



TENNESSEE HUMAN RIGHTS COMMISSION
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L. PARKS AVENUE, 23RD FLOOR
NASHVILLE, TN 37243-1102
615.741.5825 FAX 615.253.1886
www.tn.gov/humanrights

December 3, 2021

Board of Commissioners Meeting in person & via WebEx

Minutes

Commissioners Present:

Commissioner Scott Arnwine
Commissioner Gary Behler-*WebEx*
Chair Robin Derryberry
Commissioner Mark Hayes-*WebEx*
Commissioner Annazette Houston
Commissioner Bill Martin
Commissioner Joseph Albright

Commissioners Absent:

Commissioner Julius Sloss
Commissioner Eric Crafton

Staff Present:

Muriel Nolen, Deputy Director
Saadia Williams, Housing Coordinator
Tanya Webster, Title VI Compliance Director
Dawn Cummings, General Counsel
Veronica McGraw, Communications Director
William Wade, Associate General Counsel
Allen Staley, Finance and Administration-*WebEx*
Lynn Cothren, Special Assistant
Dazaly Reyes-Montalvo, Administrative Assistant

Staff Absent:

Beverly L. Watts, Executive Director

Guests:

None

Call to Order

Chair Robin Derryberry called the meeting to order at 10:30 a.m. CST and requested a moment of silence given the situations in our daily lives. Lynn Cothren took the roll call with five Commissioners present and two via WebEx. Commissioner Sloss and Commissioner Crafton were absent. Chair Derryberry asked for a review and approval of the September 24, 2021 minutes. Commissioner Behler requested to be added as present at the meeting. Due to technical difficulties, he was logged on by audio. Commissioner Houston had a correction on the Education and Outreach Committee Report page 2, line 1: change to due to technical difficulties she logged in late.

Commissioner Arnwine made a motion to approve the Board meeting minutes as amended from September 24, 2021. Commissioner Albright seconded the motion. All Commissioners voted to approve the amended minutes.

Budget & Audit Report

Commissioner Arnwine presented a recap of the Budget and Audit Committee meeting held on November 30th in which the THRC staff explained the FY 23 budget proposal and gave a summary of the finance and administration hearing on November 9th. Commissioner Arwine noted that the budget proposal is pending approval from the Governor and the Legislation.

There was no discussion or questions. Commissioner Martin made a motion to approve the budget and audit report. Commissioner Houston seconded the motion. All Commissioners voted to accept the Budget and Audit Report.

Executive Director Report

Deputy Nolen gave the report on behalf of Director Watts. Deputy Nolen reported that the FY 23 budget was submitted on time to Finance and Administration (F&A) on September 24, 2021. The initial budget hearing with F&A was held on November 9, 2021. Attached is a copy of the FY 23 budget request. A full update will be provided to the Budget and Audit Committee and the Commission. The latest monthly budget spending report is attached for your information. The agency spent 25% of the FY 22 budget to date. Allen Staley is available for any questions about the Budget spending and the request.

Deputy Nolen noted that at the September 24, 2021 meeting that we had three vacancies- two investigators and one front desk staff. The regional coordinator position will not be filled at this time and may be held for an internal promotion later. The front desk position was advertised but received limited applicants and will be re-advertised. Director Watts met with staff in Chattanooga and Knoxville offices and thanked them for their work. There are plans to train current investigators in housing and employment.

Deputy Nolen noted that the HUD Performance Assessment Report was received in October 2021 covering the period of July 1, 2019 to June 30, 2020; The assessment was completed remotely this year from June 21, to July 2, 2021. This report was to determine if the Commission is conducting timely, comprehensive, and thorough fair housing investigations, conciliations, and enforcement activities and serves as the basis for determining whether we are certified to continue in the Fair Housing Assistance Program. The agency had three findings that require corrections, they were inadequate staffing, aged cases and failing to meet the standard of closing 50% of cases in 100 days or less. As a result, an aged case plan has been developed and the Housing Unit has met the 50% standard since June 2021.

Deputy Nolen also noted that the EEOC Contract for the periods of October 1, 2021 through September 30, 2022 have been executed and submitted to the EEOC. Staff continues to monitor and review aged case plans for housing and are developing an aged case plan for employment.

Deputy Nolen noted an all-employee staff meeting was held on October 21, 2021 to update staff on the strategic planning process, introduce new staff, review 2021 annual report, and to provide return to office updates. An annual all employee meeting will be held on December 10th.

Deputy Nolen reported that as of November 4, 2021 the Memphis Office was closed due to flooding. One of the air units caused a leak and created 4 inches of water in the office. An assessment will be made to determine damages. Staff will be working with General Services to determine when we can get in the building. Memphis employees are working remotely from home.

Chair Derryberry asked for a copy of the mission and values. Deputy Nolen provided color copies to the Board Members present.

There was a question from Commissioner Behler regarding the reason for the staff shortage. Deputy Nolen replied that the primary basis is due COVID anxiety, retirements, promotions within State government and the competition with other agencies and companies like Amazon that allow remote work. Commissioner Martin agreed with the Deputy's statement.

There was no further discussion or questions. Commissioner Houston made a motion to accept the report Commissioner Albright seconded the motion. All Commissioner's voted to accept the Executive Director Report.

Employment Report

Deputy Nolen reported that for the two-month period from September 1 through October 31, 2021, 171 inquiries were received of which 139 (81%) were received through the online form. This is an increase of 25% compared to the same period last year. There have been 52 inquiries accepted: 43 dual filed and 9 THRC only. There are 64 pending inquiries. The agency closed 38 cases: 28 dual filed and 10 THRC only. There were 13 cases closed as a no cause determination and 25 were administratively closed. During October 1 – October 31 we closed 22 dual-filed complaints and there are 464 pending cases in our inventory-359 dual-filed with the EEOC and 105 THRC only. As of October 31, there were 187 cases in the intake unit awaiting assignment. Cases are being assigned to investigators on a consistent basis. Alternative Dispute Resolution Institute will provide exclusive Rule 31 mediation (40hr) training to 5 staff members and will also allow up to 12 staff to audit the class. THRC Mediation Training Manual will be included.

The EEOC's new case management system, ARC was set to go live on November 15 of this year, however the start date has been postponed and new date has not been announced. EEOC is planning ARC training for FEPAs later this calendar year. THRC staff continues to work with STS on the new THRC case management project. Next meeting is scheduled for December 8, 2021. At this meeting STS will provide dates for the preview show, testing and training.

There was a question by Commissioner Houston on the report. What does STS stand for? Communication Director McGraw answered that is Strategic Technologies Solutions.

There was no further discussion or questions. Commissioner Arnwine made a motion to accept the Employment Report and Commissioner Martin seconded the motion. All Commissioners voted to accept the Employment Report.

Housing Report

Housing Coordinator Saadia Williams reported on the period from September 1, 2021 to October 28, 2021. During this time the housing unit received 113 inquiries and accepted 25 for investigation.

The most common reasons continue to be disability followed by race and gender. As for HUD 50% efficiency goal at the end for October 31, 2021 we currently stand at 46%. All acceptance and notification letters for the same time were sent timely which is within 10 days of the acceptance. The Housing Unit was only a few percentages away to complete as related to the par.

Chair Derryberry asked how many points away from the 50%. Saadia answered 5% or less.

There was no further discussion or questions. Commissioner Behler made a motion to accept the Housing Report. Commissioner Hayes seconded the motion. All Commissioners voted to accept the Housing Report.

Title VI Compliance Report

Title VI Director Tanya Webster reported on the period from September 1, 2021 to October 31, 2021. Agencies started submitting Implementation Plans on September 3, 2021. Acknowledgment receipts went out 2 days after IPs were submitted. By October 1, all 49 Implementation Plans were received timely and acknowledged. There were 39 agencies that submitted electronically, and 10 agencies submitted manual hard copies. Since this report 25 agencies' initial reviews have been completed and the initial review memos have been sent out to the Title VI Coordinators to make revisions. The goal of Title VI is to have initial reviews completed by December 15th and we are on target for final reviews to be completed mid-January and final findings letters to go out by the end of January. Title VI received 76 inquiries which 30 were determined to be jurisdictional and were assigned to State Agencies for investigation. The remaining 46 inquiries were determined to be non-jurisdictional. There were 14 cases closed to date and there are 93 open Title VI complaints.

Title VI staff received (172) technical assistance requests. Topics of technical assistance requested were implementation plan assistance, complaint processing, LEP, sub-recipient monitoring, and investigation questions.

There was a question from Commissioner Albright about whether any agencies were delinquent providing their plans. Title VI Director Webster answered that there were no late documents.

There was no further discussion or questions. Commissioner Albright made a motion to accept the report. Commissioner Martin seconded the motion. All Commissioners voted to accept the Title VI Report.

Legal Report

General Counsel Dawn Cummings noted that judicial review *Echevarria v. JKA Properties*, is set for hearing December 13, 2021 in Montgomery Co. Circuit Court. The briefs have been submitted to the Court, but the respondent did not submit a brief. This should not affect the Court hearing and it will be based on the record of the client. There has been no movement in the election cases, and the Commission will be updated accordingly.

Legal is waiting for a decision from the Administrative Law Judge on *Woods v. KCDC* hearing held in October 2021. A decision is anticipated during the holidays or January 2022. During the special session, there were various proposed bills that would bring the COVID-19 issues within the THRA but none of the bills passed. COVID-19 legislation passed during the special session should not affect the THRC.

There was no further discussion or questions. Commissioner Behler made a motion to accept the report. Commissioner Arnwine seconded the motion. All Commissioners voted to accept the Legal Report.

Communications Report

Communications Director Veronica McGraw stated that THRC supported several events for the reporting period by providing information through virtual exhibit booths. THRC was one of the featured supporters at the Tennessee Alliance for Legal Services Equal Justice University Virtual Conference, the Tennessee NAACP 75th State Virtual Conference, Virtual Taste of Memphis, State of Memphis Housing Virtual Summit, and the Tennessee Disability Virtual Mega Conference. Communications Director McGraw noted that THRC has not had many opportunities to attend in-person events and interact with attendees due to COVID-19. The virtual booths allowed THRC to connect with 910 people. Communications Director McGraw noted that Director Watts gave a presentation along with EEOC District Director Delner Franklin-Thomas and EEOC Deputy Director Edmund Sims at TN NAACP State Conference.

Communications Director McGraw noted that during the reporting period, Director Watts was interviewed on IHeart radio on the Tennessee Matters program to provide information about the work done at THRC, enforcement, and education and outreach activities. The interview aired on 52 IHeart stations across Tennessee beginning October 9 and brought in approximately 15,000 listeners. There were additional noteworthy media relations and radio interviews that occurred in November which Director Watts and Chair Derryberry participated. Additional details of those interviews and logistics will be provided during the next reporting period. Chattanooga Human Day Rights Day was held on November 30, 2021. THRC is currently planning for the THRC Employment Law Seminar in partnership with the TN Department of Human Resources, which will be held on December 9, 2021. Communications is also involved with the planning of the Nashville these November and December events will be provided during the next reporting period. Anyone interested in attending any of the events should inform the Communications Director. A copy of the education and outreach calendar through March 2022 will be sent to the Board. Additional information on registration details will be emailed. Communications is looking ahead to the end of the fiscal year to increase education outreach related to housing and employment.

Commissioner Behler congratulated Communications Director McGraw on how smoothly things went with the virtual Human Rights celebration in Chattanooga.

There was no further discussion or questions. Commissioner Houston made a motion to accept the report. Commissioner Albright seconded the motion. All Commissioners voted to accept the Communications Report.

Closing Remarks

No visitors were present at the meeting. Chair Derryberry made a few announcements starting with the mask mandate being lifted by the Governor. The future Board meetings will have to be in person. There must be five Commissioners for a quorum. Chair Derryberry proposed that the next meeting in January be held in Nashville and the March meeting will be held in Memphis to present the Wurzburg Award.

Chair Derryberry asked that Commissioners Arnwine, Martin, Houston and, Behler go over succession planning and start to look at the Commission as a business. Chair Derryberry also noted that there has been an administration complaint filed with the Department of Human Resources

regarding bullying. Specific details were not provided. Chair Derryberry will receive a letter from the Department of Human Resources regarding the allegations, investigation, and outcome. A full report will be given to the Board.

Commissioner Houston would like a clarification about the meeting requirements and asked if Board members must be physically in the room. Chair Derryberry answered yes, that the Board must be present. Board members can attend via web or phone, but their votes will not count.

Chair Derryberry thanked staff and the Commission for attendance and a great year. Deputy Nolen thanked the Commissioners on behalf of Director Watts and staff. The next Commission meeting will be held in Nashville on January 21, 2022 at 9:00am CST. Chair Derryberry made a motion to adjourn. Commissioner Behler second the motion. The meeting was adjourned at 11:09am.