

Office of Civil Rights & Wage Enforcement
Community Relations Commission
Public Session Minutes
April 18, 2018

Participating in the meeting were Commissioners Rev. Todd Yeary (Chair), Phillip Farfel, Adote Akwei, Karsonya Whitehead (via conference call), Stephen Ruckman and Stephanie Maddin-Smith (via conference call). Also present were Jill P. Carter, Director, Charles Byrd, Deputy Director, Raemond Parrott, Danielle Crawley, and Shavey Blackwell, Nicole Shaw, John Wesley and Mr. Samuel Johnson (Guest). The meeting was called to order at 12:01 p.m.

I. Welcome

II. Approval of the Minutes

The March 21, 2018 minutes were approved as submitted.

III. Commissioners' Report

Commissioner Maddin-Smith commented on the Capital Budget Planning Process. Funding is still in favor of white neighborhoods.

IV. Director's Report

Mr. Charles Byrd gave the Director's Report in place of Director Carter. He spoke about two vacancies in the Commission. Both individuals have been approved by the Mayor, one individual is to be scheduled for a hearing before the City Council and is expected to have a favorable outcome. The other individual is not available and the Mayor's Office will schedule a hearing once they are reached. CRC is fully staffed with 5 investigators, and Mr. Byrd introduced the 3 newest investigators, Danielle Crawley, Shavey Blackwell, and Nicole Shaw. In addition, he also thanked Gregory Logan and Troy Pumphrey for their hard work as well. He also thanked the CRC Supervisor, Raemond Parrott for his hard work in moving the cases out from backlog.

Mr. Byrd spoke on their first public hearing scheduled and that it has been canceled. It was a right-to-sue letter and the complainant had decided to go to Federal Court as opposed to a hearing examiner before CRC. However, he expects to have similar cases in the future.

Mr. Byrd stated that they will be enforcing some of the policies and procedures that the Commission has implemented back in December 2017. One of those is enforcement of the defaulted procedures, i.e. the respondent did not respond in a timely manner or respond at all. The Director has indicated that CRC will begin to proceed on the default process. After a failure to respond there will be a notice of pending default with 5 days to respond. This means if they do not respond then the case will be certified for counsel and

the case will be petitioned before a hearing examiner. That will determine whether or not a default has occurred and if so there will be a hearing scheduled on damages or other appropriate relief.

Mr. Byrd and the Director are working with the Law Department to identify hearing examiners. He had a brief discussion with Solicitor Davis on Friday, 5/13 on this topic and Solicitor Davis is looking for hearing examiners. He is concerned about conflicts of interest and that he is thinking about creating a hearing examiner office where there would only be a group of hearing officers that would have no connection to the City Solicitors Office or other offices.

Chair Yeary congratulated the Office on being fully staffed and asked about the status of the backlog and on meeting our obligations. Mr. Parrott stated that they have been closing about 1-2 cases per week and the status stands at 42. There are several cases in the final stages that 1) have been drafted, 2) have to be reviewed, 3) and have to be mailed out. Complainants must have an opportunity to appeal the decision; and respondents given an opportunity to produce exceptions before the decisions have been finalized. Intake has been high in that there have been about 4-5 new cases per week for the last two months. He stated that there may be a surplus of cases rather than falling short of the contract obligations.

In terms of the backlog, Mr. Parrott stated that there have been some focus on the backlog. They have closed about 7 cases since the last CRC meeting. Many of them were administrative closures where they were not able to locate the parties who originally filed the charge. There has been less focus on the backlog as opposed to the cases that are currently within the 5-year window where they can get credit.

Chair Yeary to notify the Commissioners when there is a date for the hearing for the new Commissioners. Mr. Byrd announced that Nadine Finnegan's hearing is on May 2nd at 10 a.m. **Action:** Send a notice.

V. Open Forum

The Commissioners discussed the Legislation that was added by Councilman Scott regarding addressing systemic racism and racial disparities. Dr. Farfel stated that this an opportunity for the Commission to support and include the Capital Improvement Study which shows that the poorest communities get least amount of funding.

Commissioner Maddin-Smith forwarded the language of the Bill to all Commissioners.

Action: The Commission needs to get a status report on Councilman Scott's Bill and which Committee is handling that Bill. Afterward the Commission can determine whether or not to send some type of communication to the City Council President in terms of their position.

Commissioner Maddin-Smith stated that Councilwoman Sneed is also working on a Bill regarding discrimination and allowing proper lactation facilities for lactating mothers in the workplace, which may fall under Article IV and the Commission. Chair stated that it would be good to notify the City Council President that there is legislation that might be forthcoming that might have civil rights implications.

Chair Yeary spoke about the implicit bias on the Starbucks situation in Philadelphia. The Commission should consider what things they can do with regard to: 1) public hearings, 2) education campaigns, and 3) assessing the climate of civil and human rights in Baltimore City. He also stated that the Commission might want to consider using the Breakfast as an opportunity to address that state of human rights in the City.

Chair Yeary and Commissioner Ruckman asked about the speakers for the Breakfast and whether or not they would be qualified to work within this framework of discussion. Mr. Byrd stated that he has three speakers on the list for the Breakfast. He is waiting on the first choice. If there is no response within a reasonable time, he is sure that the second choice is available. The scheduled date of the Breakfast is September 20th.

Mr. Parrott spoke about FEPA engagement funds that are used to engage the community. These funds have to be used prior to the contract year running out. He stated that Director Carter suggested using this for Civil Rights Day and it could be an opportunity for public education as opposed to adding to the Breakfast.

Commissioner Farfel spoke about the previous discussion for a better system for data tracking. Chair Yeary mentioned that the last conversation was about checking with peer organizations around the City. Mr. Parrott stated that vendors have presented their systems, and they have done some Beta testing. The results have been \$85000 on the low end plus the monthly service fees, but an adequate system would cost about \$120000. Mr. Parrott also stated that anything over \$24000 must go before the Board of Estimates. The actual software would be cost effective; however, the training would be expensive. Commissioner Farfel suggested that maybe the Baltimore Area Grantmakers can help.

Commissioner Akwei asked how the safety of Baltimore City students might relate to discrimination and the work of the Commission. Commissioners Farfel and Ruckman mentioned the funding inequities that have already been determined by the Court. They talked about how Baltimore City students are not receiving the constitutional education that is required by the State. Other suggestions would be contacting the Kirwan Education Commission or writing a letter of support. In the areas of special education regarding the Commission could address the Americans with Disabilities Act.

Action: The Commission will work with Commissioner Ruckman on a system for data gathering.

There was no further business.

There being no further business, the Commission voted to adjourn the Public Session at 12:57 p.m. and move into the Executive Session.

Respectfully submitted,

Robin Drummond
Secretary III