



TENNESSEE HUMAN RIGHTS COMMISSION
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January 22, 2016
Telephonic Board of Commissioners'
Meeting Minutes

Commissioners Present:

Commissioner Crafton
Commissioner Horne
Chair Houston
Commissioner Martin
Commissioner Selberg
Commissioner Sloss

Commissioners Absent:

Commissioner Derryberry
Commissioner White

Staff Present:

Beverly Watts, Executive Director
Sabrina Hooper, Deputy Director
Matthew Stephenson, Title VI Compliance Director
Shalini Rose, General Counsel
Saadia Williams, Housing Coordinator
Lisa Lancaster, Executive Assistant

Guests:

None

Call to Order

Chair Houston called the meeting to order at 9:07 a.m. and asked for a moment of silence. Executive Assistant, Lisa Lancaster, called the roll. The minutes of the November 20, 2015 Board of Commissioners meeting were reviewed, and Commissioner Sloss made a motion to approve and Commissioner Selberg seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Watts reported that Saadia Williams was selected as housing Coordinator effective January 1, 2016. She also noted that Richard Gadzekpo will remain on staff until March 31, 2016 to assist with housing investigations. Vee Cooper was hired as an investigator in December but Scott Luckadoo who was scheduled to begin in January has accepted another position at a larger salary. This leaves two investigator positions open in the housing office. Interviews will be scheduled for January.

Executive Director Watts indicated there were other staff vacancies which include the regional coordinator in the Memphis office who will be out for an indefinite period of time while the other Memphis staff member has just returned after being out for 8 weeks. Two other staff have either resigned or will retire. The Title IV Compliance Officer resigned effective the end of January and the intake supervisor has announced her retirement but has agreed to stay until April. The special assistant to the executive director is projected to be filled in February.

Some of the vacancies could have an impact on our budget because our two federal contracts bring in close to \$500k from HUD and EEOC. We are currently under the mid-year closure goals for our housing contract and employment contracts. This may affect our budget beginning July 1, 2016. Budget hearings are scheduled for February 12, 2016 at 12:30 p.m. in the House State Government and March 2, 2016 at 9:30 a.m. in Senate State and Local. If any commissioners would like to attend the hearings just let us know and we can make arrangements for that. The Senate Finance Ways and Means has not been set. We have just received our Senate Questions which are due February 4, 2016.

Our budget is very tight this year and we are looking at delaying filling positions that do not help meet the contract goals to help with possible shortages. We are also looking at cross training to assist with meeting contracts. In the budget year beginning July 1, 2016 we are asking for an additional \$78K to allow for salary raises. We are hopeful that with the surplus in the state budget that we might be granted our request.

In the Holsey case the Coffee County Sheriff's office filed an appeal and requested a stay which this body needs to approve. General Counsel Rose noted that Coffee County appealed it to Chancery Court and filed a motion to stay the judgment that this board awarded. This board will have to decide if they are going to grant that motion. The AG's Office suggested that you go ahead and grant that motion and then the Chair will just have to sign the order. The documents will be sent to Chair Houston for signature if the body approves the stay.

Commissioner Sloss noted it makes sense for the award to be stayed until we have an opportunity to hear the appeal. Since Coffee County appealed to Chancery Court the AG's office will be handling it if the board decides to grant the motion which is standard in most cases.

Commissioner Selberg made a motion to grant the stay and Commissioner Crafton seconded the motion. A vote was taken and passed.

Commissioner Sloss noted that this matter is being taken out of the boards hands and will be heard in Chancery Court in Davidson County. Updates will be given to the board as information is received.

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

Employment Case Report

Deputy Director, Sabrina Hooper, reported on the period November 1, 2015 to December 31, 2015. During this time we received 102 inquiries, which resulted in 54 charges being accepted for investigation 32 dual filed and 22 THRC only. There were 27 cases closed with an average age of 233 days of investigation. Our open inventory at the end of December 2015 was 272 cases.

In this reporting period, we became aware of complaint forms that were sent out with the old office address. These were not being returned to us for processing. On December 8, 2015 we resent complaint forms to 639 persons who requested forms over the last six months. Executive Director Watts added a cover letter, and to date, we have received 40 letters returned with a new forwarding address. Of those resent, two came back with no forwarding address, 36 came back marked undeliverable, and 12 responded that they had already filed with us. One new complaint came in, but was not jurisdictional. There are 548 letters still out and staff is continuing to follow-up with phone calls.

We also had four mediations that closed and \$16,000 in benefits to the complainants. Two settlements closed with \$18,000 in benefits to the complainants.

In comparison to last year, we received 92 inquiries resulting in 51 accepted for investigation and closed forty cases.

For the two-month timeframe, employment was unable to meet its closure goals, as the current inventory is relatively new cases. The review staff had cases to close; however, they were involved with filling the vacant positions and other administrative duties. Bridget Cartier came on as an employment investigator on December 7, 2015. Her hire, in addition to staff returning from extended leave, should improve our closure numbers.

In the witness survey for employment, public accommodations, and housing from July 1, 2015 to December 31, 2015, we placed 54 phone calls and completed 13 interviews. There were no new comments.

Approximately 294 surveys were sent and 21 were returned. Most of the responses were positive, noting that they strongly agreed and agreed; with two complainants and one respondent indicating that they would refer others to our agency. Three respondents also commented that the investigators were professional. One complainant felt they did not receive timely updates; two complainants and one respondent felt that the correspondence was not easy to understand; and four complainants were not satisfied with the results of their cases.

One hundred sixty six surveys were sent via Survey Monkey and eight were returned. More than 90 % of the responses were positive including one respondent comment noting the investigator was professional. An additional comment from one respondent stated they wanted better communication.

Commissioner Sloss asked if the decline in new case filings was a nationwide trend. Deputy Director Hooper noted that the EEOC's inventory also is down. There is no defined

answer as to the reason for the downward trend, but the THRC is following up on every caller that requests a complaint to encourage them to return it to us.

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

Housing Case Report

Saadia Williams' report covered the November 1, 2015 to December 31, 2015 time frame noting that there were 40 inquiries resulting in 12 complaints accepted for investigation. Shelby County was the top producer with 3 complaints received and disability was the number one basis followed by race and familial status.

Eleven dual filed cases were closed with eight or 73% being administrative conciliations case closures. In comparison to last year case processing has improved and inquiries received and accepted and case closures showed a decrease. A further comparison shows that benefits received increased from \$8,700 in 2014 to \$19,300 in 2015.

The HUD efficiency goal stands at 48% and last year we were at 67% and there are currently 2 housing vacancies.

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

Title VI Compliance Report

Matthew Stephenson reported on the November 1, 2015 to December 31, 2015 timeframe during which 58 inquiries were received, 21 of which were accepted for investigation and all came from the Department of Corrections. Eleven cases were closed during the period leaving 28 in open inventory to include 26 in Corrections, 1 at Education and 1 in Board of Regents.

There were no requests for training or technical assistance but a training session was conducted in cooperation with DOHR and Leslie Farmer on November 30, 2015 on Title VI investigations for twenty investigators from various state agencies. This will probably be repeated throughout the year.

Implementation plans are completed and we will close with 98% compliance due to Department of Safety's plan coming in late. Our new accelerated compliance review schedule will begin with THRC next week.

A motion was made to accept the Title VI report by Commissioner Crafton and seconded by Commissioner Sloss. A vote was taken and passed.

Legal Report

General Counsel, Shalini Rose reported on the November 1, 2015 to December 31, 2015 period. Legal closed 27 employment cases. Seven were administrative closures and eight were settlements and in housing, we closed 10 cases, three were administrative

closures and four were conciliations or settlements. We completed 3 copy requests and have three cases in inventory.

Our intern from Vanderbilt University last semester has returned and is working two days a week. Her presence is very helpful as the legislature started up on Tuesday and the last day to file bills was yesterday.

The reasonable accommodation bill that Senator Dickerson is sponsoring in the Senate and Senator Shaw is sponsoring in the House has been filed. The bill will add reasonable accommodations for persons with disabilities and will apply to employers that have 15 or more employees. In the past we have had to transfer these cases to EEOC for investigation, and under this bill, we would be able to keep those cases, and it could impact our budget positively by up to \$50K per year in federal funding.

Another bill regarding the election of remedies has been filed by Rep Shaw and Sen Tate. It's a procedural bill in our housing law regarding the ability to go to court (election of remedies) when a cause case is issued. HUD has requested that this part of our law be changed. It removes the 90 day from the date a complaint is filed requirement from our law. We will provide a spreadsheet at the next meeting which shows all the bills we are tracking and where they are.

The Coffee county case appeal that was talked about at the start of the meeting was filed on January 19, 2016 and the AG's office will handle it. The Commission initiated case where ads were placed on FaceBook that were possibly discriminatory toward those with disabilities has reached an agreement but they have not signed it. If they don't sign by the end of the month we will declare it an impasse and continue forward with the investigation.

We have a partnership with the UT Law Class to make our complaint form accessible and online, and they are continuing to work on it this semester and we will keep you updated. Chair Houston's office will work with the documents to ensure it is compliant and accessible for people with disabilities.

General Counsel Rose and Rachel Appelt both attended 2 trainings in November and 2 in December.

With regard to the cause case update, they are all in housing. The first case is a disability case about failure to grant a reasonable accommodation where the tenant requested a first floor apartment due to mobility impairment. The respondent did not grant her request and also required the requests be in writing which is not compliant with the law. It has settled for \$7,500 for the complainant; \$1,500 for THRC Education and Outreach and all employees will be trained and we will review their Reasonable Accommodation policy.

The second case involves failure to grant a reasonable accommodation asking that the landlord change the date that complainant's rent was due so as to avoid being charged late fees because she did not receive her social security check until after the date that late fees were charged. She always paid her rent in full. The respondent would not grant the accommodation requested. She also needed a THDA form filled out to get her voucher

but he told her that he would not fill it out unless she "got THRC off his back." He then gave her a notice to vacate. We caused it for the accommodation and retaliation issues. A hearing is set for January 22, 2016 In Jackson TN and the Respondents attorney has requested a continuance while the parties work on a settlement.

The third housing case is also a failure to grant a reasonable accommodation for two support animals that was caused in June. One animal was a dog and the other was a snake, and Complainant had a doctor's statement stating her need for the animals. The respondent denied her request for the snake but approved her request for the support dog.

Per our investigation we felt she had shown a need for both animals and the respondent should not have denied her request based on his own stereotypes of the animal. Set for a hearing on May 11 & 12, 2016 in Knoxville.

Commissioner Crafton asked if we can charge Respondent administrative fees as part of the settlements. General Counsel noted that we could by our statute but it is a fine line and Education and Outreach funds help the public. Commissioner Crafton noted that we should have a discussion about setting a standard to charge fees for administrative costs.

Executive Director Watts offered to contact colleagues across the county to find out what they are doing. The legislature is looking at whether governments should be charging for anything such as copies and transparent government issues and that is coming up this session.

Commissioner Crafton noted that even if it is not happening across the country he has no problem with THRC being the first to address it issue. It was noted by General Counsel Rose that any charges must be identified in our rules which would require us to amend our rules.

Executive Director Watts noted she would bring information to the board at the March meeting for discussion.

Commissioner Martin made a motion accept the Legal report. It was seconded by Commissioner Selberg. A vote was taken and passed.

Communications Report

Executive Director Watts reported on Communications for the period November 1, 2015 to December 31, 2015. The staff participated in two education and outreach exhibits, four speaking events for a total of four education and outreach events. During this time THRC reached over 1,159 people. The total number of events for the year is 62 events with a total reach of 15,648 people. Two advertisements were placed for the period.

I spoke at the Wimberly Lawson Employment Law Seminar on November 6, 2015 with EEOC Nashville staff. We reached 700 individuals. We also attended the Middle TN SHRM Diversity Seminar on November 18 where I made a presentation reaching 200. Frank Guzman staffed a booth at this event. We will continue to participate in these events next year.

Saadia Williams made a presentation at the Knoxville Mayors Landlord Summit reaching 109. We also participated in International Human Rights Day where I served as the MC of the program which was taped by Metro Channel 3 and aired on Comcast for a week. Southern Word made two presentations and Frances Guess was honored by the group. Former Chair Wiggins made remarks and his daughter Maria accepted the award. Lifetime achievements awards were presented to Kwame Lillard one of the Freedom Rider from TSU and Bernard Werthan of Werthan Bag. The event was attended by 150 people.

There were 8,814 views of our website with 3,838 being two minutes or longer. We have 33 new users on Facebook and we will have more information on our Twitter account at the March meeting. On YouTube we had 217 views.

Our Annual Report is back at University of Tennessee Disability office for a review regarding accessibility and to make any corrections that are necessary. We had one opinion article in the Tennessean on the International Human Rights Day event.

General Counsel Rose noted that Executive Director Watts has been nominated for the ATHENA Award by the YWCA of Middle Tennessee which will be held on March 31, 2016. Commissioner Selberg congratulated her on the nomination.

Commissioner Selberg made a motion to accept the Communications report. Commissioner Crafton seconded the motion. A vote was taken and passed.

The next Commission meeting will be March 11, 2016 is scheduled which is in person. Commissioner Crafton made a motion to adjourn and Commissioner Martin seconded the motion. A vote was taken and passed. The meeting was adjourned at 9:59 a.m. CDT.