

MAINE STATE LEGISLATURE

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Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051



Physical location: 19 Union Street, Augusta, ME 04330

Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711

www.maine.gov/mhrc

Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

January 30, 2014

The Honorable Mark W. Eves
Speaker of the House of Representatives
2 State House Station
Augusta, ME 04333-0002

The Honorable Justin L. Alford
President of the Maine Senate
3 State House Station
Augusta, ME 04333-0003

Dear Speaker Eves and President Alford:

I am pleased to provide you with the Maine Human Rights Commission's report of quasi-independent state entity activity for the preceding year, as required by 5 M.R.S. §12023. The Executive Director of the Legislative Council directed such reports to be submitted to your attention.

The Maine Human Rights Commission ("MHRC") is committed to ensuring that its governing body has all the information needed to oversee the MHRC's activities and expenditures responsibly. The MHRC's traditional fiscal year is the same as that of the State of Maine: July 1-June 30.

For the 2013 Fiscal Year (July 1, 2012-June 30, 2013), the MHRC reports as follows:

- A. All procurements exceeding \$10,000 for which competitive procurement was waived under the policies adopted pursuant to 5 M.R.S. §12022(3), including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required:

Answer:

In 2012, the MHRC was awarded grants by the U.S. Department of Housing and Urban Development to do special projects that would affirmatively further fair housing and equal opportunity in Maine. The grants were time-limited and labor-intensive. Two of the grants required the MHRC to hire contractors who already had expertise in Maine's fair housing standards and the federal Fair Housing Act; the pool of qualified persons who could do this work on a contract basis in Maine was (and is) extremely limited.

The MHRC contracted with Alpha One, a center for independent living in Maine, to complete twenty-eight architectural surveys of privately-funded multifamily housing accommodations in Maine constructed for first occupancy after March 13, 1991 in order to assess compliance with the

accessible building standards in the Maine Human Rights Act. The original contract was dated April 9, 2012 and called for work totaling \$21,000. When neither the MHRC nor Alpha One was able to identify and/or enlist qualifying housing accommodations in Maine, the contract was amended on September 25, 2013 to reduce the amount paid to \$2,250.

The MHRC also contracted with Pine Tree Legal Assistance ("PTLA"), a legal services agency in Maine, to create online podcasts/videos of fair housing information in foreign language and American Sign Language and to share information on these new fair housing resources through newsletters, social media and outreach events. The original contract dated April 9, 2012 called for work totaling \$29,650. PTLA did much of the work, but was unable to complete all of the planned outreach work. Accordingly, the contract was amended on January 8, 2013 to reduce the amount paid to \$12,426.

- B. All persons to whom the MHRC made contributions greater than \$1,000 and the total amount contributed to each.

Answer: None.

- C. Changes made in the preceding year to the written policies and procedures required by 5 M.R.S. §12022 or to the procedures used by the MHRC to monitor compliance with those policies and procedures.

Answer:

The MHRC's procedures for our governing body to monitor financial and program activities were quite extensive even before 5 M.R.S. §12022 required specific policies and procedures for agency governance. Before then, the MHRC already: (i) followed all requirements set forth in the State of Maine's Administrative and Accounting Manual regarding financial policies and procedures, including travel, meals and entertainment, contributions, and other expenditures; (ii) utilized competitive procurement as the standard procurement method; and (iii) followed the requirements of 5 M.R.S. Subchapter 1-A ("Rules Governing the Competitive Bid Process"), state regulations governing the purchase of services promulgated by the Department of Administrative and Financial Services, Bureau of General Services, and all current policies, bulletins and recommended practices from the Division of Purchases regarding purchasing special services. Also, even before 5 M.R.S. §12022 was enacted, the MHRC Commissioners already closely supervised the activities and expenditures of the agency to ensure that they were limited to those necessary to accomplish the agency's mission by reviewing at public meetings detailed quarterly reports about the activities of the agency in the prior quarter. The quarterly reports then included specific data on: personnel changes; pending caseload, complaint filings and dismissals; case settlements; status of compliance matters and litigation; legislative matters affecting the MHRC; trainings in which MHRC staff took part; and every aspect of the MHRC budget and expenditures on an actual basis.

Even so, on February 25, 2013, the MHRC's Commissioners voted to adopt proposed Financial Policies and Procedures in compliance with 5 M.R.S. §12022.¹ The Financial Policies and Procedures, which are attached here for reference, meet all of the requirements of the statute. The adopted Financial Policies and Procedures were implemented on or before July 1, 2013.

To ensure technical compliance with 5 M.R.S. §12022 and the agency Financial Policies and Procedures, the MHRC quarterly reporting to our Commissioners was revised to include separate identification and reporting for contributions (labeled "dues" because the Commission does not provide any gifts, donations or sponsorships), procurements, and travel and meals.

We believe that the MHRC is in full compliance with the spirit and letters of 5 M.R.S. §§12021-12024, and thank the Legislature for its attention to this matter. Should you or another member of the Legislature require additional information, or have a question, about the above report, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Amy M. Sneirson
Executive Director

¹ Minutes from the MHRC's February 25, 2013 meeting can be found at this link:
http://www.maine.gov/mhrc/meetings/2013/201302_m.pdf.

MAINE HUMAN RIGHTS COMMISSION

FINANCIAL POLICIES AND PROCEDURES

Pursuant to 5 M.R.S. §§ 12021-12024 (2013), the Maine Human Rights Commission hereby adopts the following Financial Policies and Procedures. These Policies and Procedures concern only the internal management of the Commission and are not judicially enforceable. They shall be implemented on or before July 1, 2013.

1.00 Commission Activities and Expenditures

All activities and expenditures of the Commission shall be limited to those necessary to accomplish the Commission's mission and to carry out its duties consistent with the Maine Human Rights Act.

In carrying out this policy, the Commission shall review the activities and expenditures of the agency quarterly at public meetings. The Commissioners shall receive detailed quarterly reports about the activities of the Commission in the prior quarter. The quarterly report shall give specific data on personnel changes, pending caseload, complaint filings and dismissals, case settlements, status of compliance matters and litigation, legislative matters affecting the Commission, and trainings in which Commission staff took part. The Commissioners shall also receive detailed quarterly reports regarding expenditures of the Commission, with specific information on every aspect of its budget and expenditures on an actual basis. The reporting shall include separate identification and reporting for contributions (labeled "dues" because the Commission does not provide any gifts, donations or sponsorships) and travel, meals and entertainment. These quarterly reports, reviewed by Commissioners at public meetings, will allow the Commissioners to ensure that the activities and expenditures of the Commission are limited to those necessary to accomplish the agency's mission and to carry out the agency's duties consistent with the Maine Human Rights Act.

The Commission shall report annually to the Legislature a description of changes made in the preceding year to these Financial Policies and Procedures, or to the procedures used by the Commission to monitor compliance with these Financial Policies and Procedures.

2.00 Commission Compliance with Financial Policies and Procedures

The Commission, management and staff shall comply with these Financial Policies and Procedures, and shall also follow all requirements set forth in the State of Maine's Administrative and Accounting Manual (hereinafter "SAAM") regarding financial policies and procedures.

The Commissioners shall receive detailed quarterly reports regarding expenditures of the Commission, with specific information on every aspect of the Commission's budget and expenditures on an actual basis. The reporting shall include separate identification and

reporting for contributions (labeled “dues” on our reporting because we do not provide any gifts, donations or sponsorships) and travel, meals and entertainment. These quarterly reports, which shall be reviewed by the Commissioners at public meetings, will allow the Commissioners to ensure that they, the management and staff of the Commission comply with these Financial Policies and Procedures.

3.00 Selection of Vendors

The Commission shall select vendors in a manner that secures the best value in agency procurements.

To the extent possible, consistent with the Maine Human Rights Act, the Commission shall utilize competitive procurement as the standard procurement method. When necessary to meet the mandates of the Maine Human Rights Act, the Commission may waive the competitive procurement presumption. In that regard, the Commission shall follow the requirements of 5 M.R.S. Subchapter 1-A (“Rules Governing the Competitive Bid Process”), state regulations governing the purchase of services promulgated by the Department of Administrative and Financial Services, Bureau of General Services, and all current policies, bulletins and recommended practices from the Division of Purchases regarding purchasing special services. For procurements exceeding \$10,000 that were not competitively procured, the Commission shall maintain written justification for and evidence of approvals for 5 years.

The Commissioners shall receive detailed quarterly reports regarding procurements of the Commission and review them at public meetings. These quarterly reports will allow the Commissioners to ensure that the Commission has selected vendors that secure the best value in agency procurements.

The Commission shall report annually to the Legislature a list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under this policy, including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list will include the names of the vendors and costs associated with those procurements.

4.00 Contributions

The Commission shall ensure that all contributions are directly related to the Commission’s mission and activities.

For identification and reporting purposes, the Commission shall budget and account for contributions separately from other expenditures in the Commission’s records. In that regard, the Commission shall follow the requirements of the SAAM as they relate to separately coding, maintaining documentation for, and reporting contributions. The Commission shall maintain documentation to support each contribution. The Commissioners shall approve the annual budget for contributions made by the Commission.

The Commissioners shall receive detailed quarterly reports regarding contributions of the Commission, with specific information on every aspect of the Commission's budget and expenditures on an actual basis. The reporting shall include separate identification and reporting for contributions, which will be labeled as "dues" in the reporting because the Commission does not provide any gifts, donations or sponsorships. These quarterly reports, which will be reviewed by Commissioners at public meetings, will allow the Commissioners to ensure that the Commission is only making contributions that are directly related to the Commission's mission and activities.

The Commission shall report annually to the Legislature a list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each.

5.00 Travel, meals and entertainment

The Commission shall limit the use of Commission resources to pay costs of travel, meals and entertainment to those reasonable and necessary for accomplishing the agency's mission and activities.

The Commission will pay travel and meal costs for employees who are conducting Commission business and who have previously received approval to incur travel and meal costs while doing Commission business under the conditions set forth in Chapter 10 of the SAAM regarding travel and meal costs. The Commission will not pay entertainment costs. The Commission shall also follow applicable collective bargaining agreement requirements on expense reimbursement. The Commission shall follow the applicable provisions of the SAAM with respect to supporting documentation and approval of travel and meal costs paid directly or through reimbursement. The Commission shall also follow the applicable provisions of the SAAM with respect to requiring that travel and meal costs be budgeted and accounted for separately from other expenditures in the Commission's records. The Commission shall approve the annual budget for travel and meal costs.

The Commissioners shall receive detailed quarterly reports regarding travel and meal costs of the Commission, with specific information on every aspect of the Commission's budget and expenditures on an actual basis. The reporting shall include separate identification and reporting for travel and meal expenses and will identify actual costs paid directly or reimbursed. These quarterly reports, which shall be reviewed by the Commissioners at public meetings, will allow the Commissioners to ensure that the Commission is limiting the use of Commission resources to pay costs of travel, meals and entertainment to those reasonable and necessary for accomplishing the agency's mission and activities.

6.00 Lobbyists

The Maine Human Rights Commission shall not retain any person, other than Commission staff, who is required to register as a lobbyist as defined in 3 M.R.S. § 312-A(10).