

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

Meeting of the Commission
June 23, 2010
10:00 a.m.

James R. Thompson Center
Pollution Control Board
Suite 11-512
100 West Randolph Street
Chicago, Illinois 60601

and

Illinois Department of Transportation
1100 E. Port Plaza
Room 101
Collinsville, Illinois 62234

MINUTES

PRESENT:

Commissioners

In Chicago

Chairman Martin R. Castro
Sakhawat Hussain, M.D.
David Chang
Robert S. Enriquez
Nabi Fakroddin, P.E., S.E.
Marylee Freeman
Spencer Leak, Sr.
Rozanne Ronen
Diane M. Viverito
Gregory Simoncini

Via the Telephone

Charles E. Box
Marti Baricevic

Absent

Munir Muhammad

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Staff

N. Keith Chambers
Reva Bauch
Dr. Ewa I. Ewa
Michael J. Evans
Harriet Parker
Donyelle L. Gray
Evelio Mora
Christine M. Welninski
LaNade Bridges
Sun Hee Choi (Coles Fellow)
Casey E. Fundarek (Coles Fellow)
Edward C. Young (Coles Fellow)
Rashidat Ogbara (Coles Fellow)

Members of Public: None

NOTICE:

Public meetings and closed meetings of the Illinois Human Rights Commission are audio recorded.

I. Call to Order

On June 23, 2010, at 10:04 a.m., Chairman Martin R. Castro called to order a meeting of the Illinois Human Rights Commission.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

- 1) A quorum of the public body was present at the meeting without the physical presence of Commissioners Baricevic, Box, Hussain, Leak and Muhammad. Prior to the meeting, Commissioners Baricevic and Box gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that they wished to participate via the telephone as they would be unable to be physically present for the June 23, 2010, meeting. Prior to the meeting Commissioner Muhammad gave notice that he wished to participate in the En banc Meeting via the telephone as he would be unable to be physically present at the Meeting.

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- 2) Due to technical difficulties, (the telephone system utilized can only accommodate two simultaneous telephone conference calls at one time), Commissioner Muhammad was unable to participate in the meeting by telephone, and therefore was not in attendance.
- 3) The Commission voted to allow Commissioners Baricevic and Box to participate via the telephone. Motion made by Commissioner Freeman, seconded by Commissioner Enriquez. Motion carried 8-0.
- 4) Commissioner Hussain and Commissioner Leak arrived shortly after the approval of the May 26, 2010 minutes.

II. Consideration of Minutes

May 26, 2010

The Commission voted to approve the minutes subject to amendments of the minutes as follows:

- 1) Paragraph one, line two of Executive Director Chamber's report to correct the typo, "receive", with "received".
- 2) Paragraph one, line two of Chief Administrative Law Judge Evan's report to replace the typo, "deposed", with the corrected "disposed" and for the report to reflect for the month of April more cases were closed than received.
- 3) In Staff Reports, to include the D Heading that reads . . . "D. General Counsel Harriet Parker". . .
- 4) Delete the duplicate "V. New Business" on page five of the minutes.

Motion made by Commissioner Enriquez and seconded by Commissioner Freeman to approve the minutes subject to the amendments. Motion carried 10-0.

III. Staff Reports

A. N. Keith Chambers, Executive Director

Executive Director Chambers reported the latest draft of the 2008-2009 Annual Report will be available on Friday, June 25, 2010. Mr. Chambers stated plans are in the works to have the Commission's brochure and annual report translated first into Spanish and then into Polish. Due to the cost factor-the translation fee is per word- the Commission will start with these two languages. Commissioner Enriquez volunteered to translate the brochure into Spanish, and Commissioner Viverito stated she had students who could translate our brochure into Spanish. Chairman Castro stated the ultimate goal is to have our main documents translated into eleven languages like the Department of Human Rights.

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Mr. Chambers announced the new modifications to the Commission's website which now allows Commission staff to place and remove information from the Commission's website. Deputy General Counsel Donyelle Gray explained the website has been redesigned, and that she is now able to publish our decisions, minutes and agendas directly onto the website without first sending Commission materials to CMS. Executive Chambers requested new and or updated biographical information from the Commissioners for posting on the website.

Mr. Chambers announced the Illinois Labor Relations Board has approved the Commission's ALJs for membership in the American Federation of State, County and Municipal Employees (AFSCME) union. A copy of the Memorandum of Understanding between CMS and AFSCME is forthcoming.

Mr. Chambers reported the FY 2011 budget is the same as the FY 2010 budget which is favorable to the Commission.

Lastly, Mr. Chambers reported he and Ms. Parker will be attending the 2010 Annual Conference of The Illinois Municipal Human Relations Association on June 24, 2010, in Peoria, Illinois.

B. Dr. Ewa I. Ewa, Chief Fiscal Officer

Chief Fiscal Officer Dr. Ewa reported that the Commission is in good shape with respect to its FY2011 budget.

Dr. Ewa reported the Administrative Law Judges are now a part of the union and that all of the ALJs will move up a pay grade step to pay grade 24. Each ALJ will receive a raise and a lump sum payment depending upon his or her current salary. Dr. Ewa does not anticipate the pay raises and lump sum payments will materially affect the current or FY 2011 Commission budgets.

Dr. Ewa advised the Commission that the purchase of two new computers has been approved.

C. Michael J. Evans, Chief Administrative Law Judge

Chief Administrative Law Judge Evans reported the month of May was a decent month for case dispositions. Chief ALJ Evans predicted the number of dispositions will most likely drop for the month of June due to the summer season.

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Chief ALJ Evans stated he was not convinced the current union agreement is a good deal for all of the ALJs because, even with the new pay grade and raise, in comparison to the Circuit Court Judges- both adjudicate claims under the Act and are required to perform essentially the same job functions- there continues to be a large disparity between the salaries of the ALJs and the Circuit Court Judges. Chief ALJ Evans requested the Commission consider approving all ALJs to a higher pay grade level of 25.

A discussion ensued with the Executive Director questioning the impact on the Commission's statutory authority to set wages in light of a Memorandum of Understanding between AFSCME and the state. Although the Human Rights Act authorizes the Commission to set the salaries of the ALJs, with the execution of this Agreement which allowed AFSCME and CMS to set/increase the pay grade of the Commission ALJs, Mr. Chambers questioned what statutory authority remains for the Commission in these matters. Ms. Parker was requested to investigate this issue.

Several Commissioners questioned the impact on the Commission's current and future budgets of the move to step 24 and to a higher pay grade move to level 25. Dr. Ewa stated the step 24 increase will not materially impact the Commission's budget as the retroactive pay and step increase per ALJ will cost the Commission between \$12,500.00 and \$18,000.00 for this fiscal year. Moving forward, Dr. Ewa believes the Commission will be able to absorb subsequent union mandated raises on the step 24 pay grade for the ALJs.

With respect to the effect the move to a pay grade level of 25 would have on the Commission's budget, as each ALJ is at a different salary level, Dr. Ewa would need to compute each ALJs current step 24 salary individually, and the projected step 25 salary in order to provide the Commission with the actual cost of a move to pay grade level 25. Dr. Ewa was requested to complete the computation to determine the actual current and future costs to the Commission, to move all ALJs from step 24 to step 25.

Commissioner Leak inquired whether the ALJs are prohibited from outside employment and was informed that ALJs are not prohibited from outside employment by statute. Rather it has been Commission policy that ALJs refrain from the outside practice of Law.

Chairman Castro suggested the Personnel Committee consult with Ms. Parker and with Dr. Ewa before the next *En banc* Meeting regarding the Memorandum of Understanding's impact on the Commission's statutory authority to determine promotions and to set raises, regarding the actual

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cost, long and short term, to the Commission to move the ALJs from pay grade level 24 to pay grade level 25, and the policy/statutory considerations regarding private practice employment for Commission ALJs.

D. Harriet J. Parker, General Counsel

General Counsel Harriet Parker welcomed and introduced the summer Coles Fellows including Casey Fundarek, Rashidat Ogbara, Sun Hee Choi, and Edward Young.

Ms. Parker reported on the June 12, 2010, Commission sponsored Community Outreach meeting before the Lesbian, Gay, Bisexual, and Transgender Community at the Center on Halsted where she participated as a panelist. Other panelists included Marian Honel of the Department of Human Rights, Lisa Gilmore of the Center On Halsted, Christopher Clark of Lambda Legal and HRC Commissioner Gregory G. Simoncini. HRC Chairman Martin R. Castro served as Moderator.

Ms. Parker explained the FY 2011 calendars included in the En banc packets reflect the suggested dates of all FY 2011 Panel and En banc meetings. The Commissioners were invited to review the calendar and to make suggestions. As some Commissioners have expressed an interest in Panel rotation, Ms. Parker recommended that any Panel rotation changes be made before the calendar becomes final. Chairman Castro suggested the discussion regarding the FY 2011 calendar and Panel rotation be tabled until the next meeting to allow the Commissioners an opportunity to examine the proposed new calendar dates.

Ms. Parker reported on the recently received Interagency Agreement (IA) that CMS is requesting the Commission sign. In this IA CMS is requesting the Commission agree to use (along with 29 other state agencies) the contract entered into between CMS and Laner Muchin for the latter to provide legal services at an hourly rate of \$200.00. Should Laner Muchin be requested by CMS to provide legal services (such as the recent litigation regarding the Commission's ALJs and their right to join the union), each affected state agency would be invoiced for a percentage of the attorneys fees, based on the number of affected employee in each state agency. Chairman Castro stated that Ms. Parker has been in communication with CMS regarding the IA, and that he plans to meet with Ms. Parker and Mr. Chambers regarding the IG.

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IV. Old Business

Although IHRC brochures and the Community Outreach Meeting were listed as Agenda items under Old Business, each had been discussed during the staff reports of Dr. Ewa and Ms. Parker. Chairman Castro stated that the plan is to hold a community meeting on a quarterly basis. The Commissioners were encouraged to actively participate.

Commissioner Simoncini requested an update of the Torture Commission. Chairman Castro suggested that discussion of the Torture Commission be tabled until next month's En banc meeting.

V. New Business

There was no new business.

VI. Executive Session

Pursuant to the Open Meetings Act (5 ILCS 120/2(c)(1)), the Commissioners voted to close a portion of the public meeting at 11:26 a.m. in order to discuss internal personnel matters. Motion made by Commissioner Enriquez, seconded by Commissioner Freeman. Motion carried 12-0. At 11:45 a.m., the open meeting resumed.

VII. Adjournment

The meeting was adjourned at 11:45 a.m. Motion made by Commissioner Freeman, with a second by Commissioner Nabi. Motion carried 12-0.

Respectfully submitted,

Harriet Parker
General Counsel