COMMISSION MEETING MINUTES

MARCH 8, 2011

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, March 8, 2011 at 10:05 a.m., in Baltimore, Maryland.

PRESENT

Norman Gelman, Doris Cowl, Joyce De Laurentis, Kanan Hudhud, Gary Norman and Shawn Wright.

APPROVAL OF THE MINUTES

The minutes of the December meeting were accepted as written.

The minutes of the January meeting were accepted as written.

CHAIRPERSON'S REPORT EEOC

Chairperson Gelman stated that Commissioners and Executive Staff will enter into Executive session. The meeting with Secretary Foster has not yet been arranged. Chairperson Gelman received an email from Elizabeth Harris, to whom MCHR reports, who asked that he get in touch with her as the end of the session nears to talk about the strategy for the meeting with Secretary Foster.

Montgomery County Commission

Chairperson Gelman informed Commissioners that there is a recommendation made by a Commission that was appointed in Montgomery County to examine the charter to liquidate the Montgomery County Human Rights Commission, which would have an impact on this Commission.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director reported that Montgomery County appointed a Organizational Reform Commission to make recommendations, county wide, as to how to save money. There is a section of the report that concerns MCHR. The Organizational Review Commission recommends that the Montgomery County Council remove the adjudicatory role of the Human Rights Commission to the state and federal governments, with the creation of a Human Rights Ombudsman in the office of the County Attorney to guide citizens to the appropriate authority and provide advice on options available for relief. This would abolish the Office of Human Rights and the cases would be sent to state and federal government.

In response to this recommendation the Executive Director wrote a letter to the Montgomery County Executive, Isiah Leggett, saying that this was a horrible idea. The above-mentioned recommendation would totally inundate MCHR with so many cases that it would be paralyzed. The Executive Director received an email from Jim Stowe, who requested that I call him to discuss how we might work together on doing intakes on behalf of the state for bases MCHR covers. Mr. Stowe stated that he was asked by the Council to explore this and he also inquired as to whether this system would meet the Executive Director's definition of a sworn and signed complaint. The Executive Director informed Mr. Stowe that this was an absolute horrible idea and that MCHR would not participate in any scheme or discussions that would give the illusion that this was a viable plan and that it would work.

Chairperson Gelman stated that he will draft a letter and send it to the Executive Director and all Commissioners to comment on. The same letter or a slightly different letter could also be sent to the members of the Montgomery County Council. It would be greatly appreciated if all comments are received as soon as possible.

One other thing Chairperson Gelman could do is seek an opportunity to testify before the Council when the legislation comes up. Chairperson Gelman also stated that he would like the Executive Director to come along to testify with him.

Hearing on the Name Change Bill

The Executive Director informed Commissioners that the legislative hearing for the Name Change bill will be held on March 9, 2011 on the House side and he will testify in favor of the bill.

Daily Record 2011 Top 100 Women

The Executive Director reported that the General Counsel, Glendora Hughes has been named one of the Daily Record's 2011 Top 100 Women. There will be a celebration on Monday, May 9th, at the Meyerhoff Symphony Hall in Baltimore to recognize the honorees. Tickets are $80.00 per person; the Executive Director will be mailing further information to all Commissioners.

DEPUTY DIRECTOR'S REPORT

Commissioners received copies of the Deputy Director's Report (See attached).

ASSISTANT DIRECTOR'S REPORT

The Assistant Director had nothing to report this month.

Information Technology Unit

The Information Technology Manager reported that there were 7,475 hits and 1,211 visitors to the Spanish website. There were also 10,136 visitors and 182,135 hits to the regular website. There were 42 complaints filed through the website; 33 were employment, 6 public accommodations, 3 commercial non-discrimination and no housing complaints.

Commissioner Cowl stated that she had a conversation with a Hispanic

gentleman, who is the Chairperson of the Board of Education … Outreach. The conversation was about the agency's desire to get more participation and input to the Hispanic community. The gentleman feels that there are places where MCHR could make its mission known and discuss the non-threatening part of the agency. Commissioners are interested in doing something that would help promote the agency's image among the Latino population.

GENERAL COUNSEL'S REPORT

Commissioners received copies of the General Counsel's Report and the MCHR Training/Education Campaign Report (See attached).

Legislation

The General Counsel informed Commissioners that today there will be a hearing on the Public Accommodations – Private Right of Action legislation. This bill provides for compensatory damages and the right to go to court in public accommodation cases. MCHR is supporting this bill.

Public Accommodations Legislation

There are two other public accommodation bills that involve the internet, which MCHR is not supporting. This legislation is being put in on behalf of the Federation of the Blind. This bill would require all business owners to make their website accessible with software for persons who are visually impaired and also for persons who are deaf.

When MCHR met with the sponsors of the bill, we expressed one problem we have with the legislation, and wanted an explanation on how can MCHR enforce the legislation, how can MCHR have jurisdiction, how do we serve them and how do we investigate, particularily over companies that are not based in Maryland? The sponsors of the bill have not yet provided an explanation. MCHR's position is that if it cannot enforce legislation what is the purpose of the legislation.

We were able to get the sponsors to concede to take out the portion dealing with the internet from the public accommodations bill so that it does not tie up that piece of legislation that would give the private right of action and that would give more relief to everybody else. The internet bill should be separate and that it follow its own course in the legislation.

Source of Income Bill

The General Counsel reported that the Source of Income Bill was heard on the Senate side on March 2 and the House side on March 3.

Religious Observance Accommodations Act

This bill is sponsored on the Senate side by Senator Nano and on the House side by Delegate Rosenberg. The bill provides, in detail, that an employer has to have a policy that would provide for persons being able to take time off for religious observances. The bill goes into detail as to how that leave is to be disseminated and that an employer cannot reject it. The bill also defines undue hardship as to whether an employer can deny the leave and what undue hardship would mean. MCHR had some drafting problems with the legislation and contacted both the Senator and Delegate to offer amendments to correct the drafting issues that were contained in the legislation. Both sponsors accepted the amendments. The Senate side was heard on March 3 and the House side is today.

Employment Criminal Convictions

This bill was offered by Delegate Healey involving employment criminal convictions prohibiting making it unlawful for an employer to inquire about criminal convictions before a job offer. This bill had some serious drafting errors that had to be corrected because it created problems and would not have been enforceable because they are not referenced in the enforcement section. Three amendments were made to change the drafting so that it would fit appropriately into MCHR's statute.

Chairperson Gelman suggested that if this bill fails it will be placed on the agenda for discussion after the end of the legislative session.

OLD BUSINESS

Commissioner Cowl stated that some months ago she requested that someone come to the monthly meeting to speak on Source of Income. It was decided that the Executive Director would send the Speaker a letter of apologize.

Commissioners and Executive Staff entered into Executive Session to discuss the meeting with Secretary Foster.

The Commission meeting was adjourned at 11:10 p.m.

Barbara Wilson