

MICHIGAN CIVIL RIGHTS COMMISSION
Monday, March 25, 2013 – 2:00 P.M.
State Capitol Building – Committee Room 426
100 N. Capitol Avenue, Lansing, MI 48909

MINUTES

Present: Commission Chair Mike Zelle
Commission Secretary Jared Rodriguez
Commissioner Agustin Arbulu
Commissioner Rasha Demashkieh
Commissioner Arthur Horwitz
Commissioner Deloris Hunt

Excused: Commission Vice-Chair Lisa Peebles-Hurst
Commission Treasurer Stephanie Comai

The meeting of the Michigan Civil Rights Commission was called to order by Commission Chair Mike Zelle at 2:01 p.m.

I. WELCOME

Commissioner Zelle brought welcoming remarks and called the meeting to order.

II. APPROVAL OF MEETING AGENDA

On Motion duly made (Demashkieh) and supported (Hunt), the Agenda was approved as submitted. Motion carried unanimously.

III. APPROVAL OF MINUTES FROM JANUARY 28, 2013

On Motion duly made (Arbulu) and supported (Demashkieh), the Minutes from the January 28, 2013 meeting were approved as submitted. Motion carried unanimously.

IV. DIVISION REPORTS

Director's Report – Director Krichbaum indicated that Leadership staff is working with their divisions on completing mid-year performance evaluations; the Executive Team is reviewing the Strategic Plan and updating metrics; Department Managers are focused on completing required training courses (Foundations of Management) for professional development; Director Krichbaum is convening ongoing meetings with the Religious Leaders Forum and the Inter-Faith Leadership Council on religious discrimination issues.

Enforcement Report – Lori Vinson indicated that the Enforcement Division has completed 981 investigations thus far this fiscal year, and has generated \$630,921 in monetary awards; the current inventory is 1,256 cases; only 200 are 1 year or older.

Hearings and Policy Report – Dan Levy provided a status update on Proposal 2, indicating that the ban on affirmative action which was overturned by the U.S. Sixth Circuit Court of Appeals in

November 2013 will be heard by the U.S. Supreme Court. Once more information is determined, the Commission will decide on filing an amicus brief.

Legal Affairs Report – Sylvia Elliott indicted that the Legal Division has been filing and arguing on motions regarding Rule 12 cases; there are currently three cases before the administrative law judge; the Legal Division also is currently accepting resumes from interested students for internships and externships with the MDCR.

Public Affairs/Budget Report – Leslee Fritz introduced the new Director of Communications, Vicki Levengood, who comes to MDCR with a wealth of experience from the Workforce Development Agency of the Michigan Economic Development Corporation; announced that the Arab-American Specialist position previously held by Leila Saba-Hanna has been posted, Ms. Fritz will be interviewing candidates next week; Ms. Fritz will be sending weekly communications to the Commission regarding the 50th Anniversary Tour dates and venues; newer MDCR staff has received the Healing Racism Training in February 2013; the DODHH hearings on the certification process for sign language interpreters convened in Grand Rapids, Detroit and Flint during the second week of March for public comment and input, a final report will be submitted to the Office of Regulatory Affairs, then move forward to the legislature; with regards to the Budget, the federal sequestration should not impact MDCR's EEOC or HUD contracts; MDCR FY2014 Budget currently in the legislature, reductions have been recommended, the final process should be complete by the end of May 2013. Commissioner Rodriguez asked if there has been any proactivity for budget cuts regarding the 50th Anniversary activities; Director Krichbaum, Leslee Fritz and Dan Levy have been meeting with state legislators to educate their offices and constituents on the work and services provided by the MDCR.

V. COMMISSION MATTERS

Chairman's Report – Chair Zellely thanked the Department for their efforts on the Detroit 50th Anniversary kick-off event on March 13, as well as the monthly ALPACT meetings in Flint – all of which Chair Zellely attended, indicating that they were well organized, well attended, and provided excellent content. Chair Zellely also thanked Commissioner Hunt for her service facilitating one of the panel discussions at the Detroit event, as well as the other Commissioners who attended.

Attorney General's Report – Ron Robinson provided status updates on the following Court Cases: In the case of *Barash v. SMART*, the oral arguments hearing for the Motion for Reconsideration filed by the respondent, the respondent's Motion was dismissed, and the claimant entered an Order under the 7-Day-Rule, the respondent filed objections to the entry of the Order, and a new hearing is set to settle the Order. AG Robinson will consult with the claimant's attorneys on the best course of action. In the case of *Dumas v. MDCR*, an age discrimination case duly filed with the EEOC and MDCR, jurisdiction was determined under EEOC, and after investigating found there was insufficient evidence of discrimination, issued the claimant a Right-To-Sue Notice, which gives the claimant 90 days to file a lawsuit with the federal court; as a result, MDCR adopts the EEOC's finding. Instead, the claimant filed a suit against the MDCR, claiming that the Department erred in adopting the EEOC's determination that there was insufficient evidence. The Attorney General has filed a Motion to Dismiss, and indicated that this is a common action by claimants who were not pleased with the findings.

VI. DEPARTMENT INITIATIVES

Implementation of Migrant and Seasonal Farm Worker Report – Al Flores provided an update on the progress of the fifteen recommendations from the MSFW Report, as well as a presentation on the new MSFW Report. Hard copies were provided to the Commissioners for their review of the report. Tom Thornburg, Managing Attorney of Farmworker Legal Services was given an opportunity to thank the Commission and the Department on their collaborative work with state department agencies on the progress that has been made thus far on resolving the recommendations to improve the living and working conditions for Migrant and Seasonal Farm Workers and their families.

On Motion duly made (Rodriguez) and supported (Horwitz), the Commission adopted the Migrant and Seasonal Farm Worker Report as submitted March 25, 2013. Motion carried unanimously with a vote of 6-0-0.

Anti-Bullying Initiative – John Golaszewski introduced Richard Olivarez, our new Bullying Consultant working on the Initiative, indicating that the Detroit, Allendale and Vandercook school districts were selected for the pilot program to implement bullying models by this fall; the team is also in the process of forming anti-bullying committees; a final report will be submitted by December 2013, as well as the possibility of a new RFP.

Global Michigan Initiative – Mary McLellan indicated that the Governor’s Office has brought together an interdepartmental workgroup focused on immigration and the Global Michigan Initiative; one of the strategies to make Michigan a more welcoming state is the review of federal policies for which the Governor’s Office is working with the federal government in Washington, D.C. Ms. McLellan also indicated that subcommittees have been developed, to include members of the Asian Pacific American Affairs Commission and the Hispanic Latino Commission – the subcommittees are working on organizing a joint immigration summit; the Council on Arab and Chaldean American Affairs will soon be activated within the next few months, Ms. McLellan will keep the Commission informed.

VII. OLD BUSINESS

Tides Foundation Report, Leslee Fritz – Ms. Fritz gave a presentation on the Tides Foundation Report regarding the economic impact of ordinances against LGBT individuals in the State of Michigan at the January 28, 2013 Commission Meeting. Hard copies were provided to the Commissioners for their review of the report.

On Motion duly made (Horwitz) and supported (Arbulu), the Commission adopted the Tides Foundation Report as submitted January 28, 2013. Motion carried unanimously with a vote of 6-0-0.

VIII. NEW BUSINESS

Al Flores’ MSFW Report agenda item was moved to Department Initiatives.

There was no additional new business.

IX. PUBLIC COMMENT

L.W. Morrow – Mr. Morrow brought concerns regarding a matter he entitled “Super Storm Detroit”, as well as indicating his disappointment with the closure of his case and appeal denial.

Curtis Hudson, Jr. – Mr. Hudson brought concerns regarding a complaint he filed with the Michigan Department of Civil Rights, indicating his disappointment with the handling and closure of his case. Mr. Hudson was advised that he has the right to appeal through the Reconsideration process, and was referred to Dan Levy for follow-up.

Guillermo Martinez – Mr. Martinez brought concerns regarding Migrant and Seasonal Farm Workers, thanking the Commission and the Department for their collaborative efforts in identifying and working to resolve major issues regarding the working and living conditions of Migrant and Seasonal Farm Workers and their families.

Erma Shaw – Ms. Shaw brought concerns as a retiree and former employee of the Michigan Department of Civil Rights regarding alleged harassment by her former supervisor. Ms. Shaw was referred to contact Director Krichbaum at a later date.

X. ADJOURNMENT

On Motion duly made and supported, the meeting of the Michigan Civil Rights Commission adjourned at 4:31 p.m. Motion carried unanimously.

Secretary

Director