



TENNESSEE HUMAN RIGHTS COMMISSION
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November 15, 2019
Board of Commissioners'
Meeting Minutes

Commissioners Present:

Commissioner Arnwine (Phone)
Commissioner Behler (Phone)
Commissioner Crider (Phone)
Commissioner Crafton (Phone)
Chair Derryberry (Phone)
Commissioner Houston (Phone)
Commissioner Martin (Phone)
Commissioner Sloss (Phone)

Commissioners Absent:

1 vacancy

Staff Present:

Beverly L. Watts, Executive Director
Sabrina Hooper, Deputy Director
Veronica McGraw, Communications Director
Lynn Cothren, Special Assistant to the Executive Director
Will Wade, Associate General Counsel
Tanya Webster, Title VI Compliance Director
Lisa Lancaster, Executive Assistant
Gretchen Reese, Compliance Officer

Guests:

Allen Staley, Fiscal Officer (Phone)
James Richey, Centralized Accounting

Call to Order

Chair Derryberry called the meeting to order at 9:02 a.m. CST and requested a moment of silence followed by roll call.

The minutes of the September 13, 2019 Board of Commissioners' meeting were reviewed. Commissioner Behler made a motion to approve the minutes with Commissioner Houston seconding the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Watts indicated a presentation on Sunset was made to the Joint Education, Health, and General Welfare Subcommittee of Government Operations on October 16, 2019. Chair Derryberry, Executive Director Watts, and Deputy Director Hooper made the presentations. Commissioner Crider and other leadership staff were

present. The joint committee approved a recommendation for a five year extension for the Commission. Chair Derryberry sent an email notifying Commissioners of the results.

On November 13, 2019, Executive Director Watts, Deputy Director Hooper and Allen Staley attended the Finance and Administration Budget hearing. The agency has requested 4 positions- two employment investigators; one housing investigator and one administrative (intake). She noted the staff will continue to cross-train investigators in employment and housing. A 1% budget reduction of \$19K was requested and submitted in the 2021 budget.

Executive Director Watts noted that International Human Rights Day events are being planned for Nashville and Chattanooga. More details will be provided by Communications Director, Veronica McGraw during her report.

Chair Derryberry asked for dates to be sent out to Commissioners for Sunset or Budget hearings and added that their support of staff is important at these meetings with Legislators. She also shared that she is in communication with the Governor's office in reference to the reappointment of Commissioner Behler and Commissioner Houston. Commissioner Behler reported that he was interviewed by the Governor's office last week via telephone and they would get back with him. Commissioner Houston reported that she also was interviewed.

Chair Derryberry added that at the Sunset Hearing that Rep. Ragan asked her to follow-up with him in the first week of December to let him know the status of the appointments and reappointments of Commissioners.

Executive Director Watts reported that a Budget Hearing is scheduled for December 16, 2019 before the House Finance Ways and Means Committee to discuss the FY 2020 Budget. That information will be sent out to Commissioners today. Please notify Executive Director Watts if you would like to attend so that arrangements can be made for you.

It was reported that staff are currently searching for a place for Thursday, December 5, 2019 for a Legal Training Session which will be an hour and a half. She indicated there may be an evening meal with Commissioners and Executive staff. The All Employee meeting will be on December 6, 2019. We will include an ugly sweater contest which Commissioner Houston has won in the past.

Commissioner Martin made a motion to accept the Executive Director's Report and Commissioner Houston seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reported that at the September Commission meeting it was reported that the EEOC contract was not going to be fulfilled. As an update to that report, thanks to William Wade, Dawn Cummings, Candice Bass, Gretchen Reese and herself for the extra effort in ensuring the contract was met for FY 2019.

During the timeframe from September 1, 2019 to October 31, 2019, we received 156 employment inquiries; 100 or 64% were from the online complaint form.

The online complaint form has increased the intake inventory. The inventory is a fluid process. At the end of June 2019, we had 166 pending inquiries - from the beginning of the fiscal year through October 31, 2019 employment has received 329 of which 199 (60%) were received from the online form. The work production shows, 142 have been accepted (32% increase from last year), and 177 were closed as non-jurisdictional. On the snapshot date of November 1, 2019 there are 162 pending inquiries. The staff is moving inquiries as quickly as possible, but the influx is burdensome. Because of the increase of incoming online complaints, a request was made for four additional staff positions, one of which will be in the intake unit, to help with processing the increased number of inquiries/complaints.

For the SharePoint case management system update, staff has built the initial intake portion of the system and our Intake unit will be testing it for the next 30 days and provide feedback. The next phase will be to build the investigation portion.

The job study for the Human Rights Representative positions was completed on September 16 & 17, 2019. We now must provide 10 to 15 statements to describe the overall function of the job responsibilities. We will meet in early December to analyze the data.

The aged case plan is to address the oldest 50 cases. Address the remaining tasks to complete for the investigations and identified dates of completion. The Compliance officer Gretchen Reese will follow up with investigators every two weeks until they are submitted for closure. Currently 5 cases have been closed and 2 more submitted for review.

For the **Housing Case Report** Deputy Director Hooper reported that there were 92 aged cases identified in the first part of the fiscal year and only eleven remain open. Thanks were given to Housing investigators and Legal staff for helping accomplish this goal. For the review period, 16 cases have been closed (1 THRC & 15 dual filed) and for the year 43 dual filed cases have been closed. The HUD goal of closing 50% of cases within 100 days is at 30%.

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

Commissioner Behler made a motion to accept the Housing Report and Commissioner Arnwine seconded the motion. A vote was taken and passed.

Title VI Compliance Report

Tanya Webster, Title VI Compliance Director reported that 72 inquiries were received and there are currently 34 open cases and 5 complaints closed during this reporting period.

All Implementation Plans have been received and one was untimely. Receipt notifications went out on October 31, 2019. At this time initial reviews of 9 plans have been reviewed and revisions sent out to the agencies. The unit is fully staffed at this time.

With no questions a motion was made by Commissioner Houston to accept the Title VI Report and seconded by Commissioner Martin. A vote was taken and passed.

Legal Report

Associate General Counsel Will Wade reported on the September 1, 2019 to October 31, 2019 timeframe, noting that in employment there were 11 no-cause cases closed and 8 administrative closures and in housing there were 18 no-cause cases closed and 1 administrative closure. There were 10 copy requests completed.

It was reported that there are three cases that we are awaiting an ALJ decision; two cases that are set for hearing; two cases set for mediation. Also there were four conciliations, one mediation, and one case dismissed because it was filed in federal court.

Commissioner Crider asked what litigation costs might consist of and it was noted expenses such as court reporters fees, copy fees and filing fees would be considered litigation fees. He shared his concerns that it might appear to citizens that THRC is double dipping from the state budget dollars.

Executive Director Watts noted that THRC has no litigation dollars set aside in our budget. Depositions could cost upwards of \$1,000.00 and attorneys charge \$100.00 per hour and up. There are also charges for outside mediators and costs for discovery which does not leave much. It was noted that the Attorney General's office has deemed these allowable expenses. Filing fees could be \$250 to \$300. Over the last eight years we have settled more cause cases and have been sued four times.

Commissioner Crider noted that we are receiving money awarded from settlements received from respondents which could appear to some as profit from the cases mediated or settled where awards are made to THRC. Executive Director Watts noted that settlements awarded to THRC are very conservative and in most cases we barely break even with monies spent to litigate a case.

Chair Derryberry added that in some cases those awards are reimbursements for the cost of doing business. It is good to know the expenses and hourly rates so that we can accurately anticipate what the total costs might be.

Associate General Counsel Wade reported that on Legal Report Case #2 THRC was awarded \$2,750.00 for litigation and the remaining amount went to Education and Outreach. Commissioner Crider added that maybe we needed to ask for additional new money in our budget to cover these expenses.

On Legal Report Case #3, it was reported that on November 6, 2019 the case was caused with the additional charge of retaliation. Judge Collier has made no ruling to date.

With no further questions, a motion was made by Commissioner Houston to accept the Legal Report. It was seconded by Commissioner Sloss. A vote was taken and passed.

Communications Report

Veronica McGraw, Communications Director reported that the Education and Outreach committee will begin preparations for the Jocelyn Dan Wurzburg Award that will be presented in March of 2020. She noted that the THRC brochure is being updated and she will gather feedback and have the brochure available within the months of January and February.

Attached to the report are pictures of the Bus Ad Campaign for Fair Housing ads will appear on buses in Nashville, Chattanooga and Memphis and were financed through a HUD partnership grant of \$35,200.

International Human Rights Day celebrations are being planned for Nashville on December 10, 2019 at the First Amendment Center and in Chattanooga on December 11, 2019 at St. Paul's Episcopal Church. Chair Derryberry asked that we add the 1st Horizon logo to the Chattanooga programs.

Commissioner Martin made a motion to accept the Communications Report and it was seconded by Commissioner Houston. A vote was taken and passed.

Commissioners were reminded that case information should not be discussed in phone calls and that Executive Director Watts and Chair Derryberry should be kept in the loop regarding any conversations that take place.

An invitation was received from Governor Lee for staff and Commissioners to attend the December 2, 2019 Christmas @ The Capital. It was announced that the next board meeting will be January 17, 2020 and will be a telephonic meeting.

Commissioner Behler added that the Tribute to Commissioner Ralph White in the Annual Report was very nicely done and thanked staff for including it. He also shared that he would be nominating Commissioner Ralph White for the Wurzburg award.

The meeting was adjourned at 9:40 a.m. CST.