

Louisiana Commission on Human Rights
Minutes
Meeting Held: Louisiana Workforce Commission
Tuesday, July 7, 2009
Baton Rouge, Louisiana
11:30 a.m.

Members Present:

Tamara Jacobson, Chairwoman
Karen Ashford
Marshall Brumfield
Angela Faulk
Alvin Roche
Scott Schmieding
Kirby Verret

Members Absent:

Eursla Hardy
Willie Littleton

Staff Present: Loyce Pierce Wright, Christa Davis, Leah Raby, and Lauren Grundy

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 on the amended minutes from the commission meeting held on April 7, 2009. The minutes were amended due to some typographical errors. The motion was made by Commissioner Brumfield and seconded by Commissioner Roche'. The motion carried.

Chairwoman Jacobson welcomed all the Commissioners present and afterwards, she extended condolences to fellow Commissioner Willie Littleton and his family in his absence. Commission Littleton's mother-in-law passed and the services were held on Friday, July 3, 2009.

Chairwoman Jacobson concluded her report by sharing the HB 705 Equal Pay for Women Act that was brought before the 2008 legislative session by Representative Barbara Norton of Shreveport. The law did not pass. She then requested Executive Director Wright to begin her Executive Director's Report.

Mrs. Wright proceeded with the Executive Director's Report extending a welcome to the Commissioners and acknowledging that the Commission was in compliance. She then discusses the work that had been broached by the staff since the last meeting in April regarding case investigations. Mrs. Wright stated that great effort occurs involving the resolution of cases during the month of May. The U.S. Equal Employment Opportunity Commission's (EEOC) May deadline and the number of cases closed predicates on the next year's contract. The Commission's contract with the EEOC was to close 82 cases of which were currently under review by the EEOC. All cases may not be accepted so the Commission submitted 84 as a

buffer. She also indicated that it was critical to meet the case closures in May due to the Commission's eligibility for an upward modification of case closures and possibly generating more revenue for the Commission. The Commission achieved its contractual obligation. This means in the eyes of the EEOC, the Commission is performing at its requested standard. However, for the 2007-2008 fiscal year the federal governments had a delay in issuing the contracts and funds to the designated Fair Employment Practices Agencies (FEPA's) due to a decrease in funding. This delay generated a challenged for the Commission. The Commission was operating with no incoming revenue and because of this the staff met with the Division of Administration to assure that the funds was forthcoming. With that being said, the Commission signed a contract with the EEOC May 2009 and immediately billed and received the first half of the Commission's funds for intake and case investigations on June 25, 2009 in the amount of \$34,400. The receipt of those funds allowed the Commission to be "in the black" for fiscal year end.

Commissioner Roche' asked if the lack of funding from EEOC in a timely fashion customary. Mrs. Wright replied stating that it was not, but because the Congressional Budget had passed in April 2009, it delayed allocation to those agencies receiving federal funds and that the budget is typically passed in January or February each year.

Commissioner Roche' then asked what happens if the Commission does not receive the funds timely and questioned if the Commission can receive enough cases to meet the Commission's obligation with the EEOC. Mrs. Wright indicated that the investigators are then paid from the general fund until the federal monies are available and that we always have enough cases accepted. For example, Mrs. Wright stated that we have about 25 cases in the Commission's inventory ready for dispensation, but to do so, the Commission would have to utilize general fund money.

Commissioner Roche' then inquired if it is customary for the Commission utilize general fund money to cover the cost of case investigations. Mrs. Wright answered no; indicating that this was an unusual circumstance and that receipt and dispensation of funding is mostly even.

Commissioner Roche' proceeded in asking how many cases are accepted by the Commission yearly. Mrs. Wright answered by stating that this fiscal year, July – June 30, 2009, the Commission closed 112 cases with cases pending. Most of the cases received have been regarding race and sex discrimination, respectively with an issue of discharge.

Mrs. Wright continued the Executive Director's Report by sharing that Governor Jindal signed the 2009-2010 budget and that the Commission's appropriation increase by \$49,000. The Commission's last year's appropriation was \$240,000 and is now \$289,745. Mrs. Wright indicated that the increase in funding will help defray the cost of case investigations. She further acknowledged that the Governor's Office obliged the Commission by purchasing a number of office supplies and high end equipment, such as three lap tops, one desk top computer, printers and a table and chairs that will be utilized as conference room for the Commission. The

conference room was donated by the Louisiana Workforce Commission in answering the Commission's call for more space being needed where the Commission is currently housed. Mrs. Wright indicated that the Commission's next big project would be moving our current case files to a digitalized system.

Mrs. Wright continued the Executive Director's Report by acknowledging her attendance at the mandatory FEPA conference held in Baltimore, Maryland in June, paid for by the EEOC. She reiterated her desire for a designated attendee besides herself, as it would help gather a greater understanding of the Commission's relationship with the EEOC. She went on to discuss what occurs at the FEPA conference, i.e. current case law regarding discrimination cases, such as the Lilly Ledbetter Act that was recently enacted; and that the EEOC's budget had been significantly cut. Therefore because of the EEOC's budget reduction, FEPA's suffer. Some FEPA's contracts have been reduced from 400 closed cases to 100 cases or as low as 80. However, the Commission will maintain its current contract, as reported by Mrs. Wright.

On May 14, 2009 Mrs. Wright and Leah Raby met with the Atlas Foundation, whose main objective is to improve interaction between cultures through group dialogue. Mrs. Wright was the guest speaker and Leah Raby was the presenter. She also indicated that the Atlas Foundation sponsors a trip every year to Turkey, with a small stipend included and invited the Commissioners to participate at their own expense.

Mrs. Wright further acknowledged her membership on the Louisiana Civil Rights Museum Advisory board, which was created approximately three years ago. She indicated that the Board is located in New Orleans; however, its objective is to display and share information about Civil Rights in Louisiana. The Board is currently entrenched with determining how much of the past or present should be engaged, as such the Board as traveled to Chicago at the expense of the Lt. Governor's Office to survey several museums, such as African American History, historical fine art of Mexican and the Chicago History Museum. She stated that the Board is currently surveying an old housing project in the New Orleans area as the edifice for this museum and if any of the Commissioners would like to contribute to the development of the artifacts for the museum they could each contribute something about someone from their area that contributed to Civil Rights.

Mrs. Wright further divulged that she is a member of the Dillard University Deep South Center for Environmental Justice and Public Policy Task Force and is currently looking at and for sustainable development in the area of housing, education, healthcare, public infrastructure, mental health, coastal restoration and waste management as an ongoing project and any contributions from the Commissioners are welcomed with the hopes of garnering the support of a legislator to offer change.

Mrs. Wright reported that Leah Raby and staff attend the Louisiana Liaison Group's (LLG) bi-monthly meetings. The LLG is an organization of human resource director's devised of private employers from around the state. The April meeting discussion centered on the Lilly

Ledbetter act and the June meeting's guest speaker is Keith Hill, the Field Director of EEOC from New Orleans, who discussed the recent changes to the Americans with Disabilities Act. Mrs. Wright acknowledged that the Commission's attendance to such events allows us to keep the Commissioner's abreast of ongoing changes in employment law.

Concluding her report, Mrs. Wright shared that she was honored by the Ford Motor Company as one of the 20 women in the New Orleans area as a Freedom Sister. She stated that it appears the Ford Foundation in conjunction with Essence developed this tribute that is also a part of a national exhibit. This exhibit has also honored women of the civil rights arena, such as, Coretta Scott King, Dorothy Height, and Betty Shabazz.

Chairwoman Jacobson offered a commendation to Mrs. Wright and proceeded to ask if there was any unfinished business, the next item on the agenda.

Mrs. Wright indicated that there is a presentation under new business and that she had stated at the last meeting that we would share some additional information about our work and relationship with the EEOC. She then touched upon a discussion of how the Commission receives cases and the importance of outreach.

Commissioner Faulk proceeded with verifying the next scheduled meeting date of October 13, 2009.

Chairwoman Jacobson responded that Commissioner Hardy also serves on the Caddo Parish School Board and the Board meets every first and third Tuesday of each month and since Commissioner Hardy has to travel the furthest we would like to accommodate her and everyone else to help the meetings fit the entire Commissioner's schedule.

Commissioner Brumfield inquired on LCHR's ability to accept more cases based on the previous discussion regarding the Commission's inventory by Mrs. Wright.

Mrs. Wright affirmed Commissioner Brumfield's statement, but also mentioned that if the Commission reached that point of not accepting cases, the Commission would work towards redefining its relationship with the EEOC, such as removing from the work sharing agreement the Commission as the receiver of all Baton Rouge cases; doing so means the Commission would only accept cases that came directly to the Commission's office and not those forwarded to the Commission by the EEOC. Mrs. Wright then took the opportunity to stress the importance of conducting outreach and welcoming the assistance of the Commissioners in achieving this objective.

Chairwoman Jacobson interjected that the Commission is in a predicament; the more resources the Commission has the more the Commission can ascertain from EEOC. The Commission has to present itself as a viable unit. Trust building is important for the growth of the organization and with the legislators, which is achieved by closing cases.

Mrs. Wright added that the Commission is in a difficult position as some believe that the Commission should not exist as we have the EEOC. The funding that we receive from the EEOC is miniscule in comparison to the work that we have to produce. She indicated that the contract investigators receive \$400 per case investigation. EEOC only pays \$550 for case investigations, \$400 of which is provided to the Commission's contract investigators for completely investigating a complaint. Mediation however, is remitted at \$800 and takes far less time. Mrs. Wright further stated that the proof is in the budget and that the Commission's resources are limited, the Commission does not pay any rent thusly, if the Commission moved from the Louisiana Workforce Commission it would be subject to rent, that cannot be afforded. The Commission cannot add staff because it has been capped at three employees and there is a freeze on hiring. The Commission's legal services are ascertained from the Attorney General's office. She ended by saying, she is not complaining, but this is the reality.

Commissioner Roche' then commented that if the Commission has an influx of cases it could then pressure the administration to change the Commission's plight.

Ms. Wright recommended to Chairwoman Jacobson that a meeting be established with the Chief of Staff to garner a listening ear. Nonetheless, she stated, having too many cases could delay resolution and this would not be favorable for those served by the Commission.

Commissioner Faulk shared her thoughts on the subject. She believes that the Commissioners should not have to donate their time and money and that the state should provide the appropriate funding to make the Commission function as a fully functioning unit. Thereafter, a lengthy discussion ensued on whether or not the per diem should be accepted. Commissioners Faulk and Brumfield concurred that not accepting the per diem and travel expenses was a means of supporting the Commission financially. However, Mrs. Wright answered that the gesture is appreciative but, the Commissioners should accept the per diem and they would be the first of Commissioners that have not, as all previous Commissioners have accepted their per diems and travel expenses. Chairwoman Jacobson stated that not taking the per diem is symbolic and is used to show the administration that the Commissioners believe in the work of the Commission so much that they have declined to take the per diems while losing out personally and professionally. Commissioner Roche' asked if the per diem line item was transferrable. Mrs. Wright answered yes, and in conclusion stressed that the Commissioners should accept the per diem and travel reimbursement as it would only equate to purchasing supplies or if training becomes available at EEOC in New Orleans, it could be use to remit travel reimbursement.

Thereafter Mrs. Wright requested Leah Raby to begin the presentation on the intake and investigative processes of the Commission, in addition to, showcasing and discussing a case as received by the Commission to its conclusion.

Mrs. Raby presented and concluded the presentation on the intake and investigative processes and the review of a case file, thereafter entertaining any questions the Commissioners may have had.

In capstone of Mrs. Raby's presentation, Mrs. Wright highlighted that the Commission's jurisdiction was once extended to employers of eight or more employees and that it was changed to 20 or more employees; however EEOC's threshold is accepting of complaints from the employees of employers who employ 15 or more employees. She mentioned that this might be something the Commissioners would like to bring forth to the legislators to change so that the offices could mirror more closely.

Commissioner Ashford asked if the Commission has the authority to prescreening persons who come to the office with a complaint. Mrs. Wright indicated yes and that the Commissioners should ask how many employees work for the entity and when did the last alleged act occur.

There was no further business to discuss. The meeting was motioned for adjourned by Commissioner Schmieding and seconded by Commissioner Roche'.

The meeting adjourned at 1:20 p.m.