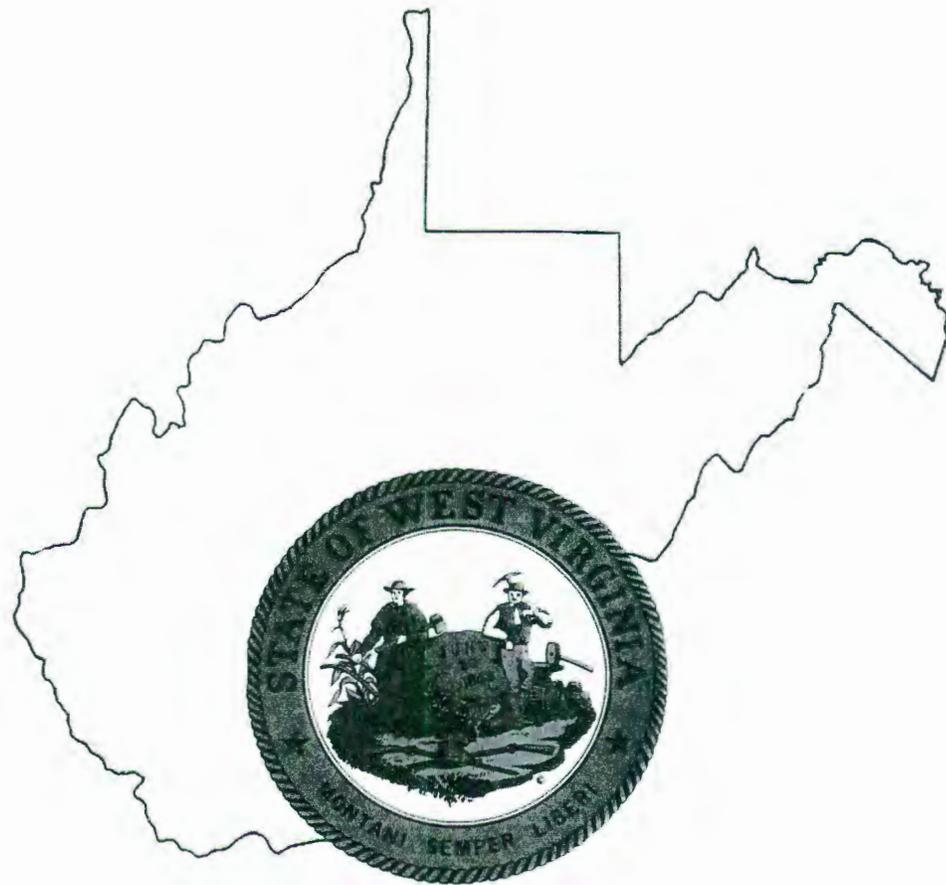


# West Virginia Human Rights Commission

## Annual Report 2005 - 2006



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State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
HUMAN RIGHTS COMMISSION

Joe Manchin III  
Governor

1321 Plaza East, Room 108A  
Charleston, WV 25301-1400  
Telephone: (304) 558-2616 Fax: (304) 558-0085  
TDD: (304) 558-2976 Toll Free: 1-888-675-5548

Martha Yeager Walker  
Secretary

December 1, 2006

The Honorable Joe Manchin III  
Governor, State of West Virginia  
State Capitol Bldg.  
1900 Kanawha Blvd. East  
Charleston, WV 25305

Members of the West Virginia Legislature  
State Capitol Bldg.  
1900 Kanawha Blvd. East  
Charleston, WV 25305

Dear Governor Manchin and Members:

It is with pleasure that I present to you the 2005-2006 Annual Report which documents a year of the many activities of the West Virginia Human Rights Commission. This report will provide you with information on the past year's activities and outline future programs which are designed to ensure the Commission not only meets, but exceeds its mission.

The Human Rights Commission vigorously continues to safeguard the human rights laws of the citizens of the great State of West Virginia. The Commission's mandate of administering and enforcing those laws assures equal protection in the areas of employment, housing and public accommodations to all West Virginians.

The support we have received this past year from Governor Manchin and the West Virginia Legislature has enabled this Commission to work more diligently in our efforts to eradicate discrimination and to protect civil and human rights in West Virginia.

Respectfully submitted,

Ivin B. Lee  
Executive Director

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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 citizens of West Virginia regardless of their race, gender, religious persuasion, ethnicity, or disability. The Commission will administer and ensure adherence to, through education, investigation, mediation, and adjudication, the Human Rights Act which prohibits discrimination in employment, housing, and places of public accommodation.

---

# DECLARATION OF POLICY

It is the public policy of the State of West Virginia to provide all citizens equal opportunity for employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment and public accommodations is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age (40 and above), blindness or disability. Equal opportunity in housing accommodations or real property is hereby declared a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, blindness, disability or familial status.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, disability or familial status is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

Unlawful discrimination damages both the individual and society in a myriad of ways, not the least of which is shame and humiliation experienced by the victim--feelings that diminish the person's ability to function in every area of life. Society is damaged by the unwarranted and foolish refusal to accept an individual's talents and efforts merely because of race, sex, religion, age, color, ethnicity or disability. With regard to housing, discrimination strikes at the dignity of the individual. It says to the victim that No matter how much money you have...No matter what your social position, you cannot live here.

The victim is denied basic necessities of life (shelter) and fundamental freedom (the right to live where one chooses).

Specifically, the West Virginia Human Rights Act prohibits discrimination by any employer employing 12 or more persons within the state for twenty (20) or more calendar weeks in the calendar year in which the act of discrimination allegedly took place or the preceding calendar year: Provided, That such terms shall not be taken, understood, or construed to include a private club, based on race, color, religion, national origin, ancestry, sex, age (40 and above), blindness or disability in the selection, discharge, discipline or other terms and conditions of employment. The Act also prohibits any advertisement of employment that indicates any preference, limitation, specification or discrimination based on race, religion, color, national origin, ancestry, sex, age, blindness or disability. Lastly, it is unlawful under the Act to retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this Act or because the person has made or filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing concerning an unlawful practice under the Act.

The Fair Housing Act protects each person's right to personal dignity and freedom from humiliation, as well as the individual's freedom to take up residence wherever the individual chooses. This Act prohibits discrimination in housing based on race, religion, color, sex, national origin, ancestry, disability and familial status (the presence of children under the age of 18 years of age in the household). Wide ranges of discriminatory practices are prohibited, affecting a variety of persons and businesses. Realtors, brokers, banks, mortgage lenders, insurance companies, developers, real estate buyers and sellers, landlords and tenants are all affected by the Fair Housing Act. It is important that all those covered by the Act know their rights and duties under the Act.

---

# Highlights of the West Virginia Human Rights Act

The West Virginia Human Rights Act (W.Va. Code §5-11) was enacted in 1961 and is administered and enforced by the West Virginia Human Rights Commission.

## **Employment Discrimination and Harassment** W.Va. Code § 5-11-9(1)

*It shall be an unlawful discriminatory practice...For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment....*

## **Public Accommodations Discrimination** W.Va. Code § 5-11-9(6)(A)

*It shall be an unlawful discriminatory practice...For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodations to: (A) Refuse, withhold from or deny to any individual because of his race, religion, color, national origin, ancestry, sex, age, blindness or handicap, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of such place of public accommodations;....*

## **Reprisal Related to Employment or Public Accommodation** W.Va. Code § 5-11-9(7)(A)(C)

*It shall be an unlawful discriminatory practice for any person to...(A) Engage in any form of threats or reprisal,...or otherwise discriminate against any person because he has...filed a complaint, testified or assisted in any proceeding under this article.*

## **Housing Related Reprisal and Intimidation** W.Va. Code § 5-11A-16

*It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections four, five, six or seven...of this article.*

The West Virginia Code is available in public libraries and on the Legislature's web page, <http://legis.state.wv.us/>

# THE COMMISSIONERS



Charlene Marshall  
Chair  
Monongalia County



William W. Williams  
Vice Chair  
Logan County



Marion J. Capehart  
McDowell County



Betsy Haught  
Marion County



H. R. Whittington  
Kanawha County

## THE ROLE OF COMMISSIONERS

- ❖ Set policy for the Commission.
- ❖ Determine the goals and objectives of the Commission.
- ❖ Act as an appellate body for cases appealed from a final order of an administrative law judge. All cases on appeal are confidential and Commissioners should not inform anyone about what is discussed during the deliberation of these cases.
- ❖ Approve and support proposed legislation, proposed changes or amendments to both procedural or legislative rules and regulations, as well as approve any proposed new legislative rules or regulations.
- ❖ Have an awareness of civil rights issues at the local and state level and to determine with the Executive Director, as well as the community, the appropriate strategy to address these specific issues.
- ❖ Be visible in their communities.
- ❖ Provide assistance and information for those individuals in need of the agency's services. Commissioners may direct people to contact the Commission for further information.
- ❖ Form advisory committees and hold such public hearings as it deems appropriate.

(Note: Please see W. Va. Code § 5-11-8 for complete listing of the Commissioners' powers and functions.)

**IVIN B. LEE**



**EXECUTIVE DIRECTOR**

# MY VISION

Ivin B. Lee

Executive Director

I hope to continue to motivate and inspire the Commission's staff to process and bring cases to a timely closure. In doing this, I believe that the people of West Virginia will be better served. To achieve this goal, there are three actions I am committed to.

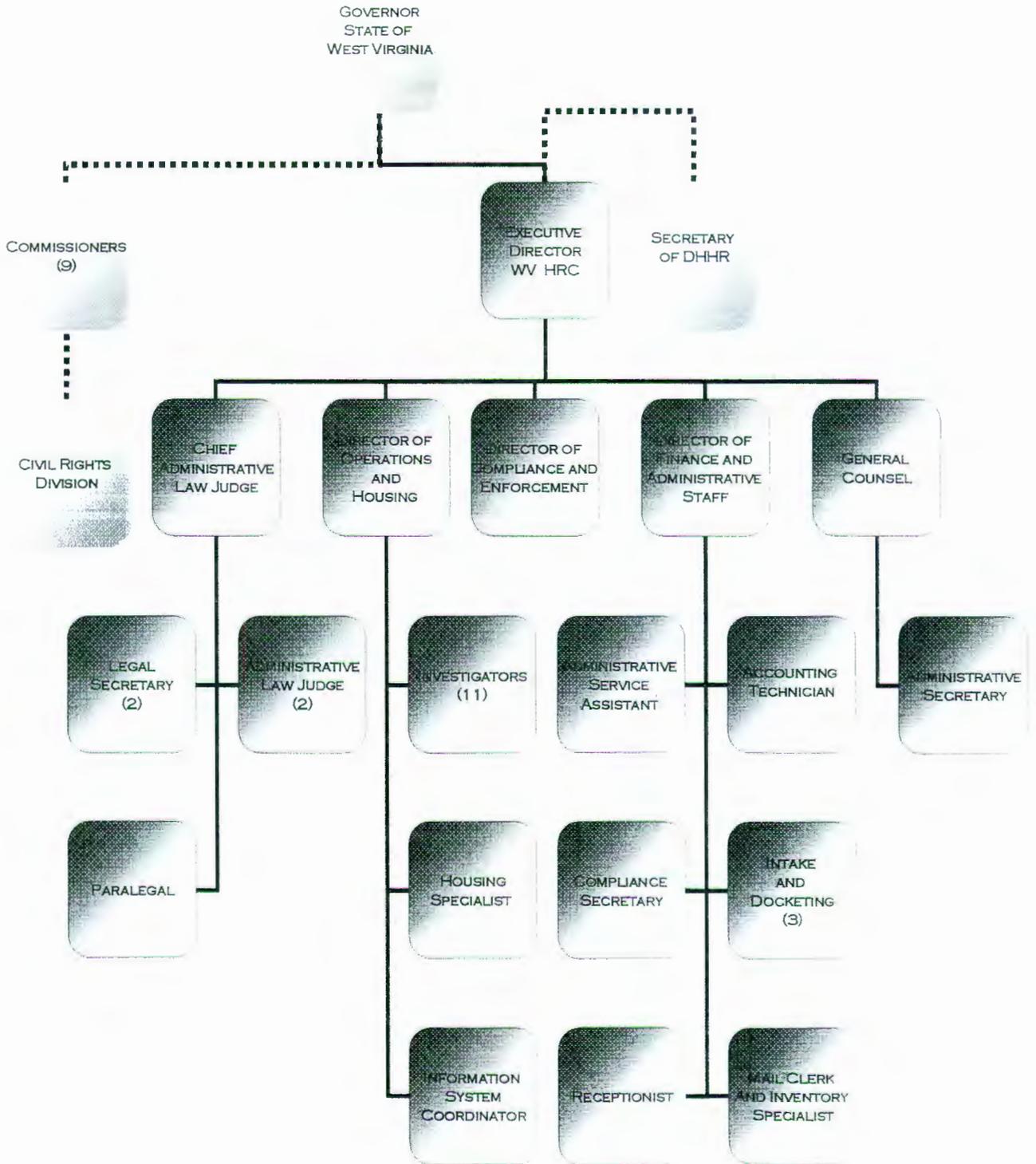
First, I am committed to hiring more experienced investigators who can conduct more efficient and effective investigations. My goal is to process cases in a timely manner without jeopardizing the quality of our investigations.

Second, I am committed to conciliation and mediation. Mediation is an effective tool for resolving disputes between parties. It is less time consuming and less expensive than adjudication. The Commission will continue to maximize its use of mediation whenever possible.

Third, education is a major key in eliminating all forms of discrimination. I will continue to set up dialogues of understanding between the Commission and all West Virginians to promote public awareness of the goals and objectives of the Commission and reduce the level of intolerance among all cultures.

I am striving to build credibility, team effort, and respect between the public and the Commission.

# HRC ORGANIZATIONAL CHART



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Staff of the West Virginia Human Rights Commission --  
Charleston Office



Phyllis H. Carter  
Chief Administrative Law Judge



Robert B. Wilson  
Administrative Law Judge



Elizabeth Blair  
Administrative Law Judge



Brian W. Wells  
General Counsel



Yodora P. Booth  
Director of Operations and Housing



James L. Johnson, Director of  
Finance and Administrative Staff



Richard (Rick) Ashwell  
Investigator



William (Kenny) Bailey, Mail  
Clerk/Inventory Specialist



Leola Bateman  
Compliance Secretary



George Bearfield, Director  
Compliance/Enforcement



Leona Chupick, Office  
Assistant, Intake/Docketing



Paul W. Cook, Informa-  
tion System Coordinator



Carletha (Lisa) Gist, Office  
Assistant, Intake/Docketing



Eugene Godfrey, Housing  
Specialist/Outreach Coordinator



Anne Marie Haddy  
Paralegal



Jackie Heath  
Investigator



Esther Hupp, Office  
Assistant, Receptionist



Joyce Knotts  
Legal Secretary





Wilda (Penny) McGill, Office Assistant, Intake/Docketing



Deborah Robinson, Administrative Services Assistant



Hope Ross  
Accounting Technician



Tausha Rucker  
Investigator



Todd Sharp  
Investigator



Carolyn Smith  
Investigator



Monia S. Turley  
Administrative Secretary



### Huntington Office--



Linda Bowers  
Investigator



Paul Hamilton  
Investigator

---

# Community Outreach Programs

**The following section represents the West Virginia Human Rights Commission's Community Outreach:**

**Civil Rights Day "From Whence We Came" Honorees**

**The Charleston Job Corp Center Internship Program**

**The Upward Bound Program**

**The National Federation of the Blind**

**Informative and Educational Presentations**

**The West Virginia Women's Commission**

**Law Day at the Capitol**

**Fair Housing Summit**

# Civil Rights Day “From When We Came”

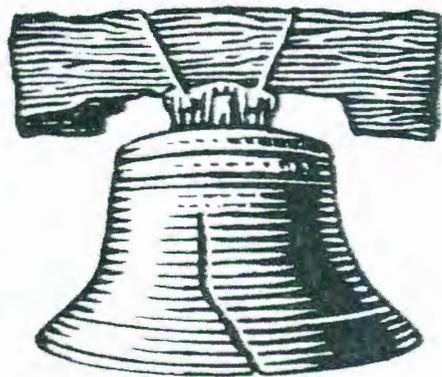
## Preamble

The Commission and its partners have once again presented awards in recognition and honor to people who have made a difference in the lives of people in their communities and throughout the State of West Virginia, commemorating their achievements in the early days of the Civil Rights Movement in West Virginia.

On February 23, 2006, an awards banquet was hosted by the Charleston Job Corps Center with Governor Joe Manchin and First Lady Gayle Manchin presenting special medallions and plaques to the Honorees.

The keynote speaker was the Reverend Doctor Patricia Ann Jarvis who was also an Honoree. The Charleston Job Corps Center provided lunch and special singing by the students' choir.

This event inspired the attention of the State of Ohio Human Rights Commission, who was represented by its Executive Director Michael Pennington. There were many distinguished guests, which included past Honorees and people from local businesses and law firms.



# FROM WHENCE WE CAME

**West Virginia Civil Rights Day**  
February 23, 2006



Governor Joe Manchin III  
and First Lady Gayle Manchin

**PROCLAMATION**  
*by*  
**Governor Joe Manchin III**

**Whereas**, the equality of all members of our society was recognized by our founding fathers and enshrined in our Declaration of Independence as a cornerstone upon which to build our American Democracy;

**Whereas**, equal rights and opportunities for all citizens is fundamental in the State of West Virginia and denial of such rights strikes at the very foundation of our democracy;

**Whereas**, the struggle to attain the American ideal of equality has been maintained throughout our history and continues today;

**Whereas**, hate and intolerance must be battled in every sector of our society by citizens, institutions and government with every person having an important role to play;

**Whereas**, key components to the removal of road blocks to equality are dialogue, collaboration and attentive listening to different perspectives; and

**Whereas**, the West Virginia Human Rights Commission works cooperatively with government agencies, community and civic organizations and representatives of minority groups to promote programs and campaigns devoted to the achievement of tolerance, understanding and equal protection of the law.

**Now, Therefore**, be it resolved that I, Joe Manchin III, Governor of the State of West Virginia, do hereby proclaim *February 23, 2006*, as:

***West Virginia Civil Rights Day***

**In Witness Whereof**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

**Done** at the Capitol, City of Charleston, State of West Virginia, this 23rd day of February, in the year of our Lord, Two Thousand Six and in the One Hundred Forty-third year of the State.



*Joe Manchin III*  
Governor

*By the Governor:*

*Betty Ireland*  
Secretary of State

THE CIVIL RIGHTS DAY  
HONOREES  
FEBRUARY 23, 2006



**The Reverend Doctor  
Patricia Ann Jarvis  
Keynote Speaker**



**Carole Glasser, M.S.W.**



**Mayor Kent Hall**



**Della Louise Brown Taylor  
Hardman, P.H.D.  
(Posthumously)**



**Ken Hechler, P.H.D.**



**Mildred Ruth T. Holt, M.A.**



**Mentola Joyce Jackson**



**The Reverend  
Doctor David A. Kates**



**J. Franklin Long, Esq.**



**Anna L. McCright, M.A.**



**Edward L. Peeks, M.A.**



**The Honorable  
Larry V. Starcher**



**Clarence Wanzer**



The Commission is proud of this achievement and of its partners who shared in presenting this event to make such recognition possible.

Partners:

State of West Virginia, Office of the Governor

West Virginia State University

Charleston Job Corps Center

Appalachian Power

Martin Luther King, Jr. West Virginia Holiday Commission

Marshall University Multicultural Affairs



# Relationship/Partnership with the Charleston Job Corps Center Charleston, West Virginia

## Internship Program

The Charleston Job Corps Center hosts the annual Civil Rights Day celebration and other events as a partner with the Commission. The Commission extends to the Charleston Job Corps Center's student interns an opportunity to work at the Commission as part of their work-base requirement.



Mr. and Mrs. Lonnie Hall, Ivin B. Lee, Ronnie Spudich, and Dr. Hazo Carter

The internships last a period of several weeks and allows students to gain valuable experience in a “real world” office environment.

These students are trained, coached, mentored and given written evaluations regarding their performance, their work product, timeliness and character. The nature of the work ranges from filing, typing letters and memoranda, answering the telephone, serving as the receptionist, copying certified records and important court documents, assisting investigative staff in copying files, attending staff meetings and general interaction with the staff. In addition, student interns learn about their civil rights.

For some of these interns, working with the Commission is their first on-the-job experience. The Commission gives many of these outstanding students recommendations for hire.

Finally, this relationship/partnership is mutually beneficial to the future growth of each entity and to the citizens of West Virginia.



## **THE UPWARD BOUND PROGRAM**

Ivin Lee, Executive Director, Don Raynes, former Director of Operations, and other members of the Commission's Investigative Staff, participated in the Upward Bound Program operated by several colleges and universities throughout West Virginia. The Upward Bound Program is a federally funded program designed to prepare high school students for college and/or postsecondary education. The Upward Bound Program is a year-round program that specifically targets first generation college bound students (meaning that neither parent has a college degree) and/or low-income students. This program conducts tutoring sessions in schools, Saturday Challenge Sessions and a six week summer residential program. The goal of this program is to strengthen students' skills and competencies needed to succeed in postsecondary education.

## THE NATIONAL FEDERATION OF THE BLIND

Investigator Tausha Rucker serves as the Commission's liaison with the West Virginia Chapter of the National Federation of the Blind. Ms. Rucker attends the meetings of the Federation and offers the Commission's assistance to the West Virginia Chapter.



## INFORMATIVE AND EDUCATIONAL PRESENTATIONS

“Taking Preventative Measures to Avoid Discrimination Problems”

Throughout the year the West Virginia Human Rights Commission presents numerous informative speaking engagements at various community organizations, private corporations, public agencies and educational institutions across West Virginia.

Contact the Commission at 304-558-2616 if your organization or company is interested in one of our staff members presenting an educational talk on how to identify and avoid potential discriminatory problems. The Commission is committed to a proactive stand in the prevention of discrimination in West Virginia.

The following is a list of training seminars on human rights topics which were conducted during the previous fiscal year:

- Jun. 05 -- Charleston Housing Authority and Citizens Conservation Corps employees and supervisors
- Jul. 05 -- All staff of Southern Community College
- Aug. 05 -- Guest speakers at Workforce WV annual meeting speaking on diversity
- Sept. 05 -- Workforce WV members in Charleston, West Virginia
- Dec. 05 -- Workforce WV members in Wheeling and Weirton, West Virginia
- Jan. 06 -- Workforce WV members in Moorefield, West Virginia
- Feb. 06 -- All employees and staff at West Virginia Northern Community College in Wheeling, West Virginia
- Mar. 06 -- Guest speakers at Accessibility and ADA Consulting and Training Annual meeting and for Workforce WV members in Huntington, West Virginia
- Jun. 06 -- Workforce WV members in Logan, Beckley and Summersville, West Virginia

## THE WEST VIRGINIA WOMEN'S COMMISSION

Pursuant to WV Code §29-20-1, the West Virginia Human Rights Commission continues to support the West Virginia Women's Commission through its liaison, Investigator Sally Brown.



Womens Day at the Legislature with  
Executive Director Kathy Pauley and Sally Brown

Ivin B. Lee, Executive Director is an ex officio member of the Women's Commission. Ms. Brown, as the Executive Director's designee attends the Women's Commission meetings, attends specialized functions such as the Women's Day at the Legislature, Celebrate Woman Awards events, and appears at community outreach functions of the Women's Commission. Ms. Brown reports to Ms. Lee regarding the Women's Commission's activities on a periodic basis.

The West Virginia Women's Commission promotes the status and empowerment of all West Virginia women through advocacy, research, education and consensus building. The Commission exists to foster women's economic, political, educational and social development; to ensure their full participation in society; and to recognize their achievements.

The Women's Commission focuses on projects in the broad categories of leadership, legislation, recognition, research and education. The Women's Commission annually sponsors events for women and girls that teach advocacy, encourage involvement in the legislative process and provide information on educational opportunities for women, including workshops on how to write grants to secure funding for small businesses; write and produce literature, pamphlets, booklets and brochures that provide information on such topics as domestic violence, workplace discrimination and eating disorders.



Planning meeting at the Governor's Mansion with First Lady and Commissioners and Ex-Officio Members for Law Day at the Capitol

# Law Day at the Capitol

## May 1, 2006

Staff members of the Commission maintained the West Virginia Human Rights Commission's Information Table on Law Day at the Capitol Complex. Law Day is an annual event where state and local agencies are given the opportunity to distribute information about available services to the general public. The Commission is one of many state agencies that participated in this event.

Visitors to the Capitol Complex  
to the many kiosks



Investigator Gene Godfrey and  
Investigator Carolyn Smith  
distributing information at the  
Commission's kiosk



Visitor receiving information packet  
from Investigator Smith

The Commission is grateful for this unique opportunity to share with the public its mission and goals of eradicating discrimination.

On behalf of the Commission, Mr. Godfrey and Ms. Smith answered questions to visitors about the types of complaints that the Human Rights Commission handles, how the Commission operates, and how to file a complaint if a person believes they have been discriminated against.

The Commission made available copies of its annual reports, mission statement, brochures that explain the complaint process, Human Rights are Everyone's Rights brochures, early dispute resolution program brochures, sexual harassment and housing discrimination brochures, and finally, the Notice of the Human Rights Act posters, which also include the background form for filing complaints of discrimination.

Often they educated visitors who had never heard of the Commission. These visitors are informed of their civil rights under the Human Rights Act!

All age groups are represented--from school children to senior citizens!

# FAIR HOUSING SUMMIT 2006

**FAIR HOUSING...IT'S NOT AN OPTION, IT'S THE LAW!**

On April 10, 2006, the West Virginia Human Rights Commission, the West Virginia State Community and Technical College and the West Virginia State University hosted the Fair Housing Summit for 2006. There were several guest speakers and the audience included a variety of people who owned property and rented to others. Continuing Education Credits were given to participants.

Dr. Ervin V. Griffin, President of the West Virginia State and Technical College, Executive Director Ivin B. Lee of the West Virginia Human Rights Commission, and Dr. Hazo W. Carter, President of the West Virginia State University



Wayman C. Rucker, Jr.  
U.S. Dept. of Housing and Urban  
Development, Region III  
Philadelphia  
Keynote Speaker

The collaborative effort for this community event included businesses, namely: YWCA of Charleston, YWCA Sojourners Program, Direction Action Welfare Group, Fifth Third Bank, Kanawha Institute for Social Research and Action, Charleston Housing Authority, Steptoe and Johnson Law Firm, Attorney General's Office, and WV Housing Development Fund. Representatives from these entities presented training on the following topics:

- Housing Challenges for Individuals on Public Assistance;
- Avenues to Strengthening an Individual's Credit Rating;
- Landlord/Tenant Rights and Responsibilities;
- Breaking Down Barriers to Fair Housing--West Housing Development Fund Affordable Housing Programs;
- Predatory Lending--How to Avoid Being a Victim; and
- Fair Housing... It's the Law! .



Registration of Participants

The West Virginia Human Rights Commission's Kiosk displaying information on Housing Discrimination



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# The Complaint and Investigative Process

## An Overview Of the Investigative Process

### I. The Intake Process

This is the first contact prospective complainants have with the Commission. The contact is made by telephone, mail or by simply visiting the Commission's office. If the complaint appears to meet the minimal jurisdictional requirements, then a background information form is given or sent to the prospective complainant.

Upon receiving the background information form, the form is examined to determine if the complaint meets the jurisdictional requirements of the Commission. The complaint must fall into at least one of the following areas: employment, housing and/or public accommodations. The next step is to determine if the complaint has met the following criteria: 1) an act of harm to the complainant has occurred within the last 365 days; 2) the complaint is jurisdictional in regard to the complainant being covered by a protected class such as race, sex, age (40 and above), disability, religion, ancestry, national origin, reprisal, and/or blindness and under housing, familial status. If the complaint does not fall into one or more of these areas and does not meet any of the above jurisdictional requirements, then a letter of no jurisdiction is sent to the complainant to explain why the complaint cannot be processed.

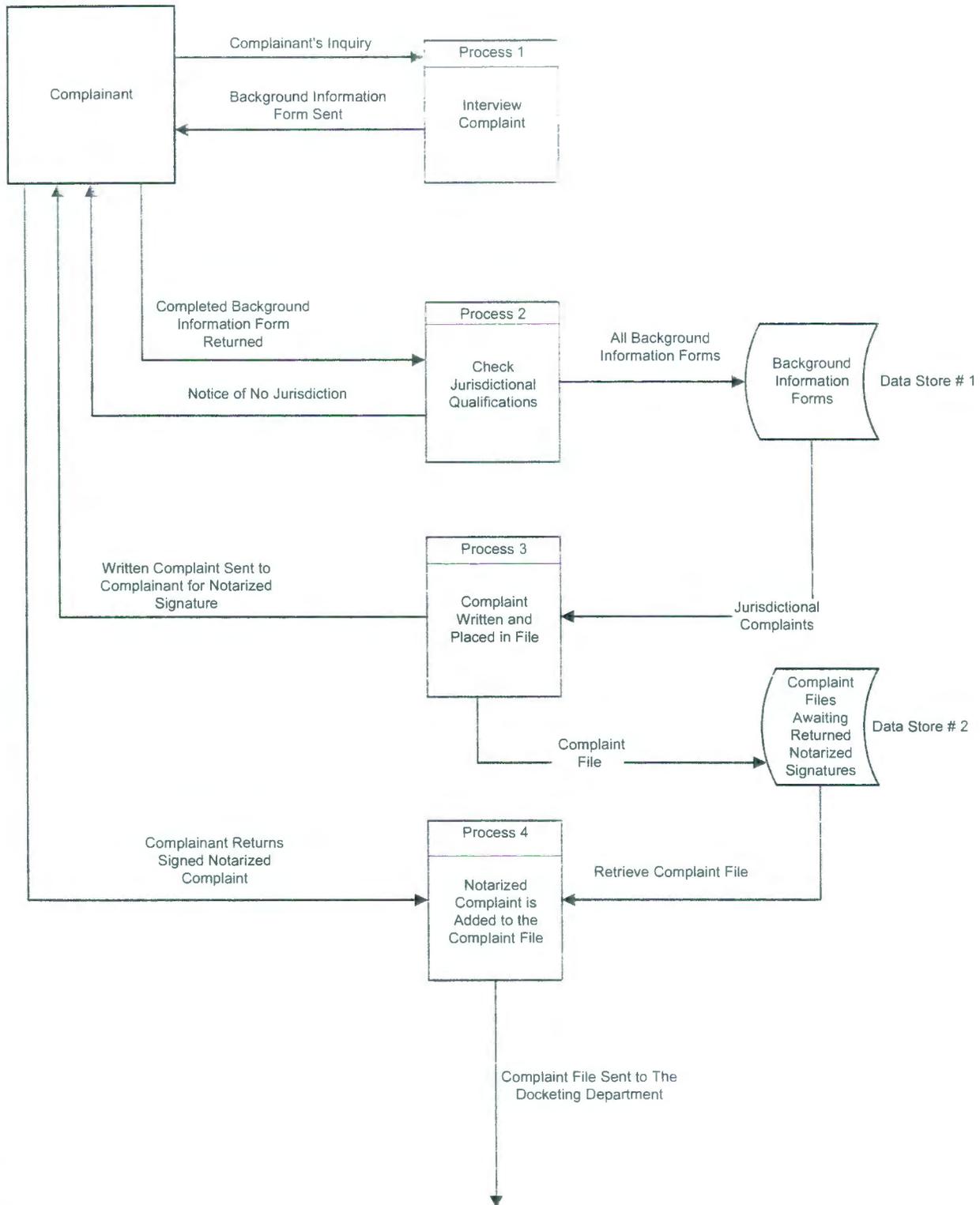
If the complaint does meet the minimal jurisdictional requirements as mentioned above, a formal complaint is then written. This complaint must have the following components: 1) a date of incident that relates to an act of harm to the complainant; 2) A statement describing the act of harm that is being charged against the respondent by the complainant; 3) the name and address of the respondent; 4) the name and address of the complainant; and 5) the complainant must sign the complaint in the presence of a notary public.

When a formal notarized complaint is received by the intake department, it is then sent to the docketing department to be formally docketed.

The intake process is illustrated in the Date Flow Diagram #1 on the following page.

# The Intake Process of the West Virginia Human Rights Commission

## Data Flow Diagram 1



## **II. The Docketing Process**

When the docket clerk receives a notarized complaint from the intake department, the complaint receives a docket number which is entered into docket files. The complaint is deemed to be docketed as of the date it is stamped "Filed" on the complaint, which indicates the date and time it was received.

If the complaint is an employment related complaint, it is also dually docketed with the United States Equal Employment Opportunity Commission (EEOC). If the complaint is housing related, it is then dually docketed with the United States Department of Housing and Urban Development (HUD). The West Virginia Human Rights Commission has a work sharing agreement with both the EEOC and HUD. In nearly all of the complaint investigations, the West Virginia Human Rights Commission independently conducts the investigation of the complaint. On very rare occasions the complaint is investigated by the EEOC or HUD.

After the complaint is fully docketed, it is then officially served on the party charged with an alleged violation. This party is known as the respondent. The respondent is served with a service letter requesting a position statement (the answer to the charges on the complaint), the docketed complaint, as well as other documentation. The complainant also receives the service letter, the docketed complaint and other documentation.

The docketing procedure is illustrated in the Data Flow Diagram # 2 on the following page.

When the docketing is completed the complaint is then sent to the investigative unit for an investigation.

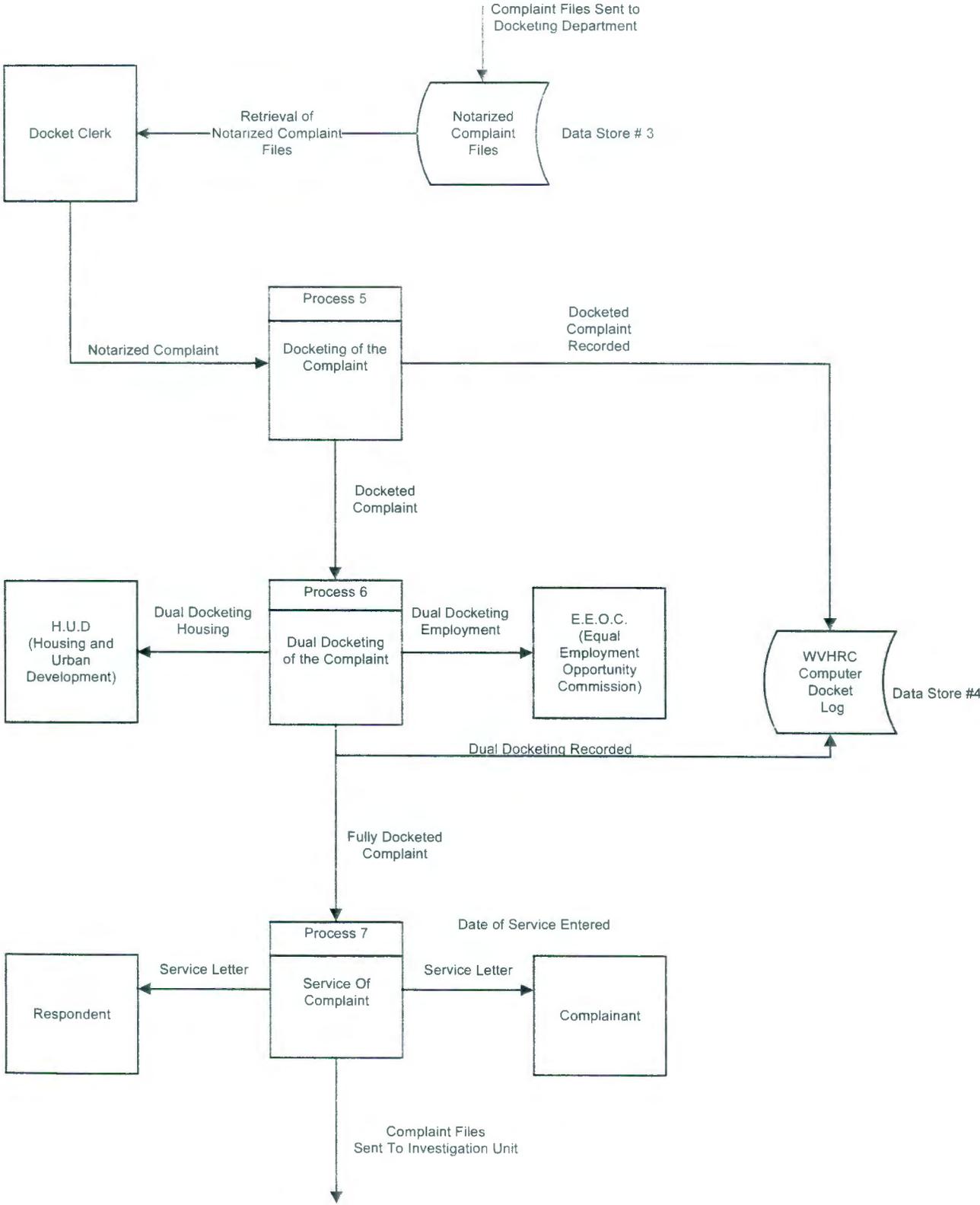
## **III. The Investigative Process**

By the time the complaint reaches the investigative unit the complaint has been served, and the respondent is required to provide an answer to the complainant's alleged charge of discrimination. The Commission usually receives respondent's position statement a few weeks later.

The respondent is required to send a copy of the position statement to the complainant. If the complainant does not receive the position statement, the Commission will provide a copy to the complainant. The complainant is asked to provide a rebuttal to the respondent's position statement.

# The Docketing Process of The West Virginia Human Rights Commission

## Data Flow Diagram 2



After the position statement is received, an entrance triage meeting is held with the investigator and supervisory personnel. The purpose of the entrance triage is to discuss the respondent's position, and if received, the complainant's rebuttal to the respondent's position. At the conclusion of this meeting, the investigator will have a list of questions and information that will be sent to the respondent in the form of an interrogatory. If necessary, the complainant will also be asked to provide additional information.

The entire investigative team contributes to the investigation. This results in a more thorough investigation.

During the investigation, all information received from the respondent and the complainant is analyzed. This information may contain, for example, information about the respondent's work force and documentation that may support the respondent's personnel decisions.

The complainant plays an active role in the investigation by providing direction to the investigation. This direction is in the form of identifying witnesses or other documentation that will refute the respondent's position and strengthen the complainant's allegations.

During any stage of the investigation, the case may be recommended for conciliation. This process is outlined under the section "The Pre-determination Conciliation Program."

The role of the investigative team is not to "prove the case" for either the respondent or the complainant. During the investigation, the Commission acts as an unbiased third party. The role of the investigator is simply to identify, obtain and evaluate evidence which will allow the investigative team to arrive at either a probable cause or a no probable cause finding.

An exit triage is held at the end of the investigation. The investigator discusses the findings of his/her investigation with the triage team. Often the investigator will have already reached a recommendation of either probable cause or no probable cause. There are two types of exit triage--one for probable cause and another for no probable cause.

The Executive Director of the Commission conducts the probable cause exit triage. Participants include an assistant attorney general from the Attorney General's Office, Civil Rights Division, and a member of the triage team. The investigator discusses the reasons for the recommended finding of probable cause from his/her written case recommendation. If the members of the exit triage agree with the investigator, then the Commission issues an official probable cause finding. If the triage team does not agree with the investigator's recommended finding, then the team instructs the investigator to obtain additional information needed to complete the investigation.

Members of the triage team conduct the no probable cause triage. As in the probable cause triage, the investigator presents the reasons for the no probable cause recommendation to the triage team. If the team determines that additional information is needed, then the investigator is instructed to obtain the information. If the team agrees with the finding, then the Commission issues a no probable cause finding.

When the complainant receives the finding of no probable cause, the complainant can request an appeal in writing to the Executive Director. It is the decision of the Executive Director as to whether the complainant has given sufficient reasons for the appeal.

The Data Flow Diagram #3 on the next page outlines the basic investigative process.

#### **IV. The Administrative Hearing**

Complaints that have been issued a probable cause finding can either be settled through the Commission's Mediation Process (as explained under the Early Dispute Resolution section of this report), or the case can be argued through an administrative hearing.

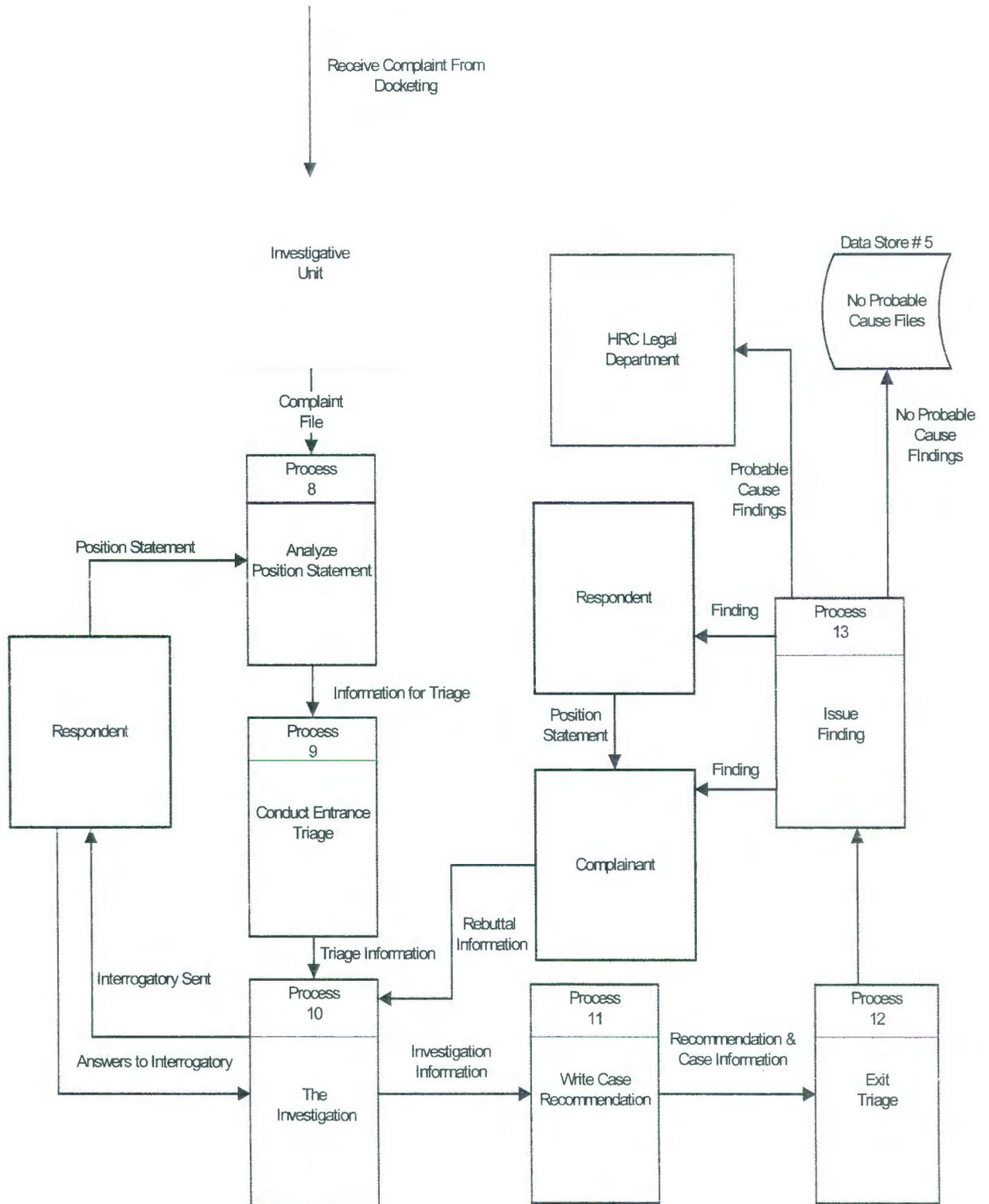
The complainant can retain his/her own attorney to represent him/her at the administrative hearing. If the complainant chooses not to retain their own attorney, the Civil Rights Division of the Attorney General's Office will represent the Commission at the hearing with the participation of the complainant. The administrative hearing is similar to a trial, except the hearing is less formal.

The administrative law judge hears the arguments of both the complainant and the respondent. Witnesses can be called and evidence can be presented. The administrative law judge issues a Final Decision.

The judge's decision can be appealed to the West Virginia Supreme Court of Appeals or to the Kanawha County Circuit Court. The Kanawha County Circuit Court can only be utilized if the Commission has awarded damages in excess of \$5000.00 or back pay in excess of \$30,000.00, or by agreement of the involved parties.

**AN OVERVIEW OF THE INVESTIGATIVE PROCESS  
OF THE  
WEST VIRGINIA HUMAN RIGHTS COMMISSION**

**Data Flow Diagram # 3**



## Intake - FY 2006 Preliminary Inquiries

### From Prospective Complainants Per Month

FY 2006	Telephone	Walk-In	Mail	Total
July	141	9	0	150
August	158	9	2	169
September	158	1	0	159
October	126	9	5	140
November	127	23	2	152
December	106	10	2	118
January	123	14	4	141
February	108	7	3	118
March	158	7	4	169
April	129	10	0	139
May	177	12	3	192
June	119	7	2	128
<b>Totals</b>	<b>1630</b>	<b>118</b>	<b>27</b>	
				<b>1775</b>

Complaints Filed  
 Fiscal Year 2006  
 July 1, 2005 - June 30, 2006

COMPLAINTS DOCKETED

MONTH	PA*	HOUSING	EMPL.	TOTAL
Jul-05	4	4	14	22
Aug-05	3	2	38	43
Sep-05	4	3	35	42
Oct-05	5	2	40	47
Nov-05	0	1	71	72
Dec-05	4	1	42	47
Jan-06	4	7	50	61
Feb-06	3	1	45	49
Mar-06	7	3	74	84
Apr-06	4	1	33	38
May-06	0	1	41	42
Jun-06	3	1	26	30
TOTAL	<u>41</u>	<u>27</u>	<u>509</u>	<u>577</u>

\*Public Accommodation

**Complaints Closed**  
**Fiscal Year 2006**  
**July 1, 2005 - June 30, 2006**

**CLOSED CASES**

<b>MONTH</b>	<b>PA *</b>	<b>HOUSING</b>	<b>EMPLOYMENT</b>	<b>TOTAL</b>
Jul-05	2	4	36	42
Aug-05	9	1	47	57
Sep-05	1	0	18	19
Oct-05	4	4	31	39
Nov-05	7	0	38	45
Dec-05	0	5	36	41
Jan-06	7	3	34	44
Feb-06	2	4	45	51
Mar-06	3	4	69	76
Apr-06	2	3	31	36
May-06	6	3	36	45
Jun-06	1	2	47	50
<b>TOTAL</b>	<b><u>44</u></b>	<b><u>33</u></b>	<b><u>468</u></b>	<b><u>545</u></b>

\*Public Accommodation

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# Early Dispute Resolution Programs

## I. Pre-Determination Conciliation Program

What is the Pre-Determination Conciliation Program?

The Pre-Determination Conciliation Program offered by the West Virginia Human Rights Commission serves as an efficient and time-saving method to resolve complaints early in the investigatory process. The process involves a trained Conciliator who is employed by the West Virginia Human Rights Commission. The Conciliator acts as a facilitator to help the participants arrive at a negotiated settlement resolution. The decision to Conciliate can be voluntarily requested by any party involved in the complaint. The West Virginia Human Rights Commission may also request the parties to participate in a voluntary conciliation.

When does conciliation occur?

After a charge is filed, any party may request Conciliation at any time prior to the Commission's issuance of a determination. The Commission, after reviewing the charge and information obtained during the investigation, may determine that the involved parties could benefit from the Pre-Determination Conciliation Program. The Commission would then inquire to determine if the parties would be interested in Conciliation negotiations.

What are the advantages of Pre-Determination conciliation?

The Pre-Determination Conciliation is a fair and confidential procedure during which a mutually acceptable agreement may be reached. Thus, avoiding a process of a costly, time consuming investigation and litigation. This program is a free service offered by the Commission.

What happens if a settlement is not reached?

If the charge is not resolved, the case is returned to the Investigative Unit for the completion of the investigation. Upon completion of the investigation, the Commission will issue a determination of either No Probable Cause or Probable Cause.

If the parties are interested in participating in a Pre-Determination Conciliation, then they are directed to contact George Bearfield, Director of Compliance and Enforcement at: 304-558-2616

## II. Mediation Program

Through education, investigation, pre-determination conciliation, mediation, and adjudication, the West Virginia Human Rights Commission continues processing every case in a timely manner jeopardizing the interest of any of the involved parties. The Agency's mediation project continues to increase yearly in volume and proves to be a highly effective tool in following through with the promises of the Executive Director's Mission Statement.

Mediation has proven to be an efficient, time-and-money saving alternative to the hearing or litigation process and has resulted in a fair and confidential process through which settlement agreements have been made via mutually accepted resolutions of cases.

Mediation may be voluntarily requested by the parties, or ordered by an administrative law judge or the executive director pursuant to the Rules of Practice and Procedure before the West Virginia Human Rights Commission, 6 W. Va. C.S.R. § 77-2-4.15. When a charge is filed and a probable-cause determination is found through investigation, an administrative law judge will set the matter for a public hearing. Previously, it was felt that only those cases set for hearing which could possibly benefit from mediation were so ordered. However, the Commission's project has grown to an extent that its present goal is to schedule every case docketed for public hearing to Mediation.

A State Bar-trained mediator, acts as the facilitator for the participants in an attempt to arrive at a negotiated resolution. This is a fair and confidential process which averts time-consuming and unnecessary litigation and is provided fee-free to the participants. If the matter is not settled at mediation, the parties may opt to continue in circuit court or proceed to the previously set public hearing. If the parties reach a settlement and execute a written agreement, this agreement is enforceable in the same manner as any other written contract. The Commission is proud to be a leader in utilizing this tool in order to present the parties an opportunity to resolve differences effectively and in an efficient manner.

Because the parties to the cases and mediators do not all reside close to the Commission's locale, many cases are handled at mediators' offices throughout the state. This has saved time and money for the participants because previously all cases were mediated in Charleston. With this new approach, the Commission has been able to utilize more mediators around the state and less travel is involved on the part of the participants.

Requests for information concerning the project may be directed to the Office of Administrative Law Judges, Anne Marie Haddy, Mediation Coordinator at: 304-558-2616.



### III. When Settlements Are More Than Money

Monetary settlements are not the only solution to settling a complaint through either the conciliation or mediation processes. Settlements may range from a neutral work reference, a pay raise, the promise of a future job, an accommodation for a disability, anti-discrimination training, development of an anti-harassment/anti-discrimination policy in the work place, change in work shifts or to simply an apology from the respondent.

The Conciliation and Mediation Programs continue to provide satisfactory settlements to all parties, while saving additional expenditure of time and other resources. These programs will continue to be a valuable asset in the future.

## **Conciliation Fiscal Year 2005-2006**

### **Settlements in the Investigation Process**

<b>Cases Handled</b>	<b>64</b>
<b>Cases Settled or Closed</b>	<b>12</b>
<b>Cases Transferred to Legal</b>	<b>11</b>
<b>Cases Returned to Investigation</b>	<b>37</b>

**TOTAL SETTLEMENTS:     \$122,847.00**

# Mediation

## Fiscal Year 2005-2006

### Settlements in the Office of Administrative Law Judges

Cases Set for Hearing	113
Cases Closed	81

**TOTAL SETTLEMENTS: \$705,673.90**

## **GRAND TOTAL OF SETTLEMENTS RESULTING FROM CONCILIATION AND MEDIATION**

**\$828,520.90**



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## FREEDOM OF INFORMATION ACT

Pursuant to WV Code §29B-1-1, the Commission is subject to Freedom of Information Act (FOIA) requests.

The Commission processed 103 FOIA requests through our FOIA Officer, George Bearfield, this year from attorneys and the general public.

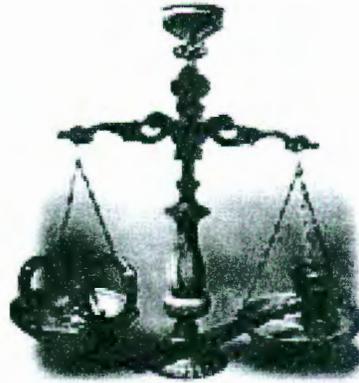
These requests are for copies of investigatory and public hearing files. Often these files are voluminous.

The Commission charges .50 cents per page to copy files that are on the active docket and \$1.00 per page to copy closed files. These fees cover employees' time, research and acquisition of files from State Archives, paper usage and copier usage.

For fiscal year 2005-2006, the Commission collected \$2,459.00.

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# OFFICE OF JUDGES SELECTED CASE SUMMARIES



**SELECTED FINAL ORDERS AND  
DECISIONS OF THE WEST VIRGINIA HUMAN RIGHTS COMMISSION  
AND DECISIONS OF THE WEST VIRGINIA SUPREME COURT OF APPEALS FOR THE  
FISCAL YEAR 2005-2006**

**A FINAL ORDER OF THE WEST VIRGINIA HUMAN RIGHTS COMMISSION  
IN THE MATTER  
OF  
DYANNA GRAY-TERRY V. CSX HOTELS, INC.,  
d/b/a THE GREENBRIER HOTEL  
DOCKET NO. EAD-272-01**

The Commission alleged that Complainant was a qualified person with a disability as that term is defined by the West Virginia Human Rights Act, and that the Respondent failed to accommodate her disability by placing her in a vacant position which she was able and competent to perform. The Commission also alleged discrimination because of age. The Administrative Law Judge held that Respondent did attempt to accommodate Complainant; that it engaged in an interactive process; that Complainant was in fact placed in an alternative job, but did not successfully perform that job; and, that Complainant was not and never became able and competent to perform any other job at Respondent's operations once she became disabled as a waitress.

Complainant began her employment on April 20, 1995, at which time she was 48 years old. She was terminated in August 2000. She began working for the Respondent as a roll girl. Complainant worked as a roll girl for about one year when she began working as a waitress in 1996, primarily in the Sam Snead Golf Club, then eventually in the main dining room. Waitresses must carry very heavy plates.

In February 1998, Complainant was diagnosed with a variety of conditions, which the Administrative Law Judge found adversely affected Complainant in her daily life. Respondent received a customer complaint about poor service from Complainant. Respondent's Golf Club Manager met with Complainant to discuss the matter, at which time he was informed that Complainant was in constant pain and had a sleep disorder which was affecting her interpersonal skills and customer service skills. Respondent later sent a letter indicating she was suspended because she was absent for eight and one half days and that she was expected to return to work on December 30, 1998. Complainant was off on a combination of sick leave, Temporary Total Disability, and seasonal lay-off thereafter through April 20, 1999.

In March 1999 Complainant informed Respondent that she could no longer perform as a waitress because of her medical condition. However, in May 1999 Complainant met with agents of the Respondent and informed them of the medical condition and requested an accommodation, that she be allowed to work one meal when possible. Although this was agreeable to Respondent's agents, the head waiter at Sam Snead did not agree because of a complicated scheduling system that regulates when and where people can work, and is set up in such a way that it fairly distributes work among all workers.

The Administrative Law Judge ruled that if an accommodation is possible and it would allow the Complainant to perform the essential functions of the job, then the Respondent must provide the accommodation, unless it would impose an undue hardship upon the Respondent's business.

Applying these principles the Administrative Law Judge concluded Complainant applied for approximately 14 transfers. She withdrew her bid on five. She applied for several jobs whose minimum qualifications she did not possess. Complainant's admitted physical limitations did not permit her to perform other jobs. She lacked the computer and typing skills to qualify her for several of the positions. Moreover, the vocational performance assessment administered by the West Virginia Division of Rehabilitation Services indicated that her clerical skills were poor. Her lack of interpersonal skills disqualified her from many of these positions as well. Even if the Respondent had allowed Complainant to work one meal a day, she would still need to lift heavy trays. Complainant had made it clear that she is unable to lift heavy trays or carry heavy plates.

**A FINAL DECISION OF THE ADMINISTRATIVE LAW JUDGE**  
**IN THE MATTER**  
**OF**  
**ELMER GRAHAM HARDWAY V. GO-MART, INC.**  
**DOCKET NO. ED-66-03**

The Commission alleged that the Respondent discriminated against the Complainant because of his disability and because he presented himself with a walking cane when he applied for a cashier job and was denied employment. The Respondent had no documentation of Complainant having applied for the position and claimed that even if he had applied for a position it would not have discriminated against him because he walked with a cane. Respondent further contended that Complainant did not timely file his West Virginia Human Rights Act complaint with the Commission and that he was not entitled to recover under the Human Rights Act because he filed for and received his Social Security disability.

The Complainant filed an application with Respondent and was called in for an interview with the Respondent's Area Manager on August 24, 2001. During the interview Respondent's Area Manager asked the Complainant why he walked with a cane and if he had filed a Workers Compensation claim. Respondent's Area Manager repeatedly asked about detailed information concerning his injury and told Complainant he can not be hired because he walks with a cane and has weakness in his leg. Complainant explained that he could do the job and that at most he would need a stool to lean against on some days. Respondent refused to consider his application and never even asked about his experience as a cashier, which includes food service employee, cashier and bank teller; as well as case manager for Coordinating Council for Independent Living and case teacher/counselor for Pressley Ridge Schools.

The Administrative Law Judge held that Respondent discriminated against the Complainant when it refused to hire him for the position of cashier. The Administrative Law Judge found that Complainant was a qualified individual with a disability, in that he had an impairment which substantially limits one or more major life activities; and, that he was perceived by Respondent's Area Manager as a person with a disability. The Area Manger violated the Commission's Legislative rules which have the force and effect of law, by questioning Complainant about his impairment. Complainant is fully qualified for the position of cashier and is able and competent to perform its essential functions with a reasonable accommodation of being allowed to lean against a stool when he is at the cash register.

The Administrative Law Judge held that Complainant had timely filed his complaint with the West Virginia Human Rights Commission. The Administrative Law Judge further held that the award of disability benefits from the Social Security Administration did not preclude Complainant from being a qualified individual with a disability entitled to protection under the West Virginia Human Rights Act; after analyzing the differing purposes of the two statutes; and in accordance with analogous federal decisions regarding the Americans with Disabilities Act.

**A FINAL DECISION OF THE ADMINISTRATIVE LAW JUDGE**  
**IN THE MATTER**  
**OF**  
**CHRISTIE ANN LEE V. APPALACHIAN POWER CO./**  
**AMERICAN ELECTRIC POWER.**  
**DOCKET NO. ESREP-305-00**

The Commission alleged that the Respondent had discriminated against the Complainant by creating a sexually hostile work environment and by retaliating against the Complainant when it laid her off after she had complained that her supervisor was sexually harassing her. The Respondent claimed that the Commission was barred from pursuing the public hearing in the matter by the tender back rule, because Complainant had not returned the monies paid her in the severance package which included a waiver of claims. The Respondent further claimed that the Complainant was not subjected to sexual harassment and that she was selected for involuntary severance based upon poor job performance due to a legitimate business decision that the Respondent cut its Department budget by five percent.

The Administrative Law Judge held that the Complainant did not have to tender back the severance monies paid before proceeding with her claim before the West Virginia Human Rights Commission because the Respondent had failed to comply with the waiver provisions contained in Legislative Rules 6 W. Va. C.S.R. §77-6-3.2. Specifically the severance package release of claim executed by the Complainant did not specifically refer to the West Virginia Human Rights Act, which was extended to rights or claims arising after the date the waiver was signed by the Complainant and it did not advise the Complainant to consult with an attorney before executing the waiver and provide the number of the West Virginia State Bar.

The Administrative Law Judge found that Complainant failed to prove a prima facie case that she was subjected to sexual harassment in the form of a sexually hostile or abusive work environment or her claim that the Respondent had retaliated against her for making a complaint of sexual harassment. The Complainant worked for Kentucky Power for many years before a company reorganization of APCO/AEP in Kentucky and West Virginia resulted in salary cuts, relocations and layoffs. In 1999 the graphics departments were consolidated in South Charleston, West Virginia and Complainant had to relocate.

The alleged sexual harassment consisted of her supervisor touching her on her arms and shoulder when he would tell her to take a break. The evidence indicated that the supervisor would do this to all employees male and female. When Complainant told her supervisor that she considered this to be sexual harassment, not to touch her and to stay at least three feet away at all times during a meeting in March, the supervisor complied with her request. The supervisor thereafter did not touch Complainant again. Prior to a March meeting and continuing thereafter, the personnel record indicated "personal conflicts" in the form of a pattern of refusal of the Complainant to follow procedures and a lack of respect for her supervisor. On at least two occasions when she again brought her allegations of sexual harassment to the attention of those in the Human Resources Department, Complainant refused to have the Human Resources Department set up a meeting to address the complaint with Lee and her supervisor. Complainant further admitted that the "sexual harassment" consisted of the touching which was previously described and which she admitted had not reoccurred since she told him not to touch her.

The Complainant was selected for involuntary severance following a directive to trim another five percent from the Graphics Department budget on November 1, 1999. This decision followed evaluation of all Department personnel. The Complainant had been given a deficiency letter in June telling her what responses the supervisor expected in regards to project updates together with a memorandum outlining those deficiencies. There was an e-mail from the Complainant in which she called the supervisor "dictatorial" and that was the "reason" for her "lack of respect". The Complainant submitted her daily time sheets directly to Records without her supervisor's approval contrary to established procedure after prior warnings.

On other occasions Complainant refused to do an assignment, would not participate in monthly luncheons and was remote and negative. These things lead to a mock Job Performance Review telling her what she needed to do to improve and subsequent negative Job Performance Review. Complainant had placed a cartoon depicting a supervisor being hung in her workspace for all staff to see.

The Administrative Law Judge held that Respondent was not liable for a sexually hostile work environment where the conduct complained of was not sexual in nature and where the supervisor ceased the conduct after being told by Complainant found it unwelcome. Further, the Complainant had repeatedly told Human Resources Department employees that she would wait and see, when they suggested a meeting to discuss the issue. In such circumstances the Complainant failed to prove a prima facie case that the conduct was sufficiently severe or pervasive to alter the terms of employment. The Administrative Law Judge held that Complainant failed to prove a prima facie case of retaliation as the overwhelming evidence indicated that the Complainant was selected for severance in the budget cut due to her poor work performance and insubordinate and disrespectful behavior

**A PER CURIAM DECISION OF THE SUPREME COURT OF APPEALS**  
**OF WEST VIRGINIA**  
**IN THE MATTER**  
**OF**  
**MAYFLOWER VEHICLE SYSTEMS, INC., Petitioner Below, Appellant,**  
**v.**  
**VINCENT E. CHEEKS, and**  
**THE WEST VIRGINIA HUMAN RIGHTS COMMISSION, Respondents Below, Appellees**  
**No. 32864 Decided March 31, 2006 (2006 WL 842882)**  
**— W. Va. —, — S.E.2d — (2006)**

In its per curiam opinion, the West Virginia Supreme Court of Appeals considered the appeal of Respondent Mayflower Vehicle System, Inc. from two orders of the Circuit Court of Kanawha County. The first Order refused to hear the appeal of Respondent concerning Complainant, Mr. Lewis, because he had not met the jurisdictional requirements under W. Va. Code § 5-11-11(a) that he be awarded either greater than five- thousand dollars in non-back pay damages, or, greater than thirty-thousand dollars in back pay damages. The second order upheld the Commission's finding of liability and award of damages to Complainant, Mr. Cheeks. The Commission asserted that because the Circuit Court had no jurisdiction to hear Respondent's appeal in regard to Mr. Lewis, Respondent had missed the deadline for appealing his case to the Supreme Court.

The Supreme Court rejected the Commission's jurisdictional argument in regard to Appellee, Mr. Lewis, holding that since the Commission had moved to consolidate the cases for public hearing, (an order was entered consolidating the cases for hearing and a final order entered addressing the facts conjointly), and that no motion made or order subsequently entered separating those cases thereafter; that those cases would not automatically be separated on appeal.

The Supreme Court next considered the issue of liability in regards to the two Complainants. It held that proof of pretext can by itself sustain a conclusion that the defendant engaged in unlawful discrimination. The Commission concluded that Respondent, Mayflower, routinely discharged employees who had accrued nine unexcused absences without regard to race of the employee; on the other hand, however, unlawful discrimination occurred on the basis of race, when Mayflower made its decision not to rehire the Complainants, Mr. Cheeks and Mr. Lewis. The Commission demonstrated thirteen employees had been rehired-some two or three times- after incurring the unexcused absences while none of those thirteen employees were African-American.

The Supreme Court observed that it appeared that Mayflower was possessed of all the evidence necessary and sufficient to rehire Mr. Cheeks and Mr. Lewis, but decline to do so even though their situations were roughly equivalent to those of the white employees who were rehired. Mr. Cheek presented evidence that some of his nine absences were the result of his medical condition and Mr. Lewis presented evidence that some of his nine absences were the result of a faulty absence reporting.

These reasons were summarily rejected, while similarly-situated white employees were rehired. The Supreme Court further noted that the Commission had proved that Mayflower's offered explanation that the union had failed to pursue the Complainants' grievances was pretext since other employees had been rehired after discharge for unexcused absences without pursuing grievances through the union.

The Supreme Court held it was within the discretion of the Commission to permit the parties to clarify the factual record. Therefore there was no error in the Commission permitting the Commission's counsel to correct a clerical error in the back pay calculation from July 2003 through July 2004. However, Mr. Cheeks' damages began to accrue when the discrimination occurred in Mayflower's decision not to rehire him.

Since the record was unclear as to the approximate or exact date Mayflower engaged in the unlawful discrimination when it refused to rehire him, the case was remanded back to the Circuit Court for a factual determination of the date that the unlawful discrimination occurred and back pay began to accrue. The Supreme Court speculated that it might be the date of Mr. Cheeks was terminated, the day he filed his grievance, some point in the grievance process, the day the human resources director drafted her memorandum denying the grievance, or some other date.



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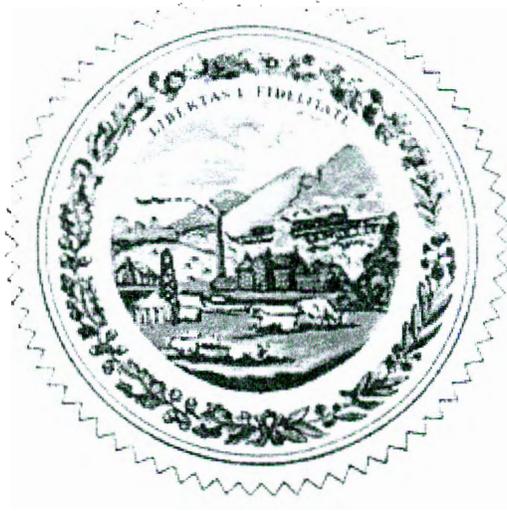
## SUMMARY AND CONCLUSION

The Commission's budget appropriated for this fiscal year was \$1,735,879.00 in State Funds. Cases are dually filed with the Equal Employment Opportunity Commission (EEOC). The Commission met its federal contract with the EEOC. The contracted discrimination cases for next Fiscal Year is 425.

With the new appropriated budget for the next fiscal year, the Commission looks forward to continuing its mission to eradicate discrimination and to continue to improve its services to the citizens of West Virginia. The Commission anticipates some of the following upcoming events listed below:

- ❖ Providing orientation of eight new commissioners;
- ❖ Hosting, along with its partners, an education training seminar with Shoshanna Johnson, a former Iraq Prisoner of War, as the keynote speaker;
- ❖ Continuing the Civil Rights Day Honorees Award Ceremony on February 22, 2007;
- ❖ Providing more and innovative training sessions to educate businesses regarding discrimination law in housing, public accommodations and employment;
- ❖ Promoting a new monthly newsletter of information and events for the staff;
- ❖ Updating our website by adding all Final Decisions of the Administrative Law Judges and Final Orders of the Commission. This will reduce costs in generating copies in response to FOIA requests; and
- ❖ Continuing the successful Mediation and Conciliation Programs.

This concludes the Annual Report for Fiscal Year 2005-2006



**West Virginia Human Rights Commission**

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