

## COMMISSION MEETING MINUTES

May 10, 2011

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

**PRESENT** Norman Gelman, Doris Cowl, Kanan Hudhud, Gary Norman and Shawn Wright.

**APPROVAL OF THE MINUTES** The minutes of the April meeting were accepted with the following change: 5 paragraph, line 2 after the word “say” should read that the Chairman had requested a meeting with Senator Mikulski.

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

Proposed EEOC Budget  
Chairperson Gelman reported that he looked into the proposed EEOC budget which includes a line item 32 million dollars for the FEPA’s; however, the appropriations process is basically at the beginning. It is six months into the new year and they are just beginning the appropriations process. Given the attitude in the House. Chairperson Gelman is not sure whether the EEOC is going to be a target.

The Deputy Director stated that EEOC is going to be a target like all federal agencies, but not in the FEPA funding or any of the enforcement funding to some extent. MCHR has been told that some agencies already have their contract. MCHR has been told that there is an across the board 2% cut of what agencies thought their contract would be last October. However, there will be the usual round of contract modifications up and down based upon what it is EEOC thinks an agency accomplished. EEOC moved their evaluation period back a month, it is now May 1 through April 30. MCHR believes the contract number will

be around what it was last October. MCHR's intake is low but EEOC's intake is high. If MCHR is ever in a position where it needs cases EEOC is ready and willing to send them to MCHR. If EEOC gets further cuts their inventory will get larger and older and they would be more than happy to help FEPA agencies.

Meeting with  
Secretary Foster

Chairperson Gelman informed Commissioners that we received a call from Secretary Foster's Assistant, Natasha Herbert, asking if MCHR wanted to go ahead with the meeting with Secretary Foster. During the meeting last month Chairperson Gelman stated that he expected to meet with Secretary Foster during April or early May. Subsequent to the meeting Chairperson Gelman had a discussion with the Executive Director, Deputy Director and the Assistant Director regarding whether or not it was a good idea to meet with Secretary Foster. Chairperson Gelman informed Ms. Herbert that he would be back in touch with her tomorrow (Wednesday).

Executive Session

Executive staff and Commissioners will enter into Executive Session to talk about whether or not we are going to meet with Secretary Foster now or later.

EEOC Training  
Conference

The Deputy Director and the Intake Supervisor will be attending the EEOC Training Conference from May 16 – 29, 2011.

**EXECUTIVE  
DIRECTOR'S  
REPORT**

The Executive Director did not have a written report this month.

The Executive Director reported that MCHR hosted the MAHRA meeting a couple of weeks ago. MAHRA is planning another training conference for Commissioners this fall. If any Commissioner has any topics they would be interested in, please let the Executive Director know. The training will be held in Howard County.

**Montgomery  
County Human  
Relations**

The Executive Director stated that he received an email from Jim Stowe, the Director of Montgomery County Human Relations, saying that the County Council is going to reject the proposed legislation that was submitted to eliminate the function of the Commission.

**Name Change Bill**

There will be a bill signing for the Name Change bill. When the signing is scheduled MCHR will notify all Commissioners.

**ASSISTANT  
DIRECTOR'S  
REPORT**

Commissioners received copies of the Monthly Budget Status Report provided by the Assistant Director (See attached). The Assistant Director stated that MCHR is on target with the year-to-date percentages. MCHR still has not received the final FY 2012 budget. Budget closing will start next month (June) and Budget and Management has already started scheduling training for FY 2013 budget preparation.

**Information  
Technology Unit**

Commissioners received copies of the Information Technology Report (See attached).

**DEPUTY  
DIRECTOR'S  
REPORT**

Commissioners received copies of the Deputy Director's Report (See attached). The Deputy Director informed Commissioners the agency's EEOC liaison has been in the Baltimore office, the liaison has retired and the position has been filled by someone in the Philadelphia office.

**Fact Finding**

Chairperson Gelman asked the Deputy Director to explain the Fact Finding method of investigating that is currently being used by the agency. The Deputy Director stated that for the last three years there has been a continual steady unrelenting diminution of the number of Respondents willing to enter into MCHR's Mediation process. The result of resolutions has been cut in half also. The Fact Finding technique was brought back. The Fact Finding is run by an investigator who brings the parties together. The parties are told this is the beginning of the investigative process. The investigator will go through the complaint form point-by-point to establish what areas are in agreement and disagreement. The investigator returns to the areas of disagreement and tries to get as much information as possible. If there are witnesses available at that time they are discussed. The parties do not question one another without the consent of the investigator. This is a very directed process. At the end of the Fact Finding parties are separated and the investigator tries to resolve the matter. Field office staff is not conducting Fact Finding Conferences yet. Of the 34 intakes last month about 25 went into the Expedited Processes (Fact Finding). MCHR still offers mediation. Of the cases that went to the Expedited Process all but one was resolved. This process will help MCHR reduce the age of its inventory.

The General Counsel informed Commissioners that conducting Fact Finding conferences is a tool of investigations in MCHR's regulations.

The Executive Director explained that 50 people filled out the complaint form on MCHR's website which does not necessarily mean this will end up in a perfected complaint. A perfected complaint is one that MCHR gets on paper and signed under oath. MCHR is trying to deal with this issue. There are a lot of people who complete the form on line and for whatever reason when MCHR tries to contact them to follow through to perfect the complaint MCHR can not get the complaint perfected. MCHR staff has been discussing ideas as to how to remedy this. One idea was to find some way MCHR could use the form filled out on line as the official complaint form. The preliminary decision is that MCHR can not use the form because MCHR does not have the statutory authority to do an electronic oath. Other agencies can do an electronic oath because they know who they are dealing with on line and that the person had to pre-register with identification. Anybody can go into MCHR's web site; anybody can fill out the form. MCHR needs to figure out a way to be able to assure who the person is. MCHR may or may not need a legislative change to get the authority to do an electronic oath.

Chairperson Gelman stated that there is some kind of methodology that allows the validation of an electronic signature, which is done through software. The General Counsel informed Commissioners that the agencies that are able to accept the electronic signatures as being valid signatures have enabling language in a statute. When you click submit just above it is the statutory language saying that they have the authority to bind to this signature and that this is your signature. MCHR does not have the authority to do that.

The Deputy Director stated that MCHR has taken the web filing off line as of May 1, 2011. A test will be run for the next 60 days, we will count the number of calls, count the number of walk-ins, count the number of write-ins and see if MCHR has a better success rate. A test is being run to see if any of the statistics on Intake and the success in getting people to complete their complaints improves. People are encouraged to call, write or visit one of MCHR's offices to file a complaint.

**GENERAL  
COUNSEL'S  
REPORT**

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

The General Counsel reported that the last bill hearing was held on the

Gender Identify bill, in Annapolis on the Senate side. The bill passed the House, received a favorable vote out of JPR (Judicial Proceedings) on the Senate side, went to the Senate floor and was voted to be sent back to the committee. This was a maneuver to kill the bill because it was in the last few days of the session. This bill did not include public accommodations.

**Fair Housing  
Events**

April is Fair Housing Month and there were a couple of Fair Housing events held. Baltimore Neighborhoods and Baltimore County Human Relations had an event.

Commissioner meeting was adjourned 11:05 a.m. and Commissioners entered into Executive Session.

Barbara Wilson