



TENNESSEE HUMAN RIGHTS COMMISSION
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L. PARKS AVENUE, 23RD FLOOR
NASHVILLE, TN 37243-1102
615.741.5825 FAX 615.253.1886
www.tn.gov/humanrights

March 25, 2022

**Tennessee Human Rights Commission
Board of Commissioners Meeting Minutes**

Commissioners Present:

Commissioner Scott Arnwine
Commissioner Gary Behler
Chair Robin Derryberry
Commissioner Joseph Albright
Commissioner Bill Martin
Commissioner Julius Sloss

Commissioners Absent:

Commissioner Annazette Houston
Commissioner Eric Crafton

Staff Present:

Muriel Nolen, Interim Executive Director
Saadia Williams, Housing Coordinator
Tanya Webster, Title VI Compliance Director
Dawn Cummings, General Counsel
Veronica McGraw, Communications Director
William Wade, Associate General Counsel
Allen Staley, Finance and Administration
Lynn Cothren, Special Assistant
Dazaly Reyes-Montalvo, Administrative Assistant
Shelbea Cooley, Human Rights Coordinator
Gwendoline Adams, Human Rights Coordinator
Katherine Swartwood, Human Rights Representative
Kaleda N. Bentley, Intake Supervisor
Tracy Davidson, IT Specialist
Cheryl Cole, Front Desk Receptionist
McKayla Green, Human Rights Representative
Lacey Murphy, Human Rights Representative
Monica M. Fisher, Intake Specialist
Jesstin Hines, Title VI Compliance Officer

Staff Absent:

Guests:

None

Call to Order

Chair Robin Derryberry called the meeting to order at 10:04 a.m. CST. Lynn Cothren took the roll call with six Commissioners present and two logging in virtually. Chair Derryberry asked for a review and approval of the January 21, 2022, minutes.

Commissioner Albright made a motion to approve the Board meeting minutes, Commissioner Sloss seconded the motion. All Commissioners voted to approve the January 21, 2022, Board meeting minutes.

Personnel Committee Report

The meeting minutes from the February 9, 2022, Personnel Committee meeting were reviewed. Commissioner Behler noted that on page 2 paragraph 4, to make corrections on the date for March 25, 2022. No other changes were made. Commissioner Behler made a motion to approve the changes on the Personnel Committee Meeting minutes. Commissioner Martin seconded the motion. All Commissioners voted to approve the minutes.

The meeting minutes from the February 28, 2022, Personnel Committee meeting were reviewed. No changes were requested, Commissioner Albright made a motion to approve the minutes. Commissioner Sloss seconded the motion. All Commissioners voted to approve the minutes.

The meeting minutes from the March 14, 2022, Personnel Committee meeting were reviewed. No changes were requested, Commissioner Sloss made a motion to approve the minutes. Commissioner Behler seconded the motion. All Commissioners voted to approve the minutes.

Commissioner Martin made a motion to accept the Personnel Committee meeting minutes, Commissioner Arnwine seconded the motion. All Commissioner's voted to accept the Personnel Committee Report.

The draft of the Executive Director job description was reviewed by the Board, changes were requested. Commissioner Sloss made the motion to review the job description draft of the Executive Director. Commissioner Martin seconded the motion. All Commissioners voted to approve the review of the job description draft. There was a 15-minute recess for the review of the changes to the job description. The Executive Director job description was reviewed, and changes were made.

Commissioner Behler made a motion to approve the Executive Director's job description as amended. Commissioner Sloss seconded the motion. All Commissioners voted to approve the Executive Director Job description as amended.

Interim Executive Director's Report

For the reporting period of January 1, 2022, to February 28, 2022, Interim Director Muriel Nolen stated that the FY23 budget which included an increase request for 4 new positions was submitted. The FY 2023 budget was approved by the Governor and Senate Committees. The next budget hearing is scheduled on March 21, 2022, at 11 am before the House Finance Ways & Means Committee. Dawn, Allen, and Muriel will be present.

Director Nolen noted that the latest monthly budget spending report was attached to the Commission packet. The agency is projected to be well within budget at the end FY22. The transition team has had 2 informative meetings with Finance and Administration (F&A), the first meeting was to review the FY 22 budget outlook. The second meeting was a program-fiscal process planning session. F&A gave an overview and answered questions concerning the State's policies and procedures. The THRC Centralized Business Processes Outline is being revising in conjunction with F&A, 2015 was the last revision. Allen Staley was available for questions about budget spending and requests. Commissioner Behler asked about what the Governor's directive was regarding adding positions, was it approved

and accepted well. Director Nolen responded yes it was accepted by the Governor and Senate Committee.

Director Nolen stated that there are three outstanding vacancies within the Commission: an ASA II, Compliance Officer, and an Investigator. The ASA II position was reposted the week of March 14, a head-hunter in DOHR will aid with the Compliance Officer position. The third position is a recent investigator opening in Memphis. The investigator is transferring to a State department in Nashville, and it is considered a promotion. A Regional Coordinator position has been posted for internal candidates. Jessica Coberly has accepted a position as an Investigator in Knoxville and will begin March 28.

Director Nolen noted that DOHR is conducting a statewide compensation study on market adjustment and other compensation packages and that effort is being led by Ernst and Young. This study will take approximately six months to complete. In addition to the compensation study, DOHR has announced market adjustments which refer to salary increases for many Executive Branch employees. The intent is to move employees closer to the midpoint of their salary range, which is the market rate. This lessens the difference in salary competitiveness and seeks to retain and reward state employees. The pay increases range from 4 to 15%. DOHR will provide a list of eligible THRC employees, and it will take effect April 1.

Director Nolen stated that the Standard Operating Procedures of THRC are being finalized. Relevant and modern standards are needed to drive the Commission forward in a productive and efficient manner. The transition team had a meeting with the Commission's human resources team to discuss office culture and staff concerns. DOHR will assist with focus groups and improving office culture. Staff concerns were articulated to DOHR. A plan was devised to immediately engage staff. There has been an all staff meeting every other week since the transition. The transition team meets at least once a week.

Director Nolen noted that the return of unused HUD training funds was processed on March 1. The transition team met with HUD's leadership on February 21 to discuss the transition and strategy moving forward. The next performance assessment will be in 2023. The legal team traveled to Knoxville for a week (2/22-2/25) to assist with a plan of action for recent backlog due in part to the housing vacancy which has now been filled.

Director Nolen noted that there are several new employment investigators and Mckayla Green and Lacey Murphy began in January 2022. The EEOC contract requires 178 case closure by September 30. Numbers are better than this time last year, however, the target to meet projections for Federal FY22 needs improvement. This will be reviewed in May to determine if the contract should be modified. There was a meeting with the District Director of EEOC-Memphis office on March 15 to discuss our continued partnership. Agencies are still unable to run reports in the new EEOC ARC system. These reports are relied on for accurate accounting of case closure and the age of caseloads.

Regarding education and outreach, the Director Nolen attended the Statewide Women's Policy Conference in Chattanooga 2/3 and 2/4. Several members of staff attended the TN Housing Conference March 1- March 2. Director Nolen also met with Jocelyn Wurzburg who provided insight about the history and political overview of the Commission through the years.

Employment Report

Interim Director Nolen reported for the reporting period of January 1, 2022, to February 28, 2022, that the agency received 141 inquiries of which 118 (84%) were received through the online form, the staff accepted 36 charges. The agency prepared 20 cases for assignment: 16 dual-filed and 4 THRC. There are 282 inquiries in the intake inventory. The agency closed 17 cases: 14 dual filed and 3 THRC only. Four (4) cases were closed as no cause and thirteen (13) were administratively closed. At the end of February 2022, the total open complaint inventory was 440 complaints: 357 dual-filed and 83 THRC. There are 133 cases awaiting to be assigned to investigation.

Commissioner Albright asked what the ideal number of cases waiting to be assigned should be. Director Nolen stated that there should be 50 cases pending assignment.

Commissioner Albright made a motion to accept the employment report and Commissioner Behler seconded the motion. All Commissioners voted to accept the Employment report.

Housing Report

Housing Coordinator Saadia Williams reported for the reporting period of January 1, 2022, to February 28, 2022, the housing division received 124 inquiries of which 24 were accepted as complaints. The most common reason for complaints was disability, followed by race and gender. The HUD 50% efficiency goal, at the end of February is at 35%. All acceptance and notifications letters for the same time were sent timely (within 10 days) to the respective parties.

There was no further discussion or questions. Commissioner Sloss made a motion to accept the Housing Report. Commissioner Albright seconded the motion. All Commissioners voted to accept the Housing Report.

Title VI Compliance Report

Title VI Director Tanya Webster reported for the reporting period from January 1, 2022, to February 28, 2022. As of February 28, 39 Final Reviews were completed. The remaining 4 agencies have submitted revisions and are being reviewed. The final reviews will be completed by the end of March and final findings letters to go first week of April.

There were 55 inquiries received, of those, 21 were determined to be jurisdictional and were assigned to a State Agencies for investigation. The remaining 34 inquiries were determined to be non-jurisdictional. There were 18 cases closed and to date, there are 195 open Title VI complaints. Title VI Staff received (169) technical assistance requests. Topics of technical assistance requested were Implementation Plan assistance, complaint processing, LEP, sub-recipient monitoring, and Investigation questions.

There was no further discussion or questions. Commissioner Martin made a motion to accept the report. Commissioner Behler seconded the motion. All Commissioners voted to accept the Title VI Report.

Legal Report

General Counsel Dawn Cummings reported on the judicial review of Echevarria v. JKA Properties. The hearing is scheduled for March 18, 2022. Next case is Piatt v. H & Y Consult, and the AG is

working on executing the Agreed Order to Vacate. The Respondent's counsel is not being responsive. There is an affidavit stating that the Commission did not receive notice of that hearing. The AG's Office was contacted and transcripts from the hearing were requested.

General Counsel Cummings reported that there are no current cases for the ALJ's Office. There are two cases waiting for review order. *Dye v. Ferguson* which is being reviewed for a default judgement. The Housing case, *Woods v. KCDC*, is a favorable judgement for the agreed party and the Commission.

General Counsel Cummings noted that the caption bills, Legislation the HB-2877 and HB-2774, are scheduled for hearing on March 29, 2022, at 1:30pm, no representation is required. Chair Derryberry requested a link to be available for anyone to log in and encourage all to listen and stay positive during this process.

General Counsel Cummings, Director Nolen, Commissioner Sloss, and Will had a meeting with Senator Todd to discuss a bill and the concerns about oversight of the Executive Director. General Counsel Cummings drafted several proposals. First is to have Commissioners to approve cause cases. Second proposal is for Commissioners to randomly review no cause cases and administrative cases. The third option is for Commissioners to conduct the reconsiderations that come in. The final option is to have additional education for respondents on the process of an investigation. Most of the vaccination bills are still open. Two fiscal notes were submitted concerning potential additional protective classes.

Commissioner Sloss asked if the State of Virginia is the only state that has the Human Rights Office attached to the AG's Office. General Counsel responded she does not think they are the only ones.

There was no further discussion or questions. Commissioner Behler made a motion to accept the report. Commissioner Albright seconded the motion. All Commissioners voted to accept the Legal Report.

Communications Report

Communications Director Veronica McGraw reported that in January, and as in previous years, THRC participated in the annual Nashville MLK Day convocation. Communications Director McGraw and Lynn Cothren were members of the planning committee for the weeklong schedule of events. Lynn played a big role this year as he was able to secure his good friend Ilyasah Shabazz, author, and daughter of the late Malcom X as the keynote speaker. A big shout out to Lynn who participated as a facilitator during the youth symposium.

Communications Director McGraw noted that the transition team discussed the efforts needed to improve employee engagement and internal communications. She has taken the lead on these efforts with assistance from the department of human resources in moving forward with the process. Communications Director McGraw has met with the DOHR employee relations manager to discuss the rollout of the employee engagement activities. A focus group will be created to discuss workplace motivators and workplace culture. DOHR will act as the facilitators for the focus groups. THRC staff will be randomly selected by DOHR to participate. The Director started chat sessions with staff entitled Donuts with the Director. The chats are designed to be a quick check-in and not venting sessions between THRC staff and Interim Director Nolen.

Communications Director McGraw noted that in addition to the employee engagement activities, DOHR Learning, and Leadership Development division has rolled out the mentor TN cross agency pilot program and has invited several state agencies to participate. This is a mentoring program designed to support the continued development of top talent throughout the state. THRC has identified and encouraged certain staff to apply to the program. The cross-agency pilot program will provide an opportunity for mentor/mentee relationships across agencies/departments.

Communications Director McGraw reported at the last commission meeting, \$13,500 was received in HUD partnership funds for education and outreach activities. The first activity is a Fair Housing Summit that will take place in Memphis on Thursday, April 14 at the National Civil Rights Museum. A partnership has been formed with West Tennessee Legal Services for this event. The Next Fair Housing Summit will take place in June in Nashville and planning will begin in mid-April. The partnership funds will also be used for statewide fair housing radio ads with iHeart Media, the ads will begin to run the week of March 28 and will run through the end of April on more than 50 stations. The Fair Housing Summit and radio ads will target all audiences as it relates to fair housing rights and responsibilities in Tennessee.

Executive Director and Chair Derryberry congratulated Veronica for her completion on her master's degree and soon graduation.

Public Comments-Announcements

Mr. Jesstin Hines suggested that the Board consider the market rate for employee compensation and that administration should appreciate employees more.

Next Board Meeting-May 20, 2022, 9:00am CDT. All Commissioners voted to adjourn the meeting. The meeting was adjourned at 11:34 a.m. CDT.