

Gay and Lesbian Activists Alliance of Washington, D.C.

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Testimony on Bill 20-803, "Human Rights Amendment Act of 2014" and Bill 20-321, "Human Rights Act Notice Requirement Amendment Act of 2013"

Delivered before the Committee on Judiciary and Public Safety
September 29, 2014

Good afternoon, Chairman Wells. I am Rick Rosendall, President of the Gay and Lesbian Activists Alliance, which has fought for LGBT equality in the District since 1971.

We support the Human Rights Amendment Act of 2014, Bill 20-803 and urge its passage.¹ Here is the relevant portion of our policy brief, "Building on Victory," published in January:

The D.C. Human Rights Act of 1977 (DCHRA) is one of the strongest human rights laws in the country, and we must remain vigilant to ensure its enforcement. The next director of the Office of Human Rights should have a professional background in human rights law to ensure he or she has the expertise to evaluate staff work and the confidence to stand up to other officials.²

We have been critical in the past when mayors have treated the OHR director position as a political patronage job rather than as a professional position requiring relevant training and experience. Some of the political hires did their best to fulfill OHR's mission, which we appreciated. But the job inherently calls for expertise in civil rights law and its enforcement, and deserves a hiring process in which people with the requisite background are sought in a nationwide search, as distinct from people who supported a particular political campaign.

GLAA was invited by the D.C. Office of Personnel in 2003 to participate as community representatives in the selection panel that interviewed finalists for the position of Director of OHR. In the end the selection panel recommended several names to then-Mayor Williams, who made the final selection. We were happy to endorse Kenneth Saunders,³ whose previous posts included Assistant Director and Legal Counsel of the Columbus, Ohio Community Relations Commission, and Executive Director of the Greater Shreveport (Louisiana) Human Relations Commission. We gave Mr. Saunders our Distinguished Service Award in 2007.⁴

¹ "Human Rights Amendment Act of 2014," Bill 20-0803, Council of the District of Columbia, Introduced May 21, 2014, <http://tinyurl.com/mq77k8o>

² "Building on Victory," Section 5.1, Gay and Lesbian Activists Alliance, January 3, 2014, http://www.glaa.org/archive/2014/buildingonvictory.htm#_Toc51

³ "GLAA endorses Saunders as Director of Office of Human Rights," Craig Howell, Gay and Lesbian Activists Alliance, June 24, 2003, <http://glaa.org/archive/2003/ohrsaundersconfirmation0624.shtml>

⁴ Distinguished Service Award to Kenneth L. Saunders, Gay and Lesbian Activists Alliance, April 19, 2007, <http://glaa.org/archive/2007/howellsaunders0419.shtml>

Bill 20-803 would help make that happy experience the rule rather than the exception.

Another passage in our policy brief addressed reporting requirements. I quote:

The previous OHR director was known for changing some complaints to "Director's Inquiries," bypassing reporting requirements. The District should require that Director's Inquiries be reportable to the D.C. Council, and prohibit the use of such devices to avoid accountability.

Bill 20-803 rectifies this problem, which we appreciate.

A third provision of the bill repeals the exemption allowing religiously affiliated educational institutions to discriminate on the basis of sexual orientation.⁵ That exemption memorializes a fight between Georgetown University and a gay student group that goes back to my earliest days in what was then GAA thirty-five years ago. The university long since resolved the conflict with the gay students, though it took pressure from the D.C. Council to do it. The exemption is a relic of a battle won long ago, and its repeal is an overdue bit of housekeeping.⁶

Finally, I have a comment on the Human Rights Act Notice Requirement Amendment Act of 2013, Bill 20-321, introduced by Councilmember Barry.⁷ It amends the Human Rights Act to clarify that the six-month notice requirement in D.C. Code § 12-309 does not apply to claims brought under the Human Rights Act. We did not raise this in our policy brief, but we appreciate Mr. Barry's effort to remove barriers to filing discrimination claims. If a finite filing period is necessary for the smooth administration and enforcement of the Human Rights Act, perhaps the notice period can be extended rather than waived. Changing it to 270 days, for example, would increase the filing window by fifty percent. Legislative counsel will have to confer with OHR on this, but we would be friendly toward a move of that sort.

Thank you. I will be happy to answer questions.

⁵ "Building on Victory," Section 5.5, Gay and Lesbian Activists Alliance, January 3, 2014, http://www.glaa.org/archive/2014/buildingonvictory.htm#_Toc55

⁶ "Federal Intrusions and the Gay Community," Richard J. Rosendall, *Guild Practitioner*, October 1997, <http://tinyurl.com/77vb6qo>

⁷ "Human Rights Act Notice Requirement Amendment Act of 2013," Bill 20-0321, Council of the District of Columbia, Introduced June 4, 2013, <http://tinyurl.com/k9gojk6>