

COMMISSION MEETING MINUTES

November 18, 2008

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, November 18, 2008 at 10:10 a.m., in Baltimore, Maryland.

PRESENT Norman Gelman, John Hermina, Doris Cowl, JoAnn Fisher and Thomas Owen.

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

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

Commissioner Training Chairperson Gelman informed Commissioners that he attended part of the Commissioner training that was scheduled on November 14, 2008. Chairperson Gelman stated that Commissioners Cowl, Wright and Dr. Banik also attended the training. Chairperson Gelman only attended the presentation conducted by the Deputy Director of MACRO, which runs conciliation and mediation for the state.

Commissioner Cowl informed Commissioners that the training was wonderful. Commissioner Cowl attended a presentation conducted by Dr. Maurice Taylor, Acting Vice-President of Morgan State University and was Chairperson of the Baltimore County Human Relations Commission during Commissioner Cowl's tenure. Commissioner Cowl stated that Dr. Taylor is a wonderful speaker and if the Commission ever has an opportunity to have a speaker, Dr. Taylor would be a very good choice. Dr. Taylor spoke about the role of a Commissioner.

The Executive Director informed Commissioners that it would benefit Commissioners if MCHR staff conducted Theories of Discrimination training and other related areas.

Executive Session	Commissioners, the Executive Director, Deputy Director and the General Counsel entered into Executive Session.
Appeal Case	<p>Chairperson Gelman informed Commissioners that there is a new case before the Commissioners and an Appeal Panel has to be assigned to this case. Chairperson Gelman asked Vice-Chair Hermina to chair the Appeal Panel and Vice-Chair Hermina accepted. Chairperson Gelman also asked Commissioner Cowl if she would sit on the Appeal Panel and she accepted. Chairperson Gelman appointed himself as the third member pending the Administrative Officer checking with Commissioner De Laurentis to see if she would serve on the Appeal Panel. If Commissioner De Laurentis will serve on the panel Chairperson Gelman will not.</p> <p>The General Counsel informed Commissioners that deliberations regarding Appeal Panels should not be discussed during the open Commission meetings.</p>
EXECUTIVE DIRECTOR'S REPORT	Commissioners received copies of the Executive Director's Report (See attached).
DEPUTY DIRECTOR'S REPORT	Commissioners received copies of the Deputy Director's Report (See attached).
Case Processing Report	The Deputy Director would like Commissioners to look at the Total Monetary Benefits on the Case Processing Report. The Deputy Director informed Commissioners that there were a couple of very large settlements that came out of Mediation. One of the settlements was \$185,000 to retro-fit 30 condominiums.
Mediation Coordinator	The Deputy Director informed Commissioners that the Mediation Coordinator gave birth to Grayson Finn Taylor last night and the baby weighed 7lbs 5 oz.
Vacancy	The Deputy Director informed Commissioners that MCHR will be filling a vacancy. This is an Investigator position.
Winter Fest	The Deputy Director informed Commissioners that MCHR's Winter Fest will be held on Friday, December 12, 2008 at 12 p.m., here at the Commission. There will be a Silent Auction and the proceeds will go to the House of Ruth.
ASSISTANT DIRECTOR'S REPORT 2009 Budget	The Agency's Monthly Budget Status Report is not available due to the month not yet being closed. The Assistant Director informed Commissioners that the agency is on target with spending and MCHR is 26% through the fiscal year.
2010 Budget	The Assistant Director informed Commissioners that MCHR has not heard

anything in reference to the 2010 Budget.

Information Technology
Unit

The Information Technology Manager informed Commissioners that he is working on a new website. All state agencies have to comply with the state Department of Information Technology's website guidelines.

Chairperson Gelman requested a report detailing the ongoing number of hits to MCHR's website and also how many filing of complaints are being made through the website.

**GENERAL
COUNSEL'S
REPORT**
Code Revision

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

The General Counsel informed Commissioners that the Code Revision Committee is wrapping up their work. This committee has been working on the revision of Article 49B to have it codified into the State Government Article. A first draft with all the changes will be reviewed. An attempt was made to clean up some of the archaic language that was in Article 49B to reorder the statute so that it flows better. All of the enforcement sections were taken out of the sections and placed in one section of the statute.

The Committee made recommendations to the General Assembly to make substantive changes in the trailer bill. These changes would make the statute more understandable. There was one section, which was a constitutional issue, that required an opinion from the Attorney General's office. This issue dealt with a criminal penalty and action against someone who participates in racial discrimination for pay, i.e. a demonstration that involved race. If a person received pay for participating in the demonstration it was considered a criminal offense with criminal penalties. The committee is recommending that this section be abolished as being unconstitutional. This was also the recommendation of the Attorney General's opinion. The remainder of the work cleans up Article 49B.

Agency's Name Change

Chairperson Gelman inquired as to where the agency's name change will come into play. The General Counsel informed Commissioners that she has talked to the Governor's Office about what needs to be done. First the revision, then the trailer bill and finally legislation has to be submitted to change the name. The General Counsel is waiting for the approval of the Governor's Office regarding the name change.

Chairperson Gelman also inquired as to how the name change legislative process, which may suggest amendments, that MCHR may have some difficulties with. The General Counsel stated that this is the first time she has ever gone through this type of process and is not sure how the process works. The name change legislation (bill) will be submitted by the Speaker of the House and the President of the Senate. The Chair and Co-Chair of the Committee will be carrying the order for the legislation along with the agency. The agency is involved in the process for technical assistance and

support.

Legislation
Ledbetter Bill

The General Counsel informed Commissioner that the Ledbetter bill will be submitted this session. This bill will deal with defining what a reasonable accommodation is in Fair Housing based on religion.

Gender Identity

The General Counsel informed Commissioners that the gender identity bill will also be submitted this session. This will be the same bill and will be privately sponsored.

Americans with
Disabilities Act (ADA)

The General Counsel informed Commissioners that there has been an amendment to the ADA on the federal level. The ADA overturned some Supreme Court decisions in terms of defining disability. The amendment will be made similar to the state in terms of including persons who are able to use remedial devices to correct their disability and still remain a person with a disability under the law.

Training

The General Counsel conducted training for State agency's EEO Coordinators dealing with investigative techniques and theories of discrimination. MCHR works along with the State EEO Coordinators to resolve issues before they become complaints with MCHR.

Settlement

The General Counsel informed Commissioners that the legal department settled an employment case in September for \$35,000.

Chairperson Gelman and the Commissions would like MCHR Executive Staff to let them know what the implications of the Obama administration is in reference to the regulations, legislation and the budget.

NEW BUSINESS

Commissioner Fisher commended, verbally and written, the Commissioners' Administrative Officer, Barbara A. Wilson, for all her support and assistance given during her tenure as a Commissioner.

The Commission meeting was adjourned at 12:30 p.m.

Barbara Wilson