

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



OFFICIAL COMMISSION MEETING

March 9, 2016
One Judiciary Square, 441 Fourth Street, NW, Room 1117

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chairperson
Commissioner Bornstein
Commissioner Figueroa-Garcia
Commissioner Maier
Commissioner McCollough

Commissioner McLeod
Commissioner Mulhauser
Commissioner Powell
Commissioner Robinson

Office of Human Rights Staff:

Rahsaan Coefield, Deputy Director

Commission on Human Rights Staff:

David C. Simmons, Chief ALJ
Dianne S. Harris, ALJ
J.P. Howard, ALJ

Members of the Public:

Genora Reed
Michael Sindram
Michael Woodard

MEETING

I. CALL TO ORDER

Chairperson Fowlkes called the meeting to order at 6:30 pm.

II. ROLL CALL

The Chief Administrative Law Judge conducted the roll call. Eight Commissioners were present. An additional Commissioner arrived shortly after roll call.

III. ADOPTION OF THE MINUTES

Chairperson Fowlkes directed the Commission's attention to the Minutes from the January 13, 2016, meeting. The Commission approved the Minutes.

IV. REPORT OF THE DIRECTOR OF OHR

Rahsaan Coefield, Deputy Director of the Office of Human Rights, gave the report of the Director. Mr. Coefield indicated that Director Palacio was sick that evening. Chairperson Fowlkes expressed that the Commission wishes her well.

Mr. Coefield highlighted several items of the Director's Report to the Commission. OHR has launched an Equity and Inclusion Working Group, to help agencies build teams to train employees on cultural competency and inclusion. OHR's goal is to build a team that can be deployed to provide the training that agencies often come to OHR to receive.

The Office was preparing for an April 6, 2016, budget hearing. OHR's oversight hearing was held on February 23, 2016, before Councilmember McDuffie. No significant issues were raised at the hearing and the Council appeared to be satisfied with OHR's work. Director Palacio has testified on several pieces of legislation recently including the Employment Protections for Victims of Domestic Violence Amendment Act of 2015 and the Fair Credit History Screening Act of 2015. The Commission asked questions with regard to the Credit History Screening Act. Mr. Coefield also noted that the Task Force to End Street Harassment will be led by OHR if the related legislation passes.

Mr. Coefield provided an overview of the first quarter numbers for cases processed through OHR, particularly noting that the OHR docket has swelled to almost one thousand (1,000) cases from two years ago when there was an approximate three hundred (300) case average. Mr. Coefield also noted that OHR was hosting an event that evening entitled, "Standing with our Muslim Neighbors: A Workshop for Allies in D.C." The Commissioners expressed an interest in receiving the hand-out materials from the event.

Mr. Coefield reviewed legislation in the pipeline including: Task Force to End Street Harassment Establishment Act of 2016 (B21-0657); Employment Protections for Victims of Domestic Violence Amendment Act of 2015 (B21-0211); Fair Credit History Screening Act of 2015 (B21-0244); Protecting Pregnant Workers Amendment Act (B21-0563); Language Access for Education Amendment Act of 2015 (B21-0066); Language Access Compliance Amendment Act of 2015 (B21-0375); and the Universal Paid Leave Act of 2015 (B21-0415). The Office is also currently working on regulations involving the Bullying Prevention Act; Human Rights Act Regulations, Housing Section (Chapter 4, Title 10); and DCCOHR Rules of Organization (Chapter 4, Title 3.).

The Commissioners asked several questions with regard to pregnancy accommodations and the certification of EEO counselors in OHR's Working Group.

V. REPORT OF CALJ

Chief Administrative Law Judge David C. Simmons presented the report of the Chief ALJ. The Chief addressed the dramatic increase in inventory at OHR and noted that the impact is starting to be felt at the Commission. The Commission's docket currently has: twenty-one (21) Commission Cases, of which thirteen (13) are new; eleven (11) Office Cases, of which three

(3) are new; and eight (8) CBX cases, of which two (2) are new. At this time the Commission has not received any FCRSA cases.

To date, the Commission has closed eight (8) Commission cases, one (1) Office case, and three (3) CBX cases. The Chief discussed the speed of resolution for the different types of cases and noted that the Commission's Judicial Staff was on track to meet the Commission's annual goals.

The Chief discussed the settlement judge process, summary judgment, and a renewed emphasis on getting cases to Tribunals more quickly. The Commission staff and OHR are beginning to see movement on rethinking our projected annual goals. The effort is to look at how we move cases along, as opposed to simply how many cases are closed. These goals will focus on things such as the percentage of cases older than 15 months, whether scheduling orders are issued within a certain number of days and the like. The focus of these goals is capture things that are within the power of the Commission to effect as opposed to simply looking at closure rates which often results more from how the parties choose to litigate a case. As the Commission staff and OHR looks at the plan for 2017, the Commission will be kept involved. The Chief also addressed the positive impact of the Commission's law clerks and the need to get a full time law clerk and additional judges.

The Commission discussed data, planning, goal ideas, and resources. Significant concern was raised about the wisdom of closure targets and the Commission's duty to provide justice and due process.

The Chief noted that five (5) Commissioners are in holdover status. Two Commissioners who have been very faithful and active have expressed a desire to be reappointed and are being re-nominated. The Chief noted the Chairperson's assistance in getting recommendations approved by MOTA. The Chief explained that the Commission will hear from another potential nominee during the meeting. If all three are confirmed, then only two (2) Commission slots will remain open. The Chief also pointed out that currently, there is no Commissioner from Ward 5, the home ward of our Oversight Committee Chairperson, and that it would be good to have all the Wards in the City represented on the Commission. The Commissioners were asked to provide recommendations for possible Commissioners to the CALJ to be shared with the Chairperson and MOTA.

The Chief announced that the Commission staff would put together training on summary judgment and that two (2) cases were coming up in the near future that may require summary judgment tribunals. The Chief also announced a planned training session to be given at the D.C. Bar entitled, "Litigating before the D.C. Commission on Human Rights."

Finally, the Chief recommended that a Committee be appointed to begin work on the 2016 Human Rights Awards Gala.

VI. NEW BUSINESS

Ms. Genora Reed, a possible candidate for appointment to the Commission, was

introduced and given the opportunity to address the Commission. Ms. Reed is originally from Dyersburg, Tennessee, and works with USAID. Her background is in international affairs, particularly involving Sub-Saharan Africa. She has worked on human rights throughout her career and issues of human rights are her passion. She is married and stated that she has a 4 year old son who keeps her honest. She currently lives in Ward 8 and was formerly a resident of Ward 4.

Chairperson Fowlkes welcomed Ms. Reed on behalf of the Commission and stated that compared to most of the U.S. the people of the District have an incredible array of human rights that continue to evolve and grow to protect people. He also stated that if Ms. Reed were to join the Commission, we would be very fortunate to have someone of her caliber to participate in some of the most important work that goes on in the District.

Dr. Michael Woodard, a former Commission member, addressed the Commission. He stressed the importance of the work that occurs at the Commission, the breadth and value of the Human Rights Act, his personal background, and the significance of service on the Commission. Dr. Woodard noted the forty (40%) percent increase in the Commission's workload that was continuing to rise and that no increase in resources or staff had occurred at the Commission. He stated that everyone is being asked to do more and more with the same level of resources. Dr. Woodard wished that the City Administrator would call Director Palacio and say that there was a budget windfall and they were sending a large increase in funding allocation to OHR; however, he noted that it is not likely to happen. Dr. Woodard explain the work he was doing surveying processes at OHR and the Commission and trying to find ways to help manage the increased workload and accomplish tasks in a more efficient manner. He then turned to Ms. Reed and wished her well on her confirmation process and advised her to jump in with both feet when confirmed.

It was asked if it would be helpful for the Commissioners to write a letter to addressing the increased workload and for additional resources. Dr. Woodard was supportive of this idea. Another Commissioner highlighted some of the good work being done at the Commission and suggested that the Commission's work was a story about which the Mayor and City Council should be aware. The Commissioners expressed a desire to testify at the budget hearing if it would be helpful. The Commission discussed the matter further. The Chairperson indicated that he could work on a letter with interested Commissioners and confirmed the budget hearing date.

VII. COMMUNITY COMMENTS

Michael Sindram addressed the Commission and provided community comments.

VIII. ANNOUNCEMENTS

The Commission meeting scheduled for May 11, 2016 will take place in Room 1112.

IX. ADJOURNMENT

The Commission's March public meeting adjourned at approximately 7:47 pm.