



## **CITY OF DECATUR HUMAN RELATIONS COMMISSION ANNUAL REPORT FISCAL YEAR MAY 2010 – APRIL 2011**

### **INTRODUCTION**

Included in this report is a chart of the previous years' complaint information; a chart of this fiscal year's statistical data on complaints filed with the Human Relations Commission; highlights of the Human Relations Commission for this fiscal year; the April 2011 budget report; and a letter from the Human Relations Commission Chair for FY 2010-2011.

Under the provisions of Chapter 28 UNLAWFUL DISCRIMINATION, there are thirteen members who serve as Human Relations Commissioners, appointed by the Mayor and approved by the City Council. All Commissioners serve without compensation. The Human Rights Officer is a staff position appointed by the City Manager and serves as liaison to the Commission. The Commission meets at 5:30 p.m. the second Thursday of each month in the City Council Chamber. The meetings are open to the public.

At the end of the fiscal year, in April 2011, the Human Relations Commission consisted of 12 commissioners:

Ida Brooks, Jane Canham, John Davis, Rick Evans, Stephen Hill, Jody Hunt, Kim Kimberly (Vice Chair), Phyllis McPherron (Chair), Jessica Michael, Linda Tyus, Marty Vigneri and Don Wenneker.

Commissioners Sarah Sylvester Drake, Derrick Wheeler and Vickie Cooper all left their commissions during the fiscal year. Commissioners Vigneri and Evans replaced Commissioners Drake and Wheeler and former-Commissioner Cooper's term remains unfilled at this time.

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**COMPLAINANTS**

The following is a synopsis of the number of complainants that have brought their allegations to the Commission during the fiscal years 2007-2011

| <b>Fiscal Year</b>                        | <b>2010-2011</b> | <b>2009-2010</b> | <b>2008-2009</b> | <b>2007-2008</b> | <b>2006-2007</b> |
|---|------------------|------------------|------------------|------------------|------------------|
| Number of Discrimination Complaints Filed | 43               | 87               | 61               | 38               | 37               |
| Number of Complaints Closed               | 35               | 51               | 54               | 33               | 32               |
| Percent Cases Closed                      | 81%              | 59%              | 89%              | 87%              | 86%              |

**TYPES OF CHARGES FILED WITH THE HUMAN RELATIONS COMMISSION**

| <b>Complaints Received/Fiscal Year</b> | <b>2010-2011</b> | <b>2009-2010</b> | <b>2008-2009</b> | <b>2007-2008</b> | <b>2006-2007</b> |
|--|------------------|------------------|------------------|------------------|------------------|
| Disability Charges                     | 3                | 10               | 8                | 1                | 2.5              |
| Discrimination: Age                    | 7                | 6                | 3                | 4                | 3.5              |
| Housing                                | 2                | 1                | 3                | 0                | 0                |
| Racial                                 | 10               | 24               | 25               | 14               | 20               |
| Religion                               | 0                | 4                | 1                | 0                | 1                |
| Sex (Gender)                           | 9                | 15               | 2                | 5                | 3                |
| Sexual Orientation                     | 5                | 7                | 0                | 1                | 4                |
| Sexual Harassment                      | 1                | 7                | 0                | 2                | 2                |
| Union Related                          | 0                | 1                | 1                | 0                | 0                |
| Marital Status                         | 0                | 1                | 0                | 0                | 0                |
| National Origin                        | 0                | 1                | 2                | 1                | 0                |
| Military Discharge                     | 0                | 0                | 0                | 0                | 0                |
| Retaliation                            | 5                | 8                | 6                | 2                | 0                |
| Unfair Treatment                       | 1                | 1                | 6                | 8                | 1                |
| Arrest/Conviction                      | 0                | 1                | 4                | 0                | 0                |
| <b>TOTAL NEW CASES FOR THE YEAR</b>    | 43               | 87               | 61               | 38               | 37               |

The above chart shows the actual charges filed for the fiscal years 2007-2011. Forty-three (43) charges were filed during fiscal year 2010-2011. The majority of claims received were for racial discrimination (23%). Four (4) cases were brought before the Human Relations Commission in public hearings. One (1) more pending hearing will be carried into FY 2011-2012. The closure rate for cases filed during FY 2010-2011 was 81%.

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### FY 10-11 HIGHLIGHTS

The Rev. Dr. Martin Luther King, Jr. Steering Committee held a very successful Memorial Service at St. Patrick Catholic Church and MLK Banquet at the Decatur Conference Center Hotel over the MLK holiday weekend. Over 550 people participated in the two days of holiday events. The guest speaker for this year's event was Mr. Darryl Van Leer, a versatile television and stage performer who presented "The Norm of Greatness", a riveting re-enactment of a few of Martin Luther King's most breathtaking speeches.

The Human Relations Commission continued to provide support to its committees, the Public Relations and Education Committee and the Fair Housing Committee by financing the publication of two informative handbooks, "*How Are Discrimination Claims Handled*" and "*Landlord-Tenant Handbook*." Both publications were distributed to community groups and citizens alike. The Decatur Public Library has copies on hand for reference and gives them away to the asking.

The Fair Housing Committee took the initiative to organize and plan an Affordable Housing Fair during the latter part of FY 2009-2010, with the event actually being held this fiscal year on May 1, 2010. The Fair, held in both the Madden Auditorium and Staley Conference Rooms of the Decatur Public Library, featured displays manned by the Decatur Realtors Association, various real estate firms, various lending institutions, Habitat for Humanity, the Illinois Department of Human Rights, the Decatur Human Relations Commission and the Internal Revenue Service. There were also several speakers throughout the five hour event that addressed issues of importance with potential homebuyers and current homeowners.

In addition to the MLK Banquet and March and the Affordable Housing Fair, the Commission began recording its monthly meetings for broadcast later on Channel 18 cable and the City's website. Several public information videos were produced by Human Rights Officer Barthelemy and Asst. City Manager Billy Tyus which featured the work of the Commission, its committees and the status of several public hearings. The Commission increased public access to its services by being included on the City's Facebook page as well as having its own Twitter account.

The Commission's Public Relations and Education Committee is currently working on developing a new logo for the Commission which will enhance its profile in the community and provide more recognition for the Commission's presence and work.

During this fiscal year, the Commission began new procedures for holding all public hearings. Rather than appointing outside hearing officers, all hearings were presided over by two or more of the commissioners. This required training for those commissioners who volunteered to serve as hearing officers as well as the assignment of corporation counsel to be present and provide legal support during each hearing.

There was a 49% drop in the number of charges filed with the Commission this fiscal year as compared to FY 2009-2010. There are several reasons for the downturn. During FY 2009-2010 the nation's fragile economy continued its deterioration leading to more and sustained unemployment. The vast majority of discrimination charges received by the Commission each year are from employment situations so, with fewer employed there were fewer reports of employment discrimination. In addition, those who were employed and may have experienced what they perceived as discrimination, were less likely to report it to avoid perceived retaliation and jeopardize their employment. Another major factor was that Human Rights Officer Barthelemy was off work for three full months during the fiscal year due to undergoing major spinal surgery. All complainants wishing to file charges during his absence were referred to the Illinois Department of Human Rights and the EEOC.

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### HUMAN RIGHTS OFFICER ACTIVITY REPORT

The Human Rights Officer's position was filled the entire fiscal year by Mark Barthelemy. During the course of FY 2010-2011, Mr. Barthelemy was involved in the following:

- Three public hearings were carried over into FY 2010-2011 from last year. One resulted in a finding against the respondent with a judgment of \$36,164 awarded the complainant along with \$45,657 in attorney fees. Another hearing resulted in a default judgment entered against the respondent in the amount of \$1,400 awarded to the complainant along with \$4,000 in attorney fees. The third hearing resulted in a finding in favor of the respondent with both parties ordered to pay their respective costs and fees. A fourth public hearing has been continued into FY 2011-2012.
- Four more charges filed with the Commission were successfully resolved in mediation sessions conducted by HRO Barthelemy during the fiscal year, thus potentially avoiding additional public hearings.
- HRO Barthelemy conducted 27 intake interviews during the fiscal year which resulted in 43 charges being filed by the Commission. Of those charges, 20 (46%) were dismissed for lack of probable cause; four (4) or 1% were settled in mediation; eight (8) charges or (19%) were referred to the Illinois Department of Human Rights; four (4) or (1%) resulted in public hearings; in six (6) cases or (1%) no charges were filed; and currently five (5) charges or (1%) are still pending with the investigations in progress.
- One day-long session was held indoctrinating three new commissioners to the laws regarding their responsibilities and unlawful discrimination as well as Commission procedures.
- Three vacancies occurred on the Commission during the fiscal year with all but one of the vacancies being filled by the City Council within the 60 day time limit.
- HRO Barthelemy filed six (6) complaints and scheduled public hearings during the fiscal year with only one of those hearings actually being held. Two complainants opted to voluntarily withdraw their charges and pursue their grievances in arbitration proceedings. One was settled prior to the hearing date, one resulted in a finding in favor of the respondent while another resulted in a default finding against the respondent, and one more is being carried over into FY 2011-2012. HRO Barthelemy served as hearing clerk during the two hearings that were actually held.
- HRO Barthelemy gave two presentations to the community and reached 48 people during the past fiscal year. The topics of those presentations covered the work of the Commission, and how victims should handle situations presented to them.
- HRO Barthelemy conducted five (5) internal investigations at the direction of the City Manager during the fiscal year.
- HRO Barthelemy attended the 2011 MLK Banquet and participated in the Celebration of Dr. King's life and contributions to human rights at St. Patrick Church following the freedom march on the holiday.
- HRO Barthelemy provided seven (7) City supervisors with workplace investigation training during the fiscal year.
- HRO Barthelemy participated in the video taping of five different presentations which were broadcast during the fiscal year on Channel 18 cable.
- HRO Barthelemy attended 10 different meetings of the Commission's committees during the fiscal year.
- HRO Barthelemy was off on extended medical leave one-third of the fiscal year.

# **CITY OF DECATUR HUMAN RELATIONS COMMISSION**

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### **COMMITTEES**

The Commission has two standing committees and two special committees. The two standing committees are the Public Relations and Education Committee and the Complaints and Compliance Committee. The two special committees are The Rev. Dr. Martin Luther King, Jr. Steering Committee and the Fair Housing Committee.

The Public Relations and Education Committee develops and presents information and programs about the work and purpose of the Human Relations Commission to the general public. By networking with the media, civic clubs and service organizations, the Committee promotes the mission of the Commission and advertises the availability of assistance to Decatur residents who believe they have been discriminated against.

The Complaints and Compliance Committee reviews current code and legislation for recommended revision, as well as providing oversight of the Human Rights Officer's investigation, mediation and processing of discrimination complaints. It meets on an "as needed" basis throughout the year, formulating and recommending action to the Commission as a whole when necessary.

The Rev. Dr. Martin Luther King, Jr. Steering Committee is a special committee that is self-funded with major support from community businesses, the Commission and the City of Decatur. The Committee promotes the MLK Holiday by providing a yearly march, program, and banquet over the holiday weekend.

The Decatur Fair Housing Committee is a special committee of the Human Relations Commission, entrusted to ensure equal and fair housing opportunities for every citizen in Decatur regardless of race, color, religion, sex, national origin, sexual orientation, family status, sexual orientation or disability through the bridging of federal, state, and local government, business, nonprofit, and community efforts. This year, the committee organized and promoted the Affordable Housing Fair which was held on May 1, 2010 at the Decatur Public Library.

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**APRIL 2011 BUDGET REPORT**

**DECATUR HUMAN RELATIONS COMMISSION BUDGET**

FY 2010 - 2011 REPORTING MONTH: APRIL, 2011

CITY FUND:10  
ORG: 10430392  
OBJECT: 448500

| <b>EXPENDITURE CATEGORY</b>                 | <b>BUDGETED</b> | <b>THIS MONTH</b> | <b>YTD SPENT</b> | <b>REMAINING</b> |
|---|-----------------|-------------------|------------------|------------------|
| <b>EDUCATION AND TRAINING</b>               |                 |                   |                  |                  |
| IDHR Legal and Community Education Training | \$500           |                   |                  | \$500            |
| Commissioner Training                       | \$100           |                   | \$125            | -\$25            |
|   |                 |                   |                  | \$0              |
| <b>CATEGORY TOTAL</b>                       | <b>\$600</b>    | <b>\$0</b>        | <b>\$125</b>     | <b>\$475</b>     |
| <b>CONFERENCE AND TRAVEL</b>                |                 |                   |                  |                  |
| IMHRA Conference                            | \$300           |                   | \$150            | \$150            |
| EEOC Legal Update Conference                |                 |                   |                  | \$0              |
| NAHRW Conference                            |                 |                   |                  | \$0              |
| <b>CATEGORY TOTAL</b>                       | <b>\$300</b>    | <b>\$0</b>        | <b>\$150</b>     | <b>\$150</b>     |
| <b>MEMBERSHIPS</b>                          |                 |                   |                  |                  |
| IMHRA Dues (\$50 per member per year)       | \$50            |                   |                  | \$50             |
| IAOHRA Dues (\$50 per member per year)      |                 |                   |                  | \$0              |
| NAHRW Dues (\$100 per member per year)      |                 |                   |                  | \$0              |
| <b>CATEGORY TOTAL</b>                       | <b>\$50</b>     | <b>\$0</b>        | <b>\$0</b>       | <b>\$50</b>      |
| <b>COMMITTEE SUPPORT</b>                    |                 |                   |                  |                  |
| Fair Housing Special Committee              | \$0             |                   |                  | \$0              |
| MLK Special Steering Committee              | \$1,000         |                   | \$1,000          | \$0              |
| Regional Neighborhood Network Conference    |                 |                   |                  | \$0              |
| <b>CATEGORY TOTAL</b>                       | <b>\$1,000</b>  | <b>\$0</b>        | <b>\$1,000</b>   | <b>\$0</b>       |
| <b>OPERATING EXPENSES</b>                   |                 |                   |                  |                  |
| Postage                                     | \$1,400         | \$79              | \$814            | \$586            |
| Copies                                      | \$100           |                   |                  | \$100            |
| Commissioner Identification                 | \$300           |                   | \$11             | \$289            |
| Commission Publications                     | \$1,958         |                   | \$25             | \$1,933          |
| Office Supplies                             | \$400           |                   | \$67             | \$333            |
| NAACP Soul Food Festival Booth              | \$200           |                   |                  | \$200            |
|   |                 |                   |                  | \$0              |
|   |                 |                   |                  | \$0              |
| <b>CATEGORY TOTAL</b>                       | <b>\$4,358</b>  | <b>\$79</b>       | <b>\$917</b>     | <b>\$3,441</b>   |
| <b>CONTRACTUAL EXPENSES</b>                 |                 |                   |                  |                  |
| Hearing Officer Fees                        | \$0             |                   | \$150            | -\$150           |
| Court Reporting Fees                        | \$3,692         |                   | \$2,220          | \$1,472          |
| Copies                                      | \$0             |                   |                  | \$0              |
|   |                 |                   |                  | \$0              |
| <b>CATEGORY TOTAL</b>                       | <b>\$3,692</b>  | <b>\$0</b>        | <b>\$2,370</b>   | <b>\$1,322</b>   |
| <b>DEPOSITS</b>                             |                 |                   |                  |                  |
| <b>BUDGET TOTAL:</b>                        | <b>\$10,000</b> | <b>\$79</b>       | <b>\$4,563</b>   | <b>\$5,437</b>   |

# CITY OF DECATUR HUMAN RELATIONS COMMISSION ANNUAL REPORT FISCAL YEAR MAY 2010 – APRIL 2011

## LETTER FROM THE HUMAN RELATIONS COMMISSION CHAIR

To the Decatur City Council:

The Human Relations Commission (HRC) has continues its work to educate, listen, support investigation and mediation, and resolve complaints regarding discrimination as stated under Chapter 28 of the City Code.

During this year, the Commission has changed its procedure on how we conduct the public hearings. Instead of appointing outside hearing officers, we now have 2 or more commissioners preside over each public hearing. With the helpful support of Assistant Corporation Counsel, Amy Waks, several commissioners have served in this manner. It has been a learning experience for us and has given us more understanding of the issues. However, there is a considerable time commitment involved, which makes it difficult for those Commissioners who work full time to participate. We have had 3 public hearings this year with a fourth one starting in May, 2011.

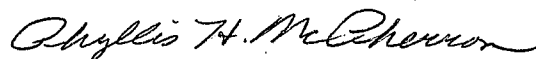
The ongoing work of our committees continues. The Public Relations and Education Committee has started "Training Opportunity" at the end of each HRC meeting. They present some aspect of the Chapter 28 Code for our better understanding. Examples have been – "What is the 'Burden of Proof'?" and "What does 'Protected Class' Mean?"

Also, as part of public relations, we now have our meetings broadcast on Channel 18 cable and the City's website. We are part of the City's Facebook page and have our own Twitter account

The MLK Committee again had a successful Banquet and Celebration in Jan, 2011 to honor Rev. Dr. Martin Luther King. The Fair Housing Committee publishes the two handbooks "How are Discrimination Claims Handled" and "Landlord- Tenet Handbook". The Complaints and Compliance Committee has not been as active, partly due to fewer complaints being filed this year.

The HRC thanks the City Council for your continued support. We invite you to our next meeting June 9, 2011 to give you a chance to better see who we are and what we do. We want to serve the City Council and the Decatur community the best we can.

Respectfully submitted,



Phyllis H McPherron, Chair