



WEST VIRGINIA HUMAN RIGHTS COMMISSION

2022 Annual Report



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MISSION STATEMENT

The West Virginia Human Rights Commission will encourage and endeavor to bring about respect, tolerance, and mutual understanding among all residents of West Virginia regardless of their race, gender, religious persuasion, ethnicity, or disability. Through education, investigation, mediation, and adjudication, the Commission will administer and ensure adherence to the Human Rights Act which prohibits discrimination in employment, housing, and places of public accommodation.

The West Virginia Human Rights Act prohibits discrimination in employment and in places of public accommodations based on race, religion, color, national origin, ancestry, sex, age (40 or above), blindness, or disability. In addition, discrimination in housing because of race, religion, color, national origin, ancestry, sex, blindness, disability, or familial status is forbidden.

CORE VALUES

Developed by the West Virginia Human Rights Commission, May 2022

Respect

Integrity

Fairness

Dedication

Professionalism

HUMAN RIGHTS COMMISSIONERS

Commissioner Rev. Darrell Cummings (Chair), Commissioner Timothy Hairston (Vice Chair),
Commissioner Marie Redd, Commissioner John McFerrin, Commissioner Karl Gattlieb, Commissioner
Randy Morgan, and Commissioner Wesley Dobbs

MESSAGE FROM THE EXECUTIVE DIRECTOR

I bring you greetings on behalf of the West Virginia Human Rights Commission (WVHRC), our commissioners, office staff, and partners. It is my honor to be entrusted with this appointment by Governor Justice to serve as the Executive Director for the WVHRC. I am a native of Charleston, West Virginia, and attended local schools and was a first-generation college graduate of West Virginia State University.

Prior to my appointment at the commission, I served as the Director of the West Virginia Equal Employment Opportunity Office. My education, experience, leadership skills, and commitment to excellence enables me to continue the great work the Commission has done for years to eliminate inequalities and injustices in human and civil rights across the great state of West Virginia.

The WVHRC has experienced the impact of COVID-19 as all agencies have. Nevertheless, our commitment to serving those who have been discriminated against in employment, public accommodations, and housing remains unparalleled and strong. We have a dedicated staff who work daily to serve West Virginians ensuring their voices are heard and their complaints are taken seriously through our enforcement of the West Virginia Human Rights Act, Fair Housing Act, and Pregnant Worker's Fairness Act.

The WVHRC works cooperatively with our federal partners, the U. S. Housing Urban Development (HUD) as a Fair Housing Assistance Program Agency and U.S. Equal Employment Opportunity Commission as a Fair Employment Practice Agency. Through these efforts we continue to stay abreast of best practices, training, and advanced investigation methods to investigate cases and provide exemplary customer service. Partnerships with city human relations councils, faith-based organizations, other state agencies, community organizations, law enforcement, and non-profits mutually benefit us in conducting outreach and education, training, and service.

This year was the first time our commission has done a massive outreach across the state. In conjunction with HUD, we were able to place billboards in Charleston, Huntington, Morgantown, and Parkersburg, as well on the jumbotron at Charleston's Laidley Field, in addition to magazine and radio advertising. We are committed to continuing these outreach and education efforts to serve our state.

I ask that you subscribe to our newsletter, follow us on our Facebook page, and attend one of our conferences, workshops, or seminars. We are doing great things.

Thank you for your review of our annual report. I look forward to meeting you at an event soon.

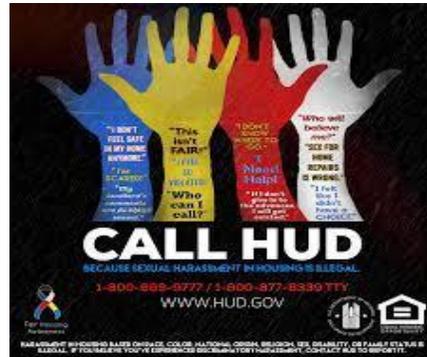
Respectfully,

Tia L. Welch

Tia L. Welch, MMIN
Executive Director

FAIR HOUSING INITIATIVES

The West Virginia Human Rights Commission received a grant from the U.S. Department of Housing and Urban Development for outreach and education this fiscal year. Through this partnership the WVHRC had billboards in Charleston, Huntington, Morgantown, and Parkersburg, to raise awareness on the issue of fair housing. In addition, fair housing seminars were conducted at Grace Bible Church, Charleston, West Virginia, and Heart of God Ministries, Beckley, West Virginia.




WEST VIRGINIA
 Human Rights Commission

Fair Housing Seminar
July 12, 2002
10:00 a.m.
 Grace Bible Church
 600 Kanawha Boulevard, West
 Charleston, West Virginia 25302

To register for this free seminar, call 304-342-3249

The federal Fair Housing Act and the WV Fair Housing Act prohibit housing discrimination in the following protected classes: race, color, religion, national origin, ancestry, sex, blindness, disability, and familial status.


 The West Virginia Human Rights Commission's Fair Housing Seminar series is funded by a Partnership Grant from the U.S. Department of Housing and Urban Development.


WEST VIRGINIA
 Human Rights Commission

Fair Housing Seminar
August 10, 2002
6:30 p.m.
 Heart of God Ministries
 1703 S. Kanawha Street
 Beckley, West Virginia

To register for this free seminar, call 304-253-3944

The federal Fair Housing Act and the WV Fair Housing Act prohibit housing discrimination in the following protected classes: race, color, religion, national origin, ancestry, sex, blindness, disability, and familial status.


 The West Virginia Human Rights Commission's Fair Housing Seminar series is funded by a Partnership Grant from the U.S. Department of Housing and Urban Development.

FAIR HOUSING MONTH

Each year, the WVHRC hosts a Fair Housing Conference as part of Fair Housing Month in April. This year's conference was held virtually on April 29, 2022, and featured Lisa Kelly, Chief of Investigations, City of Baltimore, Office of Equity and Civil Rights and Adrian Garcia, Director of Fair Housing and Commercial Property Division, Pennsylvania Human Relations Commission. The speakers covered the topics of discrimination and sexual harassment in housing and the Americans with Disabilities Act (ADA) compliance in housing. This conference was funded by U.S. Housing and Urban Development.

CIVIL RIGHTS DAY

With the support of Governor Jim Justice, the WVHRC annually recognizes the importance of civil rights in the State of West Virginia. The Commission hosted a virtual ceremony honoring West Virginia Civil Rights Day on Monday, August 29, 2022, through the WVHRC Facebook page.

The event was later scheduled for viewing at 7:00 p.m., September 5 on West Virginia Public Broadcasting's [West Virginia Channel](#). Following these presentations, the event was made available for viewing at any time on the WVHRC [website](#).

Featured speakers included Governor Jim Justice, U.S. Senator Joe Manchin, U.S. Senator Shelly Moore Capito, West Virginia Department of Health and Human Resources Cabinet Secretary Bill J. Crouch, and HRC Executive Director Tia L. Welch. The keynote address was given by Mr. Maurice R. Cooley, former Vice President of Intercultural Affairs and Student Affairs at Marshall University. The ceremony also included Kanawha County acapella group Harmony Rechoired and poet Tierah Williams.

"Today and every day, we celebrate progress that has been made for civil rights," said Welch. "The West Virginia Human Rights Commission strives to uphold the laws that prohibit discrimination in employment, public accommodation, and housing, and extends gratitude to those who continue to be advocates."

CASE ACTIVITY - FY 2022

Inquiries and Complaint Forms:

WVHRC receives hundreds of inquiries from residents and businesses who have a concern about discrimination issues. Many inquiries are simple questions about the law or the Commission's services, and the agency's staff investigators or attorney are available to quickly answer the inquiries. Individuals who are considering filing a complaint are provided with an appropriate Background Information Form to complete and return to begin the complaint and investigation process.

WVHRC tracks the number of Background Information Forms mailed to individuals; the forms can also be obtained from the Commission's website.

During FY 2022, the Commission mailed **332** Background Information Forms:

- 324 were mailed to individuals after a telephone inquiry.
- Five were mailed after a website inquiry.
- Two individuals requested a form via U.S. Postal Service.
- One was distributed to a walk-in.

The 332 Background Information Forms mailed were divided as follows:

- 203 employment complaints (63%)
- 68 public accommodations complaints (21%)
- 61 housing complaints (19%)

Complaints Docketed:

After an individual completes and returns a Background Information Form, WVHRC investigators use the information provided to draft a concise legal complaint that must be approved and signed by the individual alleging discrimination and returned to the Commission to be docketed. WVHRC has seen an increase in cases sent from our federal partners to investigate at the state level.

During FY 2022, the Commission docketed **146** legal complaints:

- 109 complaints alleged discrimination in employment (75%)
- 17 complaints alleged discrimination in housing (12%)
- 19 complaints alleged discrimination in public accommodations (13%)
- One complaint alleged violation of the Pregnant Workers' Fairness Act (<1%)

Cases Closed:

Most WVHRC cases are closed after the Commission completes an investigation and makes a determination of “probable cause” or “no probable cause.” However, some cases are closed when the complaining party decides to withdraw the complaint or when the parties reach an agreement to end the case. After a probable cause determination, a case is referred to the Commission’s Office of Administrative Law Judge to be decided at a public hearing unless the parties reach a settlement. Some cases alleging housing discrimination are litigated before the state’s circuit courts instead of the Commission’s administrative law judge after a probable cause determination.

During FY 2022, the Commission closed **210** cases:

- 175 cases alleged discrimination in employment (83%)
- 17 cases alleged discrimination in housing (8%)
- 18 cases alleged discrimination in public accommodations (9%)
- Zero employment cases alleged violation of the Pregnant Workers’ Fairness Act.

FEDERAL WORKSHARE AGREEMENTS FOR CASE PROCESSING

WVHRC’s partnerships with federal agencies provide invaluable support, training, and funding for its efforts to address discrimination in employment and housing. Because West Virginia’s anti-discrimination laws remain substantially equivalent to federal anti-discrimination laws, the Commission is eligible to benefit from workshare agreements with the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development’s (HUD) Office of Fair Housing and Equal Opportunity (FHEO).

Qualifying cases are “dual filed” with WVHRC and the corresponding federal agency, thus preserving the complainant’s rights to pursue litigation under federal or state law. When a West Virginia resident files a housing discrimination complaint with HUD’s FHEO, the case is referred to the Commission for investigation. During FY 2021, the EEOC also started referring complaints filed by West Virginia workers to the Commission for investigation, increasing the Commission’s active case load. Both EEOC and FHEO review the Commission’s investigations to ensure that the work is diligent, thorough, and legally accurate. Each federal agency generally accepts the findings of the Commission’s investigations as its own findings.

Additionally, as long as the WVHRC continues to effectively process cases of housing discrimination and improve its fair housing outreach/education efforts, the state is able to address some of its identified impediments to fair housing choice. West Virginia, like all jurisdictions that receive HUD funds, is required to eliminate all identified impediments to fair housing and to certify that the state government operates in a way to affirmatively further fair housing. Such certification is required for West Virginia to remain eligible to receive tens of millions of dollars in HUD funds for community development and affordable housing projects.

EEOC:

The fiscal year for the WVHRC's workshare agreement with EEOC runs from October 1 to September 30 of each year. In FY 2022, the Commission increased its workshare commitment and met its goal of 150 cases. WVHRC was approved by EEOC for payment of \$830 each, and engagement funding of \$1,000 resulting in \$125,750 in federal funds to the Commission.

HUD/FHEO:

WVHRC's workshare agreement with HUD/FHEO runs from July 1 through June 30. The Commission completed and submitted 22 housing investigations during FY 2022; each was approved for payment of varying amounts for a total of \$64,600.

Pursuant to the workshare agreement, HUD also pays WVHRC various amounts for cases that result in a probable cause determination, and the Commission received an additional \$8,200 for its probable cause cases.

PRE-DETERMINATION CONCILIATION

During the course of every investigation, the parties to each case are invited and encouraged to participate in conciliation efforts to resolve the dispute before the investigation is completed and a determination is issued. The Commission's staff are available to help facilitate talks but are not permitted to provide legal advice to either party.

- WVHRC facilitated conciliation agreements in five cases during FY2022; four of those agreements were in housing discrimination cases, and one was a public accommodation case.
- The total amount paid to complainants pursuant to the conciliation agreements in the four housing cases was **\$3,075**.
- The total amount paid to a complainant pursuant to the conciliation agreements in one public accommodation case was **\$850**.
- There was one case pending before the WVHRC that was settled for a total of **\$77,000**.
- The Commission's staff endeavor to negotiate for relief in the public interest in each conciliation agreement. Relief in the public interest typically includes changes in the respondent's policies, training for managers and staff, and/or posting of employee or tenant rights that include the WVHRC's contact information.

ADMINISTRATIVE LAW JUDGE CASES

When the Commission’s confidential investigation results in a determination of probable cause, the case becomes public and is immediately assigned to the WVHRC’s Office of Administrative Law Judge for disposition. The Office of Administrative Law Judge promptly enters a Notice of Public Hearing setting a date for hearing and other pre-trial deadlines, including a deadline for mediation. Some complainants are represented by private counsel, but the ones who do not have counsel are assisted free of charge by the West Virginia Attorney General’s Civil Rights Division. The Office of Administrative Law Judge and the Attorney General’s Civil Rights Division have a record of encouraging the parties to resolve cases by settlement, and public hearings are rarely required as a result. The following is an all-inclusive list of the cases resolved before the Commission’s Office of Administrative Law Judge during FY 2022.

OFFICE OF ADMINISTRATIVE LAW JUDGE ACTIVITY

DISPOSITION LOG

July 1, 2021 - June 30, 2022

Total Settlement Amount	\$192,375.00
Total Number of Right to Sue	8
Total Number of “other”	4
GRAND TOTAL	\$192,375.00

JULY 2021		
Date	Case	Disposition
07/27/21	Goolsby v Arch Coal, Inc. d/b/a Logan Mingo Coal, LLC ER-68-20	\$75,000.00 Settlement
AUGUST 2021 NO CASES CLOSED		
SEPTEMBER 2021		
09/01/21	Wilson v. Pace Enterprises of WV, Inc. ED-149-20	\$2,000.00 Settlement
OCTOBER 2021		
10/01/21	Hoff v. Brannon Dental Associates, PLLC EAREP-90-20	<i>Final Dismissal Closing Order</i> RTS
NOVEMBER 2021		
11/01/21	Oscar D. Scruggs v. Mingo Logan Coal, LLC Mountain Laurel Complex, ER-96-20	\$5,000.00 Settlement

11/01/21	McAllister v. Knutti HD-44-21	\$3,000.00 Settlement
11/02/21	Anderson v. United Summit Center, Inc. ED-23-20	\$750.00 Settlement
11/05/21	Harris v. Simply Rights, Inc. EA-101-20	\$11,000.00 Settlement
DECEMBER 2021		
12/23/21	Bowe v. Eastbrook Center, LLC EDREP-08-21	\$33,000.00 Settlement
JANUARY 2022 NO CASES CLOSED		
FEBRUARY 2022		
02/10/22	Ellis v. Wood County Board of Education EADRREP-106-20	<i>Final Dismissal Closing Order</i> RTS
02/10/22	Garner v. C&D Assets, LLC HD-37-21	<i>Final Dismissal Closing Order</i> RTS
02/10/22	Brown v. Ramaco Resources, LLC ER-159-20	\$3,500.00 Settlement
02/14/22	Bradley v. Ohio Schools EA-44-20	<i>Final Dismissal Closing Order</i> RTS
02/28/22	Livingood v. Public Defender Corp. Fifth Judicial District ES-192-18	<i>Final Decision</i> issued on December 15, 2021 <i>Final Order of the WV Human Rights Commission</i> February 28, 2022
MARCH 2022		
03/09/22	Warner v. Advance Stores Company, Inc. EDR-103-19	<i>Final Dismissal Closing Order</i> Death
03/15/22	Davis v. Better Living Management LLC, <i>et al.</i> HDFS-207-20	\$625.00 Settlement
03/17/22	Pettit v. Rotech Oxygen and Medical Equipment, Inc., d/b/a Laura Mountain Medical ERREPS-26-22	\$3,500.00 Settlement
03/17/22	Shock v. WV Lottery Commission ED-9-22	<i>Final Dismissal Closing Order</i> Withdrew
03/17/22	Ellison v. Raleigh County Board of Education EAANCDR-138-20	<i>Final Dismissal Closing Order</i> Withdrew

03/22/22	Reeves v. Eastbrook Center, LLC ER-186-20	<i>Final Dismissal Closing Order</i> Withdrew
03/30/22	Sharp v. Huntington Sanitary Board EAREP-11-21	<i>Final Dismissal Closing Order</i> RTS
APRIL 2022 NO CASES CLOSED		
04/06/22	Hagley v. Mildred Mitchell Bateman Hosp. Aux., Inc. ED-65-20	\$22,500.00 Settlement
04/12/22	Thompson v. Putnam County EMS EA-200-20	\$5,000.00 Settlement
04/19/22	Van Ellis v. West Virginia University EARREP-67-21	<i>Final Dismissal/Closing Order</i> RTS
04/25/22	Powers v. WV Dept. of Transportation ED-12-20	<i>Final Dismissal Closing Order</i> RTS
MAY 2022		
05/02/22	Ruggier v. Branch Banking and Trust Company PAD-38-19	\$27,500.00 Settlement
05/03/22	Wisembaler v. Ronald Utt et al HD-167-20	<i>Final Dismissal Closing Order</i> RTS
JUNE 2022 NO CASES CLOSED		

CIRCUIT COURT CASES

Pursuant to the West Virginia Fair Housing Act, any party to a housing discrimination case can elect to have the case litigated in the circuit court of the county where the alleged discrimination took place after the Commission makes a probable cause determination and issues a charge. When a party elects to proceed in circuit court, the Office of the Attorney General Civil Rights Division files a civil complaint on behalf of the Commission and the complainant, and the circuit court judge presides over the case until trial or settlement. Currently three cases are pending before circuit courts during FY 2022:

Curnice Garner v. C&D Assets, LLC	HD-37-21 CC-02-2021-C348
Barbara Ann Corrigan and Hollie McLean v. Metro Property Management	21-C-271

APPEALS

After the WVHRC’s Administrative Law Judge (ALJ) enters a final decision on the merits of a case, the parties may appeal the decision to the nine commissioners who must review the ALJ’s decision and promptly decide any issues raised in the appeal. The commissioners’ decision can then be appealed pursuant to the Administrative Procedures Act to the Kanawha County Circuit Court and the West Virginia Supreme Court of Appeals. There was one case that was appealed for the commissioners to decide during FY 2022, and that case was appealed from the Commission to the Circuit Court of Kanawha County.

COMMUNITY OUTREACH AND PARTNERSHIPS

WVHRC is committed to working with communities across the state to ensure human and civil rights protections under the law, facilitate training, and provide outreach and education. The Commission has participated in fairs, festivals, and expos in various communities, including:

- West Virginia Human Rights Day at the Legislature
- Multifest – Charleston, West Virginia
- Juneteenth Celebration – Charleston, West Virginia
- West Virginia Human Rights Housing Conference
- West Virginia Human and Civil Rights Summit – Institute, West Virginia
- Small Communities, BIG Solutions Conference – Charleston, West Virginia
- 73rd International Association of Official Human Rights Agencies (IAOHRA) – Los Angeles, California
- EEOC FEPA Regional Leadership Conference – Baltimore, Maryland.
- West Virginia Equal Employment Opportunity Conference – Roanoke, West Virginia