

**MICHIGAN CIVIL RIGHTS COMMISSION**  
**Monday, January 28, 2013 – 2:00 P.M.**  
**Michigan Department of Civil Rights, Lansing Executive Office**  
**8<sup>th</sup> Floor Commission Room**  
**110 W. Michigan Avenue, Suite 800**  
**Lansing, Michigan 48909**

**MINUTES**

**Present:** Commission Chair Mike Zelle  
Commission Vice-Chair Lisa Peeples-Hurst  
Commissioner Jared Rodriguez  
Commissioner Deloris Hunt  
Dr. Agustin Arbulu – NEW COMMISSIONER  
Mr. Arthur Horwitz – NEW COMMISSIONER

**Excused:** Commissioner Stephanie Comai  
Commissioner Rasha Demashkieh

*The meeting of the Michigan Civil Rights Commission was called to order by Commission Chair Mike Zelle at 2:03 p.m.*

**I. WELCOME**

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

**II. SWEARING-IN OF NEW COMMISSIONERS:** Agustin Arbulu and Arthur Horwitz

Dr. Agustin Arbulu and Mr. Arthur Horwitz were formally sworn in as Commissioners by Chair Zelle; both were appointed by Governor Rick Snyder, their appointments were effective as of January 1, 2013; both succeed former Commissioners Mark Bernstein and Matthew Wesaw.

**III. APPROVAL OF MEETING AGENDA**

*On Motion duly made and supported, the January 28, 2013 Meeting Agenda was approved as submitted. Motion carried unanimously.*

**IV. APPROVAL OF MINUTES FROM DECEMBER 5, 2012 MEETING**

*On Motion duly made and supported, the Minutes from the December 5, 2012 meeting were approved. Motion carried unanimously.*

**V. DIVISION REPORTS**

**Director's Report,** Dr. Daniel H. Krichbaum, Executive Director

Highlights of Director Krichbaum's report included progress on the work of the Governor's Immigration Initiative in conjunction with the Michigan Economic Development Corporation (MEDC); the 50<sup>th</sup> Anniversary Celebratory events (50 Cities, 50 Weeks) throughout the State, March 2013 through March 2014; progress on the MSFW Report Implementation recommendations; the Anti-Bullying Initiative, for which MDCR is currently deciding on school districts that will implement the pilot program.

**Enforcement Report**, Lori Vinson, Director of Operations and Enforcement

Ms. Vinson indicated that 442 new complaints have been received during the first quarter of this fiscal year; 574 cases – current and backlogged - have been closed; \$385,858 in settlements has been negotiated. Ms. Vinson reported that case inventory has decreased, but expects that the 50<sup>th</sup> Anniversary Bus Tour throughout numerous communities in the State of Michigan will bring more awareness to the work of MDCR, educate the public regarding discrimination and their civil rights, and more complaints are expected to be received.

**Hearings and Policy Report**, Dan Levy, Chief Legal Officer

Mr. Levy indicated that guidance on the driver license issue deferred action issue has been received from U.S. Immigration and Citizenship Services (USICS), which will resolve this outstanding issue in the Secretary of State Office; Mr. Levy also indicated that MDCR will post USICS's guidance on the department website and social media accounts. Commissioner Zelle requested that this information be communicated to the students who gave public comment at the December 2012 meeting at U-M, Ann Arbor.

**Legal Affairs Report**, Sylvia Elliott, Managing Attorney, Office of Legal Affairs

Ms. Elliott introduced the new Interns for the OLA and AG's Offices: Samantha Glaspie, Nick Drake, Sara Anderson and Folashole Ojo. Ms. Elliott gave a brief report, indicating that current cases in Legal Affairs may potentially be brought before the Commission soon; therefore, the sharing of information is limited. Ms. Elliott also reported that Legal Affairs is moving through the Rule 12 process, which is taking an extended period of time due to the assignment of a single-assigned hearing referee. Much time is spent responding to challenges and filing motions.

**Public Affairs Report**, Leslee Fritz, Director of Public Affairs and Administrative Services

Ms. Fritz indicated that the Communications Director position has been re-posted, as Melanie Brown recently resigned; 170 applications have been received, and the interviewing process will soon begin; and a final selection should be made by mid-February; MDCR has had good access to media in publicizing the MLK Celebration and 50<sup>th</sup> Anniversary events, including several community/public affairs television appearances and interviews; the 50<sup>th</sup> Anniversary Bus Tour will kick-off in March 2013 to re-introduce MDCR in fifty cities throughout the State of Michigan. More information will be communicated regarding those initial events.

**Budget Report**, Leslee Fritz, Director of Public Affairs and Administrative Services

Ms. Fritz indicated that the Governor will announce budget recommendations on February 7, 2013; MDCR will request additional funding to increase staffing in the Enforcement Division, as there has been recent staff turnover; Ms. Fritz also indicated that a staffer will be returning to MDCR from an extended military leave.

VI. **COMMISSION MATTERS**

**Chairman's Report**, Commissioner Mike Zelle

Commissioner Zelle reported on the significance and success of several MDCR special events, including the Governor's Business to Business Summit on Disability, which focused on presenting the business case to organizational leaders for increasing the hiring and employment of People With Disabilities and dispelling myths associated with the expense of accommodations; the public forum in Flint on Bullying which was well-attended as many youth and adults gave

testimony on personal experiences with bullying in education and workplace settings, and the impact bullying has had on their lives; and the Dr. Martin Luther King, Jr. Celebration at The Henry Ford Museum in Dearborn, featuring nationally renowned journalist and author, Leonard Pitts as the keynote speaker – which also attracted a large and diverse audience.

**Assistant Attorney General's Report, Ron Robinson**

Mr. Robinson provided a brief report, highlighting the Barash case which was under appeal, a final Order was granted on the Motion to Strike Appeal, the Wayne County Circuit Court determined that Oakland County Circuit is the proper forum for this appeal, the MDCR appeal was dismissed.

**2013 Election of Officers, Commissioner Hunt, Nominating Chair**

By unanimous votes for each office, the final results of the 2013 Election of Officers are:

Office of Commission Chair, Commissioner Mike Zelle: 6 Yea-0 Nay  
Office of Commission Vice- Chair, Commissioner Lisa Peoples-Hurst: 6 Yea-0 Nay  
Office of Commission Secretary, Commissioner Jared Rodriguez: 6 Yea-0 Nay  
Office of Commission Treasurer, Commissioner Stephanie Comai: 6 Yea-0 Nay

All elected Commissioners will serve as the Executive Council of the Commission, and will serve in their respective offices for a term of one year.

**VII. DEPARTMENT INITIATIVES**

**Implementation of Migrant and Seasonal Farm Worker Report, Leslee Fritz**

Ms. Fritz indicated that an updated report will be submitted to the Commission at the March 2013 Meeting, prepared by the inter-agency workgroup; a status update will be provided on each of the fifteen recommendations from the original report released in March 2010, as well as a new series of objectives.

**Anti-Bullying Initiative, John Golaszewski**

Mr. Golaszewski provided the Commissioners with a listing of applying schools for the February 8<sup>th</sup> initial orientation with the school districts for the Anti-Bullying Pilot Program, and explained next steps. Commissioner Hunt requested a final listing of selected schools; Commissioner Zelle asked if MDCR's bullying focus will continue only with K-12 schools, or if there will be expansion into workplace bullying and harassment. Mr. Golaszewski indicated that the statewide public forums on bullying resulted in testimony regarding workplace bullying and harassment; however, the current focus is K-12 schools due to the urgency of increasing violence and suicides amongst school-aged students.

**Global Michigan Initiative, Mary McLellan**

Ms. McLellan reported that the Michigan Asian and Pacific American Affairs Commission has plans to hire a part-time coordinator, as this commission is not currently staffed through the Department. The creation of this position was made possible by increased funding in this fiscal year's budget. Ms. McLellan also indicated that the Global Michigan Initiative workgroup has joined forces with the Upwardly Global organization in an effort to assist immigrants with professional licensures from their home countries to become licensed in their profession (i.e. physicians, nurses, attorneys, educators, accountants, etc...) as they immigrate to the U.S.

VIII. **OLD BUSINESS**

There was no old business.

IX. **NEW BUSINESS**

**Bona fide Occupational Qualification (BFOQ) Request, St. Mary's of Michigan, Dan Levy**

Mr. Levy brought forth a BFOQ Request from St. Mary's of Michigan regarding emergency air-transportation services and weight requirements. The Commission found the following decisions:

*Because the Commission finds weight must be considered in order to allow St. Mary's FlightCare to safely provide emergency medevac services, the request to recognize weight as a bonafide occupational qualification that it may consider in the hiring and retention of Flight Nurses and Flight Paramedics is GRANTED.*

*Because the Commission is unable to determine whether a request for a BFOQ recognizing a specific maximum weight limit (in this instance, 220 pounds) is reasonably necessary, this portion of applicant's request is DENIED.*

**Tides Foundation Report Presentation, Leslee Fritz/Dan Levy/Regina Calcagno/Sarah Reed**

This report is a study of the economic impact of anti-inclusive laws and policies in the State of Michigan with regards to the LGBT Community, as well as a request for the expansion of the Elliott-Larsen Civil Rights Act to include LGBT as a protected class; the final work product was the result of 2,000 staff hours, and consists of 132 pages. The Commission received the report for their review, and the report will be discussed at the March 25, 2013 meeting for adoption by the Commission.

X. **PUBLIC COMMENT**

John J. Castillo and Nino Rodriguez – Mr. Castillo and Mr. Rodriguez brought concerns regarding the Deferred Action Childhood Arrivals (DACA) issue, and driver's licenses for undocumented immigrants.

L.V. Morrow – Mr. Morrow brought concerns about the City of Detroit's dire financial situation, and distributed copies of initiative examples from the State of Colorado that successfully resulted in federal funding, which Mr. Morrow believes could be duplicated for the City of Detroit.

XI. **ADJOURNMENT**

*On Motion duly made and supported, the meeting of the Michigan Civil Rights Commission adjourned at 4:15 p.m. Motion carried unanimously.*

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Secretary

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Director