to make an exception to the hiring freeze and let MCHR

fill the vacancy. This was an investigator's position. Budget and Management said MCHR could not fill that pin and informed MCHR that the money has to be saved for future budget cuts

The Executive Director informed Commissioners that MCHR received its FY 2011 budget figure and it was not as much as MCHR's staff thought it would be. The state always hold back a turnover rate, which is when the state assumes that if you have one million dollars in personnel cost that you are going to have vacancies throughout the year and you are not actually going to spend one million dollars. The turnover rate figure is usually around 6% or 7% of your total personnel cost. Agencies are also assigned another figure, which we are not sure what it means other than this is the money we anticipate taking from you for personnel cost that you will have to find from somewhere. This figure will amount to another position or a position and a half that MCHR is sure to lose during the 2011 fiscal year.

The Executive Director stated that there was also a subtraction from MCHR's appropriation for anticipated savings for combining small agency functions. MCHR is a small agency and has a 60% accounting person, a fiscal clerk and a half-time personnel person. The Department of Budget and Management is proposing that small agencies combine those functions under one department.

EEOC Contract

Chairperson Gelman inquired as to what happened during the EEOC conference that the Deputy Director attended. The Executive Director stated that the funding will remain level and there will not be a cut like last year's 16%. There will be no increases in either the per case payment or in the level of the contract. EEOC received four million dollars more in their budget for state and local governments but made no pronouncements as to what was being done with the four million dollars.

Chairperson Gelman stated that he will try, in the next couple of weeks, to contact Jessica Berry, of Senator Mikulski's staff, to ask that she arrange a meeting with the new Chairperson of the EEOC to discuss what happened with the increase in the funding to state and local governments.

HUD Contract

The Executive Director also stated that there will be no increases in the funds MCHR receives from HUD.

Information Technology Unit

The Information Technology Manager reported that there were 6,369 hits and 1,081 visitors to the Spanish website for the month of June.

There was a total of 10,785 visitors and 130,014 hits to the regular website for the month of June. There were 45 complaints filed; 41 employment, 3 public accommodations, 1 commercial non-discrimination and there were no housing.

The Executive Director stated that during last month's meeting a question

came up regarding the number of complaints filed through MCHR's website and how many actually become complaints. The Intake Supervisor is conducting an analysis of every complaint. The complaints that come through the website are assigned to an Intake Officer who makes a personal contact with the Complainant to get a perfected complaint. A perfected complaint is one that is on paper and signed under oath by the Complainant. Every complaint that is filed on the website does not materialize into an actual complaint because there is no screening on the website with the ability to tell a person they are in the wrong agency or you don't have a cause of action under MCHR law. Therefore; screening is not done until afterwards. MCHR calls this a complaint because people will wait until the last minute to contact MCHR. MCHR only has a six month statute of limitation for filing a complaint. If a person is past six months they have lost their right to file a complaint. The contact made on the agency website is a complaint to avoid the possibility that someone will be past the six months by the time MCHR obtains their signature on a piece of paper. The complaint on the website is a complaint after which MCHR takes a perfected complaint. Under MCHR Rules of Procedure and COMAR, it can make technical amendments to a complaint including administering the oath to a Complainant. This is the way MCHR saves the statute of limitations for those cases where a person has waited until the last minute to contact us. Filing complaints via the website is a viable tool.

**GENERAL
COUNSEL'S REPORT**

There was no General Counsel's Report this month.

The August Commission meeting will not be held.

The Commission meeting was adjourned at 11:05 a.m.

Barbara Wilson