



Tennessee Human Rights Commission

2004 – 2005
Annual Report

Civil Rights. . . Not Just For Some. . . For All



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The Honorable Phil Bredesen
Governor
State of Tennessee
Nashville, Tennessee 37243-0001

Members of the General Assembly
of the State of Tennessee
Legislative Plaza
Nashville, Tennessee 37243-0001

Dear Governor Bredesen and Members of the General Assembly:

I respectfully submit this annual report, which records the agency's accomplishments and statistical data from July 1, 2004, through June 30, 2005.

The staff is firmly committed to enforcing the state laws that prohibit discrimination and educating the citizens of Tennessee on the laws that ensure equal protection against discrimination in employment, housing and public accommodation.

Governor Bredesen and Members of the General Assembly, I thank you for the support and confidence shown to this commission in the past year, and I look forward to a year of positive change.

Respectfully,

Amber D. Gooding
Executive Director

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Chairman's Message



Spencer Wiggins
Chairman

It is my distinct pleasure to present the Tennessee Human Rights Commission's progress report for fiscal year (FY) 2005.

FY 2005 has meant a year of growth for the agency. Through the development of its 2004 Strategic Plan, the commission articulated its goals and implemented strategies to ensure achievement. Essentially, the plan mapped out a two year course of action that emphasized improving the efficiency in processing employment and housing cases, increasing the community's awareness for the Commission, improving the skill level of staff and increasing competency levels, improving customer service and increasing revenue. The Commission has held firm to this five-prong plan, using it as a tool for gauging its accomplishments. I am pleased to say that the agency has experienced a year of successes. The agency's accomplishments are highlighted in the pages that follow.

Although this has been a year of many positives for the Commission, the members of the board and staff were

rendered a great blow when we received the news of the passing of our friend, Commissioner Greg Rodriguez. Greg, who founded and served as president of the Tennessee Hispanic Chamber of Commerce, had a passion for helping people. He is greatly missed.

The Commission remains committed to its mission of educating and enforcing the state's antidiscrimination policies. The past year was exceptional. I would like to congratulate the executive director, Amber Gooding, and the THRC staff for the value added contributions that the agency is making to eradicate discrimination in the areas of employment, public accommodations and housing.

We are making progress. This progress report delineates the Commission's activities and progress for FY 2004. I welcome the opportunity to share with you our accomplishments as we continue to strive to make Tennessee a safe haven from discrimination for the citizens of Tennessee.

Sincerely,

Spencer Wiggins
Chair, THRC

BOARD OF COMMISSIONERS

East Tennessee

Robin Smith (Chattanooga)
Edna Loveday-Rogers
(Sevierville)
Bradley Hodge (Knoxville)
Patricia Hammonds (Knoxville)
Yusuf Hakeem (Chattanooga)

Middle Tennessee

Spencer Wiggins, Chairman
(Nashville)
Stacey Garrett (Nashville)
Joseph Walker (Nashville)
Greg Rodriguez* (Nashville)
Patricia Pierce (Nashville)

West Tennessee

Arthur Horne, III (Memphis)
Nathan Pride (Jackson)
Samuel Kyles (Memphis)
Robert Jones (Memphis)
Jeanie Todd (Jackson)

Director's Message



Amber D. Gooding
Executive Director

The agency's past year can be summed up in one word-transitional. Under the leadership of our chairman and board of commissioners, staff developed a strategic plan that set our course, providing realistic measurements and goals.

Our ultimate goals were to increase the agency's production performance, visibility, and the overall quality of our customer service.

In the area of housing, the housing investigators closed 97 cases, shaving 38.2 days off of its case processing time. The housing division's case processing time is the lowest ever, 92.8 days, which is well below the HUD's 100 day requirement.

In the area of employment and public accommodations, the employment investigators closed 580 employment cases, shaving 100 days off of its case processing time. At the end of FY 2004, the average case processing time was 239 days.

The communications office, mindful of the agency's mandate to educate Tennessee's citizens on the laws, has utilized radio, television, newsletters, mailers, conferences and town hall forums to promulgate its message, ultimately reaching over 1.5 million Tennesseans.

During the course of the year, the agency welcomed Patricia Pierce to our governing body. Ms. Pierce is the Direc-

tor of Vanderbilt's Opportunity Development Center, where she is responsible for all matters related to equal opportunity and affirmative action laws, regulations and guidelines. She brings to the agency a wealth of knowledge and a past history of serving as a commissioner.

Greg Rodriquez, my personal friend and valued board member, passed away suddenly this year. We are all the better for having known him, and we miss him greatly.

Although this past year has been filled with changes, it has been an incredibly productive year for the THRC. I would like to take this time to commend my staff on a job done well.

I invite you to review this report and see what the THRC is doing as it endeavors to create an equal playing field for all who live and work in Tennessee.

Sincerely

Amber D. Gooding
Executive Director

Agency Overview

History

The Tennessee Human Rights Commission (THRC), formally known as the Tennessee Commission for Human Development, was established by the enactment of the Tennessee Code Annotated, Title 4, Chapter 21 in 1967. In March of 1979, the THRC was given enforcement powers.

The General Assembly assured that the newly formed commission had appropriate legislation to enforce laws prohibiting discrimination in employment, public accommodation and housing. The THRC's policies are an embodiment of the Federal Civil Rights Acts of 1964, 1968 and 1972, the Pregnancy Amendment of 1978, and the Age Discrimination in Employment Act of 1967, as amended.

The THRC has a dual mandate of enforcing and promoting the human rights statutes, Title VII of the Federal Civil Rights Act 1964 and Title VIII of the Federal Civil Rights Act of 1968, which provide protection to individuals against unlawful discrimination in the areas of employment and housing, respectively.

Work-Sharing Agreements

The commission is a substantially equivalent agency to the federal Equal Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD) because it enforces laws that provide substantive rights, procedures and remedy provisions.

As a substantially equivalent agency, the THRC can and does enter into annual work-sharing agreements with the EEOC and the HUD. In recognition of the agency's common goals, the THRC works closely with both federal agencies to minimize a duplication in efforts and to facilitate the administration and the enforcement of the statutes.

Housing Division

Housing Division

The housing division investigates charges of discrimination based on race, color, sex, religion, national origin, disability and familial status in housing, as it relates to the sale and rental of commercial and real property.

Statistical Overview

The housing division closed 97 cases in FY 2005. The housing division has developed and implemented strategies to ensure the divisions success. With the new strategies in place, the housing division has reduced its average processing days from 131 days in FY 2004 to 92.8 days in FY 2005. The THRC negotiated 17 conciliation/settlement agreements with a total of \$28,397 in monetary resolutions realized in the housing division.

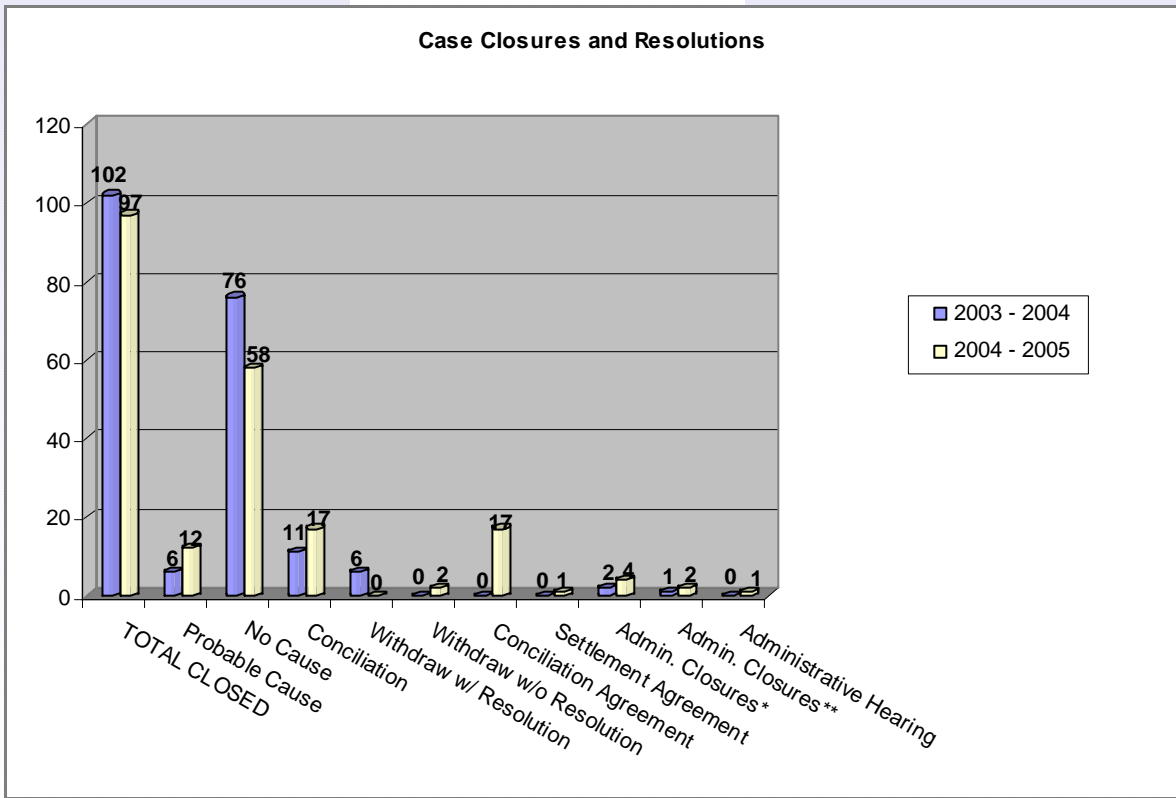


Figure 1. Illustrates the number and type of housing closures for 2003-04 and 2004-05.

Housing Statistics

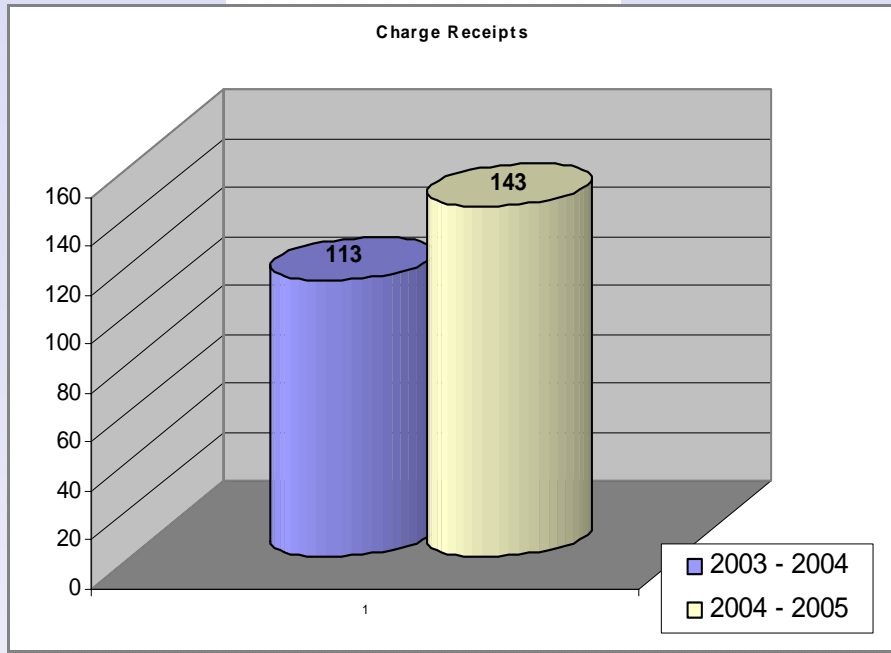


Figure 2. compares the total number of housing complaints received in FY 2004 and 2005.

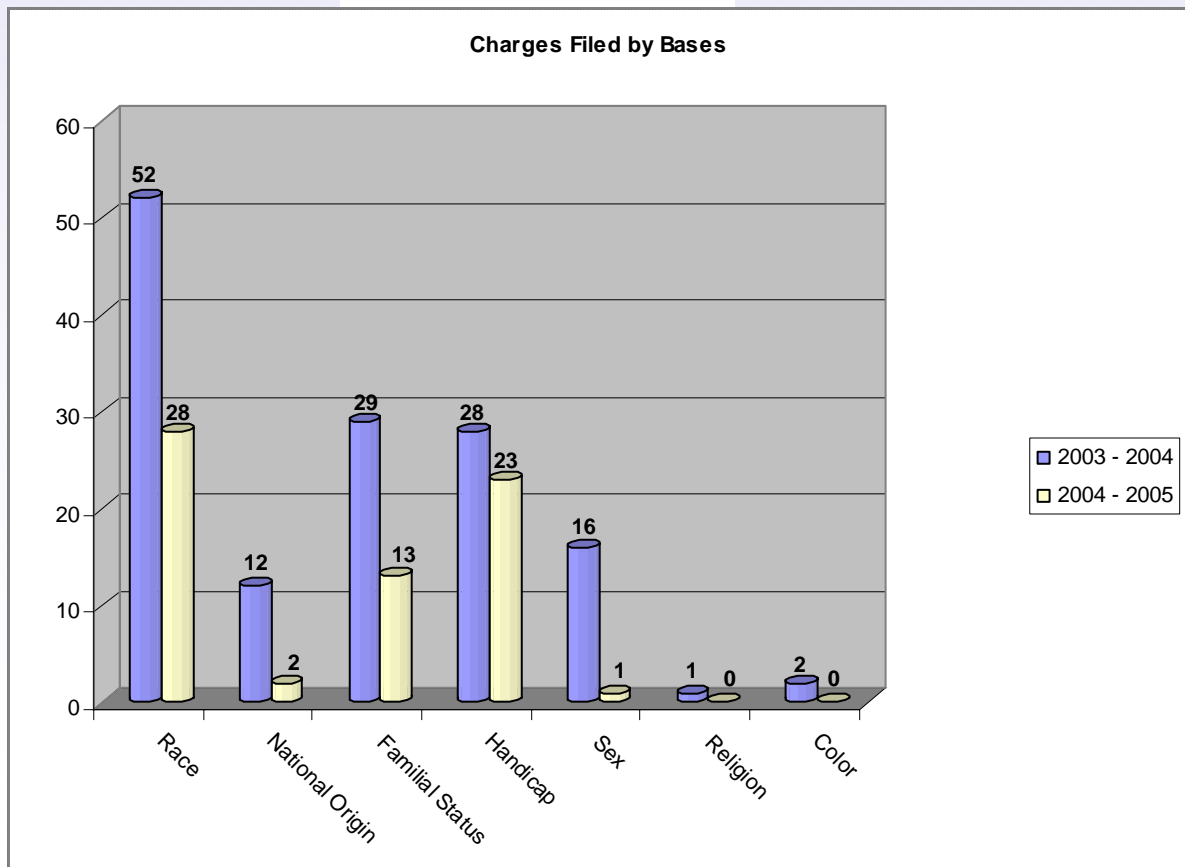


Figure 3 Comparison of Charge Receipts by Bases for 2003-04 and 2004-05.

Housing Statistics

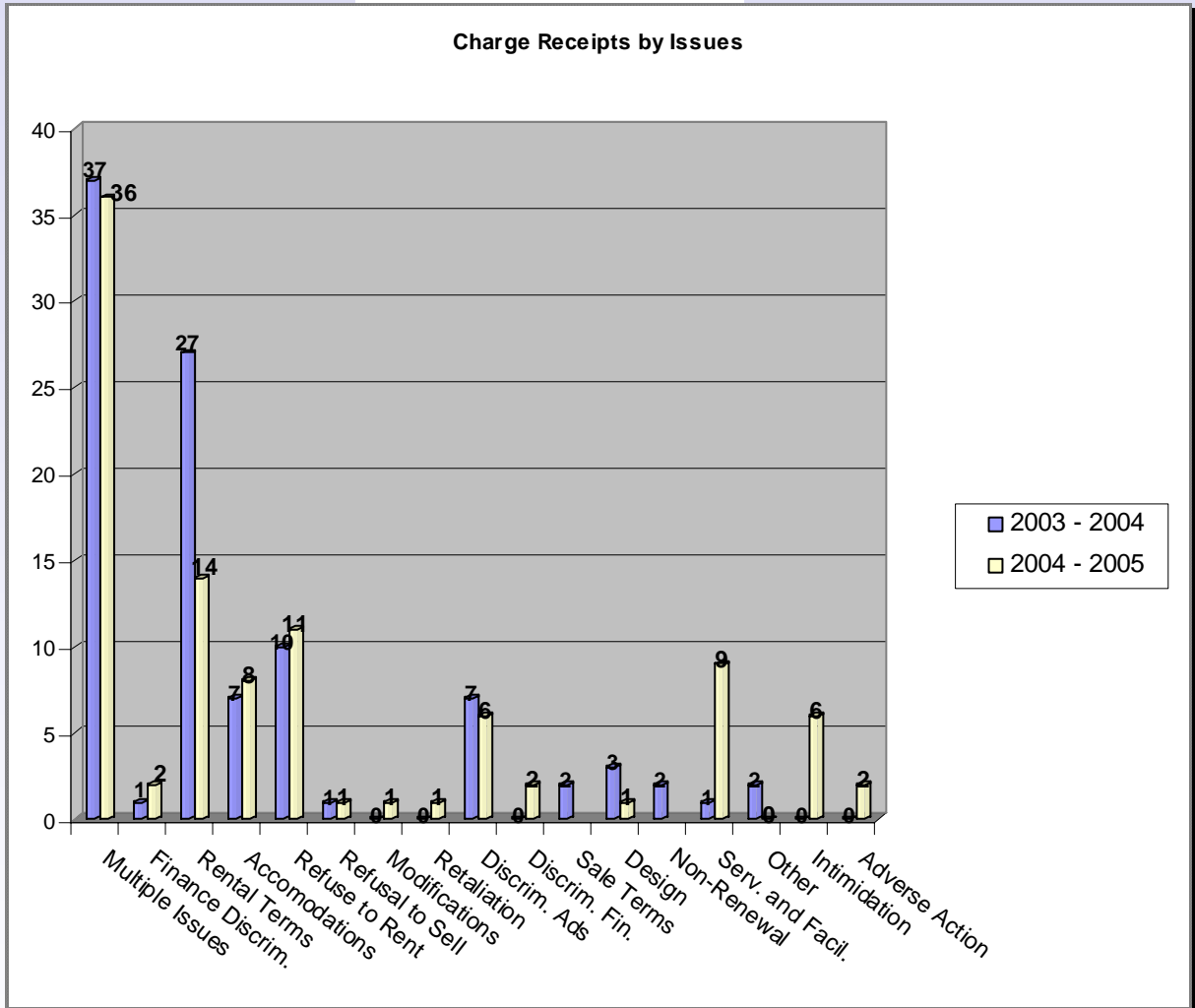


Figure 4. Comparison of Charge Receipts by Issues for 2003-04 and 2004-05.

Employment Division

Employment Division

The employment division is charged with safeguarding the citizens of Tennessee from discrimination in the areas of employment and public accommodation based on race, creed, color, religion, sex, national origin and age (over 40). In order to meet this charge, the commission processes and investigates complaints filed under these bases.

Statistical Overview

The employment division focused its efforts on revising the intake procedures, which necessitated shortening the response time allowed for respondents to answer a charge, and implementing a 200 day timeline for case processing. As a result of these changes, the agency's inventory is current. The average case age of the employment inventory at the end of FY 2005 was 139 days, a sizeable reduction from the FY 2004's 239 days.

The THRC employment division closed 580 cases with a total of \$115,452 in monetary resolutions realized.

Total Resolutions	*Title VII	**ADEA	VII/ADEA	***EPA	VII/EPA	****ADA	ADEA/ADA	Other	Total
Settlements	9	1	2	0	0	2	0	3	17
Withdrawals With Benefits	1	0	1	0	0	0	0	0	2
No Cause	288	17	73	0	2	31	9	68	488
Cause Findings	2	0	0	0	0	1	0	0	0
Administrative Resolution	30	7	12	0	0	4	0	20	73
TOTAL	330	25	88	0	2	38	9	91	580

Table 1. Employment Resolution Summary.

Individual Benefits	Non Monetary	Monetary	Comp/Pun	Total	Total \$	Comp/Pun \$
Title VII	2	9	2	10	57,288	12,000
ADEA	0	1	0	1	820	0
Title VII/ADEA	0	3	1	3	53,392	1,500
EPA	0	0	0	0	0	0
Title VII/EPA	0	0	0	0	0	0
ADA	0	2	0	2	1,250	0
ADEA/ADA	0	0	0	0	0	0
Other	2	1	0	3	2,702	0
TOTAL	4	16	3	19	\$115,452	\$13,500

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment and public accommodations.

ADEA—Age Discrimination in Employment Act of 1967, as amended, prohibits age discrimination in employment.

EPA—Equal Pay Act of 1963 prohibits sex-based wage discrimination between men and women in the same establishment who are performing under similar conditions (the THRC does not have jurisdiction in these types of cases.)

ADA—Americans with Disabilities Act of 1990 prohibits employment discrimination against qualified individuals with disabilities.

Employment Statistics

Filings by Issues 2004 - 2005

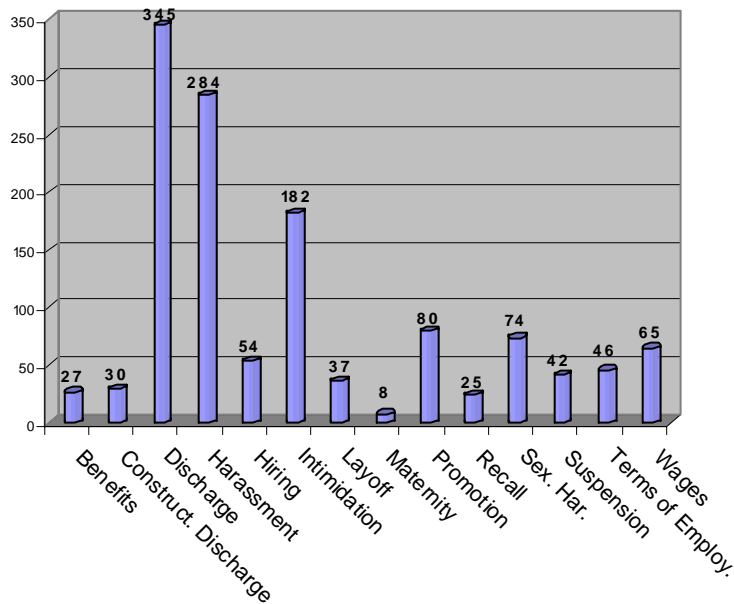


Figure 5. Charge receipts by Issues for 2004-05 .

Filings by Issues 2003- 2004

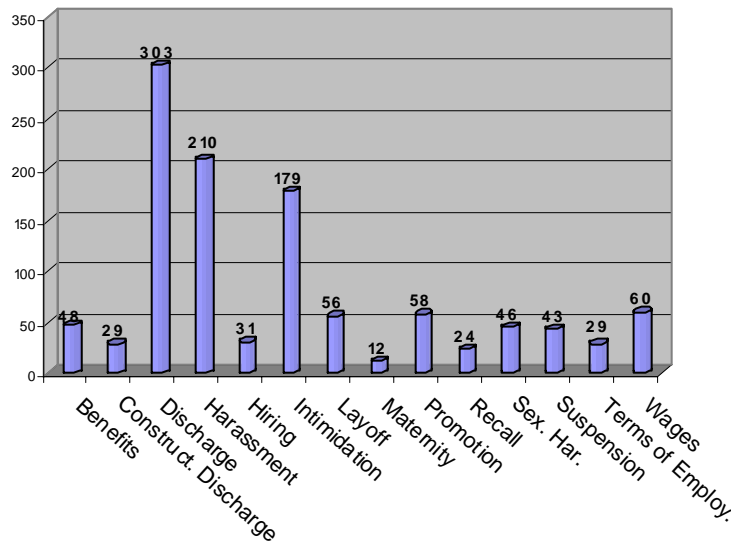


Figure 6. Charge receipts by Issues for 2003-04.

Employment Statistics

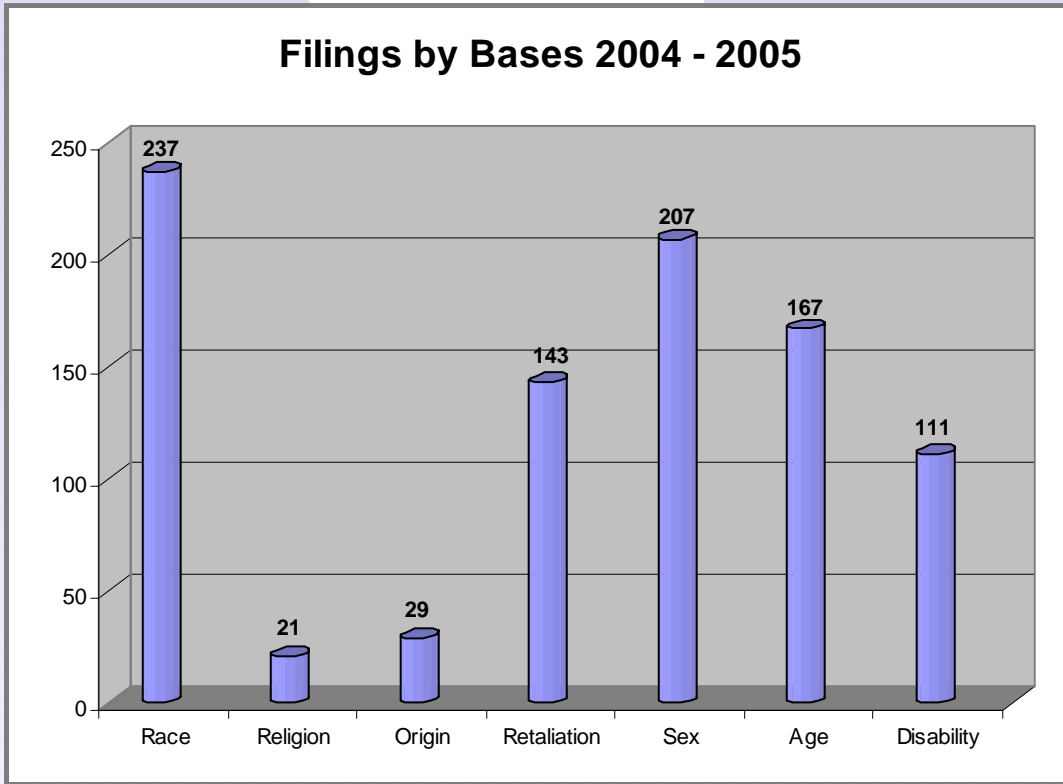


Figure 7. Charge receipts by Bases for 2004-05 .

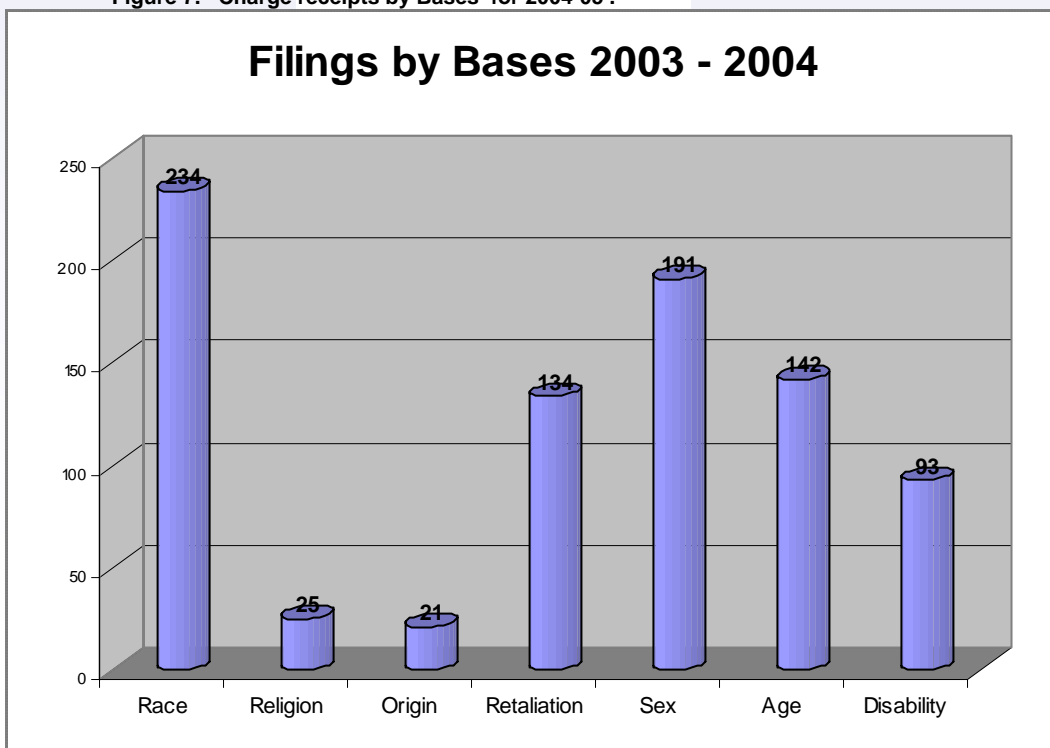


Figure 8. Charge receipts by Bases for 2003-04 .

Employment Statistics

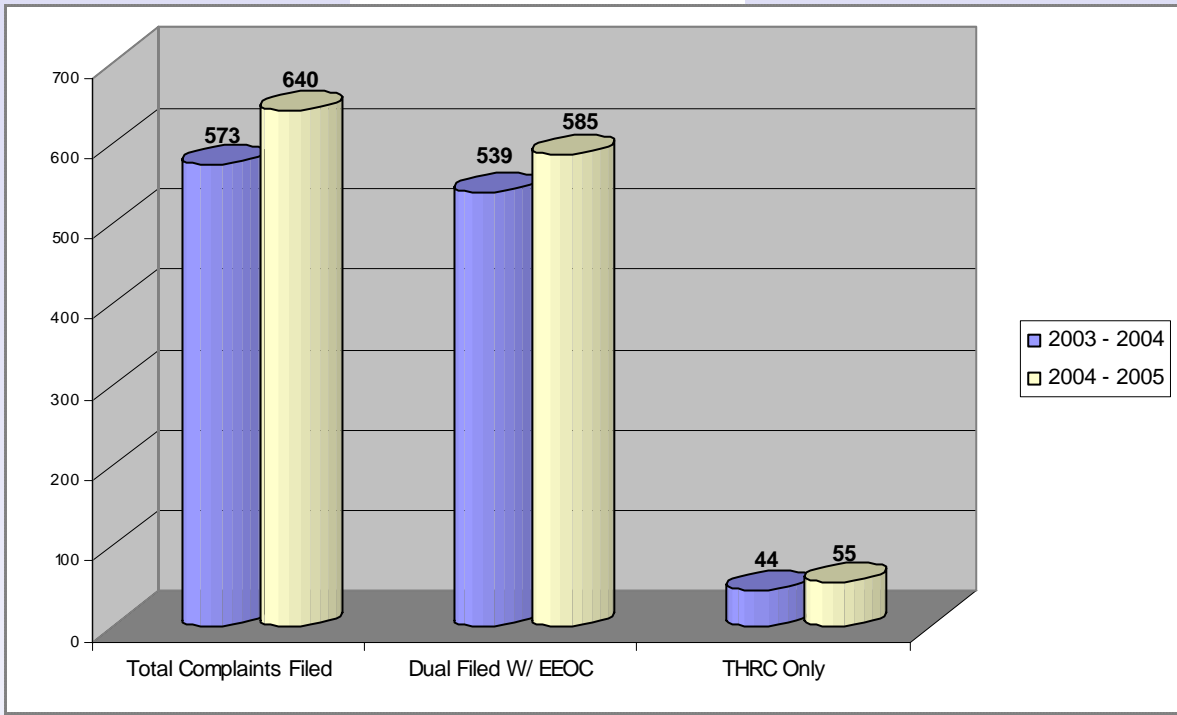


Figure 9. Total Complaints Filed.

Charge Receipt by Region 2004- 2005

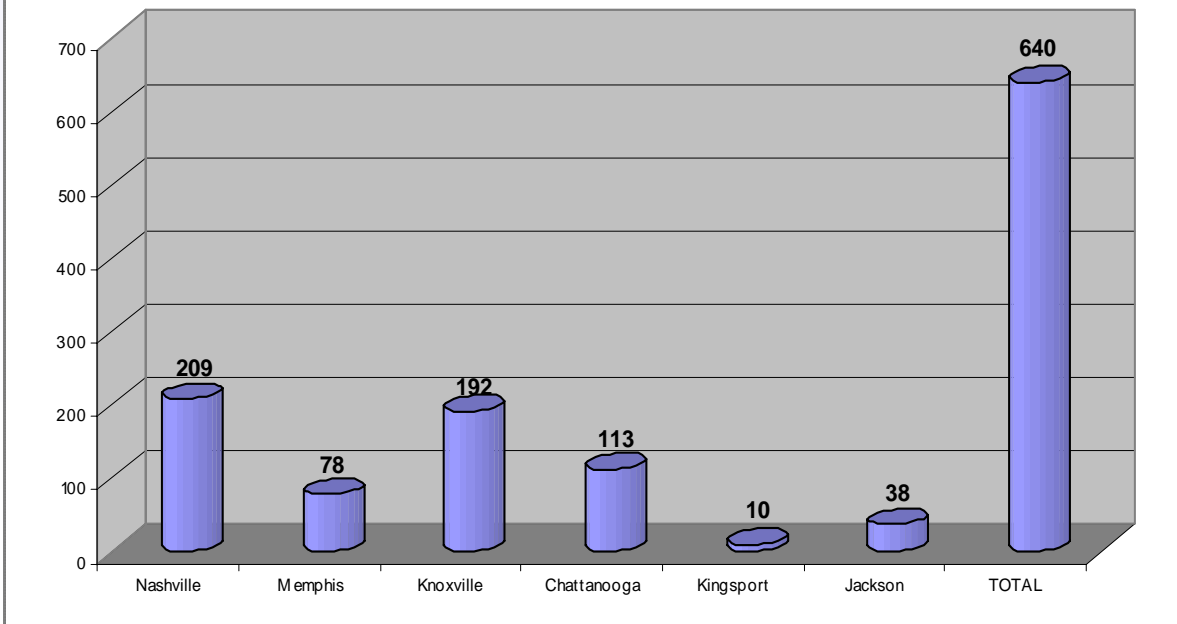


Figure 10. Charge receipts by Regions for 2004-05.

2004-2005 Employment Benefit Resolution

MONETARY	Frequency	%	\$ TOTAL
Back Pay	2	8.7	3,234.20
New Hire	0	0.0	0
Promotion	1	4.3	19,989.00
Remedial Relief	0	0	0
Reinstatement	2	8.7	36,771.00
Other (projected)	0	0	0
Other (actual)	10	43.4	41,957.69
Compensatory	3	13.	13,500.00
Punitive Damage	0	0	0
Attorney's Fee	0	0	0
			\$115,451.89

Table 2. Employment Benefit Resolution

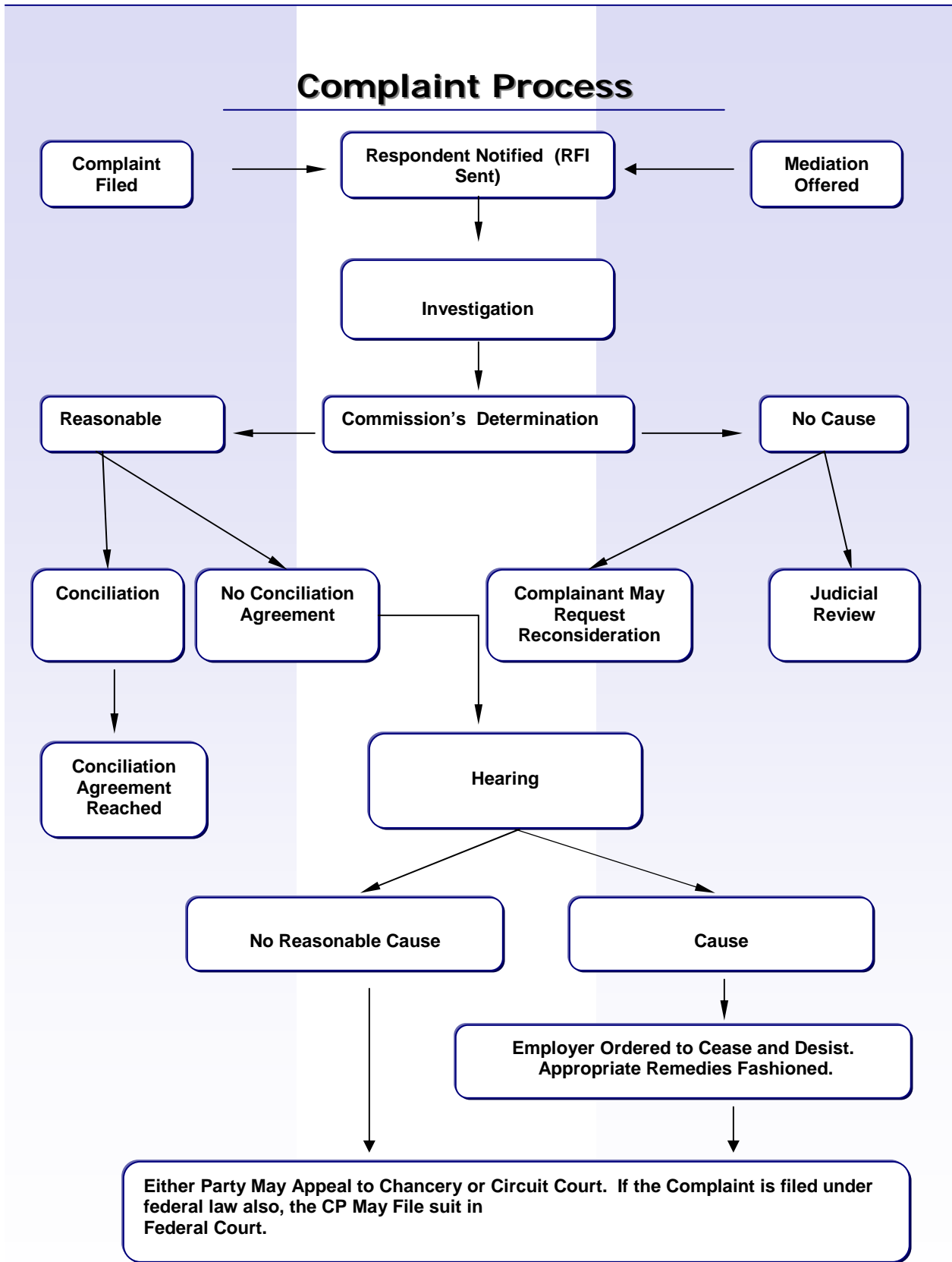


Figure 11. Flowchart of THRC's Complaint Process.

Budget Overview

	Total FY 04	Total FY 05
EXPENDITURES		
Personnel Services and Benefits	\$1,406,000	\$1,439,700
Other Expenditures	446,700	581,600
Total Expenditures	\$1,852,700	\$2,021,300
FUNDING		
State	\$1,418,800	\$1,400,700
Federal	433,900	616,300
Other	0	4,300
Total Revenue	\$1,852,700	\$2,021,300
POSITIONS		
Full-Time	27	28
Part-Time	1	1
Seasonal		0
Total Personnel	28	29

Table 3. A breakdown of the THRC's operating Budget from for FY 2004 and 2005.

Education and Outreach Highlights

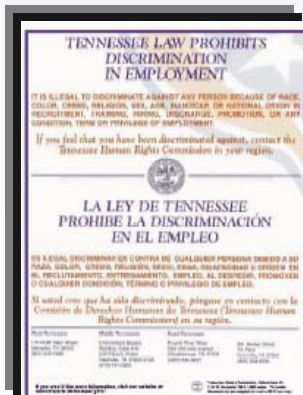
The staff of the THRC endeavors daily to educate people on the state's anti-discrimination laws.

Through the use of its newsletter, posters, brochures, public service announcements, and the numerous conferences and public forums that the agency participated in, staff has been successful in spreading its message of fair housing, and equal employment and access to



Human Rights Monitor

public facilities.



Employment poster

Through the THRC's outreach efforts, it is estimated that staff has reached over 1.5 million Tennesseans in FY 2005.

Calendar of Activities

September 10, 2004

Addressing the Housing Needs of People with Disabilities—co-sponsored by the THRC and held in Johnson City, TN

September 14, 2004

Addressing the Housing Needs of People with Disabilities—co-sponsored by the THRC and held in Chattanooga, TN

September 15, 2004

Addressing the Housing Needs of People with Disabilities—co-sponsored by the THRC and held in Nashville, TN

September 22, 2004

Addressing the Housing Needs of People with Disabilities—co-sponsored by the THRC and held in Jackson, TN

**September 30—
October 2, 2004**

Annual NAACP State Conference—Staff of the THRC participated in panel discussions, focusing on homeownership in underserved communities.

October 22, 2004

Pan Africa Conference—Staff of the THRC addressed the audience, speaking on fair housing trends and related issues. The THRC served as presenters and co-sponsors of this event.

October 29, 2004

3rd Annual Gala Tribute to Nashville Community Leadership and 1st Annual Business Conference Expo—The THRC served as co-sponsors of this event.

November 2004

Knoxville Urban Leagues Equal Opportunity Awards Ceremony—The THRC served as co-sponsors of this event.

**September 2004—
April 2005**

THRC aired Fair Housing Public Service Announcements statewide, utilizing radio.

**September 2004—
April 2005**

THRC aired Spanish Fair Housing Public Announcements in the middle and west Tennessee regions, utilizing radio.

Education and Outreach Highlights

The communications office, responsible for coordinate-



Fair Housing Poster

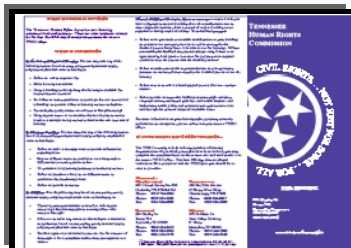
ing outreach efforts throughout the state, has concentrated its efforts on increasing the agency's



English Informational Brochure

visibility statewide.

Some of the offices' efforts included, producing literature and posters in English and Spanish and developing a Hispanic site on its existing web site: www.tennessee.gov/humanrights/index_espn/.



English Fair Housing Brochure

Calendar of Activities

**February 15, 2005
thru
February 16, 2006**

THRC aired Fair Housing Public Service Announcements in the middle Tennessee region, utilizing television.

February 15, 2005

THRC held a fair housing seminar in Jackson, TN.

February 22, 2005

THRC held a fair housing seminar in Johnson City, TN.

February 25—26, 2005

NAACP Race Relations Summit- Staff participated in panel discussions, focusing on fair housing topics.

March 16-18, 2005

Staff of the THRC participated in the quad-state conference with Kentucky and, North and South Carolina, focusing on raising public awareness and promoting diversity.

March 31– April 1, 2005

Fostering Secure & Diverse Communities- a joint fair housing conference that was held in Memphis, TN, targeting the realtors, lenders, and grass-root and housing advocates in the area.

April 15, 2005

Metropolitan Development and Housing Agency's Fair Housing Seminar. The THRC served as co-sponsors and presenters at this fair housing conference that served to educate realtors and other housing practitioners on the federal and state fair housing laws. The conference was held in Nashville, TN.

April 22, 2005

Building Dreams & Equality- The THRC served as presenters and co-sponsors with the Equality Coalition for Housing Opportunities at this fair housing conference.

May 3– 6, 2005

2005 Southeast Regional Civil Rights Training Conference- The THRC's staff participated in panel discussion, served as presenters, and provided anti-discrimination literature to the over 500 attendees.

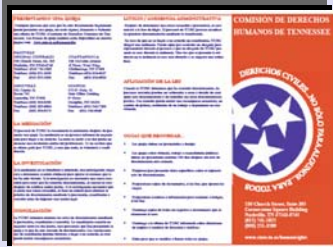
Education and Outreach Highlights

Calendar of Activities

June 19, 2005

Feista Del Hogar: Fair Housing Seminar—The THRC co-sponsored this outreach effort with federal, state and local agencies. The seminar was a community effort to address the housing needs of Hispanic families in the middle Tennessee Area.

From this event, the Middle Tennessee Hispanic Partnership (MTHP) was developed. The aim of the MTHP is to promote homeownership in the Hispanic Community through education.



Spanish Informational Brochure



Spanish Fair Housing Brochure

Picture this . . . Captions from MDHA's Fair Housing Seminar



(l to r) Reverend Samuel Kyles, Board of Commissioner, THRC; Representative Jim Cooper, 5th District; Amber D. Gooding, Executive Director, THRC



Debbie Reeves, Homeownership Assistant Director, THDA



(l to r) Esperanza Soriana-McCrary, Fair Housing Grant Manager, MDHA; Janice Myrick, Executive Director, THDA; Paula Lovett, Grants Program Manager, ECD; Mary McLennan, Chief of Planning and Research, THDA; Representative Jim Cooper, 5th District; Amber D. Gooding, Executive Director, THRC; Patty Pope, Housing Grant Administration, City of Murfreesboro; Tracey McCartney, Executive Director, TN Fair Housing Council



(l to r) Janice Myrick, Executive Director, THDA; Representative Jim Cooper, 5th District; Mary McLennan, Chief of Planning and Research, THDA



Phil Ryan, Executive Director, MDHA



Representative Jim Cooper, 5th District; Patty Pope, Housing Grant Administration, City of Murfreesboro

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Amber D. Gooding, Executive Director
Antonio Adams, Deputy Director
Cynthia Howard, Communications Officer

