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July 28, 2017
Board of Commissioners'
Meeting Minutes

Commissioners Present:

Commissioner Crafton (Phone)
Commissioner Crider
Commissioner Derryberry
Chair Houston
Commissioner Martin
Commissioner Sloss
Commissioner White

Commissioners Absent:

None

Staff Present:

Beverly Watts, Executive Director
Lynn Cothren, Special Assistant to the Executive Director
Sabrina Hooper, Deputy Director (Phone)
Dawn Cummings, General Counsel
Erika Wynn, Communications Director
Saadia Williams, Housing Coordinator
Lisa Lancaster, Executive Assistant
Jesse Harbison, THRC Associate General Counsel
Kaleda Bentley, THRC Intake (Phone)
Suzanne Land, THRC Intake (Phone)

Guests:

Allen Staley, Fiscal Officer, F & A

Call to Order

Chair Houston called the meeting to order at 9:04 a.m. and asked for a moment of silence to remember school children followed by the roll call.

The minutes of the May 19, 2017 Board of Commissioners' meeting were reviewed. Commissioner Derryberry made a motion to approve the minutes and Commissioner Sloss seconded the motion. A vote was taken and passed.

Nominating Committee Report

Chair of the Nominating Committee Derryberry began her report by thanking the other members of the committee, Commissioners Crider and Martin for their participation. She reported that when the committee met telephonically they were unaware that the present chair could serve a second term as Chair of the Board but were made aware of that and unanimously voted to nominate Chair Houston to serve a second term. Nominations were opened to the floor and Commissioner Crafton nominated Commissioner Sloss for the office. A roll Call vote was taken. Crafton-Sloss; Crider-Sloss; Derryberry-Houston; Martin-Houston; Sloss-Sloss; White-Houston; Houston-Houston. Chair of the Board elected to serve a second term will be Commissioner Houston.

Recommended to serve as Vice Chair was Commissioner Derryberry and there being no nominations from the floor a vote was taken and passed electing her as Vice Chair. The committee recommended Commissioner Crafton for Secretary. Commissioner Crafton declined the nomination and Chair Houston nominated Commissioner Martin for the position. A vote was taken and passed electing Commissioner Martin as Secretary.

Chair Houston thanked the Commission for their vote of confidence in granting her a second two year term and stated she was proud of the work that the Commission has been able to do and looks forward to the work that will be done in the future.

Chair of the Nominating Committee Derryberry noted that with such a small number of Commissioners on the Commission that the By-laws Committee might think about the addition of a proxy vote in the event that a commissioner is unable to attend or call in for a committee meeting.

Executive Director Watts noted that the Chair will be appointing and reappointing Commissioners to serve on all committees at the next Commission meeting. It was also announced that Commissioner Crafton has been reappointed for a six year term this past week. He looks forward to continuing to serve.

Executive Director's Report

Executive Director Watts began her report by noting that 2016-17 was challenging year but the agency accomplished many of its goals. The PowerPoint presentation of the 2016-2017 Assessment and the Work Plan Overview are attached to these minutes. This presentation included an assessment of the agency during the last fiscal year. It identifies THRC's Strengths, Weaknesses, Opportunities and Threats and outlines the agency work plans for 2017-18. The presentation included an overview of agency accomplishments and serves a precursor to the 2016-17 Annual Report which provides agency accomplishments for 2016-17.

She indicated there were two resignations in the housing unit. The reasons given by one employee was a \$20K increase in pay and the other employee indicated they were leaving for personal reasons. Last year at this time there was only two (2) full time

housing staff. In spite of that challenge last year, housing staff closed 80 cases. This year with 5 positions filled and 3 cross-trained staff, investigators were able to close 112 cases which is the highest number of cases closed in the last seven (7) years.

More information on agency accomplishments will be provided in the Annual Report that will be presented at the September Commission meeting after the Education and Outreach Committee has reviewed and approved it for release.

Case processing procedures and implementation plans are in place and staff continues to monitor the items identified by the audit where we had deficits. Our public contact and communication seems to be pretty high even though people still ask "Who are you?" and "What do you do?" They do not know that we exist and there are vacuums where people don't know us. We have conducted more training with employers and housing providers than ever before increasing the Education and Outreach of the agency in this area. We have capable trained staff and have cross-trained three (3) staff in housing although we have not cross-trained housing investigators in employment due to short term staffing issues. Housing case payments are \$2,800 per case which is 4x more than employment cases. Housing cases generates more revenue and also helps us respond in the budget when we have staff absences and other vacancies. We continue to build partnerships and collaborations with other agencies going forward.

Our weaknesses are limited resources and staff compensation not being aligned with other state agencies. However all of our investigative staff was included in the market realignment completed by the Governor. Investigative staff and regional coordinators will receive a raise in salary up to 4% effective July 1, 2017. This increase has been included in our budget on an ongoing basis and the 14% turnover rate was used as the basis to include particular job classes for that review. Included in that increase was our Associate General Counsel and General Counsel but since our new General Counsel was not on board on July 1 she will not receive the increase.

Executive Director introduced Dawn Cummings, General Counsel. She comes from the Fort Wayne Indiana Human Relations Commission where she was the Director.

Dawn Cummings was welcomed by the Commission. General Counsel Cummings noted that she was with the Fort Wayne Human Relations Commission for ten years and served as staff attorney and director. She graduated from Western Michigan Law School. She has two grown children. One is a grad assistant Hockey Coach in Chicago and her youngest plays hockey for Utica College in New York.

Executive Director noted that we have been attempting to add disability to the TN Human Rights Act and with the addition of two new attorneys they are reviewing our law and will come back to the Commission with a preliminary review of how we should move forward by the November meeting in preparation for the Legislative session which begins in January.

Executive Director Watts indicated that the intake process in housing is under review since our focus has been on closing aged cases the process needs attention. She noted that the agency HUD Performance Assessment is on August 8, 2017 and when we receive their report we will present it to the Budget and Audit Committee for review along with the THRC staff response. This report and proposed response will then be presented to the Commission with the staff and Committee recommendation.

Another weakness is approved extended absences and staff vacancies which have been contributing staff burnout and overload. We are reviewing how to address these issues and discussing them with DOHR. A video staff meeting is scheduled for August 7, 2017 to present this assessment document, receive feedback from staff and to assemble a staff committee to assist executive staff in engaging staff around these concerns.

Our opportunities include clarification of THRC's role and enhancing awareness of our agency. We also have an opportunity to enhance the THRA with disability accommodation in employment provisions which will involve changing the law through legislation. Other opportunities to heighten public awareness include utilizing social media and messaging to larger audiences. The agency has purchased a new camera to enhance our capabilities to document our events.

Threats to the agency are the same as those identified as weaknesses. Balancing case inventory and managing new cases to prevent aging requires constant review of new cases to access assignment and case processing. We expect HUD to discuss the aging cases in their performance assessment but we believe we have answered some of that issue appropriately.

In employment, our accomplishments include responding to 8K calls and sending out 2500 complaint forms and processing 62 copy requests. Employment received 639 inquiries and accepted 332 as complaints. Employment continues to have low inventory even with the large number of calls and forms sent out only 639 came back. After assessment complaints may not have enough employees or they are untimely. Staff closed 266 complaints with an average close age of 338 days. Mediators conducted 15 mediations and complainants received \$50K in monetary benefits during the year. Investigators settled 25 complaints and obtained \$150K in monetary benefits for the complainants.

In Housing, we received 578 inquiries and accepted 107 as complaints and closed 112 cases with an average investigation age of 313 days. It was noted that last year our average investigation age was over 215 days. Staff closed 37 out of 108 complaints closed within 100 days or less which is 34% and the HUD Performance standard is 50%. Our focus was on closing aged cases which HUD had requested. Staff conducted 46 conciliations which obtained \$63K in monetary benefits to complainants.

In Title VI staff reviewed 42 implementation plans. Executive Director Watts is serving as interim Title VI Director and the position will be advertised within the next three

weeks. Staff conducted six (6) compliance reviews. One is being completed and one is in its initial stages. Title VI received 325 inquiries, filed 76 complaints and closed 36 complaints. Upon review it was discovered that we have Title VI has 120 cases that are over 90 days old and notices have been sent to those agencies requesting status updates. Title VI cases are sent back to the agencies for investigations with a timeline of 90 days for completion. We are citing six (6) agencies on their report cards that did not meet the 90 day deadline. Annual Title VI will be held on August 2, 2017. We are considering a three day investigative event in the fall. The agency heads will be updated at the annual training event and staff will conduct new coordinator training along with investigative training and implementation plan training.

Communications reported that we participated in 139 events this year and reached more than 3M through presentations, exhibits and media outlets which boosted our total reached which is normally about 300K. A HUD partnership grant enhanced our totals which allowed us to purchase radio ads. Communications published the Annual Report and the Title VI Annual Report. The project to update the Status of Human Rights in Tennessee has been put on hold due to staff vacancies. The report was originally done in 2014 and we will review when to update between now and 2019.

The Legal department mediated one (1) cause case resulting in \$3200 to the complainant and \$2K to THRC for Education and Outreach. Staff reviewed 211 employment cases, caused 3 and conducted 10 reconsiderations. In housing legal reviewed 79 cases, caused 6 cases and conducted 2 reconsiderations. Legal also reviewed 44 copy requests.

Commissioner Derryberry asked if THRC was compensated for copy requests. Executive Director Watts noted that we currently charge .25 per page but noted that the charge will be lowered to .15 per page with recently passed legislation regarding reasonable costs for this service. All fees will be for waived anyone requesting a hardship.

Commissioner Crafton asked, where are we with digitizing all of our files? Executive Director Watts noted there are all paper files in employment where the most copy requests are received and the redacting of files is very tedious and can vary in size from about 10 pages to 100+ pages. The digitizing process is coming through the state records people and we have not received any indication when that will happen and we were not granted any additional funding to finance this project. Lynn Cothren, Special Assistant to the Executive Director and Sabrina Hooper, Deputy Director are overseeing this effort as liaisons to records management and will keep us informed about the progress on this project. We are know that EEOC has a new online computer system but have been given no other information about it. There are no funds to make it available to the 95 FEPA agencies at this time.

Commissioner Sloss asked without the cost associated with this process, whether there was a factor, rules or a statute out there that allows digital records. Executive Director Watts noted that the HUD computer system is digitized and it is allowable if there is no

prohibition against it. Collaboration between HUD and EEOC on this issue has not occurred. There is nothing to prohibit it in state government and it says we are going to do this but they have provided no rules or how the process will proceed. This will affect every state agency. Commissioner Sloss noted that he is currently involved in a process where juvenile records are going to be electronic and in order to do that there was a law that was passed last July to allow us to digitize our records. It was also noted that at the criminal level they cannot digitize as they are still going through that process.

Executive Director Watts added that the digitizing process gives the state the authority to digitize but there is no current process and no estimate of cost. Commissioner Sloss noted that if there was nothing that prohibited us from moving forward with this project from his experience, the costs are not that high to purchase the equipment necessary. Executive Director Watts noted that the prohibitive costs to THRC are that if investigators are scanning, they are not investigating.

Executive Director Watts will keep the Commission updated on this issue as new information is received. Staff will look to see if EEOC is going to allocate funds to assist in this venture. Digitization is not good for this agency if we cannot communicate with the EEOC and with HUD. HUD has a case management system in place. You have to have a case management system in order for digitization to be a benefit to the agency and EEOC does not have one available for FEPA agencies. Moving forward digitization updates will be provided at Commission meetings. Commissioner Sloss noted that in 2010 his office received income assignment awards from TN Department of Human Services for child support payments and last month they began communicating electronically after nearly 7 years. And it can greatly enhance communication between parties and the speed at which that happens.

Commissioner Crafton suggested that we offer up our agency as a pilot program and help with \$15K per year to get up and running. He just completed 300K pages of digitization and the efficiency gains have been remarkable. We could do the reports on time and money saved and report back to them with supporting data showing close to 100% gain on investments.

Commissioner Crafton asked if settlement proceeds could be put toward a digitization program which over time could greatly increase our ability to conduct outreach in our communities. Maybe we could utilize a portion of the settlement proceeds and digitize small portions along the way.

Executive Director Watts noted she will find the specific number from last year to tell you what the dollars were received for the agency in conciliations and bring that back to the commission at the September meeting. She noted she will also look at what the costs would be to do an independent project and she will consult with the records division to make sure we know where they are going and what they are going to do for agencies going digital and provide the commission with that information for discussion.

Commissioner Derryberry asked if we this agency could develop a plan and set a date to implement going paperless. Noting that we may not be able to digitize everything from the past but moving forward from this date. Executive Director Watts asked to gather information and come back to the commission in September with that information for discussion. She will consult with Allen Staley and Sabrina Hooper to determine what we can do and how it can be accomplished and we will bring the records people in to identify real dollars, real time and what equipment upgrades will be necessary to accomplish the transition.

Chair Houston requested that whatever platform is used it should be accessible because when you go paperless because you have constituents that may be blind or have other disabilities that need to be considered. Executive Director Watts noted that the paperless issue may also involve the public regarding records and case management which would require that changes be phased in. It was noted that currently THRC cannot accept a complaint that is not signed which might require a legislative change to our law.

Commissioner Sloss noted that his office is working with Xerox to implement an electronic filing system that is compatible with their case management system. The process will take 12 to 18 months to implement and the ability has been given to everyone statewide. Circuit courts have had the ability to accept unsigned or electronically signed documents since 2011 and criminal courts are being prepared for the same ability.

Executive Director Watts suggested talking to Commissioner Sloss and the Administrative Office of the Courts to understand what they are doing. She also noted that our legal staff will be tasked with reviewing what if anything THRC can do moving forward.

Commissioner Crider asked how many of the copy requests are received from the complainants and how many are received from attorneys. Executive Assistant Lisa Lancaster noted that it is very common that complainants and attorneys on both sides request copies especially if they have filed in court. Executive Director Watts noted that many times the entire file is requested by attorneys. Also the number of requests for the past year is less than in other years. After receiving a Right to Sue letter from EEOC requests usually come from both sides.

Commission Crider asked about notifying attorneys that the files are available to them for their review anytime. Associate General Counsel Jesse Harbison stated that there is confidential information contained in the files and that would have the file would have to be redacted before reviewing the files. Not redacting that information would violate confidentiality laws in the state.

Commissioner Sloss noted that even if you are a party to the case there is information that is confidential that must be redacted such as employee social security numbers, home addresses and telephone numbers. These cannot be shared even with the

complainant or their attorney. The confidentiality clause is included in our law and would require a legislative change to amend it. We are consistent with the EEOC on this issue.

Executive Director Watts presented the Administrative oversight issues that are being reviewed and updated such as Standard Operating Procedures and Budget Strategy. A review of our website and H Drive for timely updates and consistency of information shared. DOHR has a new onboarding strategy for new staff and we will be utilizing their training programs and leadership programs that are online as well as in person classes that will benefit our staff. Because we do not have a Human Resource person or finance person we have a MOU with DOHR for HR issues and an arrangement with Finance and Admirations for budget support. We need to review what our MOU does or does cover.

We currently have 5 staff mediators which is down from the 9 previously on board. We are reviewing our investigative procedures and looking at negotiated contract case numbers from EEOC. We plan to reduce employment investigative days by 20%. We continue to meet 10 day standard for investigative plans and developing a plan to utilize experienced staff and provide ongoing staff training programs. We will conduct quarterly training including video training for employment staff. Executive staff and attorneys will be conducting ongoing training for staff quarterly going forward.

Enforcement goals for housing will be to exceed the target of 100 dual filed cases by 10% and we closed 53% of those in 100 days or less. We will continue to meet the 10 day notification that is in our statute and will continue working to meet the HUD standard of having no more than 95% of our cases in an aged status. We will provide ongoing training for housing staff quarterly.

Commissioner Crider asked why it would benefit THRC to exceed 100 dual filed cases. Executive Director Watts noted that was the revenue related as housing cases are paid at \$2,800 each so the more cases the more revenue.

Commissioner Crafton asked if we could contract the backlogged cases out to law students. Executive Director Watts responded that the money that is brought in covers staff salaries. She noted that once we had over 700 cases in inventory when we were contracting out for investigation. We have not had contract investigators since 2008 due to the drop in inventory. Our current inventory in employment is about 300 which equals 20 to 25 cases per investigator per year.

We still have aged cases but we did a report that showed where we were 10 years ago and it showed a decline in inventory. Our intake is better than it has ever been. All agencies across the country from 2000 to 2008 took every complaint that came in and now complaints are scrubbed while they are in intake and this was required by HUD and EEOC which has resulted in the lower inventory of cases.

Hiring contract investigators has come up before and the bottom line is that we do not have enough case inventory to do that. At the next meeting let me provide a report to

show on this issue. It would require a lot of resources to be able to hire contract investigators as they would have to be trained and there would only be a few cases.

Commissioner Sloss asked about the juxtaposition of aged cases and low inventory. Executive Director Watts explained that aged cases result from staff having a variety of duties, vacancies and other factors. Commissioner Crafton noted that the money issue is that the agency would get more money if the cases were subcontracted out once you got them trained. If we receive \$2,800 per housing case and we pay the investigator \$1K to work the case then THRC would net \$2K and would only expend marginal cost and benefits for the contractor.

Executive Director Watts asked if she could prepare the information that is being requested into a chart for Commissioners at the next meeting. As an example if there are 300 employment cases in inventory and we have nine investigators and the percentage of money coming in pays part of their salary then there is no money to pay for contractors. We are talking with EEOC about sending us additional cases for our inventory.

A report will be laid out on a chart for commissioners which will show a visual example to help explain it and help you to see what the results are. This is 2017 and we are better at intake and not as many cases are coming through the door as they were back then. We do a great job with employers and housing providers in educating them on what they can do and what they cannot do.

We can also show you how many aged cases we have and where they are and a lot of the aged cases are THRC cases which means 8 employees or less and we don't get paid for those and sometimes staff does not give them as much attention as they should. We are reviewing these issues as well.

Commissioner Crafton noted that he just could not understand the issue of lots of aged cases and not enough people to do them and then we have too many cases that are aged but don't have enough cases to contract them out.

The chart will reflect aging cases under THRA and those under the other and if the chart does not answer your questions we will come prepared to fill in numbers that Commissioners might ask about.

Chair Houston noted that this would be available at the September Commission meeting. Executive Director Watts said yes that it will help to explain the inventory numbers. Commissioner Sloss asked if both HUD and EEOC required a more thorough job on the intake process which may indicate that they have limited funds and may cut additional funds to us so are we maximizing the funds that are available. If we are not then we should be doing everything possible to get as many people as we can processing cases. Are we hitting the threshold of what is available from HUD and EEOC?

Executive Director Watts noted that HUD does not set a goal of how many cases we can process and that is why we closed 112 housing cases this year. And we also had five full time investigators in housing to process those cases. We had so many staff vacancies is the reason why we had so many aged cases and the staff has worked to reduce the aged cases and only have a few left to process.

Executive Director Watts will provide the discussed chart and the ten year report that will be updated to include the most recent inventory information. At the time we contracted investigators we had 700 cases in inventory. Our current case inventory is 300 cases and we have 9 investigators and this does not allow for contracting out. We have even decreased the number of cases investigators must close quarterly but if the cases do not come in the front door these things don't matter.

If the inventory ever goes up we will need to look at that and present the commission with recommendations on how we will adjust staffing as necessary. Commissioner Martin noted that having a visual will be helpful.

In Title VI the annual training is coming up and implementation plans are due on October 1. Currently this unit only has two staff members but we plan to advertise for the Title VI Director position.

The charts and documents we have talked about today will be sent to all commissioners in advance and we will have available the computer so we can access the databases to answer your questions.

Commissioner Crider expressed his desire to do a good job and be helpful to the staff. He asked what commissioners can do to help and how will they know if the agency is being successful and moving in the right direction? I need to know what numbers should be going in which directions.

Commissioner Derryberry thought that it might be helpful if we could compare ourselves to other states to see if there are trends that are specific to Tennessee or the south or how do we rank against other states. Commissioner Martin asked what the matrix is and what are we shooting for.

Executive Director Watts explained that she would see if a representative from EEOC and HUD would be available to come to our September meeting since they look at our performance and they review us. In states where the law is comparable to ours with 8 employees or more, data is available to compare which includes Kentucky. Because states utilize both HUD and EEOC as a revenue source views become myopic. A review of our case data regarding aged cases, will be presented and clarify which are THRC only cases, other items and details. It will give an idea of how we are being reviewed from the outside, where we are on the inside and provide our recommendations moving forward.

It was noted that Commissioners questions are relevant and being able to help commissioners understand the process is the biggest job, to make sure that you can ask the right questions and get the right answers and assess us where we are. Commissioner Crider thanked Executive Director Watts for assisting in the learning process for commissioners.

Commissioner Derryberry noted that commissioners were all appointed by someone in the Legislature and communication with them to inform them of what we are seeing and how to be helpful. There was a conversation with a state legislator yesterday and I had a discussion about the Human Rights Commission which ended with a request to keep him posted and tell him what you see and hear. That is what is incumbent for commissioners to report to legislators when THRC staff requires more funds or new regulations put into law to make their jobs easier, commissioners can be the missionaries for that work.

Executive Director Watts reiterated that she will see if EEOC and HUD can send a representative to explain to the commission how they review us which will give you the standard. Commissioner Derryberry also noted that it might be helpful for those representatives to see that this commission is very involved and wants to do a good job and that we care about what is going on with this agency.

Executive Director Watts noted that she will come back to the Commission in September with goals and objectives for the year. Adding that we have contracts with EEOC and HUD that have goals which are important information for commissioners to have and also if we are meeting the goals or not. If not, the question is why.

Closing 100 or more cases in housing was a goal we did not think we could reach because last year we closed 80 which shows that with three new staff it was possible. A video staff conference will bring staff together and get them involved in helping with the process. We ask the question are we doing things the right way and Commissioners Crafton and Sloss are saying what we are doing and why we are not doing it this way. The question needs to be what the best thing to do is. The obligation is to tell you where we are, what we have done and what our goals look like. Which ones have we met this year and what the goals do we have moving forward?

The EEOC contract will not be any higher than last year given the staff we have on board. We have fewer mediators so the training cost of \$5K to train 5 more staff which pays in the long run is a goal for us moving forward. It is important for commissioners to have this information and know what we are working on and I will keep you informed.

Chair Houston noted if commissioners have additional questions they should send those to Executive Director Watts and carbon copy her so that she can follow up and track the information coming back to the commission.

The meeting was turned over to Allen Staley. It was noted that a copy of the budget document that was handed out will be scanned to Commissioner Crafton who is on the

phone. The power point slide shows the high level summary of the handout. We will close with some savings and applaud the case teams particularly the HUD team for bringing up the revenues. The number shown is a projected number and may be higher. In the 2017 closing process which will continue through the first part of September.

Based on the volume we anticipate a savings. Budgeted expenditures are \$2,603.700 and anticipated expenditures \$2,316.619.56 which means we stayed within our budget at 89%. Personnel and operational savings are the main categories mainly personnel because of vacancies where 87% was spent and in operational where almost all was spent. THRC has a very lean budget especially regarding operational dollars. State appropriated dollars came in at 98% leaving a savings of \$38K and could be higher. We can carry forward funds up to \$200K from year to year. Currently there is \$169K in our carry forward and with the additional \$38K our total will be almost \$200K. Looking at anticipated federal dollars of \$530K and other revenue (which is copy fees and ELS funds) is \$33K.

Regarding the JV process it was noted that a lot of the ELS attendees were state workers which are billed through the JV process but is complicated by the \$1K limit to bill via JV. It is necessary to track registrants and agencies billing via JV and bill them when they reach the threshold of \$1K. Which means we have outstanding balances, sometimes for several years and do not receive the funds until the agency threshold is met? The amount billed this year was \$14K and is listed under line item Interdepartmental on the budget sheet which leaves \$31K in the ELS reserve fund. These funds can be carried forward from year to year. Executive Director Watts noted that those funds are limited to ELS and we plan to ask if we can use those funds for education and outreach and other projects. The JV process is not an automated process like our checking accounts governed by Finance and Administration. Agencies have asked for the limit to be lowered for years and F & A has said no. So we continue to track the agencies that still owe us money and as the totals reach \$1K we will bill.

Commissioner Sloss asked what it would take to help correct this process like maybe a change in our rules or statute. Executive Director Watts noted that this is an F & A issue. Allen Staley noted that the JV process is an F & A Accounting policy and they have authority to promulgate these polices that agencies have to follow. The thinking behind this policy was that there were so many billings happening between agencies that were small amounts that it was not cost beneficial to do them. The information has to be entered into the system for each transaction which is time consuming. The process of tracking the ELS JV billing very cumbersome and is not efficient and he would like to see an end of the year process where agencies could process any outstanding vouchers to clear the account. Chair Houston noted that this is a statewide problem.

Commissioner Sloss asked if the \$15K in operational savings will revert back to the general fund. Allen Staley noted that the amount is included in the overall savings and will go into the carryforward amount before it will return to the general fund. Followup question is how we access those carryforward funds. Allen Staley noted that fund is

used for the end of the year closing as an insurance that we will be able to close. If case processing revenue is not sufficient and we go over budget then we can access the carryforward to close. It is like a rainy day fund and can only be used if it is raining.

Commissioner Sloss noted that the agency gets no points for saving money so we should spend it. We could have bought something with that \$15K. Allen Staley noted that not knowing what the case revenue will be until mid-August and by that time all expenditures are completed. Commissioner Martin noted that with the carryforward we know we will not go over budget.

Executive Director Watts noted that one of the responsibilities of Special Assistant to the Executive Director, Lynn Cothren, is to review the budget on a monthly basis with Allen Staley to provide me an ongoing status report. Also Executive Assistant Lisa Lancaster is in this process since she pays the bills. This should help all us know where we on spending on a regular basis.

While it is not a problem to use carryforward funds to close the year, they will ask questions about why the agency spending went into the red? Commissioner Derryberry noted that government does not act like a business. Commissioner Sloss suggested that F & A needs to fix the system that provided inaccurate numbers on two different days. Executive Director Watts explained that when the amount reaches \$150K that is as low as she is willing to let it get because that would lower our carryforward for the next year. This is the cut off agreed upon by her and Allen Staley. It was shared that when the agency is fully staffed the budget will be extremely tight and the carryforward funds might have to come into play. Allen Staley stated that for the fiscal year 2017 the closing looks good to be able to close and have no issues. Budget season for 2019 will be starting in September and every year we have to identify a certain percentage of reductions. These reductions may or may not happen but still have to be identified. The budget will be due on October 1, 2017.

Executive Director Watts explained that the Budget and Audit Committee will need to meet and review the proposed budget and make a recommendation to the board on whether to accept the proposed budget.

Commissioner Sloss made a motion to accept the Executive Directors report and Commissioner Crider seconded the motion. A vote was taken and passed.

Housing Case Report

Housing Coordinator, Saadia Williams reported on the period of May 1, 2017 to June 30, 2017 noting that there were 99 inquiries which resulted in 43 complaints being accepted for investigation. Disability remains the number one bases followed by race. During the period 19 dual filed complaints closed and ten (10) of those or 53% were no cause; eight (8) or 42% were conciliations; and one (1) or 5% was a withdrawal with resolution.

For the fiscal year ending June 30, 2017 for conciliations and mediations monetary benefits were in excess of \$63K and closed 112 complaints for the year. We have three closures pending review. This is a significant increase from the previous year when we closed 80. We continue to meet the audit finding of timing milestones.

The housing unit tremendously appreciates the work that the cross-trained investigators have done and also Deputy Director Hooper and Associate General Counsel Harbison for the work they did along with prior counsel. Without them the housing unit would not have been as successful as they were.

Two staff members will be leaving THRC employment. Zachery Fullerton will leave on July 31, 2017 and Ronda Webb-Stewart will leave on August 4, 2017. We appreciate they work they have done.

Commissioner Derryberry asked if they were leaving due to financial reasons. It was noted that one will be earning in the mid \$40's and the other is leaving for personal reasons.

Commissioner Sloss asked what the salary of an investigator is and was told \$32K. Executive Director Watts noted most larger counties and cities pay more than the state for the same positions and this is the group that just received the 4% raise.

Commissioner Crider asked how are we to know if someone just quits or we have run them off. Executive Director Watts explained that THRC conducts exit interviews and we assume they would tell us the truth. The important question is whether or not we created an environment that caused their decision and we ask that in the exit interview.

Commissioner Crider noted that if someone quits they just leave but if someone is terminated there are concerns about liabilities. Commissioner Martin asked if we train staff to conduct exit interviews. Executive Director Watts noted that we do.

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

Employment Case Report

Deputy Director, Sabrina Hooper reporting on the period from May 1, 2017 to June 30, 2017 noted that 98 inquiries were received resulting in 71 charges, 65 dual filed and 6 THRC only. During the period 44 charges were closed with an average charge age of 386 days of investigation. Our open inventory at the end of June 2017 was 227 cases.

Two (2) mediations closed within this timeframe, resulting in \$10,750 in monetary benefits to the Complainant and six (6) complaints closed as settlements with \$3,200 in monetary benefits to the complainants. As of July 1, 2016 we have conducted twenty-seven (27) mediations where sixteen respondents were represented by attorneys and three complainants were represented.

Comparing the years we noted no change in charges received and a 19% increase in charges accepted due to 2.5 staff working intake. Complaints closed were relatively the same as cases closed last year for the timeframe. Title VII cases are the top category of cases closed. Employment investigators and reviewers continue to close as many cases as possible before August 25, 2017 to close the contract period which ends on September 30, 2017 this will allow 30 days for the reconsideration period.

Of the witness customer service surveys for employment, public accommodation and housing staff placed 104 calls and 26 witnesses were interviewed. Most responses to the questions were strongly agreed and agree.

For the ten questions survey 306 surveys were sent out and 40 were returned with an additional 20 from returned via Survey Monkey. Most of the responses were strongly agreed and agree. For both surveys there were no new comments for the period. Commissioner Sloss noted that we accepted 71 new complaints for the reporting period and looking at the report for fiscal year July 1, 2016 June 30, 2017 we have a total of 289 accepted, is that correct for the year. Deputy Director Hooper noted that the employment report does not reflect the totals for the end of the year totals but that number was included in the work plan that was shared earlier.

Commissioner Sloss asked if it was incorrect to extrapolate out of the 71 charges over a two month period multiplying that times 6 there would be a big drop off somewhere. Executive Director Watts explained that if you look at our reports it shows the number that we get in those time periods and it is not always 71; it can be more or less. Staff can prepare a monthly and a 12 month visual review of that data for you and include it in the monthly reports for commissioners.

Commissioner Sloss would like to see if there are months where there are peaks and valleys. Executive Director Watts noted that if there is a discrimination issue in the press that we get an uptick in calls and usually in January there is an increase due to the end of temporary jobs from the retail holiday period. We can include these trends in that report in September.

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

Title VI Compliance Report

Executive Director Watts reported on the Annual Title VI Training event which is August 2, 2017 for Department heads which begins at 9:30 am and investigation training and implementation plans for coordinators and updates in the afternoon session. Commissioners are invited to attend. Report cards will be sent out and there are eight agencies that have deficiencies in complaint processing and that means that they have cases over ninety days old.

Executive Director Watts noted that on July 31 she will be meeting with the planning team for the International Human Rights Day in Chattanooga and then with folks about

Fair Housing Month activities. Commissioner Derryberry asked if commissioners could be notified when the Executive Director is in their areas so that they could accompany her and offer support. Information will be emailed to commissioners to notify them of her presence in their areas.

Chair Houston noted that Commissioner Crider asked how can we help or assist staff in making this commission successful and events are held in Nashville and are open to any commissioner that is able to attend and staff needs Commissioner support so these events will be sent out by Chair Houston to all commissioners.

Executive Director Watts noted that the Title VI training will be in the Multi Media room on the 3rd floor of this building. It was explained that the department heads session will last about an hour from 8:30 to 9:30 a.m. and the new coordinator training is the basics and in the afternoon will be investigation training and implementation plans. If commissioners would like to attend please let us know and we will make arrangements for a room and take care of that for you. Commissioner Crider noted that he was interested in attending this session. Commissioner Derryberry shared that the Chattanooga Multi-Cultural Affairs department sends their calendar events to Erika Wynn to assist with distribution of event notices to help them get the word out.

Executive Director Watts noted that the Title VI Director executive service position will be advertised in the next two weeks and will share with Commissioners. It is hoped the position will be filled by September 15, 2017.

Commissioner Martin made a motion to accept the Title VI Compliance report. Commissioner Derryberry seconded the motion. A vote was taken and passed.

Legal Report

Associate General Counsel, Jesse Harbison reported on the time period of May 30, 2017 to June 30, 2017, as there was no legal staff for the month of May. During that period, legal closed five employment cases and sixteen housing cases, and caused two housing cases. There were two reconsiderations completed — one in housing and one in employment — and staff processed five copy requests, leaving four in inventory.

In the *Holsey v. Coffee County* case, Chancellor Bonnyman dismissed the Respondent's petition for judicial review; we are working with the Attorney General's office to file a petition for enforcement of the administrative judgment. The judgment included money damages to Mr. Holsey, and a judgment in favor of THRC for fees and outreach and education funds in the amount of \$3610.00. That petition will be filed as soon as the required review is completed and could be filed today or early next week.

There are three open employment cases that have been caused; one is set for hearing in October, and one will be heard in December. Of the seven housing cases that have been caused, one is set for hearing in January of 2018. The other cases are in varying stages of conciliation or consultation with the judge to get them set. Commissioner Sloss asked for a quick rundown on the individual cases.

Regarding the caused employment cases, one is a race discrimination case based on racial slurs and is set for hearing in October. There is also a retaliation case where the employee was terminated two days after filing a sexual harassment complaint, and the employee has a recording of the employer stating that he was firing her because she filed a discrimination complaint; that case is set for hearing in December.

Regarding the caused housing cases, one is a disability case which is not set for hearing where the housing provider made discriminatory statements to the complainant based on their disability. There is also a companion animal case where the housing provider tried to evict the tenant because of their companion dog; that case is set for hearing in January 2018.

We also have a case where the tenant made an accommodation request to have her trash can outside her door and the respondent's attorney exercised their right to have the case heard in court and this case is with the Attorney General's office and we are working to have the case mediated so the case may settle. The complainant is represented and they are working with her to assist with valuation of her case.

Another case is about respondents not renting to people with children and all parties have agreed to conciliate. Another case is where a complainant suffered a stroke and made an accommodation request to be released from his lease a couple weeks early and the respondent denied the request and said he did not have a disability and no mobility issues. Staff is working to determine if the parties would like to conciliate and if not we will move to set a hearing.

The last case is a service animal case regarding a reasonable accommodation request for an emotional support animal and the respondent denied the request. One animal was for PTSD and her medical provider said that both animals were necessary. The respondent said the animals were aggressive but had no allegations to back up their claims. Staff are attempting to conciliate and if not it will be set for hearing.

Chair Houston noted that they have received requests for emotional support animals to have their own emotional support animals.

Commissioner Sloss made a motion to approve the Legal report and Commissioner Derryberry seconded the motion. A vote was taken and passed.

Executive Director Watts announced that she will be giving a one and a half hour presentation at the Legal Services conference in Murfreesboro on August 30-31, and the topic is Service Animals in Housing. Times and dates will be shared with commissioners in case they would like to attend.

Communications Report

Communications Director, Erika Wynn reported on the period from May 1, 2017 to June 30, 2017 when there were 25 total events. There were 4 exhibits and 4 speaking

engagements and for the period we reached 4,579 people through events and we reached 15,937 people through programs and social media.

For the fiscal year our total events were 117 and people reached were 765K. This number has jumped a lot due to advertising on social media for the Employment Law Seminar and the West Tennessee Fair Housing Celebration in April and there were several radio ads.

Commissioner Derryberry asked what type of media buy was done for social media and the amount. For the Fair Housing Celebration it was monetary in the amount of \$100 and reached about 4K people and the ELS ad ran for part of May and all of June and the ad reached 15K people.

Commission Crider had to leave to attend another meeting and excused himself from the meeting.

Executive Director Watts made a presentation to the TN Department of Education on Diversity and Inclusion on May 22, 2017 which reached 80 people and a follow-up presentation with a smaller group on the same topic. The Fair Housing Accessibility Design and Construction training was held at the Goodwill Training Center and was attended by 65 people from the construction field and THRC partnered with a group out of Chicago and admission was free.

Also in June Executive Director Watts and Erika Wynn attended a meeting with Nashville Ballet who agreed to start a community partnership with us beginning 2018 on the Light/Holocaust Humanity Project and THRC will assist in contacting other Human Rights organizations to assist with the project.

Executive Director Watts noted that it was around hate and was originally created in Austin Texas and the Nashville Ballet decided to do this so will be an actual ballet performance based on the Austin Texas piece but the precursor events will be talking about hate and issues around Holocaust and similar issues that we're facing today with a discussion with individuals across the board and we will be helping to do that.

This is a new and unique way to get our message out to different organizations and expand that and we are looking forward to that. The Employment Law Seminar was held on June 22, 2017 at Trevecca University. Lauren Speer did a lot of the work for this event and there were 186 people that attended and our event survey evaluations were positive towards speakers and the new venue.

The Face Book ad was used to advertise the Employment Law Seminar and reached 15K people and it had 200 link clicks to the registration site. There was also an ad placed in the CABLE Power of Inclusion award booklet and 300 people attended that event.

The Education and Outreach committee will need to meet to review the agency Annual Report and Lauren Speer is working on the Title VI Annual Report and both will be presented at the September meeting. We are working on new partnerships with the Nashville Ballet and in 2018 the Fair Housing Act will celebrate its 50 Year Anniversary which is a significant time for the Fair Housing Month of April.

We have met with Civil Rights Museum in Memphis and will be partnering with them and the West TN Fair Housing Celebration will be at this venue. Executive Director Watts will be meeting with Chattanooga area people to finalize the location and participants for that Fair Housing Month event.

Executive Director Watts noted that there will be a Fair Housing event in every major city in the state for Fair Housing Month in 2018. Partners for the Memphis event will be West Tennessee Legal Services as in the past and others we are attempting to identify.

In addition to the Title VI training on August 2, 2017 we have several other events and exhibits where our materials will be distributed over the coming months. A calendar of events will be sent to Commissioners detailing those events.

THRC has purchased a new camera to document our events with and have a newly designed template for power point presentations and materials we share and distribute so that they reflect our brand. Commissioner Derryberry asked if the Annual Report will be posted on the website and it will be posted after the September meeting when it is released.

Executive Director Watts noted that our Annual Report is available digitally and in special requests we will print it but we have not provided it in printed form for the last seven years but for events we do provide a printed card giving instructions on how to access the report online.

Commissioner Derryberry made a motion to accept the Communications report and it was seconded by Commissioner Sloss. A vote was taken and passed.

Chair Houston reminded the Commission that the next board meeting will be in person on September 15, 2017.

Chair Houston adjourned the meeting at 11:10 a.m. CDT.