Civil rights watchdog agencies speed up complaint solutions

By Fred Hines and
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AFRO Staff Writers

While Baltimore's Community Relations Commission makes ready to tackle four city agencies, two more Rights Watch Dog agencies — the federal Equal Employment Opportunity Commission (EEOC) and the State Human Relations Commission (HRC) — have already or soon will implement new methods in dealing with discrimination.

In the past the federal and state civil rights agencies always had trouble following through on discrimination cases because of a tremendous backlog.

Backlogged cases for both agencies have numbered well over 500 and sometimes took several years to complete rather than the standard six months.

All that may change.

As late as last year, EEOC has had a backlog of complaints nearing the 130,000 mark. A number of those cases are still unresolved and the problem extends as far back as 1970-72.

But six months ago when Ms. Eleanor Holmes Norton was appointed EEOC chairperson Baltimore office she came up with a plan to decrease the backlog.

The Norton plan calls for the development of three separate staffs. The first group, Rapid Charge Processing System, process all new complaints rapidly.

The second group will run a system designed to quickly reduce cases still on the books.

The third staff group will be seek out and study patterns of discrimination practiced by business.

Ms. Norton said the case by case method of handling discrimination is not as effective. She said the new system will better serve the broader good for blacks and other minorities.

Filing a complaint is a six step process:

(1) complaint reception (2) investigation and determination (3) conciliation; (4) public hearing (5) compliance with orders and (6) recommendations accompanied the complaintants court suit. EEOC has no court enforcement power.

The Maryland Commission on Human Relations (MHR) operates under a legislative mandate similar to that of the EEOC.

State law grants MCHR enforcement powers and jurisdiction covers the entire State. The statute prohibits discrimination in employment, housing, and public accommodations on the basis of race or color, religion, natural origin, sex, age, marital status, and physical or mental handicap.

On July 1, 1977, MCHR was given the authority to award monetary relief, up to two years back pay, to victims of discrimination in employment cases.

In addition, MCHR has the power to hire paid hearing examiners who are lawyers capable of conducting public hearings and preparing provisional orders which become final orders unless an appeal is filed.

The steps to filing a basic complaint similar to EEOC. The entire process, if a case goes that far, should only take six months, according to Al Rutledge of the MCHR staff.

They are: (1) complaint reception (2) investigation and determination (3) finding of no probable cause, administrative closure, or finding of probable cause; (4) conciliation (5) successful conciliation or unsuccessful conciliation (6) public hearing (7) no discrimination found or discrimination found (8) orders compiled with (0) orders complied with, or refusal to comply with order (10) court confirmation (11) possible appeal to higher court.

Although MCHR had a backlog of 409 cases before July 1, anyone filing after July 1 will not have to wait in line because the old backlog of cases does not apply to the new law, Rutledge said.

That means anyone filing discrimination has a pretty good chance of being heard out quickly by MCHR.

JUVENILE SERVICES DIRECTOR

Smith testifies before subcommittee

Juvenile Services Director Rex C. Smith recently told a Congressional subcommittee that Maryland's three-year experience in handling outside of juvenile institutions those youngsters who are truant, ungovernable and runway (youngsters failing into the Children in Need of Supervision (CINS) category), has resulted in programs that are dealing more effectively with more problems of children and their families.

The U.S. Senate Subcommittee to Investigate Juvenile Delinquency, a subcommittee of the Senate Judiciary Committee, invited Mr. Smith to testify at its oversight hearing on implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

This law makes Federal funds available to states for improvement of their juvenile justice systems on the condition that they agree to remove juveniles who engage in noncriminal misbehaviors from detention and correctional facilities.

Maryland was the first state in the country to enact legislation that effectively prohibited placing CINS children in institutions. That law, which went into effect on January 1, 1974, brought to Maryland national attention for the progressiveness and leadership of its juvenile program.

In the past three-and-a-half years, Mr. Smith noted, as a direct result of the law which prohibited institutionalization of CINS, the following has been accomplished:

— Two training schools have been completely closed and a third changed to a co-ed facility.

— The Juvenile Services budget began to reflect the community treatment emphasis which the agency had been building upon since 1969. By fiscal year 1975, 5 per cent of the budget went directly for community services.

Hundreds of youngsters who were previously treated in institutions are not finding their way back into the system.

— Nearly 100 additional group home beds were developed.

— The number of foster care and emergency shelter care homes increased.

— The number of referrals for court action on the status offender was cut nearly in half,

Mr. Smith was invited to testify to give other, less advanced states an idea of what alternatives can be provided for these youngsters outside of juvenile institutions.

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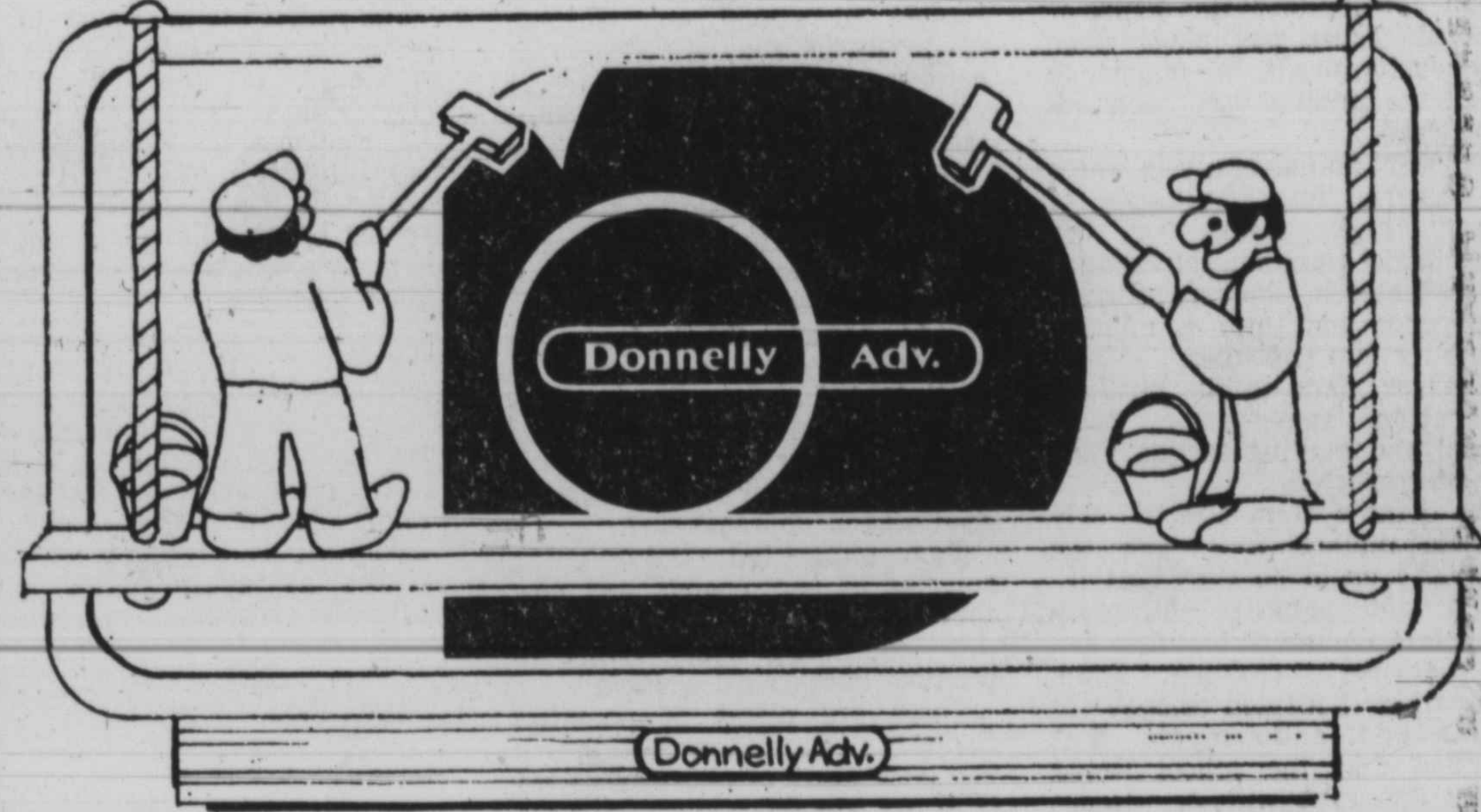
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MMCA says subway is not only underground but underhanded

Minority contractors and the Mass Transit Administration (MTA) are at it again.

The attorney for the Maryland Minority Contractors Association (MMCA) has asked Attorney General Francis Burch to probe awarding of a subway contract to a company who refuses to subcontract with a minority firm.

In addition to the investigation, MMCA counsel also plans to file suit in District Court asking for a temporary injunction against MTA and an insurance organization to prevent the contract from taking affect.

Robert Dashiell, MMCA's general counsel, said Thursday he wants to know the circumstances behind the awarding of a pre-construction survey contract for the eight-mile subway to a Boston firm last week.

"I'm going to get to the bottom of this," he said angrily. There was something weird about the way (the firm) got that contract.

Dashiell added the breakdown in negotiations between Wolsey Associates, the Boston firm, and Fleet Photography, a local black-owned photography company, for the subcontract was another reason to take MTA and the Baltimore Regional Insurance Transit Services (BRIT), the insurance group, to court.

"MTA believes they did nothing wrong," said Dashiell. "I think it was illegal as hell. Wolsey wouldn't even consider subcontracting Fleet."

The contract calls for a firm to survey housing in the general area of the subway construction to determine the condition of the buildings and to see if any work needs to be done to them to avoid accidents and other insurance problems when the construction begins.

Fleet Photography, had it obtained a sub-contract, would have not only taken the photos of the buildings but served as the public relations for the affected neighborhoods.

According to Dashiell, the Board of Public Works authorized BRIT to award the pre-contraction survey contract as an agent of MTA.

BRIT, after careful investigation, narrowed the companies down to Wolsey Associates, Baltimore Transit Local and MCA Engineering early this year. It then requested proposals from each.

Dashiell said each company submitted proposals but only MCA physically went to the subway areas and determined that 14 million square feet would need to be inspected.

MCA and Baltimore Transit Local planned to give Fleet 49 per cent of the contract, which meant Fleet would get at least $400,000 for the job.

After the proposal was submitted, BRIT's president, James Murphy took MCA's breakdown and distributed it to each of the other companies and asked for new proposals based on that information.

On Sept. 27 Murphy notified Fleet Photography that Wosley's proposal had been rejected and no matter which company BRIT chose it was going to get the subcontract.

However, the following day Fleet president Norfleet Barnes was notified that contract had been given to Wosley and his firm would not be getting the subcontract.

Barnes, who along with other minority contractors picketed the MTA offices earlier this week, said he wants Acting Governor Blair Lee III to stop the contract and begin an investigation.

"Of course I want the contract" he said. "But I want the investigation because there was something very wrong with the way the contract was awarded."

Dashiell did not find out about the BRIT change of heart until early this week but last Friday lodged a complaint on behalf of the MMCA that BRIT violated the regulations of the Maryland Professional Service Selection Board by revealing a company's proposal to a competing company.

"Because BRIT did that the difference in the price of each proposal was nominal," he said.

TOUCHING DEEP SPOTS — Avon Bellamy (C), Andre White (L) and Yale Thweat literally place themselves into a combination of poems and plays written by four men confined in the Maryland House of Correction. The material was combined to form a one-act play signifying the depths of frustration a man goes through after he is arrested, incarcerated and exposed to the dehumanizing process known as rehabilitation.
(AFRO photo by Robin McGinty)

Man charged in Lorman House murder

A 35-year-old man has been arrested and charged with a murder in the popular Lorman House restaurant bar in January.

Police report the suspect Herbert Johnson, of the 1600 block E. Madison Ave., was apprehended after being seen in a car with his wife Tuesday night.

Johnson is charged with killing Harry Benson Williams while the victim was socializing with friends in the Lorman House in January.

Police state Johnson walked into the bar and allegedly shot Williams in the head and left the scne.

At the time Williams was killed, police recovered $1,036.15 cash from his pocket and stated he was wearing a gold watch with nine diamonds on the face of the watch and a gold ring mounted with seven diamonds.

PROVIDENT'S NEW CENTER

Minority share of construction questioned

The construction of the Provident Hospital Mental Health Center is stirring controversy about both minority work force makeup and contractors' participation.

The AFRO has learned that one week after the official groundbreaking ceremony, minority contractors still do not have the necessary percentage of participation in the building of the $1.4 million facility.

A spokesman for the Maryland Minority Contractors Association (MMCA) said this week the situation has not been resolved since construction began.

"We're still working on trying to get the 10 to 20 per cent participation," said Avon Evans, MMCA spokesman. "We have been involved in negotiations with Col. (Arthur) Hudgins from the hospital, CEBO (Council for Equal Business Opportunity), Kirby and Sons Construction Co. (The general contractors), and the architects. We still don't have it yet."

Evans added they also do not have the necessary 20 to 25 per cent minority business enterprise percentage involved in the construction. He pointed out the only minority firm involved is David Glenn Painter for $12,000 of the $1.4 million contract.

MMCA officials maintain that the 10 to 20 per cent participation is not being honored and Kirby and Son had until Oct. 1 to identify the minority contractors it plans to use.

Evans pointed out the list has not been presented to the architects, Sulton Campbell Associates, the firm that awarded the company the contract.

Reliable sources stated somewhere along the line either Provident Hospital or Sulton Campbell "dropped the ball" as far as insuring the minority participation.

Col. Arthur F. Hudgins, assistant director for support services, who is said to have figured prominently in trying to get the necessary partcipation, has refused to comment on the matter.

"Until Dr. (Vivian) Iglehart authorizes me to act as spokesman for the hospital I have nothing to say to the newspapers," said Hudgins. "That is not my job. In my opinion the best person to talk to is Sam Daniels at CEBO."

Dr. Iglehart, interim executive director, could not be reached for comment.

Sam Daniels, CEBO director, said he could not comment because he has been out of his office for two and a half days and has not read the material on his desk.

Michael Kirby, vice president and equal opportunity officer for Kirby and Sons, said they do have the necessary 10 to 20 per cent minority participation but are still trying to get the necessary 20 to 25 per cent minority business enterprise involved in the facilities construction.

Kirby explained the "whole crux of the situation" is that Kirby and Sons were not aware of the need for the necessary minority business enterprise until 173 days after the first pre-bid conference with Sulton Campbell.

"The pre-bid conference was March 21," said Kirby. "We knew about the necessary percentage of minority manpower but it was August before anyone spelled the need for minority business enterprise participation."

"We didn't get any response from minority businesses anyway, either before or after we were made aware of the situation." he added.

Kirby said his company has implemented a plan whereby his company is asking all the subcontractors to submit reports on their minority participation.

He pointed out the plan is not any requirement it is just a way to "keep tabs on the minority personnel."

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