

Louisiana Commission on Human Rights
Minutes
Meeting Held: Louisiana Workforce Commission
Tuesday, October 12, 2009
Baton Rouge, Louisiana
11:30 a.m.

Members Present:

Tamara Jacobson, Chairwoman
Karen Ashford
Marshell Brumfield
Angela Faulk
Alvin Roche
Scott Schmieding
Kirby Verret
Eursla Hardy

Members Absent:

Willie Littleton

Staff Present: Loyce Pierce Wright, Christa Davis, Leah Raby, and Lauren Grundy
Guests Present: Rodney C. Braxton and George Simpson

Chairwoman Tamara Jacobson called the meeting to order at 11:30 a.m. and requested a roll call. Roll call was taken by Christa Davis. There was a quorum.

Chairwoman Jacobson asked for a motion of acceptance of the minutes from the commission meeting held on July 7, 2009. The motion was made by Commissioner Faulk and seconded by Commissioner Roche. The motion carried.

Chairwoman Jacobson welcomed the Commissioners and introduced former Commission Chairman, Rodney Braxton. Thereafter, she requested Mrs. Wright to present the Executive Director's Report.

Mrs. Wright proceeded with the Executive Director's Report beginning with a discussion on status of the work occurring in the office. She indicated that the office had been steadfastly working on cases and since the last commission meeting, 89 cases had been assigned to investigators and nine had been closed. The intake unit had received 21 new cases since the last reporting, seven of which have expressed interest in mediation. Mrs. Wright indicated that the mediations would be scheduled in November. She reported that the 2009-2010 Equal Employment Opportunity Commission's (EEOC) work sharing agreement and contract were signed on September 30, 2009. Mrs. Wright stated that the intake contract was increased by 2 for a total of 20 and the case closure portion of the contract was increased from 84 to 95; valued at \$53,250. She further indicated that the 2010 federal budget has a proposed allocation of \$30 million for state and local agencies, which is a \$4 million increase over the 2009 budget.

Mrs. Wright added that as a benefit of our partnership with the EEOC, the staff has participated in several trainings held at the EEOC office in New Orleans. Topics included,

Americans with Disability Act Amended Act (ADAAA), Genetic Information Nondiscrimination Act (GINA), the Lilly Ledbetter Act, and Fact Finding Conference Techniques.

Mrs. Wright concluded her Executive Director's report by sharing that she continues to work with the YWCA in its rebuilding efforts, the Civil Rights Museum Advisory Board, the Deep South Center for Environmental Justice, and the Community Relations Division of the Department of Justice. She further stated that she was invited to participate with key community leaders in the New Orleans area to plan a process for a dialogue on race, an effort being spearheaded by Councilwoman Cynthia Hedge Morrell.

After the Executive Director's Report, Mrs. Wright proceeded to introduce Mr. George Simpson, a 32 year veteran investigator and retiree of U.S. Equal Employment Opportunity Commission (EEOC) and currently a contract investigator with LCHR. Mr. Simpson shared his previous and current experiences at the EEOC and LCHR, respectively; how he has seen cases evolve over the years and how to make a determination when viewing a complaint for credibility, no cause, or cause. Upon conclusion of Mr. Simpson's presentation, Mrs. Wright thanked him for sharing a wealth of knowledge.

Commission Roche inquired about the recent Community Coffee settlement and whether or not LCHR had any involvement. Mrs. Raby replied that the Office of Federal Contract and Compliance (OFCCP) was the investigative entity.

Chairwoman Jacobson expressed an interest in the two cases that were filed with the LCHR and subsequently taken to court by the EEOC with favorable findings. Mrs. Raby indicated that one case was a black male versus Corporate Express and that he was being overlooked for supervisory positions. The other was a black male versus Stoma's Furniture, it was a noose incident and the parties settled for approximately \$20,000. Afterwards, Chairwoman Jacobson inquired about GINA and whether or not LCHR is prepared to receive cases since the EEOC has begun accepting cases. Mrs. Raby indicated that GINA had been on the state's statute since 2008 and that the EEOC was current in its approach to administer the law. Chairwoman Jacobson then inquired if there are any discrimination laws that LCHR has to forego because it would not be in LCHR's jurisdiction. Mrs. Raby replied that the Equal Pay Act is the only law that LCHR does not have jurisdiction and forwards to the EEOC for processing for intake credit.

Thereafter, a discussion ensued about the types of basis most cases are filed on when received by LCHR; if retaliation claims are a part of the inventory; and if LCHR gets paid for the retaliation cases received. It was answered that most cases are race and sex. Additionally a report was provided to the Commissioners for their viewing regarding the cases processed by the LCHR. Additionally, it was mentioned that LCHR does investigate retaliatory complaints and receives reimbursement for them from the EEOC when substantial work has occurred.

Commissioner Faulk inquired as to whether or not LCHR could offer training to the employers that have complaints filed against them. Mrs. Wright answered, that it is a possibility when LCHR is financially able to do so. However, Mrs. Wright indicated that the EEOC does provide state-wide training to human resource director's year long and that LCHR often

participates. Mrs. Wright continued the discussion by offering the example of the complaint that was filed with LCHR against the Governor's Office of Homeland Security because of a noose sighting. She stated that LCHR conducted an initial office wide training and facilitated a negotiation between a third party diversity training entity and the Governor's Office of Homeland Security wherein the expense was paid by the employer and the training was a success. Mrs. Wright also shared that LCHR does have a brochure that can be shared with the Commissioners regarding training in their respective cities. Mrs. Raby added that if a cause finding determination is issued on a complaint, employers are mandated to offer training internally and notify LCHR of when and what type of training was provided.

Commissioner Ashford inquired as to whether the Commissioners have the authority to informally engage the communities. Mrs. Wright answered yes.

Moving forward with the next item on the agenda, Chairwoman Jacobson asked if there was any unfinished business. There was none. The next item on the agenda was new business.

Chairwoman Jacobson mentioned that Commissioner Ashford's question was timely for the discussion under new business as she would like the Commissioners to work toward promoting LCHR and the work that is done by LCHR. However, that discussion was tabled briefly to introduce the former chairman, Rodney Braxton to the Commissioners. She indicated that Mr. Braxton was the first Executive Director for 10 years of LCHR and then was asked by then Governor Foster to serve as chairman until his departure in 2008.

Mr. Braxton shared a wealth of experience and knowledge with the Commissioners regarding the history of LCHR, the role of the Commissioners and the role of the Commission. Mr. Braxton extended high commendation to Mrs. Wright and staff for their work which resulted in the EEOC collaborating on two of LCHR's cases to take to trial and successfully settling them, which is regarded as a significant milestone for LCHR. In providing some history about the Commission, he added that many did not know that the first state commission was established in 1949 in the state of Washington and that the states were intended to be the primary contact for those to seek recourse when being discriminated against. The EEOC was not generated until 16 years after the first state commission's existence. However, Mr. Braxton indicated that Louisiana did not seek to establish such an entity until 20 years later in 1988 with funding to come even much later in 1993 at only \$100,000. This gap of time, he stated, made EEOC the only entity in existence to help our citizenry, which was difficult due to its locale, in New Orleans, for the citizens that resided in Central and North Louisiana. The creation of the Commission in the Baton Rouge area provided a more centralized location for others to have access from across the state. Thereafter, Mr. Braxton concluded his dialogue with a discussion about the role of the Commissioners. He indicated that the staff role is to address the complaints that come before LCHR and they are very proficient in this regard and that the Commissioners role is to give guidance and generate a presence in the community. Mr. Braxton stated that Commissioners that serve on the board are more than likely active in their respective communities and would have the access to other political figureheads, business owners and others that could provide the access that LCHR would need to educate the communities about discrimination. Upon the conclusion of Mr. Braxton's dialogue, Chairwoman Jacobson and Mrs. Wright thanked him for taking the time to share his wisdom with all in attendance.

Thereafter, the discussion about outreach was reengaged by Chairwoman Jacobson. Several ideas were offered about how LCHR could be a benefit to the citizens, including but not limited to expanded presences, whereby 2-3 investigators would be assigned regions across the state, produce public service announcements, set up in hotels and take charges from those that come.

Commissioner Schmieding indicated that he would like to take a reactive instead of proactive approach to spreading the word about LCHR. He suggested meeting with the HR Departments of the businesses in the Baton Rouge Area immediately. He offered his church's facility as a host site. However, Chairwoman Jacobson said that would be a terrific idea, but LCHR does not have \$20,000 budgeted to cover the expenses of a training. Commissioner Schmieding then indicated that we could charge a fee of \$99.00 per person for attendance. He challenged each Commissioner to do the same in his or her communities.

Chairwoman Jacobson asked that all Commissioners look at the calendars made available and pick a possible date of hosting an outreach event in their area and offered that LCHR does not have to be the exclusive host in the outreach and asked all to consider other entities that could participate as well.

Wrapping up the discussion of outreach, Chairwoman Jacobson indicated that she loved the ideas shared by the Commission members and asked that any further ideas be directed to Mrs. Wright via email.

Mrs. Wright then announced that Leah Raby successfully defended her doctoral dissertation proposal in August. She also announced that her daughter, Kiana Wright, completed her Doctorate in Clinical Psychology.

Before the conclusion of the meeting, Commissioner Schmieding mentioned that he had taken his family to Blue Bayou, the local water park and noticed the great disparity in pricing for parking. He indicated that it was \$10 to park a van and \$500 to park a bus. One of his church members reported hearing the rumor that the cost was designed to keep the black populace out of the park. He inquired if any of the staff or local commissioners had heard this rumor. Mrs. Wright indicated that a couple of years ago, there was a rumor about some disparities against blacks at the water park and that she contacted the management to discuss what was being stated; it was however, not confirmed. She indicated to Commissioner Schmieding that if he becomes aware of any type of discrimination that LCHR enforces he can bring forth a complaint and it would be investigated. Chairwoman Jacobson indicated that she knows the legal counsel for this entity and would speak with him and offer assistance in training if necessary or meet to discuss the alleged incident.

Chairwoman Jacobson announced that the next meeting date is January 12, 2010 at 11:30 a.m.; the place is to be determined.

With no further business to discuss, a motion to adjourn was introduced by Commissioner Hardy and seconded by Commissioner Faulk. The meeting adjourned at 1:58 p.m.