

## **EQUAL RIGHTS COMMISSION**

### **2001 ANNUAL REPORT**

#### **PURPOSE AND HISTORY OF THE EQUAL RIGHTS COMMISSION**

The City of Milwaukee Equal Rights Commission (formerly Fair Housing and Employment Commission) was formed by the Common Council of the City of Milwaukee in 1991 in order to bring Milwaukee into conformity with federal legislation providing equal housing and employment opportunities. By creating the Equal Rights Commission and enacting Chapter 109, the City of Milwaukee recognized that the denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society and adversely affects the general welfare of the community.

The vision of the Equal Rights Commission has been very eloquently articulated by Mayor John O. Norquist, A...to establish a discrimination free city and ...together we can truly make Milwaukee a city that appreciates its diversity. The Equal Rights Commission recognizes that this vision cannot be accomplished by the Equal Rights Commission working in isolation to fulfill the mission of Chapter 109. The Commission must join with others in the community and form partnerships and networks. It must seek to bring people together, who have not come together before, in order to share this vision, so that it becomes a joint vision for the whole community.

The name of the Commission was changed to the Equal Rights Commission in 1994. In 1995, the Commission moved to the Equal Opportunity Enterprise Offices and was put under the same supervision. However, the charge of the Commission has remained constant: to receive, investigate, and eliminate or remedy, discrimination in housing, employment and public accommodations by means of conciliation, persuasion, education and litigation.

Since 1991, the number of inquiries to the Equal Rights Commission about alleged employment discrimination has substantially increased. In 1998, the Commission received a total of 479 inquiries. But in 1999, the Commission received 713 inquiries from May 24, 1999 through the end of the year. This represents an increase of approximately 49% from the previous year (During the timeframe of January 1, 1999 to May 24, 1999, there was no Equal Rights Specialist, Sr.) In 2000, the Commission received 1,292 inquiries. The total number of inquiries in 2001 was 1,417, which is an increase of 125 cases from the previous year. This represents a 10% increase in the total number of inquiries during this time frame. The Commission received 19 complaints of housing discrimination in comparison to no complaints being received and/or referred for investigation the two (2) prior years. The complaints were referred to the Metropolitan Milwaukee Fair Housing Council for investigation. We believe that the increase was due in part to the marketing of the program. We staff booths at fairs, forums, etc. throughout the year as well as advertising on the City Channel 25 and literature that is distributed throughout all the branches of the Milwaukee Public Library.

The Equal Rights Commission is continuing its reassessment and role in the community regarding issues of parity in the workforce and in fair housing. The Commission has a mandate under Chapter 109 to try and resolve fair employment and fair housing issues. There are a number of agencies and organizations in the community with similar goals and missions and are available for networking and partnerships. The Commission has aligned itself with many of those organizations and is continuing to create coalitions designed to make significant differences in areas of blatant disparities such as institutional lending, employment, housing and transportation.

The Commission continues to be represented on the Board of Directors for the Fair Lending Coalition. The Commission continues to be interested in the Central City Transit Task Force, which supports efforts to create mass transit to the suburbs for greater job accessibility and other socially just purposes. The Commission is in the process of refining its agreement with the Metropolitan Milwaukee Fair Housing Council to help further its mission in actively investigating complaints of housing discrimination.

Education is another area that impacts employment access. The Commission is working very closely with the education community to monitor the enrollment of minorities in programs that would provide them with the knowledge and skills necessary to obtain employment in the technical fields as well.

Paulette Douglas, Equal Rights Specialist, Sr., is continuing to distribute pamphlets to the Central Library Office for distribution to all branches of the library, for the public, regarding the Equal Rights Commission. Ms. Douglas also is continuing to monitor the involvement of the Equal Rights Commission with Helpline, which is an information and referral directory source for the public.

Paulette Douglas, the Equal Rights Specialist, Sr., continues to update and distribute an informational pamphlet as a resource for employers and employees, which provides information on organizations which connect minorities and women to available jobs and job training.

In order to effectuate the Equal Rights Commission's long standing interest in strengthening the trade and technical curricula at Milwaukee Public Schools, the Commission will continue to monitor the student body and curriculum at the new trade and technical school.

### **Commission Members**

In August 1999, the Commission was expanded to seven (7) members. The Mayor's appointments to implement Chapter 109 of the Milwaukee Code of Ordinances for 2001 are as follows:

Jay Urban, Urban Taylor & Stawski Limited, trial lawyer. Mr. Urban is the current Chairman of the Commission.

Cheryl L. Keenan is a retired school teacher.

Martha Lamelas, a retired Curriculum Specialist, Bilingual Education, Milwaukee Public Schools; a member of the Wisconsin Advisory Council on Bilingual Education; and also a member of the Commission since its inception.

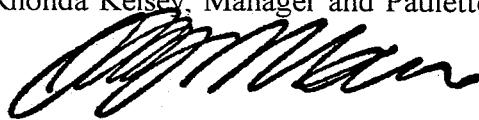
Brentell C. Handley, Assistant Vice President, M&I Marshall & Ilsley Bank.

Minnie Davis, Consultant/Parent and Youth Organizer, Effective Action.

Buddy Julius, Lobbyist

William Thompson, Executive Director, Deferred Compensation Plan, City of Milwaukee

The Commission's present staff is Rhonda Kelsey, Manager and Paulette Douglas, Equal Rights Specialist, Sr.

A handwritten signature in black ink, appearing to read "Jay Urban", written in a cursive style.

---

**Jay Urban, Chairman**

## **FILING A COMPLAINT WITH THE EQUAL RIGHTS COMMISSION**

Any resident of the City of Milwaukee who believes that she or he has been discriminated against may contact the Equal Rights Commission by telephone, in writing, or in person in order to obtain a complaint form. The complaint form is now available and can be downloaded from the City of Milwaukee's website address at [www.ci.mil.wi.us/citygov/doa/sp/eoep/erc.html](http://www.ci.mil.wi.us/citygov/doa/sp/eoep/erc.html). The complaint must be filed within 300 days of the alleged violation of Chapter 109 and it must name a Respondent that either does business in or is located within the City of Milwaukee.

After the complaint is filed, an Equal Rights Specialist makes determinations as to whether the Complainant has standing under Chapter 109 and as to whether the Commission has jurisdiction under Chapter 109. Provided that both standing and jurisdiction are present, the complaint is then forwarded to the Respondent. The Respondent is given 10 days to submit a response to the Commission detailing its version of what occurred.

The response is then forwarded by the Commission to the Complainant for review. At this time, the Complainant is given an opportunity to withdraw the complaint. If the Complainant chooses to proceed with the complaint, she or he must then submit a response to the Commission within 10 days. Upon receiving the response from the Complainant, the Commission initiates an investigation.

During the course of the investigation, an Equal Rights Specialist will seek facts in order to render an initial determination of probable cause or no probable cause. This fact-seeking effort may include one or more of the following: interviewing witnesses; reviewing company records; conducting on-site visits; or submitting interrogatories to either party. When the investigation is completed, the Equal Rights Specialist renders an initial determination.

Initial determinations of probable cause provide the Respondent 30 days in which to reach an agreement with the Complainant. If an agreement is not reached, the case is referred to the Administrative Law Judge. If, after a hearing on the merits, the ALJ concurs in the judgment of the Equal Rights Specialist, remedies such as reinstatement, fines and back pay may be awarded. A decision of the ALJ finding discrimination may be appealed to the state circuit court.

Initial determinations of no probable cause provide the Complainant 30 days in which to appeal the decision of the Equal Rights Specialist. If the Commission receives a written appeal within 30 days, the case is referred to the ALJ who schedules a hearing before the Equal Rights Commissioners. If the Commissioners uphold the determination of the Equal Rights Specialist, the case is dismissed. In the event that the Commissioners reverse the initial determination, a hearing is conducted with the ALJ. The potential remedies that may result from this hearing are the same as those listed above.

## CASE DECISIONS 2001

01-001-E

Comanicasha L. Leckland v. Lockheed Martin IMS

Discrimination on the basis of race and familial status

Disposition: No probable cause; no appeal was made and the case was closed

The Complainant alleges that she was spoken to in a "hostile, arrogant and disgustingly disrespectful" manner because of her race and that she was pregnant. She also alleged that racial comments were also directed to her.

01-002-E

Erika Henry v. A.B. Agarwal

Discrimination on the basis of race.

Disposition: No probable cause; no appeal was made and the case was closed

The Complainant alleges that she was fired because of lies that a co-worker told the employer and that the employer did not follow their policy in firing her.

01-003-E

Cecil N. Lacy v. Amoco Corporation

Discrimination on the basis of race

Disposition: No probable cause; no appeal was made and the case was closed

The Complainant alleges that he was subjected to discriminatory remarks and that his hours were given to an under-aged, Caucasian male.

01-004-E

Robert E. Barnes v. Professional Account Management

Discrimination on the basis of race

Disposition: No probable cause; affirmed on appeal to the Administrative Law Judge

The Complainant alleges that he inquired about open leadership positions and that he was passed over for Caucasian males from outside of the company. He also alleges that there is no African-Americans in leadership positions at any level of the company.

01-005-E

Jacqueline A. Rodgers v. Day Care Services for Children, Inc.

Discrimination on the basis of race

Disposition: Dismissed due to lack of response from Complainant

The Complainant alleges that the Respondent had a problem working with African-Americans and she did not like the way that she was being treated.

01-006-E

Keisha Johnson v. Community Financial

Discrimination on the basis of sex

Disposition: Successful Mediation

The Complainant alleges that two (2) managers discriminated against her when she called in sick. They made statements alleging that she was calling in sick because of the weather and also suggesting that maybe she should practice abstinence. The Equal Rights Specialist, Sr. was able to facilitate an agreement between the parties.

01-007-E

Paula Forbes v. Helwig Carbon Products

Discrimination on the basis of race, sex and retaliation

Disposition: No probable cause; no appeal was made and the case was closed

The Complainant alleges that the company created a hostile environment, which caused her undue hardship. She further alleged that certain groups of individuals were treated better than others.

01-008-E

Janita Ross v. Firstar Bank

Discrimination on the basis of race

Disposition: No probable cause; no appeal was made and the case was closed

The Complainant alleges that because of her race, her Caucasian superiors were intimidated by her mind and disliked her ability to professionally reason out different situations.

01-009-E

Raeann Korpela v. Wm. K. Walthers, Inc.

Discrimination on the basis of disability

Disposition: Dismissed due to lack of response from Complainant

The Complainant alleges that while on medical leave, she was told to return to work, train someone else, take a pay cut and a different position.

01-010-E

John E. Lough, Jr. v. Home Depot

Discrimination on the basis of age

Disposition: Dismissed due to lack of response from Complainant

The Complainant alleges that he was told by management that they could get someone younger and cheaper to do his job.

01-011-E

Crystal R. Nelson v. Tree of Life, Inc.

Discrimination on the basis of sex

Disposition: Dismissed due to lack of jurisdiction

01-012-E

Daisy M. Elder v. Milwaukee Wire Products

Discrimination on the basis of disability

Disposition: Mediation unsuccessful; No probable cause; no appeal was made and the case was closed

The Complainant alleges that she was denied employment after the company received the results of her physical.

01-013-E

Steven O'Neal Hasan v. Northwest Funeral Chapel

Discrimination on the basis of income and age

Disposition: No probable cause

The Complainant alleges that he was reminded of his salary at the company and that he should be happy to have a good paying job. He also alleged that he was terminated because he had another job.

01-014-E

Zondra V. Freeman v. First Union Securities, Inc.

Discrimination on the basis of race and sex

Disposition: No probable cause

01-015-E

Mark J. Ward v. Rite Hite

Discrimination on the basis of national origin

Disposition: Dismissed due to lack of jurisdiction

01-016-E

Menrose M. Heard v. Ameritech

Discrimination on the basis of disability, familial status and retaliation for grievances previously filed against the company.

Disposition: No probable cause; no appeal made and the case was closed

The Complainant alleges that she was being treated differently because of grievances that were previously filed against the company and because of her disability and family status. She alleges that she was not accommodated for her disability.

01-017-E

Kenisha S. Brown v. McKnight-N-2-Day Daycare

Discrimination on the basis of ancestry and age

Disposition: Dismissed due to lack of response from Complainant

The Complainant alleges that because she did not agree to send her daughter to another facility, instead of the facility, in which she worked, and that she was fired as a result of it.



## Case backlog

| Year | 6 months | 1 year | 2 years | 3 years |
|------|----------|--------|---------|---------|
| 1995 | 11       | 3      | 1       | 0       |
| 1996 | 10       | 7      | 0       | 0       |
| 1997 | 22       | 7      | 0       | 0       |
| 1998 | 0        | 0      | 0       | 0       |
| 1999 | 0        | 0      | 0       | 0       |
| 2000 | 0        | 0      | 0       | 0       |
| 2001 | 0        | 0      | 0       | 0       |

## Cases filed since 1991

| Year | # of Cases |
|------|------------|
| 1991 | 18         |
| 1992 | 29         |
| 1993 | 13         |
| 1994 | 17         |
| 1995 | 19         |
| 1996 | 30         |
| 1997 | 37         |
| 1998 | 34         |
| 1999 | * 10       |
| 2000 | 13         |
| 2001 | 17         |

\* prior to 5/24/02, there was no Equal Rights Specialist, Sr.

## Cases resolved

| Year | # of cases |
|------|------------|
| 1991 | 7          |
| 1992 | 25         |
| 1993 | 15         |
| 1994 | 14         |
| 1995 | 15         |
| 1996 | 19         |
| 1997 | 15         |
| 1998 | 4          |
| 1999 | 1          |
| 2000 | 12         |
| 2001 | 14         |

\* For the year 1999, the count did not begin until 5/24.

### Probable Cause Findings

| Year | # of Cases |
|------|------------|
| 1991 | 1          |
| 1992 | 3          |
| 1993 | 0          |
| 1994 | 3          |
| 1995 | 3          |
| 1996 | 5          |
| 1997 | 6          |
| 1998 | 0          |
| 1999 | 0          |
| 2000 | 0          |
| 2001 | 0          |

### Types of Complaints

| Year | Housing | Public Accommodations |
|------|---------|-----------------------|
| 1991 | 0       | 0                     |
| 1992 | 1       | 3                     |
| 1993 | 2       | 0                     |
| 1994 | 2       | 0                     |
| 1995 | 1       | 1                     |
| 1996 | 4       | 1                     |
| 1997 | 0       | 1                     |
| 1998 | 1       | 1                     |
| 1999 | 0       | 0                     |
| 2000 | 0       | 0                     |
| 2001 | 19      | 0                     |

### Types of Resolutions

| Year | ALJ awards |
|------|------------|
| 1991 | 0          |
| 1992 | 0          |
| 1993 | 0          |
| 1994 | 0          |
| 1995 | 0          |
| 1996 | 0          |
| 1997 | 0          |
| 1998 | 0          |
| 1999 | 0          |
| 2000 | 0          |
| 2001 | 0          |

## Highlights of 2001

The Equal Rights Commission (ERC) and the Metropolitan Milwaukee Fair Housing Council (MMFHC) have a cooperative agreement that allows the MMFHC to investigate all complaints received regarding housing discrimination. Due to the ERC only having one (1) staff person, it frees up time for the Equal Rights Specialist, Sr. to concentrate on the investigation of the employment discrimination complaints as well as other duties.

The Equal Rights Commission can now be found on the internet through the City of Milwaukee's web site, Milwaukee.gov. The web site address is [www.ci.mil.wi.us](http://www.ci.mil.wi.us).

The Commission is currently conducting a survey of "like" cities with "like" missions in various cities throughout the Midwest and East Coast to determine if its process and ordinance is effective as it stands or if it could be enhanced to better serve the citizens of the City of Milwaukee.

The Equal Rights Commission can also be found on an Equal Rights web site. The web site is from the Southern Poverty Law Center, which is located in Montgomery, Alabama. The SPLC put together a compilation of civil rights agencies nationwide. The web site address is [www.tolerance.org](http://www.tolerance.org).

The Equal Rights Commission is now located in Room 606 of City Hall and is now under the direction of the Business Operations Division.

The Equal Rights Commission received a "Many Hands-One Vision" Collaboration Award from the Social Development Commission for its work with Urban Day School through Ms. Douglas' efforts of formulating a positive, proactive working relationship with them.

The Commission is continuing its efforts in the area of strengthening Chapter 109, to include the awarding of attorneys' fees. The Commission is also continuing to monitor its services.

Ms. Douglas participated in two (2) community events, Urban Day School's Healthy Start Carnival and the Social Development Commission's Community Partner program, in which she had a booth and explained the Equal Rights Commission and its purpose to the participants. She is continuing to expand this service. The Equal Rights Commission distributed 930 pamphlets to citizens, the Milwaukee Public Library and to community organizations.

The Equal Rights Commission is working on sponsoring a "Diversity Fair" at City Hall to provide the citizens of Milwaukee with knowledge about the various ethnic groups in their community.

## **Future Goals**

To elevate the presence of the Commission in the community by the following:

- Providing education regarding proper implementation of civil rights issues to small businesses
- Creating liaisons with organizations who share in the same missions and goals, for example; the NAACP
- Elevating the diversity in the community by sponsoring a small Diversity Fair annually

Prepared By: Paulette Douglas, Equal Rights Specialist, Sr.