

COMMISSION MEETING MINUTES
April 12, 2011

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, April 12, 2010 at 10:05 a.m. , in Baltimore, Maryland.

PRESENT Norman Gelman, Doris Cowl, Joyce DeLaurentis, Kanan Hudhud and Shawn Wright.

APPROVAL OF THE MINUTES The March minutes were accepted as written.

CHAIRPERSON'S REPORT Commissioners received copies of the Chairperson's Report (See attached).

Conversations with the Governor's Appointment Secretary Chairperson Gelman reported that he had an exchange with the Governor's Appointments Secretary, Jeanne Hitchcock, reminding her that we have a vacancy and three Commissioners sitting in expired terms. Chairperson Gelman received an email back from Ms. Hitchcock saying she would get right on it. Chairperson Gelman informed Ms. Hitchcock that this is an important matter because the Commissioners need to have an election of officers. Chairperson Gelman received a note from the Vice-Chairperson Hermina indicating that he does not intend to participate further in the work of the Commission. Chairperson Gelman feels that the Commission needs a Vice-Chairperson and a new Chairperson. Chairperson Gelman stated that if he does not hear back from Ms. Hitchcock soon the Commission will go ahead with elections. Chairperson Gelman asked if any Commissioner objects to this.

Commissioner Cowl stated that she spoke with Ms. Hitchcock in the last three weeks to inform her that her (Commissioner Cowl) terms expires July 1, 2011 and that she (Commissioner Cowl) would not like to be reappointed.

Chairperson Gelman informed Commissioners that he drafted and passed by the Executive Director an outline for the conversation with the Secretary of the Department of Budget and Management, Eloise Foster. A copy of the outline was sent to Elizabeth Harris, the Governor's General Counsel, for review. Ms. Harris

responded back by email saying that the outline looked fine. Ms. Harris suggested that we not refer to vacancies on the Commission.

Chairperson Gelman called Secretary Foster's office who had contacted him after he requested the meeting. Chairperson Gelman asked relevant MCHR staff to give him several alternative dates of availability for the meeting.

Montgomery County
Executive

Chairperson Gelman also reported that the Executive Director sent a letter to the Montgomery County Executive objecting to legislation which would dump parts of Montgomery County Human Relations Commission's caseload onto the agency and the federal government. Chairperson Gelman also sent a letter to the Montgomery County Executive stating the same thing, but in a slightly different fashion. Chairperson Gelman received a return letter signed by the County Executive which clearly was framed by someone who had not read his letter and certainly did not show it to the County Executive. Chairperson Gelman has seen the County Executive and has told him that on behalf of the agency he is opposed to Bill #515 and the agency is also. The Executive Director received a telephone call from a Special Assistant to the County Executive specifically telling him that he had no right to oppose this bill without the authorization from the Governor to address an elected official objecting to a piece of legislation in Montgomery.

There was a hearing on the bill at which time Chairperson Gelman appeared on behalf of the Commission. Commissioners received a draft of the Chairperson's testimony. There were no questions asked. All nine members of the Montgomery Council were present at the hearing. There was one representative of the County Executive in favor of the legislation, every other witness who appeared was opposed to the legislation. Chairperson Gelman was testifying about the law because if Montgomery County does not enforce its own law but asks MCHR to do it, the impact is going to be that the complaints are going to sit there for a very long time. Justice delayed is justice denied.

The General Counsel stated that after the testimony the former Executive Director testified in terms of the reality of the relationship between the state, federal and local agencies. The former Director pointed out that transferring those cases is not going to work and that if the Montgomery County Council had talked to the people who do the work that they would have known that there isn't any duplicity involved here. There is concurrent jurisdiction and concurrent work being done and that simply passing the work on to the next agency does not do the citizens of Montgomery County good or it isn't fair because they would be put at the end of the line of MCHR and EEOC, which has about 3,000 cases and 14 investigators. There is a work committee on the Council that is looking at the bill and the former Executive Director volunteered to attend the work committee meeting. Hearings are being held on the bill. Chairperson Gelman indicated that if he could serve any purpose he was willing to appear at the committee meeting to answer any questions or be helpful. This bill was not a product of the County Executive directly. It was the product of a Study Commission that had been appointed by the County Executive on re-organization.

EXECUTIVE

There was no written Executive Director's Report this month.

DIRECTOR'S REPORT

The Executive Director reported that the telephone call from the Montgomery County Executive's Aide was very inappropriate, insulting to him, threatening and a real attempt to bully him. The Executive Director did see the letter that was sent by the Chairperson and felt that it was very professional and appropriate.

Montgomery County

The Executive Director stated that he wrote his letter based on what he read about the Cost Containment Commission's recommendation and did some research about the impact it would have on MCHR. The Executive Director talked to Jim Stowe, Director of Montgomery, several times about how many cases are filed in Montgomery county that would be jurisdictional with MCHR. Once the Executive Director gathered this information he wrote a letter to the County Executive that he thought was appropriate and a copy was sent to Chairperson Gelman. The Commission is informed of agency matters through the Chairperson.

Name Change Bill

The Executive Director informed Commissioners that the Name Change bill passed. Hopefully the Governor will sign it and as of October 1, 2011, the name of the agency will be the Maryland Commission on Civil Rights.

The only amendment to the original bill was that MCHR use up all stationery , business cards, brochures, etc., before we order any new ones with the name change. The Executive Director will pay for his own business cards. Commissioners and any staff member who wants new business cards may also pay for them.

Brochures are on line and can be changed at no cost to the agency. The only things the agency will have to spent money on are new signs.

DEPUTY DIRECTOR'S REPORT

Meeting with Recruitment and Classification

Commissioners received copies of the Deputy Director's Report (See attached). The Deputy Director reported that the request to fill three positions was approved.

The Deputy Director and the Assistant Director met with the Director of Recruitment and Classification Study of the Department of Personnel. There was discussion about MCHR's difficulty in recruitment and getting candidates that really fill what it is that MCHR needs. Recruitment and Classification is working on changing the classification that MCHR uses and how MCHR can grade the applicants that apply to give credit for the kinds of qualities, in terms of background, education and experience that MCHR would prefer.

Chairperson Gelman questioned whether there has been any discussion with Recruitment and Classification regarding future vacancies? The Deputy Director stated that the principle reason for the meeting was regarding the investigator series present and future vacancies. The Executive Director informed Commissioners that Chairperson Gelman's question deals with the agency's Succession Plan, when managers leave the agency who would replace them. The state has a unit that is dealing with succession planning since the problem that MCHR is having seems to spread throughout the State of Maryland, that baby boomers are aging out and/or retiring leaving a leadership void in many state agencies. All state agencies received a request for information a few months ago as the initial stage of the

succession planning.

Chairperson Gelman has a concern that MCHR is going to lose a succession of management staff over a period of time and he would like to have some kind of assurance, in advance, that when those positions become vacant that MCHR will be able to fill them without having to go through a complicated process to get approval.

The Executive Director stated that filling the positions will not be the problem with MCHR's succession planning; finding the right candidate will be the problem. Three of the four executive positions are statutory positions. It is in MCHR's statute that we shall have them and who shall appoint them.

Chairperson Gelman stated that when he hears from Ms. Natasha Herbert, Representative from Secretary Foster's office, he will conduct a conference call. Ms. Herbert will be informed on what has already happened and solicit her advice as to how to proceed next.

**DEPUTY
DIRECTOR'S
REPORT**

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

MCHR is on track with its two federal contracts.

**ASSISTANT
DIRECTOR'S
REPORT**

Commissioners received copies of the Monthly Budget Status Report provided by the Assistant Director (See attached).

The Assistant Director informed Commissioners that MCHR is waiting to see the final budget bill to see if there are any across-the-board issues that will impact MCHR.

Information
Technology Unit

The Information Technology Manager reported that there were 15,000 hits and 11,755 visitors to the Spanish web site. There were 8,234 hits and 1,440 hits to the English web site. The total number of complaints filed on the web site was 50. Thirty-four were employment, sixteen public accommodations, and zero housing and commercial non-discrimination complaints.

**GENERAL
COUNSEL'S
REPORT**

Legislation

Commissioners received copies of the General Counsel's Report (See attached).

The General Counsel reported that House Bill 235 – Sexual Orientation and Gender Identify bill passed with a favorable vote in the House. The Senate held the bill up. There were persons in the transgender community who testified against the bill because it did not have public accommodations as a part of the bill. The bill addressed employment and housing only. Public accommodations were taken out to eliminate the argument that tied the bill up the last time about bathrooms and gyms. The bill passed Judicial Proceedings Committee (JPR) but was sent back to JPR from the Senate floor.

Senate Bill 643 - Source of Income bill was voted unfavorable in the House and the Senate.

House Bill 285 – Public Accommodations bill provided for a private right of action and enhanced remedies. There was a more complicated version of the bill that had the internet website requirement for persons who are visually impaired. In addition to the private right of action there was also the election process that exist in housing and employment. The stripped down version of the bill passed the House. They received an Attorney General’s opinion that found the internet bill unconstitutional. It interfered with Interstate Commerce. The bill died. The General Counsel stated that the opposition to this bill had to do more with the belief that it is a lawyer employment bill for certain firms.

The retail and restaurant associations testified against the bill saying that there was an article in the Business Weekly that there are certain firms who have made a niche industry out of representing persons with disabilities in Federal Court and now they want to do the same thing in State Court. In the initial bill there was a bypass of the Commission and Complainants could go straight into Court without filing a complaint with the Commission. The Retail and Restaurant Associations wanted the complaints to be filed with the Commission. This would be an opportunity to resolve the matter before ligation because a lot of the cases are accessibility. If you can educate the business owner and point out how the business can be made accessible the matter can be resolved and not end up with long drawn out ligation.

Senate Bill 750 - Religious Accommodation Act received a hearing in the House and was not voted on.

House Bill 907 – Employment-Criminal Convictions would prohibit employers from discriminating against persons who may have certain types of criminal convictions from being excluded from employment. This bill received an unfavorable vote and was withdrawn by the House.

OLD BUSINESS
FEPA’s Financial
Allotment from EEOC

Commissioner Cowl reported that she misspoke about requesting a meeting with Barbara Mikulski with the issue of EEOC. Commissioner Cowl intended to say that the Chairman had requested a meeting with Senator Mikulski. Commissioner Cowl would like the Commission to follow thru on this matter so that MCHR can understand the process and give input to the process of FEPA’s doing a good job.

Chairperson Gelman stated that he will try to follow thru; however, the situation is very different now in that he has no idea what has been proposed by the Administration for the 2012 budget. The 2011 budget includes a substantial reduction in federal funding. Chairperson Gelman also stated that he will talk to the Budget Sub-Committee members in the House and will also talk again to the appropriate Sub-Committee in the Senate.

The Commission meeting was adjourned at 11:25 a.m.

Barbara Wilson