



JACKSONVILLE HUMAN RIGHTS COMMISSION



ANNUAL REPORT FY 2015-2016



COMMISSION CHAIR'S MESSAGE

We are pleased to submit this Annual Report of the Jacksonville Human Rights Commission for Fiscal Year 2015-2016.

This report summarizes the tremendous work that we accomplished despite staffing and budget challenges. We have not lost sight of our mission, which is *to ensure that all citizens of the City of Jacksonville have equal opportunity to enjoy the privileges and benefits of a community free of discriminatory practices.*

When charges of discrimination arise, we are committed to providing quality investigative services and facilitating their non-judicial resolution whenever possible. However, since prevention of discriminatory practices is central to our mission, we also are committed to delivering effective professional and technical training to employers and housing providers, and to continuing our community outreach efforts to educate our citizens through public forums for the respectful discussion of human and civil rights issues.

Our role as leaders in the area of human and civil rights is a serious one. We are mindful of the tensions that have erupted in other communities and have worked with local law enforcement to ensure that Jacksonville has an appropriate and tempered response to any community conflict that may occur. We will continue to look for creative solutions and approaches for achieving our mission.

On behalf of all of the Commissioners, we are honored to serve this community.

Ada Agusti Hammond, Chair



THE HISTORY & MISSION

The Jacksonville Human Rights Commission (“JHRC” or “Commission”) was established in June 1998 under Chapter 60 of the Jacksonville Municipal Code. The JHRC is the successor organization to the Jacksonville Community Relations Commission and the Jacksonville Equal Opportunity Commission.

The Community Relations Commission was initially established by Ordinance GG-16 on August 8, 1967 by the former City of Jacksonville and reestablished under Chapter 60 by the Consolidated City of Jacksonville in 1968. The Community Relations Commission was established as a permanent organization within government to study the problems of human relations and to take positive action to eliminate discrimination practices within the territorial boundaries of the City of Jacksonville.

The Equal Opportunity Commission was established by Chapter 86 in 1978 and was granted the enforcement authority for local anti-discrimination laws governing employment and housing.

The merger of these two Commissions was done to streamline the administrative duties associated with staffing, reduce the number of appointees and effectively use the authority of both organizations as one entity.

Since its inception, the JHRC has worked diligently to ensure that all residents of the Jacksonville community are treated fairly. To that end, the members of the JHRC are expected to use their collective knowledge of the needs and concerns of the community to fulfill its mission, which is to:

- *Promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, marital or familial status.*
- *Promote mutual understanding and respect among members of all economic, social, racial, religious and ethnic groups; and,*
- *Eliminate discrimination against and antagonism between religious, racial and ethnic groups.*

LEGISLATIVE AUTHORITY

The Commission has authority for the enforcement of the following ordinance codes:

- ◆ **Chapter 400 – Equal Opportunity:** The ordinance ensures that city employees are compensated, promoted, transferred, or disciplined without regard to race, color, religion, political affiliation, gender, national origin, disability, age, marital status, or any circumstances other than merit and qualification.
- ◆ **Chapter 402 - Equal Employment:** The ordinance ensures the right of equal opportunity of access to employment and the right of fair treatment by employers without discrimination on the basis of race, color, religion, national origin, sex, age, disability, or marital status.
- ◆ **Chapter 406 – Public Accommodations:** The ordinance ensures access to public places where goods and services are sold within the City without discrimination on the basis of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, or familial status.
- ◆ **Chapter 408 - Fair Housing:** The ordinance ensures that residents have access to and the use of housing without discrimination on the basis of race, color, religion, national origin, sex, disability, familial status or marital status.





THE COMMISSION

The Commission is a twenty member appointed body who are representative of the various social, economic, religious, cultural, ethnic and racial groups that comprise the city of Jacksonville. The members are appointed by the Mayor and confirmed by City Council and may serve two – three year terms.

During Fiscal Year 2015-2016, the number of Commissioners fluctuated which resulted in seven vacancies by year end.

THE COMMISSIONERS' ROSTER

as of September 30, 2016

Ada A. Hammond, *Chair*
Gary M. Oliveras, *Vice Chair*
Nathan Rousseau, *Secretary*

Parvez Ahmed, Ph.D.	Rocelia Gonzalez
William "Casey" Bulgin	John M. Phillips, Esq. ¹
Rabbi Matthew D. Cohen	Walette Stanford
Mario DeCunto	Michael Stovall
Crystal Freed	Michael Wachholz

COMMISSIONERS WHO SERVED

During Fiscal Year 2015-2016

Victoria Bryant-Riggins²
Yaima Coto, Esq.³
Daniel O'Connor⁴
Dottie Wilson⁵

¹ Approved by City Council in February 2016

² Term expired December 31, 2015; opted not to serve until replaced

³ Voluntarily resigned in February 2016; moved out of the city

⁴ Second term expired; resigned due to changes in work schedule

⁵ Second term expired; replaced by John M. Phillips, Esq.



SUMMARY OF COMMISSION MEETINGS

The full Commission held 10 meetings on the second Tuesday of each month except for July and August.

- October 12, 2015** Nominating Committee appointed to recommend 2016 slate of officers.
- November 10, 2015** Sheriff Mike Williams, Jacksonville Sheriff's Office (JSO) provided an update on plans to increase the use of Civil Citations as a means to reduce the number of juveniles entering the criminal justice system; identified an obstacle to issuing citations (no ability to print citation at the scene) – that will be addressed. Sheriff Williams stressed the need for JSO to build relationships with the community.
- December 2015** Approved 2016 slate of officers: Ada Hammond, Chair; Gary Oliveras, Vice Chair; and Nathan Rousseau, Secretary; discussed the Human Rights Ordinance (HRO) introduced by Councilmember Tommy Hazouri to add sexual orientation, gender identity and expression to the ordinances enforced by the JHRC. Executive Director reported on the need for an Equal Opportunity Specialist assigned to fair housing.
- January 12, 2016** State Attorney Angela Corey, 4th Judicial Circuit appeared before the Commission to discuss the various diversion programs available through the State Attorney's Office to assist juveniles and adults. The programs cover limited types of felonies, first-time offenders and most misdemeanors. Commission approved the Executive Director and Office of General Council to proceed with civil action, if necessary, in a pending housing discrimination complaint. Rocelia Gonzalez was named Chair of the Housing & Public Accommodations Committee.
- February 16, 2016** Fire Chief Kurt Wilson, Jacksonville Fire & Rescue Department (JFRD) provided an updated on the 2006 recommendations contained in the *Report to the Mayor on the Jacksonville Fire & Rescue Department* conducted by the Commission. Chief Wilson confirmed the findings contained in the 2006 Report and outlined the progress made thus far in improving diversity in the JFRD.



- March 8, 2016** Crystal Freed updated the Commission on Ordinance 2016-130 which will require the posting of public awareness signs about labor and sex trafficking at nude or other adult entertainment establishments (the Commission was previously involved in raising awareness of sex trafficking in Jacksonville).
- April 12, 2016** Commissioners Dan O'Connor and Dottie Wilson were recognized for their service to the Commission. Executive Director reviewed the role and responsibilities of the Commission. Newly rehired team member, Leslie Conty, Equal Opportunity Specialist – Housing was introduced to the Commission. The Executive Director announced that a grant from Community Development will be used to implement a multi-media public awareness campaign during the month of April in recognition of national Fair Housing month.
- May 10, 2016** Fire Chief Kurt Wilson shared the terms of the Settlement Agreement in a federal case filed by the NAACP against the JFRD alleging discrimination in hiring, transfers and creating a hostile work environment; Agreement will require the JHRC's Equal Opportunity/Equal Access Office to conduct EEO training for all JFRD personnel.
- June 14, 2016** Commission agreed to place a public statement on its website condemning the shooting at Pulse Nightclub in Orlando. The Employment Committee reported that a third draft of a proposed ordinance establishing a Wage Recovery Board was under review.
- September 13, 2016** JHRC budget passed without incident. A new Equal Opportunity Specialist – Housing, Mauricio Rueda was introduced; he replaces Leslie Conty. The Executive Director reported that she has responded to requests for information by City Council members regarding the HRO.



COMMITTEE WORK

The work of the Commission is processed through three standing committees: Employment, Housing & Public Accommodations and Community Relations.

EMPLOYMENT COMMITTEE HIGHLIGHTS:

- ✓ Committee met six (6) times during the fiscal year.
- ✓ Conducted research on the feasibility of establishing a Wage Recovery Board. In concept, the board would provide a process for employees, who are not covered by the Federal Wage & Hour Division, to recover underpayment or non-payment of wages earned
- ✓ Organized a *Brown Bag Lunch & Learn* for local employers on the topic: "Accommodating Transgender Employees in the Workplace". The event was held on January 28, 2016 at the Florida Coastal School of Law and featured Tricia Russell, VP & Business Control Manager – Bank of America, Jimmy Midyette, Esq., and Angela Hendreith, Manager – Equity & Workforce Development, City of Tallahassee.

EMPLOYMENT COMMITTEE DUTIES

- ◆ Monitors local equal employment ordinances to ensure compliance with federal and state regulatory or legislative changes; and recommends legislative changes to the Mayor and City Council, as needed.
- ◆ Conducts research and make recommendations on employment related trends, as appropriate.
- ◆ Implements proactive strategies to eliminate or reduce employment discrimination (*i.e. the "Brown Bag Lunch & Information Exchange"*) through community education and outreach activities.



HOUSING & PUBLIC ACCOMMODATIONS COMMITTEE HIGHLIGHTS:

- ✓ Committee met four times during the year. This was largely due to turnover among the committee members and the chair.
- ✓ Reviewed the Housing Discrimination Study – Phase I – Persons with Disabilities conducted by Dr. Anne R. Williamson, Public Policy & Planning Insights, LLC and the Housing Advocacy Center / Jacksonville Area Legal Aid, Inc. The study confirmed that discrimination against persons with disabilities is more likely to occur when the tenant makes a request for a reasonable accommodation or modification. The study also revealed that ground-floor rent premiums may be a barrier for persons with disabilities requiring a ground-floor unit for accessibility purposes. Finally, the study reveals that model homes sites are generally not wheelchair accessible. The committee adopted the researchers’ recommendations to continue educational outreach activities for property owners.
- ✓ Reviewed the new *Guidance on Use of Criminal Records by Housing Providers* that was issued by HUD in May 2016. Worked with the Jacksonville Sheriff’s Office to get revisions made to their criteria for Certified Crime Free Communities.
- ✓ Monitored the *Fair Housing Month* multi-media campaign implemented to raise awareness of discriminatory practices in housing in lieu of hosting a fair housing symposium.
- ✓ Monitored the impact of limited staffing to investigate housing complaints.

HOUSING & PUBLIC ACCOMMODATIONS COMMITTEE DUTIES

- ◆ Monitors local housing and public accommodations ordinances to ensure compliance with state and federal regulatory and legislative changes and recommends changes to local ordinances, as needed.
- ◆ Conducts research and make recommendations on housing related trends, as appropriate.
- ◆ Serves as the official panel to review “probable cause” findings for Public Accommodations complaints.
- ◆ Implements proactive strategies to eliminate or reduce discriminatory practices in housing and places of public accommodations through community education and outreach activities

COMMUNITY RELATIONS COMMITTEE DUTIES

- ◆ Implements initiatives that encourage inclusion and promote mutual understanding and respect among all economic, social, racial, religious, and ethnic groups (*i.e. Study Circles Initiative.*)
- ◆ Serves as the official panel to review complaints of discrimination and/or as a community mediator to resolve intergroup tensions and antagonisms, as appropriate.
- ◆ Conducts research and make recommendations on potential issues of concerns which adversely impact the broader community.
- ◆ Develops approaches to respond to episodic events that may create tensions in the community across racial, ethnic, and religious groups.

COMMUNITY RELATIONS COMMITTEE HIGHLIGHTS:

- ✓ Committee met nine times during the year.
- ✓ Invited Sheriff Mike Williams, Jacksonville Sheriff's Office and State Attorney Angela Corey, 4th Judicial Circuit of Florida to speak to the Commission as a follow up discussion to the *Community Conversation on Civil Citations* held in May 2015.
- ✓ Assisted with crafting language for the JHRC's website to condemn the actions of a lone shooter at the Pulse Nightclub in Orlando.
- ✓ Interviewed Cindy Watson, Executive Director – JASMYN to provide an assessment of the proposed HRO and helped the committee to assess the concerns that exist in the LGBT community.
- ✓ Held several meetings with community activists to attempt to craft a community conversation on improving police and community relations. Potential topics included: policies on the use of body cameras by JSO; accountability and transparency with regards to police-involved shootings; and the development of trust between the community and the JSO.
- ✓ Provided support to the implementation of study circles in the Springfield neighborhood and the Cultural Arts Council.
- ✓ Reviewed the *Distant Early Warning Signs (DEWS) System* published by the Department of Justice / Community Relations Service to assess Jacksonville's potential for racial tensions. Determined that the current path

of building relationships with the JSO, State Attorney's Office, Public Defender and community organizations was the best approach given resources and time.



INTER-GOVERNMENT AGREEMENTS

◆ THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION [EEOC]

The Jacksonville Human Rights Commission, under its statutory mandates, has been certified as a Fair Employment Practices Agency (FEPA) under s.706 of Title VII of the Civil Rights Act of 1964, as amended. As a FEPA, charges of employment discrimination alleging violation of Title VII, Title I of the Americans with Disabilities Act of 1990, the Pregnancy Discrimination Act, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, and the Genetic Information Nondiscrimination Act of 2006 are dual-filed with EEOC's Miami District Office. Charges may be transferred between the JHRC and the EEOC within mutually agreed upon guidelines.

◆ U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [HUD]

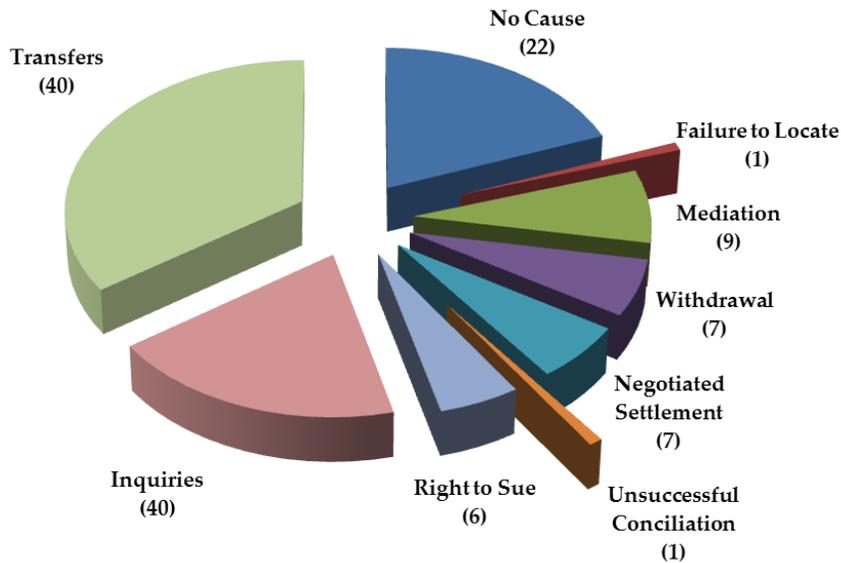
The JHRC is a substantially equivalent agency under HUD's Fair Housing Assistance Program (FHAP) which is administered by the Office of Fair Housing and Equal Opportunity. Designation as a FHAP agency allows the Commission to dual-file complaints of housing discrimination with HUD under both our local ordinance and Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988. Complaints may be transferred between the JHRC and HUD within mutually agreed upon guidelines.

EMPLOYMENT ENFORCEMENT

- ◆ The JHRC processed 133 inquiries and investigations alleging employment discrimination.

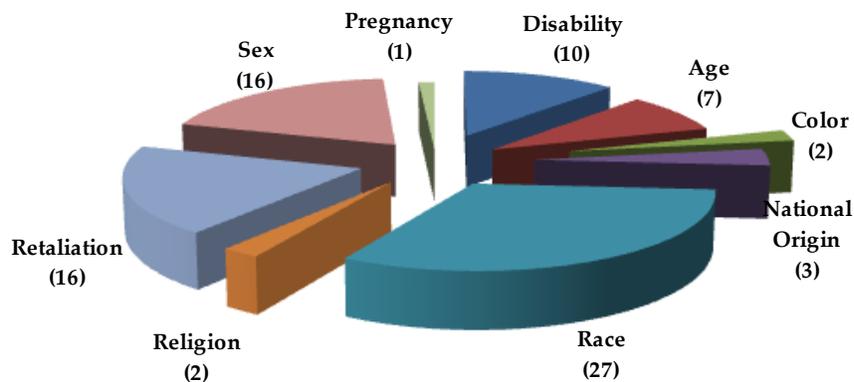
Closures ~ by Type

Charges Parties whose cases were resolved through mediation or negotiated settlements received \$163,700.00 in monetary benefits.



Basis for Filing a Charge

A charge may allege more than one basis, i.e. race and disability or age, sex and disability.





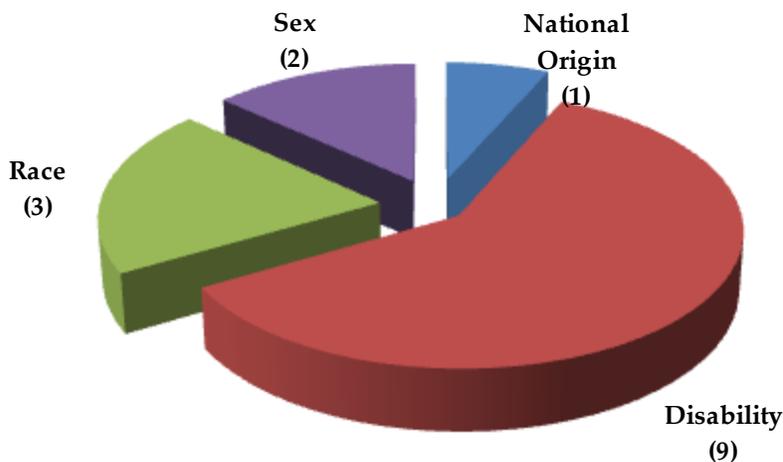
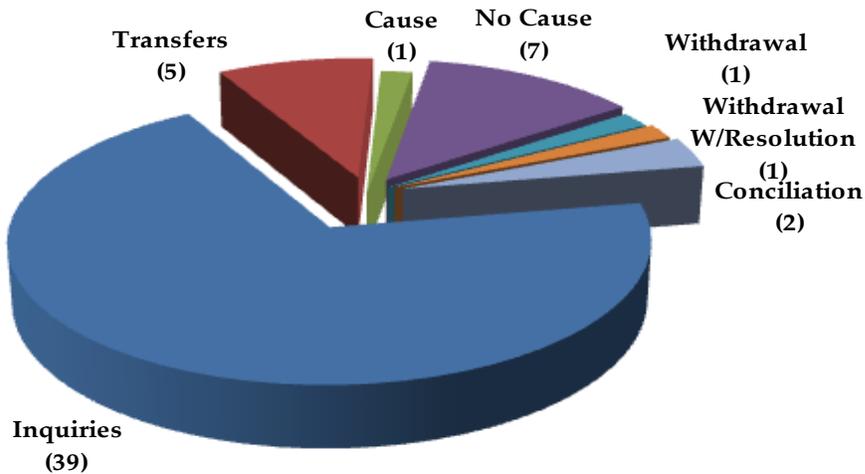
SAMPLING OF EMPLOYMENT CASES

- ◆ Charging Party alleged he was not hired as a warehouse supervisor because of his race (Black) and felony conviction for driving without a valid license (the driving violation occurred eight years prior to his applying for a position with the employer). The employer asserted that five of the nine persons hired were Black and that denying employment based on criminal convictions is not by itself unlawful. **OUTCOME:** *During the investigation, the employer expressed an interest in resolving the case. After several attempts, the Charging Party agreed to accept a \$10,000.00 settlement.*
- ◆ Charging Party worked as a sales associate in a retail establishment. Charging Party alleged that she was sexually harassed by an employee who was employed at a retail store next door to where she worked. The alleged harasser came into the Charging Party's workplace and made sexually offensive remarks to the Charging Party. After a verbal altercation with the harasser, the Charging Party reported the behavior to her store manager but nothing was done to stop the sexually offensive behavior and the Charging Party was terminated. **OUTCOME:** *The Charge was withdrawn after the Charging Party was reinstated, received a promotion, and \$5,000.00 in monetary damages.*
- ◆ Charging Party was issued a disciplinary write-up for calling her supervisor a derogatory name and because she failed to perform her cleaning duties consistent with the employer's standards. The Charging Party alleged she was falsely accused of calling her supervisor a derogatory name and that she was being harassed by her supervisor because of her race (Black) and disability. The evidence obtained did not substantiate the Charging Party's claim. The evidence obtained revealed that the Charging Party had numerous violations of the employer's standards for cleaning. Witnesses confirmed that she violated the employer's code of conduct policy when she was overheard cursing and calling her supervisor a derogatory name. **OUTCOME:** *The Commission found "no probable cause" to believe that a violation of Chapter 402 of the Jacksonville Municipal Code or Title VII of the Civil Rights Act occurred.*

HOUSING & PUBLIC ACCOMMODATIONS ENFORCEMENT

- ◆ The JHRC processed 57 housing inquiries and investigations.

Closures ~ by Type
In housing, Complainants often receive non-monetary benefits, such as parking, neutral references, and policy changes.



Basis for Filing a Complaint

A complaint may allege more than one basis, i.e. race and disability or sex and disability.

SAMPLING OF HOUSING COMPLAINTS

- Over a five year period, the Complainant requested a reasonable accommodation of an assigned handicapped parking space closest to the townhouse where he resided with his daughter and son-in-law. While on vacation, the Respondent allegedly posted a 15-minute parking limit on the handicapped parking space where the Complainant was parked and the vehicle was towed. **OUTCOME:**

Commission found that a violation of the fair housing laws had occurred and issued a “probable cause” Determination. The Complainant opted to pursue remedies in this complaint in federal court.



- The Complainants, a married couple, assert that their mortgage holder denied their application for a re-modification of their mortgage after they successfully completed a program designed to assist families who lost their jobs. The Complainants alleged they were not offered forbearance or any other type of assistance because of their race (Black or African American) and National Origin (Hispanic). **Conclusion:**

The Commission did not find that a violation had occurred and a “no cause” Determination was issued. The evidence showed the Complainants had been offered every financial option available to them to avoid foreclosure.

- Shortly after moving into a high-rise condominium, the Complainant requested a handicapped parking space and was told that no handicapped parking spaces were available; though there were cars parked in handicapped spaces without a valid handicapped license plate or placard. After the Complainant’s wife attended a Board of Directors meeting, the handicapped signs on the wall were taken down and the handicapped emblem on the garage floor was painted over. **OUTCOME:**
- The evidence revealed the parking spaces were deeded property and privately owned. The complaint was resolved through conciliation. The HOA agreed to provide valet parking for all disabled residents and guests and to modify the main entrance and garage doors to make them more accessible.*





EDUCATION & COMMUNITY OUTREACH

The Commission has an obligation to provide technical assistance to assist persons, as appropriate, to further compliance with Chapters 402, 406, and 408. Further, the Commission is charged with affirmatively furthering fair housing. In compliance with its obligations, the Commission conducted training or participated in the following education and outreach activities in FY 2016:

- ◆ Fair Housing Awareness Training / Charter Landing Apartments (October 2015)
- ◆ Fair Housing Awareness Training / Magnolia Point Apartments (October 2015)
- ◆ Mayor's Community Conversations / Supporting the Needs and Well-Being of Families - Outreach Activity (November 2015)
- ◆ Mayor's Community Conversations / Religious Freedoms, Thoughts & Beliefs - Outreach Activity (December 2015)
- ◆ Mayor's Community Conversations / Understanding the Law and the Effects on Business - Outreach Activity (December 2015)
- ◆ Brown Bag Lunch & Information Exchange panel discussion on "Accommodating Transgender Employees in the Workplace" (January 2016)
- ◆ Fair Housing Awareness Training / Community Connections (March 2016)
- ◆ Fair Housing Awareness Training / Jacksonville Housing Authority (April 2016)
- ◆ Jacksonville Area Legal Aid's 3rd Annual Civil Rights Bus Tour (April 2016)
- ◆ Fair Housing Awareness Training / Jacksonville Housing Authority (April 2016)
- ◆ Family Fund Day /Westside Family Resource Center - Outreach Activity (May 2016)
- ◆ Community Resource Mall / Jacksonville Suns Baseball Stadium - Outreach Activity (May 2016)
- ◆ Fair Housing Awareness Training / DEMCO Management, Inc. (May 2016)
- ◆ Duval County Public Health Department presentation on "Employment Laws & Cultural Differences" (June 2016)
- ◆ U.S. Coast Guard Sector / Jacksonville Diversity Leadership Symposium (September 2016)



◆ PUBLIC & PRIVATE PARTNERSHIPS

The Commission enlisted the support of and worked with civic, labor, religious, professional and educational organizations and institutions and cooperated with other governmental agencies, on the local, state and national level to further its goals and objectives.

During this fiscal year, the JHRC worked with the following organizations:

- ◆ Florida Association of Community Relations Professionals
- ◆ Florida Commission on Human Relations
- ◆ Florida Coastal School of Law
- ◆ Florida State University Center for the Advancement of Human Rights
- ◆ Jacksonville Area Legal Aid (JALA)
- ◆ OneJax
- ◆ The City of Jacksonville
 - Housing & Neighborhoods Department
 - Military, Veterans & Disabled Services
 - Municipal Code Compliance Division
 - The Jacksonville Fire & Rescue Department
- ◆ The Jacksonville Housing Authority
- ◆ The Jacksonville Sheriff's Office
- ◆ The Jacksonville Urban League
- ◆ JEA
- ◆ The U.S. Attorney General's Office – Middle District of Florida
- ◆ U.S. Equal Employment Opportunity Commission
- ◆ U.S. Department of Housing & Urban Development / Office of Fair Housing & Equal Opportunity
- ◆ U.S. Department of Justice/Community Relations Service



OFFICE OF EQUAL OPPORTUNITY/EQUAL ACCESS

The Equal Opportunity /Equal Access (EO/EA) Office promotes and enforces equal opportunity and access to, and advancement within, the City's workforce.

The EO/EA staff provides professional and confidential investigative and consulting services to *job applicants, employees, and management* of the City of Jacksonville.

The staff monitors the City's staffing patterns, focuses on efforts to create a work environment free of unfair employment practices and ensures compliance with local, state and federal equal employment laws.

- ◆ Responded to 40 complaints and/or management consultations.
- ◆ Worked with JFRD to revise and publish JFRD's Standard Administrative Procedure #333.
- ◆ Worked with Employee Services to revise the City's Anti-Harassment and Complaint Procedure directive.
- ◆ Conducted 49 EEO/Diversity training classes reaching 958 employees, supervisors and managers.
- ◆ Developed a 3-part Equal Employment Opportunity (EEO) Awareness training video, in conjunction with JFRD, for use by approximately 800 assigned uniformed Firefighters and Engineers. The training was developed and distributed in compliance with the Settlement Agreement reached between the City and the NAACP.
- ◆ Provided copies of the Equal Employment Opportunity Plan (EEO Plan) for the City and JSO to the Mayor's Asian American Advisory Board, Hispanic American Advisory Board, and the Commission on the Status of Women.
- ◆ Provided workforce data and demographics to various departments and mayoral committees in support of their mission and requests for grants and external funding.
- ◆ Prepared and submitted EEO Plans for approval by the Department of Justice (DOJ) for the City and the Jacksonville Sheriff's Office. The EEO Plans were approved by DOJ in December 2015.



THE COMMISSION STAFF

Executive Director

Charlene Taylor Hill

Executive Secretary

Joan Dolbear

Equal Opportunity Specialists

Employment

Ronnie Brown

Erica Kirlew

Patricia Royland

Employment & Housing

Afvrill Thompson⁶

Housing

Diane Ross⁷

Office of Equal Opportunity/Equal Access

Wayne McGovern

⁶ Non-General Fund Employee

⁷ Non-General Fund Employee