



**TENNESSEE HUMAN RIGHTS COMMISSION**  
**CENTRAL OFFICE**  
ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY, SUITE 100  
NASHVILLE, TENNESSEE 37243-1219  
(615) 741-5825 FAX (615) 253-1886  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

**July 18, 2008**  
**Telephonic Board of Commissioner's Meeting**  
**Minutes**

**Commissioner's Present:**

Commissioner Cocke  
Commissioner Garrett  
Commissioner Hakeem  
Commissioner Hewitt  
Commissioner Jones  
Commissioner Miller  
Commissioner Osborne  
Commissioner Pierce  
Commissioner Pride  
Commissioner Walker  
Chairman Wiggins  
Commissioner Wurzburg

**Commissioner's Absent:**

Commissioner Blalock  
Commissioner Davis  
Commissioner Starling

**Staff Present:**

Beverly Watts, Executive Director  
Tiffany Baker Cox, Deputy Director  
Shalini Rose, General Counsel  
Esperanza Soriano, Communications Director  
Lisa Lancaster, Executive Director's Assistant

**Guests:**

Allen Staley (SSS)

**Call to Order**

Chairman Wiggins called the meeting to order at 9:09 a.m. Roll call was taken. Commissioner Osborne gave the invocation. Minutes of the May 16, 2008 meeting were reviewed. Commissioner Hakeem made a motion to approve the minutes. Commissioner Pierce seconded the motion. A vote was taken and passed.

Chairman Wiggins introduced Commissioner Hewitt who is the newest board member appointed by the Governor. She was welcomed by the board.

## **Executive Director's Report**

Executive Director Watts reported that the Housing Director position is still open after 12 interviews. She thanked General Counsel Rose for filling in as the interim Housing Director and hopes to complete the process and have a team member in place by the next board meeting.

The Sunset hearing has been tentatively schedule for August 13, 2008 as the Comptrollers office is in the final phase of the Special Investigation. When that report is complete, it will be reviewed by the Budget and Audit Committee and when all plans are finalized the full board will be notified.

VBP Voluntary Buyout Plan was submitted to the Governor in May which identified one position from the staff that could be eliminated if someone chose to take the buyout. The buyout package was offered to Secretary (1), Administrative Services Assistants 2 (2) & 3 (3) located in the Nashville office only. Applications to accept the buyout package must be submitted by August 5<sup>th</sup> to Human Resources. Shared Services is assisting with this process.

Allen Staley from Shared Services was introduces to review the 2008 Budget with the Board. With the fiscal year completed approximately 90% of the budget was spent with a payroll savings of \$150,000 to \$200,000. Total expenditures for the year are \$2.2 M with the agency receiving \$600,000 - \$700,000 in revenue.

Director Watts noted that she and Commissioner Blalock attended a press conference in Jackson TN involving the suit filed by the NAACP for predatory lending. Deputy Director Tiffany Baker Cox represented THRC at the press conference in Nashville.

Director Watts just completed events in the Johnson City area with the West TN Legal Services and the Veterans Hospital.

Commissioner Wurzburg asked if the savings in the budget were due to unfilled positions and if the agency would be penalized. Director Watts noted that was true and offered to provide a staff turnover report at the next meeting. Allen Staley responded to the question about the 09 Budget possibly being penalized. He noted that there was no indication that would happen and the savings revert back to the general fund. Each department is required to save a portion of their budget each year and THRC will revert a minimum of \$25,000. The 09 Budget is at the same level as the 08 Budget.

Commissioner Cocke questioned if attendance at the Sunset Hearing is being requested. Executive Director Watts replied yes and noted that she will meet with the Comptroller next week and will provide materials to Commissioners as soon as possible. The Budget and Audit Committee will review the Comptrollers Special Investigation Report when it is received. The Agency will receive 2 weeks notice of the hearing being scheduled and Commissioner's will be notified as soon as it is scheduled.

Chairman Wiggins asked about how the move is going. Executive Director Watts noted that it has gone pretty well. There are a few things like parking for executive staff and keys

that have not been completed but overall the move went smoothly and everyone is settling in. It was noted that the next meeting will be September 26<sup>th</sup> when we hope to release the Annual Report and have an Open House.

Commissioner Cocke made a motion to accept the Executive Directors Report and Commissioner Hakeem seconded the motion. A vote was taken and passed.

### **EMPLOYMENT CASE REPORT**

Deputy Director Tiffany Baker Cox reported that her report covers the period from May 1 to June 30. There were 180 inquiries received and 107 were accepted. 74 charges were closed. The average case processing age was 301 days. 4 cases were settled for \$31,000 in benefits to complainants. The top three bases for complaints were Title VII at 74%, ADEA 8% and ADA 6%. There were 2 cause findings and 19% of cases were administratively closed.

Numbers are down from the previous year and that is attributed to new staff still in training. Total case inventory stands at 483 and the mediation program was brought back in May of this year and is not back at 100% so settlement numbers are down. Two new mediators have completed their observations and three must complete theirs before the program can be opened up to meet all the complaints that are received.

We are striving to meet the goals for upcoming year which are, reducing the number of aged cases by the end of the contract on September 30, 2008; having the mediation program running at 100%; joint training with EEOC and THRC for investigators; and conduct a seminar for small business human resource issues.

Commissioner Cocke suggested that the small business seminar be taken on the road across the state.

Commissioner Osborne made a motion to accept the Employment case report. Commissioner Wurzburg seconded the motion. A vote was taken and passed.

### **HOUSING CASE REPORT**

Acting Housing Director, Shay Rose reported for the period May 1 through June 30 and noted that 54 complaints were received and 16 of those were companion cases filed as national origin bases. The average case age was 206 days and the top bases was disability. We have an open case inventory of 70 and 127 cases were closed by the end of the fiscal year on June 30, 2008 with \$27,157 received in monetary benefits.

Commissioner Wurzburg noted that other non-monetary remedies for settlement could be training, posters, apology and job reinstated. Executive Director Watts noted that information will be included in the Annual Report and monthly reporting by executive staff is being modified and board reports will reflect these changes in the future. Talking points will be prepared and provided to Commissioners to keep them informed.

Commissioner Osborne made a motion to accept the Housing report. Commissioner Hakeem seconded the motion. A vote was taken and passed.

## **LEGAL AND CAUSE CASE REPORT**

General Counsel Shay Rose reported that legal closed 31 cases and the inventory contained 4 pre-cause cases, 3 of which have now been caused. 36 investigative plans were reviewed by legal on the front end to assist investigators with their investigations. 2 reconsiderations were conducted and 2 cases with corrections completed. Of the closed cases 5 were THRC only, 3 administrative closures and 1 conciliation.

30 housing cases were closed and 1 was pre-cause which has been caused and 21 investigative plans were reviewed. 20 reconsiderations were completed (16 companion cases), 2 cases were corrections and 1 was administratively closed. 12 were conciliations with 8 being companion cause case conciliations.

THRC conducted the Employment Law Seminar on June 17. Chairman Wiggins, Commissioner Garrett and Commissioner Davis were thanked for participating. By all accounts it was a success. The agency will repeat the seminar next year so please contact legal or communications if you have suggestions or would like to assist with planning for 2009.

General Counsel Rose updated the Board on employment case of the bail bonding company not accepting Hispanic customers has been set for mediation with an outside mediator. The hostile work environment in a sports bar case has also been assigned to an outside mediator. The 2 pre-cause cases (1 harassment and 1 retaliation) have been caused and are both based on race. The next case is a pre-cause disability case as the complainant did not have fingers on his left hand and when the interviewer found out; the position description was changed to require dexterity in both hands.

The housing cases include the trailer park case of familial status. Legal is attempting to settle which may include training and policy changes. Another familial status case is being docketed for a hearing. The third familial status case is due to occupancy standards when an eviction notice was sent after the birth of a third child. The attorneys in this case are interested in settlement negotiations. HUD guidance finds this decision unreasonable stating that newborns can share a room with parents.

The 8 cause cases based on disability where the zoning commission attempted to evict four group homes for recovering drug addicts and alcoholics has settled for \$500 awarded to THRC for fair housing outreach and education and training.

Commissioner Pierce made a motion to accept the Legal and cause case report. Commissioner Garrett seconded the motion. A vote was taken and passed.

## **OUTREACH AND EDUCATION**

Esperanza Soriano, Communications Director, reported on the activities for May and June of 2008. Display tables with THRC brochures and information were present at the Middle TN SHRM event in May at the Sheraton; the Mega Disability Conference at the Nashville Marriott on May 28, 29 & 30; the Latino HIV/AIDS Conference in June; and the GAP Community Development forum in Franklin, TN.

Executive Director Watts and Chairman Wiggins appeared on Let's Talk with Ernie Allen in May. Director Watts also spoke on WMRB Columbia in June as well as attending numerous events such as the Thurgood Marshall College Fund Award of Excellence Dinner, NAACP Freedom Fund Banquet in Columbia, NAACP Freedom Fund Banquet in Paris, TN. She was also guest speaker at the NAACP Criminal Justice Seminar in Chattanooga.

Articles appeared in the Nashville Pride and the Nashville Business Journal about Executive Director Watts and the agency.

Frank Guzman, Special Projects Coordinator is assisting the Housing division by investigating housing cases in addition to his outreach duties.

Ms. Soriano attended a South Nashville Police meeting which discussed the 287G Program which addresses the deportation of illegal immigrants who have been arrested and it was noted that the program is not administered by the Police department. It is under the control of the Sheriff's department.

Commissioner Osborne inquired as to the details of the program and noted that Rep. Davis was meeting with law enforcement agencies concerning this matter. Ms. Soriano will continue to monitor the local community outreach on this and ascertain what THRC can do to assist with outreach and education.

Commissioner Osborne made a motion to accept the Communications report. Commissioner Pierce seconded the motion. A vote was taken and passed.

Commissioner Wurzburg asked about Title VI. Executive Director noted that the bill did not get out of the committee and may resume when the legislature reconvenes.

Chairman Wiggins congratulated Commissioner Pierce for being reappointed to the Commission. Commissioner Hakeem was congratulated for Chattanooga landing the Volkswagen Plant.

Chairman Wiggins thanked the Commission members and THRC staff for all they do and adjourned the meeting at 10:10 a.m.