



TENNESSEE HUMAN RIGHTS COMMISSION
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November 21, 2008
Board of Commissioner's Meeting
Annual Report Release and Open House
Minutes

Commissioner's Present:

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

Staff Present:

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

Nashville THRC staff.

Also present via conference line were Knoxville, Memphis and Chattanooga office staff.

Special Guests:

Danielle Barnes, TDOHR
Jennifer Rattagan Dier, State of Tennessee
Kelvin Jones, Metro Human Relations

Paulette Coleman, NAACP
Brenda Groves, Nashville Rescue Mission
Gracie Porter, Metro Board of Education
Shirley Marie Johnson, Exodus, Inc.
Raymond Stevenson, Consultant & Mediation Association
Gale Baird, LP Building Products
Vincent Malone, SRS, Inc.
Sylvia Brown, Federally Employed Women
Louis O. Woody, TBI, (Retired) IMF
Patrick A. Cox, U. S. Army Reserve
Maria O. Broussard, TDFI
Rev. James Thomas
Emmanuel Ehiemua, Alive Hospice
Carol White, Shared Services Solutions
Tamika Moss, First Tennessee Bank
Deidre R. Young, DCS

Call to Order

Chairman Wiggins called the meeting to order at 9:07 a.m. Commissioner Starling gave the invocation. Roll call was taken. Minutes of the October meeting were reviewed. Commissioner Osborne made a motion to accept the minutes. Commissioner Miller seconded the motion. A vote was taken and passed.

Executive Director's Annual Report Address

Executive Director, Beverly Watts welcomed staff and visitors and noted that last year at this time she had been here about 90 days and the Deputy Director had just gone on maternity leave to add family member Kayla and the Communications Director had just begun 9 months of jury duty. She noted that despite the absence of these two key staff we had good people that stepped up and did what they needed to do. Shay Rose has been someone that has stepped up twice. She has been the Acting Employment Division Director and General Counsel as well as the Acting Housing Director when Robert Bright who had been with us for 15 years took a job with HUD.

Last year at this time, we knew a lot about what we did not know. We knew there were a lot of challenges, that our staff was not all here at the same time but what we found out was that we have a marvelous great staff, able to perform even when they did not have rudders the boats were moving in the storm in many instances and many ways.

We had an unfortunate incident with a former employee that discombobulated us for about a minute. But staff continued to move forward. We trained and trained and trained some more and then we trained again. And then staff produced cases. We have a lot of new staff members and we have a lot of staff members who have been consistent throughout their service to the agency.

We were confronted with whether or not we would get to a Sunset Hearing, which we did not last year. We are still confronted with Sunset issues as we move forward. I just left my conference room and there is a poster there from 1968 that says "Year of hope, Year of turmoil". Maybe that is where we are in 2008; it is a year of hope. It is a year of hope for all

of us in that we have seen wonderful things that most of us did not think were possible. 40 years after the passage of the Fair Housing Act, 45 years after Dr. King's "I have a dream" speech, we have seen what many thought would not be accomplished and that is access and equal opportunity to the highest job in the land. And breaking into that barrier. So that is something that is significant for the Human Rights Commission to acknowledge and to celebrate. At the same token we are looking at issues as relates to the economy and some other things. What are our challenges going forward? Budget, Budget, Budget, Economy, Economy, Economy. It means two things for us. It means that we are going to be challenged by the budget constraints and restrictions that we surely know are coming because of the economy. We also know that the economy also is shifting and we are seeing a lot of unemployment. So our calls are going up. We are seeing a lot more people calling and asking about issues related to those kinds of things. People who have been hired every year for seasonal work may not be hired this year. They may be calling us because of what they believe to be some reasons other than the economy. And maybe it is. We don't know yet. What we do know is there are some challenging times ahead.

There was an article this week that says 25% of Americans experience discrimination but they don't report it. The question is "Why?" We know that 10,000 people will report housing complaints but there are over a million instances of housing discrimination. Why? We are hearing a lot of issues and concerns. Over this last year we found out that there were many more people calling than actually filed complaints. Last year we received 15,000 calls. In housing we had 210 inquiries and 961 in employment. What happened to those inquiries? We filed 186 complaints in housing with monetary resolutions that total about \$27,000. Some people would say that is pretty low. We probably got relief in the form of back rent or other things that needed to be repaid to persons seeking rentals but there were a lot of non-monetary issues that we have not calculated. But we are consistently seeing more housing cases than we have ever seen. Last year we closed a record number of 127 complaints which is a large number for us.

While the employment division received 961 inquiries, we only filed 645 complaints. Not everyone who calls us will file a complaint and we are trying to determine why. A lot of people just want to forget, a lot of people move on. Monetary resolutions in employment total over \$71,000.

We did something else significant last year. We re-instituted our mediation program. We found out that mediation is one of the most successful tools to address the issues of discrimination. When we mediate we get more benefits and better resolutions for the complaining parties and the respondents readily agree to pay.

Where do we see complaints? Race complaints and disability were the most common basis of discrimination that was alleged by individuals in Tennessee. In employment race is still the most common basis of discrimination. Monetary recovery through mediation totaled \$39,000 more than half of the monetary relief that we were able to recover. What does that mean? The good news is that those that came to us, where we could we were able to settle cases and mediation is that viable tool. We have nine Rule 31 mediators in our agency. And we are trying to see if we can increase that number.

The agency participated in about 80 education and outreach events and we reached close to 100,000 people. Some by radio, in person, events of all sorts, street fairs, labor

conferences, you name it we were there. NAACP, Hispanic organizations and we reached potential respondents via Employment Law Seminar and Fair Housing Matters Conference. I don't believe we can make a difference by just addressing complaints. Our greatest tool and our greatest weapon is always our ability to reach those responsible for workplaces and providing housing and public accommodations.

Last year was a challenging year but we did have accomplishments one being that James Davis was added to THRC staff as Housing Director in the Knoxville office. This year will be even more challenging as we address more concerns. There are a number of issues in our Annual Report. I hope you will read them and I hope that you will realize that a staff of 29 people was able to produce the kind of work you see. That the leadership team consisting of myself, and the 4 other individuals that I just mentioned and Tiffany Baker Cox and Esperanza Soriano who I forgot to mention by name, have been an excellent team, and Lisa Lancaster, the executive assistant and the overall engine of our organization, continues to do the work that we do.

Executive Director Watts asked THRC staff of the Nashville Office to stand and be recognized by the board and visitors and continued by saying, "Let me just thank you for the hard work that you have done. Thank you for continuing to be the fuel that makes us run, for answering phone calls, for providing education and outreach, for providing support in all sorts of matters because we moved this year from Church Street and 6th Avenue to this space and after this meeting we invite you to join us". It is bright, it is airy and it is wonderful and parking is just across the street. We are happy to be in this space. The Church Street building holds a lot of history with this organization but it was also a dark spot in many instances. My first challenge was to get people out of that building. I interviewed a little over a year ago with Commissioner Starling and Chairman Wiggins and they said, "We gotta move!" The good news was that I really did not have a hard job moving. Our lease was up and the state leasing office talked to us and found this space. So for our visitors who are here, we welcome you to this space. Don't be strangers, come by and see us.

Over the next year we want to collaborate more and work with our colleagues and our friends throughout the state. Discrimination continues to exist even though November 4th was a bright light, we know that we must address those concerns. Mr. Chairman this is our Annual Report.

Commissioner Davis made a motion to accept the Executive Director's Report. Commissioner Harem seconded the motion. A vote was taken and passed.

Chairman Wiggins noted that at the October 17, 2008 Board of Commissioner's meeting the Board voted to acknowledge our appreciation to all the staff members for all their hard work. At this time he read portions of the letter that was presented to each staff member from the Board. From the bottom of our hearts we can't say thank you enough.

Executive Director's Report

Executive Director, Beverly Watts noted that on November 5th THRC attended a Budget Hearing at which time a 3% budget cut was included. Since then the number has unofficially gone as high as 15% for the 09-10 FY Budget. We currently have 2 open positions and at the end of the month Wanda Jennings will retire after 24 years of service

to this agency. The board thanked her for her service. This will leave 2 investigator positions open and one support position in Intake. Staff will make adjustments to cover positions until Budgets are completed.

Contracts with EEOC and HUD are moving forward, there is nothing new to report at this time. Shared Services Solutions has assisted THRC executive staff to prepare the Financial Integrity risk assessment document that will be reviewed by the Budget and Audit Committee prior to submission in Mid December.

An Employee of the Year Award will be instituted this year at the December 11th All Staff retreat and a resolution from the board has been requested to be part of the award presented to the recipient of this presentation. We will have a draft document for the Board to vote on at the January meeting.

Commissioner Hakeem asked about cross training being used to compensate for budget cutbacks. Executive Director Watts noted that cross training staff any staff that is not currently doing investigations will be cross trained to do investigations in both employment and housing. We are also looking at adjustments in terms of staff adjustments. What can we do? How can we tighten our belts? And we are also looking at things we can cut from the budget that won't harm what we do and we will be talking to you about that in more detail in January.

Chairman Wiggins reminded the Commission that even though we must cut our budget we must never lose sight of our mission. We will stay focused and that will not be used as any type of excuse for not doing what we need to do. We will get it done and it just means that we will have to be a little wiser with how we use our time. My mother used to say we will just have to add more water to the soup.

Executive Director Watts also asked the Commission to recognize Deputy Director Tiffany Baker Cox for graduating from the Tennessee Government Management Institute. Chairman Wiggins congratulated Deputy Cox and noted that shows that THRC is being proactive and that Deputy Cox is being proactive getting a lot more tools in her tool kit to do her job better. And that is why the acknowledgement of this staff and all these people who do all the work behind the scenes is important. We show up here at these meetings and discuss a lot of things but the things that take place, the engine that runs this, are the people behind the scenes. The people that do the real work, the people that get their hands dirty are to be appreciated because nothing worth achieving comes without sweat equity. Our people do a lot of that and I sincerely appreciate it.

Commissioner Hakeem made a motion to accept the Executive Director's report. Commissioner Davis seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director Tiffany Baker Cox reported on the period from October 1 to October 31, 2008 when 94 inquiries were received; 51 were accepted as complaints; 48 were dual filed with EEOC and 3 were THRC only. 36 cases were closed, 28 of which were dual filed and 8 were THRC only.

Of the closed cases 61% were Title VII cases, which covers race color religion, gender and national origin. 8% were ADA Disability cases and 3% Title VII/ADEA which covers age and 3% ADEA only. One settlement of \$200 was received and 5 Mediations with \$39,866 being received in settlement.

Deputy Director Cox thanked the investigative staff for their hard work in closing cases in September and enabling the agency to meet the EEOC contract. Also thanks to Billie Haddock for running Intake almost single handedly for the last year.

We are still working to close aged cases and by January of 2009 all complaints received will be offered mediation. There will be more training in December for investigators and cross training of staff will begin soon. We will also be training small businesses and partnering with other agencies to assist small businesses who might not have resources to train staff. It was noted that THRC has 9 mediators and that executive staff will be training the investigative staff and a schedule will be created for housing investigators to attend NFHTA.

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

Housing Case Report

Housing Director, James Davis reported that 16 inquiries were received during the report period, which became 14 complaints. 14 cases were closed. The top basis for complaints is race and disability. We currently have 69 cases in inventory. 5 cases were closed no cause, 3 cases conciliated with \$1512 monetary benefits, 5 cases were withdrawn and 1 case was closed as untimely filed. Average case processing was 154 days.

The staff is closing cases faster and closing more cases, which speaks to the efficiency of the housing office. We have a goal of 120 cases closed this year. A plan of action has been implemented to assist with closing aged cases.

Commissioner Pride asked about housing complaints from West Tennessee. Executive Director Watts noted that THRC has participated in several events in the area and noted that rural counties have always presented a challenge. General Counsel Rose also noted that West Tennessee Legal Services receives a lot of the cases in that area. Executive Director Watts noted that those numbers could be gathered and compiled in a report and shared with the Board at the January meeting.

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

Legal Report

General Counsel, Shay Rose reported that Assistant Counsel Kelly Sheeman and Pat Ladd, Paralegal for their hard work. In employment legal reviewed and closed 45 no cause cases in the period. We have 1 pre-cause case. 56 Investigative plans were reviewed for investigators. 3 reconsiderations completed and assisted in settling 1 case.

In housing, 14 cases were closed, reviewed 4 investigative plans and assisted with 3 conciliations. The commission has done 3 commission initiated complaints against newspapers and landlords on the basis of familial status.

The rules that were voted on in October, they have been sent to the Attorney General's office where they will be posted for 90 days.

Of the 4 cause cases, the Hispanic bail bond case will be mediated by the end of the year; the restaurant gender case will be set for a hearing, as mediation was unsuccessful; the race case of retaliation from direct supervisor will be mediated; the disparate treatment based on race case will also be mediated.

The Housing cause cases are the Familial status case where the owner feared for the children's safety around a pond is set for a hearing in January and the special rules for children riding bikes and playing was settled for \$1500 for outreach and education and training for staff.

Legal accomplishments for the year: 500 cases closed, 300 Investigative plans reviewed, 52 reconsiderations completed, Caused 8 cases and conciliated 11 cases, Assisted with planning the Employment Law Seminar, purposed amendments to the rules, and reviewed/redacted 100 copy requests.

Commissioner Wurzburg asked about appellate decisions. General Counsel Rose noted that West Law sends alerts and Communications tracks newspaper articles for decisions. Ms. Rose also noted that the change in the Federal laws that take effect in January will probably increase the number of disability cases we receive. It was noted that our current law is on our website along with the rules. Legal will supply the spreadsheet with cases in the Supreme Court that affect THRC which are being tracked.

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

Outreach & Education

Communications Director, Esperanza Soriano, reported THRC works with grassroots and faith based organizations to bring awareness of the laws that we enforce. We participated in 11 outreach events, reaching 2400 citizens, gave out 1, 000 brochures and promotional items and we have 6 events on the schedule for December. Will be meeting with Shelby county Mayor Wharton. She thanked her staff, Frank Guzman and Kim Parker Hix. Commissioner Davis thanked Mr. Guzman for his assistance with a recent incident in Johnson City.

Commissioner Pierce recognized Executive Director Watts who was spotlighted at the CABLE organization.

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

Nominating Committee Report

Commissioner Wurzburg reported on the Nominating Committee meeting that was held on November 7, 2008. The slate of officers that the committee recommends for approval is as follows: Chair: Patricia Pierce; Vice Chair of the East Division: Edwin Osborne; Vice Chair of the Middle Division: Stacey Garrett; Vice Chair of the West Division: David Cocke and Secretary: AJ Starling. She asked for nominations from the floor. Hearing none, she proposed that the commission accept the slate of officers by acclamation, which was seconded by Commissioner Miller. A vote was taken and passed.

Executive Director Watts noted that a special presentation was to happen today but will need to be postponed until the March meeting, as it has not arrived. She thanked Chairman Wiggins for his service to this Board and his leadership and guidance to her during the past year.

Commissioner Hakeem noted that Chairman Wiggins has been a source of light and wisdom and understanding during these turbulent times and thanked him for his direction.

Chairman Wiggins said "it has been a pleasure for me to do this because we all touch someone and we do things not because it gives you a spotlight but you do it because you can make a difference. My mother told me a long time ago that we are all put here on this earth to make a difference in the lives of someone and we choose what that difference will be positive or negative. And whether it is directly or indirectly is up to each and every one of us to share our time wisely, to touch people, to give ourselves so that others can be prosperous. And that is what our duty is and for me it was never ever an idea about me. It was about doing something that is right. There are people who have touched me, people who have helped me along the way. Although we all like to think that we made achievements based upon our bright minds. None of us are perfect. The only time you see perfection is when you read someone's resume. The fact of the matter is that we all have obstacles that we have to hurdle but in working together to help others I think it is significant because at the end of the day our period of time here on this earth is very short. Extremely short. And what legacy you leave and whose lives you have touched will determine how you will be remembered. I am glad that I was able to walk this way and touch some people and be a guiding source for whosever lives I have touched. I sincerely mean that. I want to thank all of you for the work you have done and all the things you have provided. You have been a source for me, you have inspired me and I want to thank each and every one of you for that."

Paulette Coleman, NAACP Assistant Secretary, Nashville Branch. Having from a distance observed the work of the Commission I am very, very amazed and impressed by the record number of cases that are being resolved. And impressed that there seems to be a focus on outcomes and process and efficiency and I think that is very necessary and I hope there will be opportunities to partner and collaborate to continue into the future and if there are ways of getting more people trained to do this work and to be cognizant of discrimination in its many forms that we certainly stand ready to assist in that effort. As commissioners you are going to get a 100% raise. Thank you.

Chairman Wiggins closed the meeting by saying that before he use the gavel one last time I want to thank all of you. As we go into this season of Thanksgiving and we get ready to go into the New Year, not only this state, but this country faces many, many obstacles.

And one of the things that I think will come out of this we will find how strong we are as a state, as a nation and as a people. I think one of the things that has come out of this over the past few years, I have made my own observation and I think sometimes we got carried away with counting things. We have been a nation of counting things. How much money someone has, how many homes they have, how many cars they have. We counted things but we did not count the things that really counted in life. And I think this all brings us all back to that. Counting the things in life that really count. And I think that as we move forward, as this nation moves forward, as this commission moves forward, we all have a lot of work to do. It's not about me, it's about all of us working together and I think if we all work together and I think if you continue to do the service that you have been called upon to do, I think this place will be a better place for everyone. Human Rights.. for everyone. not just for some.

Executive Director Watts invited all in attendance to join us in our new space.

The meeting was closed at 10:20 am.