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July 31, 2009
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Cocke
Commissioner Davis
Commissioner Garrett
Commissioner Hewitt
Commissioner Miller
Commissioner Osborne
Chair Pierce
Commissioner Starling
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Blalock
Commissioner Jones
Commissioner McDaniel
Commissioner Pride
Commissioner Walker
Commissioner Wiggins

Staff Present:

Beverly Watts, Executive Director
Tiffany Baker Cox, Deputy Director
Shalini Rose, General Counsel
Esperanza Soriano, Communications Director

Guests:

Seth Yu, Associate Counsel
Jay Santiago, IT Intern

Call to Order

Chair Pierce called the meeting to order at 11:00 a.m. and roll call was taken. Chair Pierce asked board members to think for a moment about being the change that we want to see in our communities. Minutes of the May meeting were reviewed. Commissioner Miller made a motion to accept the minutes. Commissioner Starling seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director, Beverly Watts began her report by thanking the board for their well wishes, cards and fruit basket during her surgery and recuperation at the end of May. The report began with the budget request from the Governor that requested a cut of \$100,000 for the current budget year. That is up from the \$20,000 that was requested originally. Handouts were given to those in attendance that were prepared by Allen Staley of Shared

Services which was a snapshot of THRC spending through June 30, 2009. It was noted that THRC lost one position last year and three positions remained vacant through out the year, which accounted for much of the savings. The current staff level is set at 29. This is a preliminary report and the final report will be available at the September meeting. The agency spent 87.73% of the budget for the year. The next handout identified the reductions for this year, which began July 1, 2009 as revenues continue to fall short of predictions. The open legal assistant position has been open for a while and may not be filled which offers a \$42,000 reduction that could be used to reduce our overall budget. Options to make staff more effective and useful are being viewed and should be reported to the board in September.

We have identified another \$46,000 in the benefits section as we have a lot of newer people that do not receive as much equity as long term employees. We will receive \$26,000 in travel, printing and duplicating, communications and shipping and administrative services funds will be received from the Title VI program. All of these items equal the \$100,000 in reductions. Approval was requested to submit this proposal to the budget office on Monday. A motion was made to approve the submission by Commissioner Osborne and seconded by Commissioner Hewitt. A vote was taken and passed.

Executive Director Watts announced the reappointments of Commissioner Garrett, Starling, and Hewitt and the appointment of Rev. Paul McDaniel to fill Commissioner Hakeem's position on the board since his term ended on June 30. East Tennessee commissioners and staff will be invited to a small gathering in Chattanooga in the near future to honor Commissioner Hakeem for his service to the board.

Legislation that passed this year was the Sunset Bill passed in March and gave us 2 years and effective July 1, 2009 places the Title VI program within the Human Rights Commission. More details will be forthcoming as to program responsibilities and the Title VI Director's job description, which was shared with attendees. It is an executive service position and will be filled hopefully in 45 days.

A spreadsheet that contained bills that passed was shared and thanks were given to Commissioner Starling who was helpful in following up and notifying the director when issues arose that required her attention. Director Watts reviewed each entry on the spreadsheet and shared additional information with the board. A spreadsheet of failed bills is available and can be emailed to those interested.

Housing Director, James Davis has a new son named Princeton who born about a week ago. Commissioner Jones was honored celebrated his 25th Anniversary at Hill Chapel Baptist Church in Memphis, which was attended by Commissioners Cocke, Pride and Blalock as well as Director Watts. Presentations were made from the Commission.

The Annual Strategic Plan, Mission Statement and Goals that are in place for the agency are included in your packets for your review. The report includes issues, challenges, and obstacles such as new investigators which impacts case closing abilities and how we plan to address them. At the next board meeting we will be happy to answer any questions you have about this report. The Strategic Planning Committee will meet and assist the staff with preparation of the final document.

The next scheduled meeting will be Friday, September 25th in conjunction with the NAACP State Conference in Memphis TN. The only time available is Thursday, September 24th from 4-6 pm. A motion was made by Commissioner Osborne to proceed with arrangements to have the board meeting on Thursday September 24th. Commissioner Wurzburg seconded the motion. A vote was taken and passed.

Commissioner Osborne requested that information and details about the Sunset Bill. Director Watts agreed to provide the requested information.

Employment Case Report

Deputy Director Tiffany Baker Cox reported on the period from May 1, 2009 to June 30, 2009 when 138 inquiries were received; 90 were accepted as complaints; 83 were dual filed with EEOC and 10 were THRC only. 93 cases were closed, 81 of which were dual filed and 12 were THRC only.

Of the closed cases 50 cases or 54% were Title VII cases, which cover race color religion, gender and national origin. 10 cases or 11% were ADA Disability cases and 7 cases or 8% Title VII/ADEA which covers age. 5 settlements and 7 mediations were held and \$60,336 was received in benefits. There were no cause cases and 27 cases or 29% were administratively closed. Average case age was 299 days and total inventory is 507 cases.

Compared with the same period in 2008 total charges are down by 72 cases or 15% and the number of cases closed is up slightly as is the inventory. Settlements and benefits are three times higher this year due to the re-implementation of the Mediation program.

Deputy Director Cox thanked the investigative staff for their hard work in closing cases and working more effectively to identify cases that will take less time to close. Staff training will take place with EEOC assisting on the 27 & 28th of August to assist with these issues and Commissioners wishing to attend are welcome to attend.

Details of Mediation month were given. Mediation was offered to 300 cases with 35 agreeing to mediate. More information will be shared at the next board meeting.

Commissioner Garrett made a motion to accept the Employment report. Commissioner Davis seconded the motion. A vote was taken and passed.

Housing Case Report

Executive Director reported the housing numbers in the absence of James Davis, showing that during the May 1 through June 30 period the average case processing age was up, there were 3 conciliations but compared to the 2008 numbers there are less benefits received, It is important to remember that Mr. Davis came onboard during this period and we had an investigator that left which created a learning curve. More cases were closed overall this year in housing than last year. HUD has not confirmed what the new guidelines will be or when they will be put into place. The housing unit has two new investigators, which will increase closures.

We have included the county information that was requested showing which counties have received housing complaints showing 48% in Middle Tennessee, 30% in East Tennessee

and 21% in West Tennessee. Overall complaints in employment and housing are down and we are in hopes that having the board meet in Memphis will make folks aware of our presence and increase complaints.

Commissioner Hewitt made a motion to accept the housing report. Commissioner Miller seconded the motion. A vote was taken and passed.

Legal Report

General Counsel, Shay Rose reported in employment legal reviewed and closed 68 no cause cases in the period. We have 2 pre-cause cases. 89 Investigative plans were reviewed for investigators. 5 reconsiderations were completed and assisted in settling 1 case. There were 25 administrative closures.

In housing, 23 cases were closed, reviewed 5 investigative plans and assisted with 4 conciliations. There were 4 administrative closures with 3 cases left in inventory.

Ms. Rose introduced Seth Yu the new Associate Counsel who then gave a brief bio and was welcomed by the board. She reported that previous Associate Counsel Kelly Sheeman manned the booth for the Trial Lawyers conference in Memphis June 17-18 and thanked Commissioner Hewitt for arranging for our display space.

US Supreme Court cases update included Gross v. FBL Financial Services Inc. and states that employees who sue their employers for age discrimination must prove that age was the cause of the decision against them instead of just one of the factors in the adverse action. Also Ricci v. DeStefano where the court found that the city's actions did constitute a violation of the Civil Rights Act because there was not a "strong-basis-in-evidence" to prove that the city would have been liable for violating Title VII by using the test results.

The employment cause case update included the sexual harassment/hostile work environment based on gender (female) case which settled for \$7,500 and the Respondent will update its harassment policy and attend training; the disparate treatment based on race (African American) terms and conditions case which will likely go to arbitration; and the retaliation for previously reported sexual harassment case that was settled for \$10,000 and training for employees and supervisors in the facility where the Complainant worked.

In Housing the one cause case which was failure to rent based on Familial status, went to hearing in March and post-trial briefs are due by August 3, 2009.

Commissioner Garrett made a motion to accept the legal report. Commissioner Hewitt seconded the motion. A vote was taken and passed.

Outreach & Education

Communications Director, Esperanza Soriano, reported on the months of May and June in which agency staff participated in 17 events in Nashville, Franklin, Murfreesboro and Pigeon Forge and for the year 08-09 over 80 events were attended by staff.

Speaking engagements for the period were: May 5th Director Watts spoke at MTSU; May 15th Housing Director Davis and City of Knoxville housing specialist Tara Davis made a fair housing presentation to 70 attendees in Pigeon Forge; May 22nd, June 8th, June 22nd Frank

Guzman made a Spanish radio presentation on 810AM and this event may become a monthly spot; June 13th Director Soriano was a panelist at the GAP Community Development Housing forum in Franklin TN; June 20th Deputy Cox spoke to 120 attendees at NAACP Chattanooga/Hamilton County Criminal Justice Seminar.

Outreach and Education events were: May 7th Commissioner Hewitt and Kim Hix attended the 38th Annual Human Relations Dinner in Nashville; May 8th Housing Director Davis staffed a booth at the Helping Hands Home Assistance Senior Info Fair in Knoxville; May 13th Director Watts and Chair Pierce attended the CABLE Power of Inclusion Luncheon in Nashville and THRC was a sponsor of the event with 400 attendees; May 29 Kim Hix staffed a booth at the Mega Disability Conference in Nashville with 500 attendees; June 30th Director Watts, Chattanooga Staff and Commissioner Hakeem attended the Power of One Mayor's Luncheon in Chattanooga with 200 attendees.

IT Intern, Jay Santiago made a presentation about the IVR and Robo-Call systems he has researched to improve the agency's IT strategies. Plumvoice will allow 100 calls to test system for no charge. He noted that in order to increase the number of returned complaint forms and increase the number of customer service completed, it is believed that the implementation of an interactive voice response system could reduce the amount of manual labor hours and funding (e.g. stamps, envelopes, and printer ink) that are needed for both surveys and complaint confirmations. Also the use of such a system would allow for public campaigns that otherwise would never be considered. The purpose for using an IVR System is to: increase number of complaint forms returned; increase number of surveys completed; increase productivity level; decrease wasteful spending.

Some of the benefits that an IVR System can give to the Tennessee Human Rights Commission include: low cost; increase efficiency; generate instant feed-back statistics; automated system. Test calls will be sent to Commissioners and feedback collected for next board meeting.

Executive Director Watts and Commissioner Wiggins wrote editorials for the Tennessean that appeared in the June 25th issue and were provided to board members.

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

Executive Director Watts will be speaking August 20th at UT campus in Knoxville and also the SHRM conference on Sept 29th in Nashville. These events will be sent to Commissioner's via email.

Commissioner Announcements: Chair Pierce invited all to the Economic Summit in October and will send an email about scholarship application information.

Commissioner Starling made a motion to adjourn and Commissioner Miller seconded the motion. The meeting was closed at 12:15 am.