

COMMISSION MEETING MINUTES

February 14, 2006

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, February 14, 2006 at 10:10 a.m., in Baltimore, Maryland.

Present Thomas Owen, Norman Gelman, John Hermina and JoAnn Fisher.

APPROVAL OF THE MINUTES The minutes of the January meeting were accepted as written.

CHAIRPERSON'S REPORT Commissioners received copies of the Chairperson's Report (See attached). Chairperson Owen informed Commissioners that he attended the Martin L. King, Jr. Breakfast. The speaker was the new President of the NAACP.

Hosanna School Chairperson Owen informed Commissioners that he is on the Board in Harford County of the Hosanna School Community. Hosanna School was originally a Freedman's Bureau School constructed in 1867 for freed Black children after the Civil War. This building remained in use until after 1946. There was a group of people, in the mid 70's that wanted to rebuild the school. The school has been restored and is currently a museum. A fund raiser and celebration of completion of the restoration was held on February 10. Chairperson Owen was on the Planning Committee for this event, at which Dr. Freeman Hraborski was the Keynote speaker.

Budget Hearings Chairperson Owen also informed Commissioners that he attended the Senate Budget Hearing but did not attend the House Budget Hearing. The Senate hearing went very smoothly and there were some questions, and no cuts.

EXECUTIVE DIRECTOR'S REPORT Commissioners received copies of the Executive Director's Report (See attached). The Executive Director informed Commissioners that both hearings went very well. One of the Senators had a concern regarding whether MCHR could keep up with its caseload with reduced staff. The Executive Director responded by saying MCHR will continue to do the best that it can.

Budget Hearings

MCHR's Legislative Budget Analyst concurred with the Governor's Budget that was forwarded to the legislature; there were no issues to discuss. The Executive Director informed Commissioners that the Committee would vote (Decision Hearing) on MCHR's budget. Usually what comes out of Committee is passed. We do not know when the Budget Decision Hearing will be held. MCHR will be notified and someone will attend the hearing in case there are any last minute questions.

Commissioner Gelman inquired as to whether the Legislative Budget Analyst is armed with an explanation of why MCHR's request for funds for Information Technology is important. The Executive Director stated that the Legislative Budget Analyst requested an explanation of the computer and the Information Technology Manager prepared and forwarded a detailed analysis of why computer funds are necessary.

Commissioner Gelman would like the Department of Budget and Management's Legislative Analyst invited to a Commission meeting prior to next year's budget session.

Commissioner Gelman would like two items added to MCHR's budget: 1) to add the Spanish language capability to Case Processing Department; and 2) to reestablish the Community Outreach/Education Unit. These two items should be discussed with the Department of Budget and Management's Legislative Analyst to explain why these two items are necessary.

The Executive Director asked the Assistant Director to invite the Budget and Management's Legislative Analyst to the May Commission meeting.

Legislation

The Executive Director informed Commissioners that the General Counsel has Jury Duty today. The agency is requesting the Commissioners support or non-support of the bills listed below.

House Bill 1034

Civil Rights Preservation Act of 2006. This bill gives the right to bring a civil action in court to get damages in both public accommodation and employment cases. This bill would not improve the administrative process, but it would give courts the authority to award damages. This bill provides a private right of action and a person who wanted damages over and above back pay would still have to go to court to get it. This bill does not benefit MCHR as an agency at all. The Executive Director recommended that MCHR support this bill at this point. Commission Hermina asked that the General Counsel talk to Delegate Samuel Rosenberg, lead sponsor of House Bill 1034, to discuss possible amendments to this bill.

House Bill 262

Employment Discrimination – Country Clubs- Ability of Employees to Sue. Under current law bona fide private membership clubs are exempt from coverage under the law, both in state and federal law. The courts have

defined what a bona fide private club is. This bill would amend the statute to include a country club as an employer, within the meaning of MCHR's law. If an employer has fifteen or more employees an employee could file a complaint with MCHR. This bill would not change any of the membership policies of bona fide private country club.

The General Counsel recommends that MCHR support this bill with an amendment. The amendment should include the definition of a country club. The Executive Director and the General Counsel recommends that MCHR ask the Governor if MCHR could support this bill.

Senate Bill 581 Retail Establishments – Individuals with Disabilities – Accommodations. This bill would require a retail establishment with fifty-five thousand square feet or more to have a minimum of three motorized shopping carts available for use by individuals with disabilities.

Commissioner Gelman moved that MCHR support House Bill 1034 and take no position on House Bill 262 and Senate Bill 581. Motion seconded by Vice-Chairperson Hermina. This motion carried 3 to 1.

Remedies Bill Commissioner Gelman inquired as to the status of the remedies bill. The Executive Director informed Commissioners that the General Counsel has had several conversations with Lori Valentine, Legislative Officer with the Governor's office. There is someone interested in submitting his or her version of the same bill, which has been given to the Governor for support. There is nothing definite on the bill. MCHR is hopeful that the bill under consideration will not be introduced.

DEPUTY DIRECTOR'S REPORT Commissioners received copies of the Deputy Director's Report (See attached). The Deputy Director informed Commissioners that MCHR is on track in the HUD agreement. The EEOC contract is ahead of schedule.

EEOC New Tracking System The Deputy Director informed Commissioners that EEOC has rolled out a new information system. MCHR is one of the first agencies to experience the new system. There have been some start-up problems with the system.

Case Processing The Deputy Director informed Commissioners that MCHR's caseload is the smallest he has ever experienced at the agency. MCHR is doing everything it can to increase the agency's caseload. Currently there is no clear explanation of the cause of this situation, but the Deputy Director pointed out that this is a national trend

Vice-Chairperson Hermina inquired as to what MCHR's policy is regarding cases that are initiated here. The Executive Director replied that the policy followed statewide is, if someone walks through MCHR's door, MCHR processes the case; if someone walks through a county commission's or the

city commission's door, that agency will process the case. There are occasions when, for logistical or other reasons, agencies will transfer cases between them. MCHR has a work sharing agreement with EEOC and this is part of that agreement. Sometimes charging parties file complaints with both agencies and do not tell the agencies; in these instances the agencies have to decide who will conduct the investigation.

**ASSISTANT
DIRECTOR'S
REPORT**

Commissioners received copies of the Assistant Director's Report (See attached). The Assistant Director informed Commissioners that MCHR is on target for the current budget year.

Information
Technology Unit

The Information Technology Manager informed Commissioners that last month MCHR migrated to the new server system. MCHR also embarked upon the new EEOC web based tracking system. Staff has been trained to use this new system. There is a giant bug in this system, which EEOC is working to resolve. MCHR is testing the system live. This system is security driven and has the ability to create ad-hoc reports. The entire operation should be up and running in about three weeks.

OLD BUSINESS
Immigrant Study

Chairperson Owen informed Commissioners that the Immigrant Study Committee is moving toward a partnership with the Hispanic Affairs Commission. The issue has gone back to the Hispanic Commission for a vote as to whether or not the Commission will partner with MCHR, now that the Assistant Attorney General for the Hispanic Commission has given the green light.

Commissioner Gelman has volunteered to contact the Chairperson of the Hispanic Affairs Commission. When the confirmation for agreement has been received from Chairperson Barreira, the committee will go forward with the Memorandum of Understanding. George Washington University is waiting to get started soliciting funds for the project.

Tasks of Community
Outreach/Education
Unit

Commissioners received copies of the COEU Manager's Job Functions with written comments as to which tasks are still being addressed and which are not possible to continue because of the demise of the unit (See attached) from the Executive Director. The Executive Director reviewed this document with Commissioners. The Executive Director informed Commissioners that he would like Commissioners to digest this document and if they have any questions, please feel free to call him. MCHR is trying to cover the functions of the Public Affairs Manager to the best of its ability.

At 12:00 p.m. Chairperson Owen turned the meeting over to Vice-Chairperson Hermina and excused himself to fulfill another appointment which could not be set aside.

NEW BUSINESS

Commissioner Fisher inquired as to whether looking into an alternative to a quorum would be acceptable. Commissioner Fisher would like this item placed on the agenda for next month's meeting. The Executive Director informed Commissioners that Chairperson Owen requested an opinion from the Commissioner's counsel, Frank Morgan. This opinion was written and will be given to Commissioners.

Vice-Chair Hermina asked the Executive Director to interpret the Commissioners' counsel's opinion. The Executive Director stated that the counsel's bottom line was that a quorum was the majority of the number of Commissioners allotted by the statute, which is nine - which would make a quorum five. Commissioner Fisher stated that right now there are seven members of the Commission. The Executive Director stated that in his opinion a quorum would be the majority of the number of current members. There are currently seven members and a quorum would be four.

Commissioner Fisher would like the Commission to accept the quorum of fifty percent plus one, which would be four. Vice-Chairperson Hermina would like this item placed on the agenda for next month's meeting - to further clarify the definition of a quorum.

Commission meeting adjourned at 12:30 p.m.

Barbara Wilson