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January 22, 2010
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Cocke
Commissioner Davis
Commissioner Garrett
Commissioner Hewitt
Commissioner Osborne
Chair Pierce
Commissioner Pride
Commissioner Starling
Commissioner Walker
Commissioner Wiggins
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Blalock
Commissioner Jones
Commissioner McDaniel
Commissioner Miller

Staff Present:

Beverly Watts, Executive Director
Tiffany Baker Cox, Deputy Director
James Davis, Housing Director
Shalini Rose, General Counsel
Marcus Thomas, Director, Title VI Compliance
Bobbie Porter, Special Assistant to the Executive Director
Lisa Lancaster, Executive Assistant

Guests:

Matthew Stephenson, THRC (via phone)
Allen Staley, SSS

Call to Order

Chair Pierce called the meeting to order at 9:00 a.m. and welcomed the commissioners and staff and guests and took roll call. She offered thanks to commissioners and staff for their work in 2009 and said she looks forward to the good things that will take place in 2010. She noted that Martin Luther King Jr. holiday was celebrated this week and that Executive Director Watts had traveled across the state at many speaking events to Honor Dr. King. She quoted Dr. King, "Let us stand with greater determination. And let us move on in these powerful days, these days of challenge to make America what it ought to be.

We have an opportunity to make America a better nation.” She asked attendees to take a moment of silence and reflect on the importance of this statement today and the work we do.

The minutes of the November 20, 2009 meeting were reviewed. Commissioner Hewitt made a motion to accept the minutes. Commissioner Wiggins seconded the motion. A vote was taken and passed. Chair Pierce reminded Commissioners to identify themselves when they speak so the minutes would be accurate.

Executive Director’s Report

Executive Director, Beverly Watts introduced staff present in the Nashville office Bobbie Porter, Tiffany Baker Cox, Shalini Rose, Marcus Thomas, and Allen Staley from Shared Services. Since the last meeting she has been to Johnson City with Commissioner Davis at the NAACP Freedom Fund Dinner and several other NAACP events in the days following. She traveled to Washington DC to attend the Leadership Conference on Civil Rights and met with Tom Perez, the Assistant Attorney General for Civil Rights and will meet with him again next week. He was confirmed in early November. During that meeting, they discussed how they were going to enforce Title VI and other issues. Also met with the Department of Justice staff person responsible for Title VI enforcement here in Tennessee.

The Title VI Action Committee who attended our November meeting and agreed to provide materials to the commission relating to their issues have not provided any information to date. They were present at our listening session that was held in Clarksville last night.

She thanked Chair Pierce for attending the Annual Staff meeting and training in December and the International Human Rights Day event that we cosponsored with the Metro Human Relations Commission, the Tennessee AFL-CIO, the Nashville Mediation Center and The Church of Scientology which was held at the Nashville Public Library. There were 130 people in attendance and Chair Pierce presented an award to Inez Crutchfield. Fred Cloud also received an award. Both have a rich history with the Tennessee Human Rights Commission. Mr. Cloud helped to get the laws passed and Ms. Crutchfield was one of our early Commissioners. DVD’s of the event are available upon request.

The Clarksville listening session was attended by 22 people at the H.O.P.E. center which serves the Hispanic community statewide. Rev. Tommy Vallejos is the director. Commissioner Starling commented that the meeting was a good opportunity to meet the community and should be held across the state in other communities. Oftentimes information is mis-communicated and it appears that people were directed to the wrong agencies to file their complaints. He thanked Francisco Guzman for being there and interpreting for the event and staff that helped attendees file complaints.

He noted that Dr. Richard Waters from the Department of Justice was there and assisted with complaints. He thanked the staff for their help and noted that they all did an excellent job with the meeting and presentation.

Executive Director Watts noted that two additional sessions are scheduled for east and west Tennessee. As planning continues Commissioners will be contacted about people to contact and possible meeting places. Locations are being looked at in the Morristown area for the April 14th session and the Memphis area for the March 25th session.

The Clarksville session is on Clarksvilleonline.com and Director Watts will be on the television program, "Taking Back America" with Pastor Vallejos, this afternoon to discuss the agency, the complaint process and issues we see in more detail.

Executive Director Watts turned the meeting over to Allen Staley to update the Commission on the budget issues and noted that the Governor is set to present his budget within the next 30 days. Mr. Staley reported that the state has not finalized the end of the year report due to the major financial system implementation that is underway but the numbers should be pretty close to the final numbers. The numbers show that THRC has spent 90% of its budget for FY 09 which ended June 30th which represents \$2.1 million spent out of at \$2.35 million budget.

The Budget office requires that departments save a certain amount of money each year and our reversion amount was \$25,000. THRC's reversion amount will be about \$121,000. For the current FY10 through December the commission has spent approximately 33% or \$830,000 which puts the agency on target to meet the reversion amount of \$100,000 and noted that it will be a challenge to meet the new amount. Chair Pierce asked if the fact that we reverted so much this year was good or bad.

Mr. Staley noted that in this case it was good because of the budget shortfalls the more dollars that agencies can save will contribute to the greater good of the state. Generally you don't want to save that much but for last year and this year is really a good thing. Chair Pierce asked if that would impact future requests for cuts to our budget. Mr. Staley noted that the savings would not impact that issue but it will show the budget office that we should be able to meet the higher reversion targets that they have set. For the next budget for 2011 which will be deliberated shortly the budget office is looking at 6-9% across the board reductions.

Executive Director Watts noted that a 60 day calendar will be sent out Commissioner this afternoon which will include the listening sessions. Chair Pierce thanked Executive Director Watts for her traveling, speeches and Commissioner Starling for his representation at the Clarksville listening session. She hopes that more Commissioners will plan to attend the International Human Rights Day celebration next year.

Outreach and Education Committee Report

Commissioner Wurzburg reported that the Outreach and Education Committee met on January 13, 2010 and looked at the continuing education of Commissioners and the outreach and education of the citizens of Tennessee. The Commissioner retreat in July was extremely valuable and the committee recommends that it should be held annually in connection with the July Board meeting. Commissioner Hewitt made a motion to accept the committee's recommendation and Commissioner Davis seconded the motion. A vote was taken and passed.

The committee would like to encourage all commissioners to attend the THRC Employment Law Seminar that will be held on June 17 at the Willis Center in Nashville. They would also like for staff to bring to the Board meetings a mini seminar so that commissioners would know where federal case law is and keep the board up to date starting with the March meeting. Deputy Director Cox and General Counsel Rose will prepare the presentation.

As to the outcome of the listening session in Clarksville it was decided that this will be continued across the state meeting in West Tennessee in March. It was noted that the Memphis area has a large federal agency presence which may account for the lack of complaints filed with THRC in that area. The message of who we are and what we do will be the focus of the March 25th listening session in Memphis.

Executive Director Watts noted the Fair Housing Matters Conference will be on April 7th and THRC is a sponsor. She also noted a possible event for Memphis attorneys such as a lunch and learn for CLE credits, possibly for this year or next. Commissioner Wurzburg has met with the president and incoming chair of the Ultimate Dispute Resolution Section of the Memphis Bar, Steve Shields, to discuss this event and they are anxious to discuss this with Director Watts.

It was noted that Executive Director Watts will be the co-chair of the April 4th Foundation Dinner this year. Chair Pierce noted that the July board meeting is a telephonic meeting and asked if the retreat could be moved to the May meeting. The motion was amended by a motion from Commissioner Wurzburg and seconded by Commissioner Walker.

Commissioner Wiggins and Executive Director Watts will appear on the Ernie Allen, Let's Talk Radio show on January 31st.

Employment Case Report

Deputy Director Tiffany Baker Cox reported on the timeframe November 1, 2009 through December 31, 2009 noting that 131 inquiries were received with 86 of those accepted; 76 were dual filed and 10 were THRC only. She noted that the chart on page one of the employment report shows the county numbers and percentages those complaints came from. In November the top three were Davidson, Knox and Shelby and in December Davidson, Knox and Hamilton.

During the period 87 cases were closed with 76 being dual filed and 11 THRC only. The top three bases of complaints were 55% Title VII; 10% Title VII and ADEA and 8% Age. There were 11 mediations held of which 8 were successful and the benefits are not listed on the chart as they have not closed yet. We closed 3 settled cases and 5 mediated cases with total benefits being \$106,355. . No cases were caused during the reporting period and 18 of the closed cases were Administrative closures. The average case age was 381 days and 478 cases remain in inventory as of December 31, 2009.

The year to date comparison chart shows that inquiries are up from last year and charges accepted are about the same. She noted that the closed case numbers and benefits are much improved. The Mediation program is working very well and is adding to our settlement totals. Our charge age is up we are continuing to train investigators how to prioritize cases for closure.

The Administrative Policy manual revision is complete and has been provided to staff at the Annual Staff meeting. The employee of the year award was presented to Francisco Guzman who will be attending the March Board meeting. Training was also provided to staff on Title VI and Policy and procedures noting special emphasis on case submission as well as an interactive session dealing with mission, vision, values and goals of the agency.

In February Billie Jean Haddock, Seth Yu, Kendra Smith and Kaleda Bentley will be trained in a week long class for Rule 31 Mediation taught by Jean Munroe, which will increase our number of Certified Mediators on staff to 12.

The IVR robo call testing will be completed soon and the initial numbers show only about 10% responding. The complete report will be given at the March Board meeting.

Executive Director Watts reported that EEOC budget for state and local agencies will be \$30 million and that IAOHRA will recommend an increase in payment for closed cases from \$500 to \$600 per case.

Housing Case Report

James Davis, Housing Director reported the housing information for the period November 1, 2009 through December 31, 2009. There were 21 inquiries received with 9 being accepted. Two of these were inquiries were reactivated to HUD as they were not filed timely. During the period, 12 cases were closed bringing the cumulative total to 63 closures. Inquiries were much lower this year than last as shown in the chart of comparison statistics on page 2. The average processing age is up due to the focus to close aged cases. Benefits received for the period was \$473.00.

As of January 12, 2010 the housing division has 69 open cases with an additional 2 cases in legal and 6 in jurisdictional review for acceptance for investigation. Of these 26 are over 250 days old; 9 are between 150 & 250 days old and 11 are between 100 and 150 days old and 23 are not aged cases.

Mr. Davis reported that the housing division is now fully staffed with the hiring of Saadia Montaner to fill the secretary position and she is concentrating on cleaning and organizing the file room. Both Mr. Gadzekpo and Ms. Smith are scheduled to attend NFHTA in the spring for week two and Ms. Williams and Ms. Ramsey will attend week one.

We are focusing on closing aged cases and of the 18 severely aged cases in our inventory 16 have been closed. The remaining 2 cases are being conciliated and will be closed once all parties have signed the agreements. Identified at the beginning of the fiscal year were 72 cases over 100 days old and we have closed 30 of these and conciliated one which leaves 44 cases of which 24 are now severely aged cases and 16 are in review by Housing Director to submit for closure.

Commissioner Wurzburg asked about people being put into Section 8 housing which is substandard in many cases to include no hot water and bugs. Director Davis noted that THRC has received some calls but they do not appear to be discrimination complaints. Director Watts added that we do not receive briefings from HUD on housing issues. The issues in Memphis deal with local available housing and those decisions are made on the local level and unless the issues are based on discrimination, THRC would not be involved.

Legal Report

General Counsel, Shay Rose reported on the period November 1, 2009 through December 31, 2009. In employment 59 cases were closed and reviewed 40 investigative plans, completed 11 reconsiderations and 12 administrative closures, the majority due to failure

to cooperate. And there were 2 settlements. In housing 13 cases were closed, one is pre cause, reviewed 9 investigative plans and 2 reconsiderations in process and 2 sent back for corrections. There were 5 administrative closures, 1 conciliation and 1 withdrawal with settlement.

For legal updates the division participated in an Employment law seminar hosted by the Human Resources Department on January 7, 2010 and will present a lunch and learn for state attorneys on February 19 about religious discrimination.

On June 17, 2010 THRC will host its annual Employment Law Seminar at the Willis Conference Center. Anyone having suggestions or ideas for speakers or subject matter should email Ms. Rose. General Counsel Rose attended a MLK Breakfast hosted by Commissioner Garrett's law firm which was a very nice event.

There are not any updates for employment cases but there is one that is very close to being caused and another that we are watching. In housing the failure to rent based on familial status case that went to hearing last June we continue to await the Judge's decision. The second case which is a failure to provide a reasonable accommodation due to disability is going to mediation in January.

Legislative session update includes 2 bills we are monitoring are English only in the workplace bill and the English only driver license test bill.

Outreach & Education

Bobbie Porter reported that during the period November and December 2009 staff participated in 12 education and outreach activities and 3 speaking engagements. She mentioned the International Human Rights Day event in December, the lunch and learn event sponsored by the Nashville Conflict Resolution Center and Executive Director Watts and Deputy Tiffany Baker Cox served on the panel. Deputy Cox also served on the panel for the Mediation/Alternative Dispute Resolution event on December 8th.

Executive Director Watts spoke at Commissioner Blalock's 27th Anniversary which Commissioners Jones and Pride also attended. Frank Guzman and Kimyona Hix and I attended several events throughout the community during the period including a luncheon for Jobs for Justice.

Media contacts for the period included information requests about the International Human Rights Day. Also Executive Director Watts followed up with Demetria Kalodimos following the Annual Report release in November. And was a guest on the Barbara Rucker internet radio show.

Kimyona Hix will be leaving THRC on February 6th to go to TWRA where she will be serving that agency in the field of human resources which she holds a degree in and will be receiving a promotion with her move. The Commission wished her well.

Commissioner Osborne noted that we have not accepted the Executive Director's report, the Outreach and Education Committee report, Employment case report, Housing case report, legal report or the Communications report. He made a motion to accept those reports. It was seconded by Commissioner Garrett. A vote was taken and passed.

Title VI Report

Director of Title VI Compliance, Marcus Thomas reported on the events during the November and December 2009 period. He is in the process of developing rules and regulations with respect to Title VI.

He commented on the Clarksville Listening session which he attended last evening and thanked Commissioner Starling for leading that meeting with citizen's who have issues with Clarksville and Montgomery County and have filed complaints. He also noted that Dr. Richard Waters from the Department of Justice was helpful in keeping the meeting on track.

The department has call logs and Complaint tracking logs in place and each call and complaint will be addressed. He noted that agencies will be held accountable with respect to how they handle Title VI complaints against them. Our office will be more engaged with the Title VI coordinators at the state agencies and available to assist if necessary.

The rules are going to address complainants with Limited English Proficiency requirements with respect to how the agencies are handling these issues.

The phone lines from the Department of Human Resources will be moved today so that calls will come directly to us. The complaint forms will be merged so that only one form will be used for Employment, Housing, Public Accommodation and Title VI complaints in order to be more efficient.

Chair Pierce asked about identifying agencies receiving federal funds. Mr. Thomas noted that a log will be created and the information reported and accessible.

Commissioner Osborne asked that Commissioners be provided the complaint form via email and at the next board meeting he requested that the Title VI Director give an overview of the process and a short briefing on how the process works.

Executive Director Watts noted that the proposed rules, policy and procedures should be available by the next meeting which will detail where we are going and what will happen with the program from a complaint, from a Title VI Plan prospective and from THRC's role as providing oversight reviews and guidance.

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

Commissioner Osborne commented about what a great job the staff and Executive Director Watts has done in addressing the request of the Commission to get the word out about the Commission.

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

Chair Pierce adjourned the meeting at 11:25 a.m.