

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**



**OFFICIAL COMMISSION MEETING
Via Webex**

The Meeting can be viewed here:

<https://dcnet.webex.com/recording-service/sites/dcnet/recording/playback/931ec768557944b999b0fef390be4a25>

July 8, 2020

ATTENDEES

Commissioners

Motoko Aizawa, Vice Chair
Karen Mulhauser
Adam E. Maier
Wynter Allen
Anika Simpson

Timothy Thomas
John Robinson
Eleanor Collison, Secretary
Teri Janine Quinn
Mark Herzog

Office of Human Rights Staff

Michelle Garcia, Interim Director
Hnin Khaing, General Counsel
Thomas Deal, Attorney Advisor

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Nora Elmubarak, Summer Law Clerk

MEETING

I. CALL TO ORDER

- 1) Chairman Aizawa called the Commission's Official Meeting to order at 6:32 pm.

II. ROLL CALL

- 1) Commissioner Collinson conducted the roll call.
- 2) A total of 10 commissioners appeared. A quorum was present.

III. ADOPTION OF THE AGENDA

- 1) The agenda was adopted.

IV. ADOPTION OF THE MINUTES

- 1) The March 11, 2020 meeting minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR, OFFICE OF HUMAN RIGHTS

OHR Interim Director Michelle Garcia, gave the report, highlighting the following:

Executive/Operations:

As of March 16, 2020, OHR has been working in a remote capacity. Two staff members come to the office in person. OHR will remain working in a remote capacity until at least Phase 3 of the DC reopening process. In relation to pandemic and hiring freeze, this is, unfortunately, leaving OHR understaffed. OHR is dealing with a significant case backlog.

- 1) There are currently 12 vacancies at the OHR. There does not seem to be a rise in the number of complaints since the pandemic. OHR is specifically monitoring complaints from Asian and Pacific Islander communities due to increased levels of discrimination in relation to the Public Health Crisis but has found the complaints to be level.
- 2) D.C. Council met on July 7 2020, to discuss the FY 2021 Budget, and has decided to allocate additional resources funds to cover the costs of 25 new positions for OHR, including funding concerning enforcement of the new Universal Paid Leave Act. Some of the funding is to restore funding for programs that were reduced by the Mayor's budget.

VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE COMMISSION ON HUMAN RIGHTS

1) Case Management System:

- i. Judge Pierson has been testing the case management system for the past two months and has identified multiple issues, some of which have been resolved with no cost to the Commission.
 1. A few of the issues have not been resolved because it would require the Commission to pay a task order fee for which there is currently no funding available.
- ii. In March 2020, Synergy, the vendor for the Case Management System notified Judge Pierson that they are unable to continue hosting the System on their servers. The Commission was given until October 1, 2020, to find an alternate host for the case management system.
- iii. D.C.'s Office of the Chief Technology Officer (OCTO) will host the System in its servers going forward. OCTO and Synergy have been working

together to transfer the System to the D.C. government servers, which will require the System to be tested again before it is able to go live.

- iv. The Case Management System will be ready to go live once it is moved to the OCTO's servers and tested. The goal is to go live by the end of August,
- v. Users of the Case Management system will only have access to cases assigned to them.
- vi. Judge Pierson is currently developing a user manual for users and Commissioners to follow when accessing the system.

2) Executive/Operations:

- i. The Commission on Human Rights is currently functioning remotely.
- ii. Judge Pierson is considering holding evidentiary hearings electronically and has attended webinars from different courts to hold virtual hearings.
- iii. Currently, the majority of D.C. courts are having hearings via Zoom. Zoom conferences seem to be the best platform for the Commission on Human Rights.
- iv. Another challenge for holding virtual hearings is interpreters; the Commission is considering using a combination of over the phone and video interpretation services.
- v. D.C. Superior Court rooms are closed for the remainder of this calendar year.
- vi. Georgetown Law Fellowship has been canceled for next year.
- vii. Judge Pierson is currently working on hiring an Administrative Law Judge.
- viii. The summer law clerk, Nora Elmubarak, has started working at the Commission.

VII. OLD BUSINESS

1) Case Load Updates:

- i. All criminal background check cases have been closed.
- ii. There are currently three settlement cases, four cases with dispositive motions, and the remaining cases are all in the discovery stage.

2) Proactive Role of the Commission:

- i. Commissioners agreed to table discussion about their proactive role to an executive session.
- ii. Commissioners agree not to hold the Alexander Neal Human Rights gala this year due to COVID19. There was a suggestion to plan a gala for next year around the same time as another human rights event. A suggestion was made to host the gala virtually, but there was concern it would not be well

attended. Additional discussion about gala and award was tabled for an executive session following public meeting.

- iii. There was a suggestion to honor someone with the award even if there is no gala.

VIII. NEW BUSINESS

1) OHR Updates:

- i. Hnin Khaing, General Counsel, and Thomas Deal, Attorney Advisor, for OHR presented on developments in rules and laws related to COVID-19.
- ii. Council enacted B23-0757, which provided for COVID- 19 leave for individuals to care for themselves, family members, or provide childcare for COVID-19 related reasons for up to 16 weeks.
- iii. Amended Paid Sick Leave law was passed, allowing for two weeks of paid leave for any Coronavirus related sickness. (OHR does not enforce this)
- iv. Housing and Tenant Protections were passed in the form of mortgage deferment. (OHR does not enforce this)
- v. Remote notarization is now available if the notary and the member of the public communicate simultaneously via sight and sound. This new system is in the process of becoming a permanent law.
- vi. OHR is in the process of obtaining DocuSign to help parties sign documents remotely.
- vii. Open meetings may be held virtually.
- viii. OHR has produced a guidance document on COVID-19 leave, developed a revised DCFMLA poster, provided information on UPL Universal Paid leave act, and revised regulation on notarization to adapt to remote operations.

2) Review of Commission's community involvement:

- i. Georgetown Street Law Clinic canceled this year due to global pandemic, Capstone Moot Court has also been suspended so the Commission will not be participating in either activity.

3) Reminders:

- i. All financial disclosures must be filed by July 15, 2020.

IX. ANNOUNCEMENTS

- 1) Commissioner Robinson thanked the Commissioners for their support while he was ill and hospitalized.

X. PUBLIC COMMENT

1) Brian Griffey stated that he is pending appointment to the Commission on Human Rights, but his confirmation has been stalled by the pandemic. Mr. Griffey requested some additional information regarding the Commission's proactive role. Commissioner Aizawa explained that due to the Commission's adjudicatory functions, they do not have the same ability as other boards and commissions to do public outreach. The Commission is committed to exploring what role it can play in raising awareness in the community of both the Commission's role and the D.C. Human Rights Act. In addition, the Commission should explore how to build horizontal ties with other organizations.

XI. ADJOURNMENT

1) The Commission's July 2020 public meeting adjourned at 7:50 pm.