



TENNESSEE HUMAN RIGHTS COMMISSION
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March 19, 2021
Board of Commissioners Meeting via WebEx
Minutes

Commissioners Present:

Commissioner Arnwine
Commissioner Behler
Commissioner Crafton
Chair Derryberry
Commissioner Hayes
Commissioner Houston
Commissioner Martin
Commissioner Sloss

Commissioners Absent:

Commissioner Crider

Staff Present:

Beverly L. Watts, Executive Director
Carla Johnson, Compliance Officer
Veronica McGraw, Communications Director
Lynn Cothren, Special Assistant to the Executive Director
Dawn Cummings, General Counsel
William Wade, Associate General Counsel
Tanya Webster, Title VI Compliance Director
Saadia Williams, Housing Coordinator
Allen Staley, Finance and Administration
Dazaly Reyes-Montalvo, Administrative Assistant

Guests:

Muriel Malone

Call to Order

Chair Robin Derryberry called the meeting to order at 9:02 a.m. CST and requested a moment of silence given the situations in our daily lives. The roll call was taken with eight commissioners present. Commissioner Crider was absent.

Chair Derryberry asked for a review and approval of the January 22, 2021 minutes. Chair Derryberry had several corrections to the minutes and asked if any other members had changes. There were no additional changes. She asked for a motion to approve the minutes with Commissioner Behler making the motion to approve the minutes as amended and Commissioner Sloss seconding the motion. All commissioners voted to approve the amended minutes.

The Chair asked for review and approval of the February 17, 2021 minutes of the board meeting. There were no changes. Commissioner Arnwine made a motion to approve the minutes and Commissioner Hayes seconded the motion. All Commissioners voted to approve the minutes.

Executive Director Report

Executive Director Watts began her report on staffing and human resources information. She reminded the board that at the January 22, 2021 meeting she informed them that the agency had filled 28 positions. She stated that on January 27, 2021, the Employment Intake Officer resigned with same day notice. The Deputy Director position is still open, and will be filled shortly. Another resignation of a long-time employee occurred when the former employee received a promotion in a different agency. Jennell Riddle worked for THRC for eight years and was publicly thanked for her service. The Executive Director noted the process to fill these positions is underway and staff vacancies have been an challenge for the organization throughout the years with four retirements, three promotions and four resignations.

Executive Director Watts noted that budget hearings in the House and Senate were held were held on January 28, 2021 and February 23, 2021. She noted that there was a unanimous vote of approval in the Senate State and Local committee.

In her report, Executive Director Watts noted several other ongoing items. She started by noting the case management is once again in an active development stage with a new STS Analyst and updates will be provided on an ongoing basis. She noted that staff was reviewing and discussing options to address the current backlog in intake and case processing in Employment and Housing. In Intake there are less cases coming in; however, this may be short lived because in housing there's an anticipation of an uptick in cases involving evictions once the moratorium is lifted. In employment, there's an anticipation that some businesses may fail to recall/rehire as more employers return to offices.

Virtual education meetings have been very successful. The Executive Director thanked Lynn Cothren and Veronica McGraw for all their efforts in developing the meetings in conjunction with organization partners. With respect to contracts with HUD and the EEOC, she indicated the organization is on target for meeting the HUD contract which is close at least 110 cases by June 30, 2021. The organization is behind on our target for the EEOC contract. We continue to work with employment investigators. The Executive Director recognized the legal staff and the Compliance Officer for their hard work on employment case production.

Allen Staley presented the budget report. Commissioner Sloss asked if the difference in the fiscal year budget of \$2.8M and the expended amount of \$1.6M was a result of some employees leaving for other positions, retiring, or resigning. Allen answered that some of this is not because of that reason and is from savings in travel, personnel, and operations. He also noted the \$2.8 million is based on including a base revenue funding which reflects the federal revenue funding at a higher level than actual federal receipts.

There was no discussion or questions. A motion was made to accept the report by Commissioner Sloss, and Commissioner Martin seconded the motion. All Commissioners voted to accept the Executive Director's report.

Employment Report

Compliance Officer Carla Johnson reported that employment intake from the January 1 through February 28, 2021 included 104 inquiries of which 88 (85%) were received through the online form. This is a decrease of 22% compared to the same period last year. Also 14 inquiries have been accepted, 13 dual filed and 1 THRC. As of February 28, 2021, there are 208 pending inquiries. Due to the increased intake workload, customer service staff continue to support the intake unit which will assist in processing the inquiries quickly. The agency closed nine cases of which five were dual filed and four THRC, six cases were closed as no cause, two were administratively closed and one was a pre-determination settlement for \$7,500. From October 1, 2020 to February 28, 2021, 36 dual filed complaints were closed. As of February 28, 2021, there are 418 pending cases in the inventory of which 330 duals are filed with EEOC and 88 are THRC only.

She noted that the Employment Six-Month Plan will include the following strategies: In case processing beginning in March, a monthly meeting will be held with each Investigator to discuss their caseload and help them determine the action(s) needed to close cases.

Intake backlog will be reduced. On February 28, 2021 there were 99 case intakes awaiting assignment. Beginning in March 2021, Investigators will be assigned six to 10 cases depending on their current caseload. With these assignments, 60 cases will be assigned this month.

SOP's will be reviewed to conform to ongoing adjustments and revised to enhance efficiency with developing appropriate training for all staff investigators.

For the Case Management System, which is under development, it is taking a little longer time to get to the beta testing stage, however; we have met twice with the STS team since the last board meeting.

There was no discussion or questions on the report. Commissioner Houston made the motion to accept the employment case report and Commissioner Arnwine seconded the motion. All Commissioners voted to accept the Employment report.

Housing Report

Housing Coordinator Saadia Williams reported on the period from January 1, 2021 to February 28, 2021. During this time the housing unit received 62 inquiries and filed 31 as complaints. The number one basis for complaints continues to be disability followed by

race and gender. Our HUD efficiency goal is to close 50% of our cases under 100 days. We are currently closing 38% of case under this standard. Last month we went above 50% and we envision we will do the same for this current month.

There was no discussion or questions on the report. Commissioner Martin made a motion to accept the Housing case report and Commissioner Sloss seconded the motion. All Commissioners voted to accept the Housing report.

Title VI Compliance Report

Title VI Compliance Director Tanya Webster indicated her report covered the period from January 1, 2021 to February 28, 2021. She noted Title VI compliance staff completed initial reviews on 48 state agencies (IP's) and provided initial feedback to Title VI Coordinators to make required revisions. Since this report, staff received 33 revisions and have completed Final Reviews on 43 agencies with 5 agencies outstanding because they have requested extensions. The Final Finding Letters will be sent out upon completion of all IP and revisions. Title VI has received 42 inquiries this period with 14 jurisdictional and 28 non-jurisdictional cases assigned to State Agencies for action. She indicated there were 10 complaints closed during this period and there are 78 open cases. She further noted there were 188 technical assistance requests, and most of those were for IP revision assistance.

There was no discussion or questions. Commissioner Arnwine made a motion to accept the report and Commissioner Crafton seconded the motion. All Commissioners voted to accept the Title VI report.

Legal Report

Dawn Cummings, General Counsel stated that during the relevant time period there were two findings of reasonable cause. Both cases were housing cases. The first case listed has a tentative settlement. An election has been made in the second case. Cases, McNeil, Piatt, and Collins have been reviewed by the board, and final orders have been drafted for approval. There has been a decision issued in favor of the Respondents in Short v. Wild Gals Old Time. This case will come before the board for review soon. As of today, there is only one case for hearing. The Woods case is set for May 7, 2020. The Pontius case has a tentative settlement.

General Counsel highlighted several legislative bills that have been proposed in the legislature. Those bills were:

1. HB1243/SB1454-This is a caption bill that legal is keeping an eye on. The bill as drafted increases the term of the Chair of the Commission from two years to three years.
2. HB0204/SB0136-This bill is known as the CROWN Act and was introduced last session.
3. HB0079/SB0747-This bill pertains to the Administrative Procedures Act and allows a respondent to recover costs if the judge finds that a violation issued by the agency was issued to harass and cause unnecessary delay or cause needless expense.
4. The next two cases on the report deal with COVID and may come under the umbrella of the Commission.
5. The last two bills have to do with appropriations.

Upon General Counsel's conclusion of report, Chair Derryberry asked if there was any addition information on HB1243. General Counsel indicated there was not and requested

that Director Watts respond. Director Watts indicated that she spoke with the staff of the sponsor of the bill and no additional information is available.

There was a motion to accept the Legal report by Commissioner Behler and Commissioner Hayes seconded the motion. All Commissioners voted to accept the Legal Report.

Communications Report

Communications Director Veronica McGraw said THRC was actively involved in the planning for the January 2021 Nashville Virtual MLK Day 2021 activities which included weeklong virtual activities. The MLK convocation was broadcast on Fox17 Nashville and received nearly 10,000 views on Facebook. THRC shared information on other MLK day events that happened across the state. THRC ran general ads in the Tennessee Tribune newspaper in January and February for the MLK and Black History Month special editions. There was a total of 2,016,000 individuals reached online and through print.

For the reporting period the communications unit continued to plan for the fair housing webinar series made possible through HUD CARES ACT funds and HUD Partnership funds. The next fair housing and COVID-19 webinar is Tuesday, March 23, 2021 in partnership with Habitat for Humanity Greater Memphis which is titled "What you Need to Know" Landlord-Tenant Issues and COVID-19 which included panelist Tenya Coleman with the Memphis Department of Housing and Community Development. Cedrick Harris of Memphis Area Legal Services and Amy Schaftlein of United Housing. The next Partnership Funds Fair Housing is Wednesday, April 7, 2021 in partnership with the Tennessee Fair Housing Council, which is titled, "Fair and Affordable Housing: Rights, Responsibilities and Resources for Landlords and Tenants" which included panelists Jeremy Heidt of Tennessee Housing Development Agency, Judge Rachel Bell who presides over the new Nashville-Davidson County eviction court and Kathy Trawick of the Tennessee Fair Housing Council.

THRC ran fair housing and COVID-19 radio ads with iHeart media in January 2021 which generated 1,120,600 impressions. The next round of fair housing and COVID-19 radio ads will air beginning April 1 on Cumulus Media in the Nashville-Davidson County area on three stations (WQQK-92Q, WKFD-103.3FM and WSM-650AM). These stations are a mixture of urban contemporary, pop, country, R&B and talk radio.

Communications Director McGraw indicated she has been in touch with Mrs. White regarding the Wurzburg award presentation to inform and update her that we are still planning to honor Rev. Ralph White in 2021 pending COVID-19 restrictions. Mrs. White indicated she is thankful that we are still planning something and asked me to keep her updated.

There were no questions; however, Commissioner Behler thanked McGraw for the update on honoring Rev. White. A motion to accept the Communications report was made by Commissioner Crafton and Commissioner Behler seconded the motion. All Commissioners voted to accept the Communications Report.

The next Commission meeting will be held on May 21, 2021 at 9:00am CST.