



COMMON GROUND

WINTER 2011

THE PRINCE GEORGE'S COUNTY HUMAN RELATIONS COMMISSION NEWSLETTER



Embrace Diversity. End Discrimination.

IN THIS ISSUE:

- From the Chair 1
- The Prince George's County Human Relations Commission: A Renewed Focus 2
- Staff and Commissioners of the Prince George's Human Relations Commission Attend EEOC Mini-Conference 4
- HRC @ CASA de Maryland. 5
- Fair Lending and Equal Credit Opportunity Laws..... 6
- Alternative Dispute Resolution: A New Commitment in the County Human Relations Commission 7
- Investigator Spotlight 8

From the Chair



It is hard to believe that we are closing in on the end of another year when it feels like it was only yesterday that we were planning this past year. 2011 has been a year of some challenging, yet exciting, times for the Commissioners. I would like to take a few moments to highlight some of the significant changes that have taken place since our 2010 Annual Report.

We started the year out with the resignation of our longtime Chairperson, Ms. Claudette Bennett, who resigned after many years of dedicated service and leadership. Ms. Bennett leaves a legacy of service and commitment that we look forward to continuing.

During the current commission year, we revised and amended our By-Laws and Rules of Procedures. The last comprehensive revision of these guiding documents was in 2004, therefore a revision of these important documents was due. Both the Rules of Procedures and the By-Laws can be found on the Human Relations Commission website.

Our 2012 monthly meeting calendar has been finalized and will remain the fourth Monday of each month. A complete calendar with date, time and location is available on the Commission website. The meetings are open to the public and we welcome the residents of our great county to these meetings.

As part of our outreach, the Commissioners will be holding various meetings throughout the county and welcome the opportunity to come out and conduct training or speak to your organization, company, group, etc., on any related issues and inform you on how the Commission is here to serve you. For more information, call the Human Relations Commission office.

Respectfully,

Merrill Smith, Jr., Acting Chair



The Prince George's County Human Relations Commission: A Renewed Focus

By: D. Michael Lyles, Esq., Executive Director



The mission of the Commission is governed by Division 12 of the Prince George's County Code (the Human Relations Commission Act). This law provides for an administrative hearing process for the enforcement of county, state and federal laws against discrimination. Additionally, as the county's Civil Rights Education and Enforcement Agency, the administrative staff of the Commission, acting under the direction of its Executive Director, ensure the receipt of federal grants applicable to the timely and fair enforcement of myriad federal civil rights laws, including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Genetic Information Non-discrimination Act, as well as a host of federal Fair Housing statutes, which make it unlawful to discriminate in housing.

Under the County Ordinance, the Commission, along with its staff, is responsible for confidentially investigating, processing and adjudicating claims of discrimination against anyone in Prince George's County in the areas of housing, employment, education, public accommodations, real estate transactions and finance and law enforcement mistreatment, if that conduct is based upon an individual's national origin, color, race, sex, religion, sexual orientation, political opinion, personal appearance, marital status, family status, age, disability or occupation. The Human

Relations staff includes investigators and administrative personnel who work together over the course of weeks and months to develop a full picture of the people, places and activities which comprise a discrimination complaint. A letter of determination is then issued by the Executive Director, finding cause that discrimination has, or has not, occurred and, if necessary, requesting an administrative adjudication (public hearing) of the matter before the 13-member Commission. At the public hearing, the Commission receives and weighs facts and evidence in the case, either testimonial or documentary, and thereafter renders a decision, either upholding or overruling the Executive Director's finding of discrimination. If the finding is upheld, the Commission sanctions the violator, awards monetary damages, and levies a fine up to \$105,000 or directs payment of back pay in employment cases.

In addition to basic investigations, we have created a new Affirmative Alternative Dispute Resolution Program, which seeks, at the very beginning of a case, to inform all parties of the benefits of resolving the complaint short of an investigation and full hearing. The ADR specialist, Ms. Amani Yates, who is also an investigator, attempts to work out a voluntary and mutually agreeable resolution for all concerned. Mediation is a valuable tool for saving the county time and money, but also helps educate the parties about their rights and duties in regard to discrimination.

“The Human Relations staff includes investigators and administrative personnel who work together over the course of weeks and months to develop a full picture of the people, places and activities which comprise a discrimination complaint.”



On June 20, 2011, I began as the newly appointed Executive Director of the Prince George's County Human Relations Commission. The Commission has undergone several changes in administration and leadership over the last few years and it was the intent of the County Executive in appointing me to put the agency on a solid footing with respect to establishing clear goals for staff and Commissioners and to better the community's understanding of our essential mission and functions. To that end I developed a 100-day plan which ended September 20, to enact policies and procedures aimed at improving internal efficiency and accountability and to spread the word about what the Human Relations Commission does and how it helps citizens by educating the community about diversity and by investigating and penalizing unlawful discrimination.

From a performance perspective, leadership changes and budget challenges have caused the Commission to allow many cases to languish unresolved, in some instances for more than five years. The oldest case,

“As the Commission and its staff embark upon this new phase under a new administration and with a renewed focus, we look forward to assisting anyone in the county who thinks that they have been a victim of discrimination or who has been treated unfairly by law enforcement officials.”

Vaughn-Young v. Prince George's County Public Schools, was heard at Public Hearing on November 15, 2011 by a panel of Commissioners. A decision is pending in the case.

As the Commission and its staff embark upon this new phase under a new administration and with a renewed focus, we look forward to assisting anyone in the county who thinks that they have been a victim of discrimination or who has been treated unfairly by law enforcement officials. We aim to help Prince George's County Embrace Diversity and End Discrimination!

We instituted several improvements immediately. For example:

- 1) we established a new vision and mission and core values for the Commission staff so that they would have clear direction (see the website)
- 2) all cases are assigned to an investigator from initial interview to close-out
- 3) we created a database to track each and every case and each action on a case
- 4) we purchased mobile phones for all investigators to improve inter-staff communications and Director access to staff while doing on-site investigations
- 5) we instituted a mid-year and annual performance appraisal process to make performance reviews for all staff more efficient and consistent; in some instances staff had not been evaluated in years, if ever
- 6) we established the satisfactory level of performance for investigators at 30-40 open cases on average
- 7) we set a goal that all 1,000-day-old and older cases would be fully investigated and closed out or set for hearing no later than June 30, 2012
- 8) we set a goal that within 18 months we would have no case older than 365 days without action
- 9) we set a goal to conclude investigation of cases within 90 days
- 10) we fully reviewed and revised the Commission By-laws and Rules of Procedure for hearings to clarify and simplify language and to streamline hearings
- 11) we engaged an advertising firm to assist us with rebranding the Commission, including creation of an agency logo, new educational materials, a vibrant and interactive Web presence, and to engage through social media, where appropriate

Staff and Commissioners of the Prince George's Human Relations Commission Attend EEOC Mini-Conference

By: Jose M. Villegas, Investigator – The Prince George's County Human Relations Commission



On September 26 and 27, 2011, Executive Director Michael Lyles and Investigator Jose Villegas, along with Commissioners Merrill Smith and Nichele Vaughan, attended a mini-conference for Fair Employment Practice Agencies (FEPAs) hosted by

the U.S. Equal Employment Opportunity Commission (EEOC), Philadelphia District Office. The conference was held in Annapolis, Maryland. The mini-conference was for FEPAs, like the Prince George's Human Relations Commission, that have work-sharing agreements with EEOC and fall under the supervision of the Philadelphia District Office. The purpose of the conference was for the Philadelphia District Office to dialogue with the FEPAs about changes in law and enhancements to the administrative processes associated with being an FEPA in good standing.

The Commission's work-sharing agreement with EEOC allows discrimination complaints filed with the agency to be simultaneously, or so-called "dually," filed with the EEOC and provides complainants with extra protection under federal anti-discrimination laws. The Commission is in the last year of its three-year contract with EEOC and is in the process of applying for a follow-on contract.

During the mini-conference, a representative from the EEOC Office of Legal Counsel provided attendees with an overview of the Americans with Disabilities Act Amendment Act of 2008 (ADAAA) and the Genetic Information Nondiscrimination Act of 2008 (GINA).

The ADAAA was enacted on September 25, 2008, and became effective on January 1, 2009. The ADAAA applies to employers with 15 or more employees. The ADAAA makes it illegal for employers to discriminate against employees or applicants because of an individual's disability. This amendment made a number of significant changes to the definition of "disability" under the Americans with Disabilities Act (ADA). To be covered under this law, complainants must have a physical or mental impairment that substantially limits a major life activity, or have a record of an impairment or of being regarded as having a disability. Prior to enacting the amendment, individuals who filed complaints under the ADA had difficulty establishing a prima facie (inference of discrimination) case under the law due to the high standard of evidence needed. With the

enactment of the amendment, Congress has made it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the statute. In addition, the amendments offer protections against discrimination in for those with ailments such as diabetes and AIDS.

The other anti-discrimination law discussed during the mini-conference was GINA, which covers employers with 15 or more employees. GINA prohibits employers from discriminating against employees or applicants because of genetic information. GINA also prohibits the use of genetic information in making employment decisions, restricts employers and other entities from requesting, requiring or purchasing genetic information, and limits the disclosure of genetic information. Just like other anti-discrimination laws, GINA prohibits harassment and retaliation for filing a discrimination complaint.

Another federal agency that participated in the mini-conference was the U.S. Department of Justice's Civil Rights Division. The representatives from the Department of Justice discussed recent developments in anti-discrimination laws and how Lesbian, Bisexual, Gay and Transgender (LBGT) citizens can now be offered protected under Title VII of the Civil Rights Act of 1964. Due to recent Supreme Court decisions and decisions of other lower federal courts, members of the LBGT community who have been discriminated against because of their sexual orientation or because they have undergone sexual reassignment may file discrimination complaints on the basis of sex discrimination which is a defined protected basis under Title VII.

All the FEPAs from West Virginia to New Jersey that were present thanked Regional Director Spencer Lewis and his staff for making the event possible and for proving a much needed forum for ideas on how they can do a better job protecting the rights of citizens. Director Spencer promised to visit with each FEPA over the next 12 months.

If you or someone you know, has been the victim of unlawful discrimination in Prince George's County, based on race, color, sex, national origin, religion, family status, marital status, occupation, age, sexual orientation, political opinion or personal appearance, the Human Relations Commission is here to help you.

HRC @ CASA de Maryland

By: Sandra Gibbs, Investigator – The Prince George’s County Human Relations Commission



One of the initiatives of the Executive Director Michael Lyles is to reach out to the different ethnic groups residing in Prince George’s County. The first group that the Human Relations Commission wants to reach out to this year is the Latino/Hispanic community. In order to accomplish this goal, the Human Relations Commission sought the help of one of the largest community organizations in the state, CASA de Maryland.

CASA de Maryland was founded in 1985 in response to the human needs of the thousands of Central Americans arriving in the D.C. area after fleeing wars and civil strife in their countries of origin. CASA’s primary mission is to work with the community to improve the quality of life and fight for equal treatment and full access to resources and opportunities for low-income Latinos and their families. Currently, CASA has programs in employment placement, vocational training, financial literacy, job development, ESOL instruction, Spanish literacy, citizenship classes, legal services, social services, and community organizing and advocacy.

On August 5, 2011, Executive Director Lyles, Investigator Jose Villegas and I met with CASA’s Executive Director Gustavo Torres. During this meeting, Executive Director Lyles informed Mr. Torres that the Human Relations Commission wants to form a partnership with CASA de Maryland to assist our agency. During the meeting the idea of a satellite intake office at CASA was also discussed. By having an intake office at CASA offices, community residents of the CASA organization would be able to meet with an agency intake investigator in order to file a complaint at the CASA location. As a result, the agency makes itself easily accessible to individuals in the CASA community.

After the initial meeting with Mr. Torres, Investigator Gibbs coordinated with Enid Gonzalez, the manager of the Legal Program, to set up a presentation to the legal staff at CASA. On September 15, 2011, Investigator Sandra Gibbs along with Senior Investigator Sumeana Leslie and Investigator Villegas met with Ms. Gonzalez and a few members of the legal staff in order to inform them of the specific functions and services the agency provides to individuals who work and live in Prince George’s

County. Senior Investigator Leslie explained in great detail the process of filing a complaint as well as the subsequent mediation and investigation that take place once a complaint has been filed. At the conclusion of the meeting it was determined that the best course of action to take at the moment is for CASA’s legal team to disseminate the information they learned during the meeting to the individuals they meet during their consultations as well as other members of their community. Therefore, if a member of the legal team feels that an individual they meet during a consultation can utilize the agency’s services, they will refer them to the Commission office. By educating and reaching out to their community, CASA will be able to get the word out and encourage more individuals to come forward with complaints. Once a greater need is established, Investigator Gibbs will commence discussions about the logistics of setting up an intake office at CASA in order for community residents to speak directly to a Commission intake investigator and file complaints.

The Human Relations Commission is especially excited about this new initiative and anticipates a great and productive relationship with CASA de Maryland.



Fair Lending and Equal Credit Opportunity Laws

By: W. Brian Ramsay



As part of our ongoing training, Investigator Sandra Gibbs and I attended a National Fair Housing Training Academy Program entitled “Loan Applications and Modifications: How to Ensure your Client’s Fair Lending Rights are Preserved” on

behalf of our agency.

During this training, there was discussion of the Fair Lending and Equal Credit Opportunity Laws. More specifically, the protections of the Fair Housing Act (FHA) and the Equal Credit Opportunity Act (ECOA) were discussed. Fair lending laws are enacted to ensure equal and fair access to housing, insurance, lending and financial services. These laws require equal opportunity without regard to an applicant’s personal characteristics or the racial or ethnic demographics of the neighborhood in which a property is located. These laws protect the rights of consumers and housing providers. They are enforced by federal and state regulatory and enforcement agencies such as ours.

Most importantly, it is vital to understand the protected classes under both the FHA and the ECOA, especially with an eye toward the protected classes that are not covered. In particular, age is not a protected class under the FHA, but it is under the ECOA. What is more, the FHA covers familial status and does not cover marital status, whereas the ECOA covers the marital status, but not familial. This understanding will enable a person to be clear as to what protections he or she has under the various Acts.

Discrimination is a broad term that has its application under law. However, having a clear grasp as to what types of discrimination there are will empower an individual who seeks enforcement of these laws. There are three types of discrimination under the law: overt, differential treatment and disparate impact. Overt discrimination is blatant unfair treatment of someone because of their membership in a protected class. Differential treatment is a subtle unfair treatment of one person compared to another based on membership in a protected class. Disparate impact is a practice or policy which is applied uniformly but results in a discriminatory effect on a group of protected persons and is not justified by a business necessity.

“... having a clear grasp as to what types of discrimination there are will empower an individual who seeks enforcement of these laws. There are three types of discrimination under the law: overt, differential treatment and disparate impact.”

There are two main forms of lending discrimination: redlining and applicant based. Redlining discrimination is a failure to provide products or services in a community due to its racial or ethnic demographics. Applicant-based discrimination is a failure to provide products or services based on the protected class status of the applicant.

While knowing the forms and types of discrimination and what protected classes are covered under the respective laws is important, being able to recognize them is essential to an individual who is exercising his or her rights in the context of the home loan application process. The lending application process or industry has certain areas that have been and continue to be the subject of discrimination. The main areas where discrimination has occurred in the lending industry and application process are the following: advertising, initial inquiry, loan applications, loan underwriting, employment verification, collateral, property insurance and loan servicing.

In closing, discrimination in the lending industry and application process is pervasive and has been the subject of several lawsuits. Recognition that discrimination exists and in what context it exists within the lending industry and application process before it becomes an issue is important in order to seek enforcement of the applicable lending discrimination laws.

Alternative Dispute Resolution: A New Commitment in the County Human Relations Commission

Mediation is a form of Alternative Dispute Resolution (ADR) which allows two parties to resolve their dispute prior to having an informal investigation of their claim or a public hearing. A neutral third party, the mediator, assists the parties in settling their claim. The mediation process is voluntary and confidential. Statements or notes taken during the mediation cannot be used against either of the parties during the investigation process or in a court of law.

At the Prince George's County Human Relations Commission, mediation is introduced to the complainant when they come in to file a claim of discrimination. The meeting between the ADR specialist and the complainant gives the charging party detailed information about the mediation conference and answers the following questions:

- 1) What is ADR?
- 2) What is mediation?
- 3) How does the process work?
- 4) How can mediation be beneficial to the parties?
- 5) Who is my mediator?
- 6) How can the mediator be a resource to me?

If the complainant agrees to mediation, they will sign and date an "Intake Interview ADR Form" and the process begins. The ADR specialist will then sign off on this form confirming complainant's interest in having his/her case mediated. It is now up to the respondent (the opposing party) to agree to participate in a mediation conference is to take place. If the respondent agrees to mediation, the ADR specialist will contact both the complainant and respondent to arrange a date for them to come in for a meeting.

There are many benefits to having complainants and respondents participate in the ADR program. The process is fair: the ADR specialist is trained to lead a neutral conference, where no determinations of right or wrong are made. The ADR process helps to improve the efficiency of the process by avoiding lengthy investigations and costly legal expenses. Mediation is informal: ADR is an informal process in which a trained ADR specialist helps the parties negotiate a resolution. The parties have control: the opposing parties make their own decisions and agreement. The ADR specialist does not make any determinations or decisions during the mediation.

The mediation conference is confidential: both parties must sign a Consent to Mediate form before commencement of the ADR process. The settlement agreement is mutually made: the settlement between the parties must be mutual. If both parties do not agree to all of the terms of the settlement agreement, then there is no agreement and the case will be referred back to our Investigation Unit for a formal investigation of the facts.

Participating in the mediation process allows the complainant to reserve his or her right to a formal investigation of your charge if they are unable to reach an agreement with the opposing party. Therefore, complainants don't lose anything by participating in the process, they gain another opportunity to resolve their claim in a shorter period of time.

Conciliation is another form of ADR. If the parties to mediation are unable to arrive at a resolution during the ADR conference, and a determination of discrimination is made by our Investigation Unit, both parties will have another opportunity to formally come together in attempt to resolve their issues at a conciliation conference. Conciliation is a process, like mediation, whereby the parties are required to meet one more time to resolve their issues before being referred for a public hearing before a panel of Commissioners. The only difference between the two processes is that the respondent now has more at stake since the Commission Executive Director has already determined that some type of discrimination has occurred. In many cases, this determination motivates the respondent and complainant to try to resolve their case as quickly as possible in order to avoid a public hearing.

The conciliation is also facilitated by an ADR specialist who plays an active role in trying to get the parties to come to a settlement agreement. The ADR specialist may or may not make comments on what he or she believes is a fair settlement proposal. If an agreement is made, the case is administratively closed in our office. The settlement resulting from conciliation is made public.

Investigator Spotlight



In July 2011, **Mr. William B. Ramsay**, known as “Brian,” joined the Human Relations Commission Staff as an Investigator supporting the existing team members in the mission of promoting civil rights awareness and investigating claims of civil rights

violations throughout Prince George’s County, Maryland. Mr. Ramsay, a licensed attorney with a wealth of knowledge about government and public interest law, decided to take a break from the full-time practice of law to serve his desire to help more people by giving back to his community. On May 15, 2011, Mr. Ramsay graduated from St. John’s College in Annapolis, Maryland, earning a Masters of Arts in Liberal Arts. In his own words, “I believe that my education at St. John’s helps me conduct more neutral, thorough and well-reasoned determinations and investigations.”



Mrs. Sandra Gibbs joined the Human Relations Commission as an Investigator in January 2009. Since joining the agency, Mrs. Gibbs has thoroughly investigated and assisted in resolving many of the agency’s clients, including businesses’ civil rights

based-disputes in Prince George’s County, Maryland. Mrs. Gibbs also translates for those in our Spanish-speaking community, informing them on their rights to work, be educated, and enjoy the numerous great public services provided in Prince George’s County without fear of their civil rights being violated by another person. In addition, Mrs. Gibbs is the agency’s point of contact in our efforts to develop a relationship with Casa de Maryland in hopes of creating a satellite intake office at CASA’s headquarters. CASA’s vision is for strong, economically and ethnically diverse communities in which all people — especially women, low-income people and workers — can participate fully and benefit from community resources, regardless of their immigration status.



Mr. Charles Floyd joined the Human Relations Commission as an Investigator in May 2008. Since joining the agency, Mr. Floyd has shown a true passion to ensure fairness and equality for all and has demonstrated an attention to detail that was a prime factor in

the agency receiving its very first certification status with one of our many partners, the Equal Employment Opportunity Commission, in the summer of 2011. On September 17, 2011, Mr. Floyd, along with Senior Investigator, Mrs. Nicole Jackson-Young, represented the Human Relations Commission at the Uplift Foundation’s 13th Annual Youth Leadership Conference at Bowie State University. Mr. Floyd and Mrs. Jackson-Young educated the parents and students about their civil rights as workers, residents, students and adults in Prince George’s County and provided them with gifts demonstrating our appreciation for their support. The attendees showed their gratitude by providing a standing ovation at the conclusion of the speech and expressed their appreciation for the agency’s presence in the community and monetary sponsorship of the Foundation event. In November, Mr. Floyd and his wife had a healthy baby boy.



In January 2000, **Ms. Sumeana Leslie** joined the Human Relations Commission as an Investigator. Ms. Leslie is a member of a dynamic team that empowers and educates people at all stages of their lives and at all levels of society to resolve their civil rights

disputes within our Prince George’s County communities. Ms. Leslie believes that our great county grows stronger when all persons have access to opportunity, regardless of their status in one of the protected classes. In 2011, Ms. Leslie earned a Master of Management degree in Human Resources Management from the University of Phoenix. Besides being a dedicated, proud Prince George’s County government employee, Ms. Leslie is also a Phoenix.



**The Prince George’s
County Human Relations
Commission**

**“The Civil Rights Education
and Enforcement Agency”**

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COMMON GROUND: EQUALITY FOR ALL

If you believe you have been discriminated against and you would like to file a complaint, email us at: HRCStaff@co.pg.md.us, or visit us on the Web at: http://www.princegeorgescountymd.gov/Government/BoardsCommissions/human_relations.asp, or call our office and speak with an investigator at **301.883.6170**.