

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



**OFFICIAL COMMISSION MEETING
Via Webex
September 9, 2020**

The Meeting can be viewed here:

<https://dcnet.webex.com/recording/service/sites/dcnet/recording/playback/11a8a552da654513924055de02b189fe>

ATTENDEES

Commissioners

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

Timothy Thomas
John Robinson
Eleanor Collison, Secretary
Teri Janine Quinn

Office of Human Rights Staff

Michelle Garcia, Interim Director

Commission on Human Rights Staff

Erika Pierson, Chief ALJ

MINUTES

I. CALL TO ORDER

- 1) Chairman Aizawa called the Commission's Official Meeting to order at 6:33 pm.

II. ROLL CALL

- 1) Commissioner Collinson conducted the roll call.
- 2) A total of 8 commissioners appeared. A quorum was present.

III. ADOPTION OF THE AGENDA

- The agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The July 8, 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:

- There has been a change in leadership in the Public Safety and Justice Cluster which provides oversight of OHR. Kevin Donahue is now the Interim City Administrator. Dr. Roger Mitchell, Chief Medical Examiner, is now Interim City Administrator.
- OHR has a significant backlog of cases largely due to unfunded mandates. However, the FY21 budget included 17 new positions and restored three previously reduced positions which will enhance OHR's ability to reduce the backlog. The caseload data is as follows:
 - Intake – 344 cases
 - Mediations – 22 held, 33 scheduled
 - Investigations – 532
 - Legal Review – 183
- Last week OHR launched its 2020 transgender and non-binary employment survey. The survey closes October 10, 2020. Information is available to share.

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

1) Case Management System:

The migration of the Case Management System from Synergy to OCTO is not complete due to technical difficulties which have recently been resolved. The System may be ready to go live in two weeks.

2) Operations:

The Commission continues to operate remotely and will begin holding evidentiary hearings virtually using webex. The first hearing is scheduled for this month.

3) Staffing

A new Administrative Law Judge has been identified with a tentative start date of October 14, 2020.

- 4) Chief Judge Pierson recommended that the Commission and OHR adopt the Model Rules of Ethics for Administrative Law Judges created by the American Bar Association as State Judicial Ethics rules do not apply to ALJs and attorney ethical rules are inapplicable. At the next meeting Judge Pierson will propose a

method for adopting ethical rules and consider how the OAH rules differ from the model rules and whether they are applicable to the Commission.

VII. REPORT OF THE VICE CHAIR OF THE COMMISSION

- Commissioner Aizawa updated the Commission on discussions Commissioners had in closed session about the proactive agenda of the Commission. Commissioners volunteered to reach out to different organizations.
- Commissioner Collinson reported that she made contact with the Chief Operating Officer (COO) of the Center for Nonprofit Advancement, a state association for nonprofit organizations primarily serving agencies in the District of Columbia and surrounding counties. Chief Judge Pierson and Commissioner Collinson will attend a virtual roundtable of member COO's on September 17, 2020, where they will do a presentation on the role of OHR and the Commission.
- Commissioner Quinn reported that she has reached out to the D.C. Bar and will continue to follow up.

VIII. OLD BUSINESS

- 1) Review of Case Inventory. There are currently 18 cases pending – 10 Commission cases and 8 Office cases. 14 cases have been closed this fiscal year. There are three cases ready for tribunals.

IX. NEW BUSINESS

- 1) Mayor Bowser is appointing Commissioner Aizawa as Chair of the Commission on Human Rights. The Mayor's Order is forthcoming and will be effective immediately.
- 2) A new Vice Chair will be chosen at the November meeting of the Commission. Commissioners can nominate themselves.
- 3) The appointment terms of Commissioners Allen and Simpson expire December 31, 2020. The process for reappointments will begin in October. There are also four vacancies on the Commission. One nomination is pending before City Counsel and should be acted on soon.
- 4) Chief Judge Pierson and Director Garcia will work on a position description for Commissioners that can be shared publicly to garner interest in serving on the Commission.
- 5) Director Garcia updated the Commission on the salaries for the Commission ALJs which have been low in the past making it difficult to retain ALJs. Director Garcia presented the salary ranges for different District of Columbia Agencies which ranged from \$107,000 to \$133,000 (Grades 13-14), with an average salary of \$128,000 for those ALJs whose positions are designated Career Service. ALJ positions designated as Excepted Service, such as the Office of Administrative Hearings, are at a higher rate. OHR was able to offer a Grade 14, step 6 (\$120,257)

for incoming ALJ. City Council also restored funding for the third ALJ position in FY21 at a Grade 13. However, due to the large number of new positions in OHR, vacancy savings will permit OHR to offer a similar salary to a third ALJ, if warranted by experience.

X. ANNOUNCEMENTS

- 1) Due to the Veteran's Day Holiday, the next Commission meeting is on the Third Wednesday, **November 18, 2020**.
- 2) Judge D'Souza from the D.C. Department of Employment Services attended the meeting. Judge D'Souza is involved in a program at the D.C. Jail and inquired whether OHR's video on the Fair Criminal Records Screen Act of 2014 was current so that it can be shown at a D.C. Jail presentation. Judge also D'Souza commented that one of the differences between the OAH ethical rules and the ABA model rules is that it permits meals at meetings. Judge D'Souza further offered to share with Chief Judge Pierson, DOES's instructions on how to conduct hearings by webex.

XI. ADJOURNMENT 7:21 p.m.