

COMMISSION MEETING MINUTES
January 13,2009

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, January 13, 2009 at 10:10 a.m., in Baltimore, Maryland.

Present Norman Gelman, John Hermina, Rabbi Elan Adler, Doris Cowl, Joyce De Laurentis, Jo Ann Fisher, Thomas Owen and Shawn Wright.

Approval of the Minutes The minutes of the December meeting were accepted as written.

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

Agency Complaint Process The first session of acquainting Commissioners with MCHR's complaint process will be held after the February meeting.

Chairperson Gelman stated that he has not received a copy of the letter he referred to during last month's report. Chairperson Gelman also stated that he has been contacted three times by the Governor's office in connection to a complaint and the Governor's office told the person making the complaint to send the Chairperson a letter.

The Executive Director informed Commissioners that none of the letters have been directed to the Chairperson, but only to the Executive Director and his staff. Chairperson Gelman informed Commissioners that since he has become Chairperson of the Commission he has received complaints that are accusing Commission's staff of having violated the person's civil rights by not listening and have never hearing from the Commission as to the disposition of the complaint. Chairperson Gelman stated that Commissioners should talk to Executive staff before responding to any inquiries relating to agency complaints. Chairperson Gelman suggested that what Commissioners may want to relate to callers is that Commissioners (we) do not investigate cases. Commissioners receive reports from agency staff as to what happens with complaints, except in the case of an appeal, whereas Commissioners actually hear individual Complainants and render judgments on their complaint.

The Executive Director informed Commissioners that MCHR's complaint process will be part of the Commissioner sessions that will be held after several Commission meetings starting in February 2009. Hopefully, these sessions will speak to some of the concerns that are raised in certain inquiries.

New Appeal
Case

Chairperson Gelman informed Commissioners that another case has been received for appeal. Commissioner Wright has agreed to Chair the Appeal Panel. Commissioners Adler and Banik will also serve on the Appeal Panel.

Juvenile Age
Discrimination

Commissioner Cowl asked that Chairperson Gelman explain the statement on his monthly report about the filing of complaints by juveniles on age discrimination. Chairperson Gelman stated that this matter was discussed with the General Counsel and it turned out that MCHR is not prepared to accept these complaints.

The Executive Director stated that the issue was whether someone under the age of eighteen (18) could file a complaint on their own behalf or does the complaint have to be filed by an adult. A person under eighteen can file a complaint as long as they are legally competent and does not require any parental permission or intervention.

**EXECUTIVE
DIRECTOR'S
REPORT**

Commissioners received copies of the Executive Director's Report (See attached). The Executive Director informed Commissioners that last month was a slow month with the holidays and all State employees were given two furlough days, the day after Christmas and the day after New Years. Each employee will lose that much money in their pay checks spread out over ten pay periods, between now and June 30, 2009. Depending on the salary of the employee, some will lose up to five days.

The Executive Director stated that MCHR's budget was cut an additional \$19,000. This is the third cut MCHR has had this budget year, which began July 1, 2008.

MCHR received the 2010 budget proposal which is less than MCHR's 2009 budget.

Budget Hearings

The Executive Director informed Commissioners that the agency's House budget hearing will be held on Wednesday, February 11, 2009 at 1 p.m., and the Senate budget hearing will be held on Thursday, February 19, 2009 at 1 p.m.

**DEPUTY
DIRECTOR'S
REPORT**

Commissioners received copies of the Deputy Director's Report (See attached). The Deputy Director had nothing to add to his report.

**ASSISTANT
DIRECTOR'S
REPORT**

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

Information
Technology Unit

The Information Technology Manager is on leave today. The Assistant Director stated that the Manager is completing the website project. The Executive Director stated that when the website is complete Commissioners will receive the link to review the website and give feedback if you like.

**GENERAL
COUNSEL'S
REPORT**

Legislation

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

The General Counsel informed Commissioners that the Gender Identify bill will be introduced this session.

There will be a Religious Accommodation bill as it applies to fair housing by Delegate Rosenberg.

The Ledbetter equal pay bill will also be introduced this session.

The General Counsel does not know the status of the bill that deals with modifying the definition of disability to be consistent with the ADA.

Name Change bill – which bears no fiscal impact for the agency, has been drafted and MCHR is waiting to hear from the Governor's office as to whether there will be a bill or not. The agency's new name will be Commission on Civil Rights.

Commissioner Cowl inquired as to why Article 49B was going into a code? The General Counsel stated that Article 49B is one of the last codes that was not re-codified into the new Articles. Initially Article 49B was going to be re-codified when the new employment laws were done, but it was realized that Article 49B was not just a labor and employment law agency, so Article 49B would not fit neatly into that article. All of the codes are being revised. Article 49B was also reorganized. There is also a trailer bill to correct some errors.

The Executive Director informed Commissioners that laws were numbered and articles just fell wherever they fell. A decision was made to re-codify all of Maryland laws into volumes as close as possible by subject matter.

Chairperson Gelman inquired as to when MCHR would expect to hear from the Governor's office as to which bills MCHR can support or not support. The General Counsel stated that when MCHR receives the final draft of the bills that are scheduled for hearing, then MCHR can submit to the Governor's office a request to take a position on the bill. An agency's position on bills have to be entered into an electronic system on Thursday. There are occasions when you hear on the day of a hearing that you can testify on a bill. The General Counsel quickly communicates with the agency's Legislative Liaison when there are hearings and asks what the status of the agency's request is. These are repeated bills that MCHR has already given support for, unless Commissioners change their mind on a piece of legislation, the General Counsel will enter the position of support for the bills.

The gender identity bill will have a private sponsor this year. The General Counsel

informed Commissioners that the bill is the same but there is some language added in the grooming standards section of the code that deals with an employer's right to establish grooming standards for their employees. Grooming standards are allowed as long as an employer allows the person to dress in the gender that they are identified with.

Chairperson Gelman requested a motion and also stated that the Commission supported the gender identity bill last year. Commissioner Owen moved that the Commission support the bill, seconded by Commissioner De Laurentis. Vice Chairperson Hermina opposed the bill and Commissioner Cowl abstained. The motion passed.

The Executive Director stated that as soon as the Commission receives a draft of the bill it will be forwarded to all Commissioners.

Chairperson Gelman requested Commissioners commitment to read emails regarding legislation and communicate to the General Counsel their support or non-support of the legislation. It was agreed by all Commissioners that they would respond as soon as possible.

**NEW
BUSINESS
Commissioner
Owen's Resigning**

Commissioner Owen informed Commissioners that this will be his last meeting. This marks ten (10) years as a member of the Commission. Commissioner Owen stated that it has been a joy, a pleasure and an honor to be on the Commission. Commissioner Owen also stated that he has made a lot of good friends with senior staff and other staff of the agency. He values the work of the agency and is always amazed at how well the employees conduct their jobs given all the financial hurdles. Commissioner Owen thanked the staff for their support through the years and will miss each and everyone.

Chairperson Gelman stated that having joined the Commission at the same time as Commissioner Owen that it has been a pleasure serving with him through all of this time. As the staff will confirm Commissioner Owen's succession as Chair of the Commission made a tremendous difference and contribution to the Commission.

The Executive Director seconded everything Chairperson Gelman said and also stated that Commissioner Owen has been very supportive of the staff and going to Annapolis and trying to do what he could do during the budget sessions. Commissioner Owen has been a calming influence on the staff and the Commission. Vice Chair Hermina also thanked Commissioner Owen for his contributions to the Commission.

The Commission meeting was adjourned at 12 p.m.

Barbara Wilson

