ANNUAL REPORT

West Virginia Human Rights Commission

July 1, 2023 - June 30, 2024



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WELCOME MESSAGE



Greetings,

I have always called the great State of West Virginia my home. One of the most incredible things about my home state is its people. The state seal says, "Montani Semper Liberi," which means mountaineers are always free, demonstrates our importance for freedom. Our work at the West Virginia Human Rights Commission is paramount. We uphold that saying by enforcing the West Virginia Human Rights Act, Fair Housing Act, and Pregnant Workers' Fairness Act.

It is the right of every American to have employment free of discrimination and sexual harassment, affordable housing and homeownership opportunities, and reasonable accommodations associated with pregnancy, childbirth, or related medical conditions.

We know that diversity, equity, and inclusion matters. We know that individuals and families want to live where they have access and opportunity. We must all roll up our sleeves and commit to ensuring equity and equality.

I am pleased with the work my staff and I do for our fellow citizens. This annual report highlights many things we have done this year. If you would like to keep in contact with us regularly, please follow us on our Facebook page or contact the office to get on our newsletter list.

Sincerely,

Tia L. Welch

Executive Director

Tia /. Welch



MISSION STATEMENT & CORE VALUES

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 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.

The Core Values of the West Virginia Human Rights Commission that govern internal and external activities include:

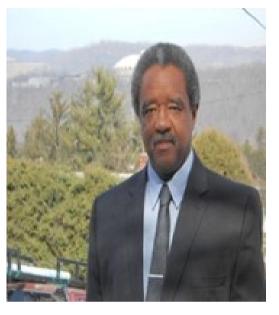
- Respect
- Integrity
- Fairness
- Dedication
- Professionalism



HUMAN RIGHTS COMMISSIONERS



Rev. Dr. Darrell Cummings, Chairperson



Timothy Hairston, Vice-Chairperson

Additional Commissioners include:

- Wesley Dobbs;
- Bret Layton;
- · Randy Morgan; and
- · Marie Redd.



HOUSING UNIT



Virginia The West Human Rights Commission's Housing Unit investigates discrimination complaints housing and conducts outreach and education on fair housing across the state. The West Virginia Human Rights Commission is a Fair Housing Assistance Program (FHAP) with the U.S. Department of Housing and Urban Development (HUD). The West Virginia Human Rights Commission is responsible for investigating a contractual number of conducting education and cases outreach activities. This year, the West Virginia Human Rights Commission closed a record number of 40 housing cases.



Housing Unit Investigators: Kimberly Jones, Carissa Phillips, Montana Saunders, Cheryl Vance, and Joseph Saunders

The West Virginia Human Rights Commission may receive partnership funds when available for targeted education and outreach activities or testing activities that prioritize eliminating discrimination for those in protected classes, discriminatory appraisals, and fair lending practices. The West Virginia Human Rights Commission was awarded partnership funds based on the Statement of Work and received an excellent rating for activities from November 2023 through June 2024, which included statewide billboard advertising and fair housing seminars and workshops.

Fair Housing Month is recognized annually in April. The Commission was honored to have a proclamation for Fair Housing Month by Governor Jim Justice.

HOUSING UNIT



Every year, the West Virginia Human Rights Commission hosts a Fair Housing Conference. This year's conference took place on April 18, 2024, at the Morgantown Marriott Waterfront Place, Morgantown, West Virginia. Speakers included:

- Cameron McKinney, West Virginia Human Rights Commission General Counsel;
- Marsha Kisner, Outreach Services Coordinator for the West Virginia Foundation for Rape Information and Services;
- Justin Hershberger, Chief Public Defender for the Seventeenth Judicial Circuit Public Defender Corporation;
- Mindy Poling, Public Defender for the Seventeenth Judicial Circuit Public Defender Corporation;
- Darlene English, Associate Vice-President of Education and Outreach for the National Fair Housing Alliance (NFHA); and
- Christopher Prezioso, Chief of Civil Division and Maximilian Nogay, United State Attorney, United States Attorney's Office, Northern District of West Virginia.



Joseph Saunders, Lead Investigator; Darlene English, Associate Vice-President of Education and Outreach; and Tia Welch, Executive Director

The conference was a full day of topics related to accessibility, federal enforcement mechanisms, domestic violence housing, emotional support and service animals, and implementing fair housing laws. This U.S. conference funded by was the Department of Housing and Urban Development.

The Housing Unit and staff participated in several other seminars, conferences, and education and outreach activities to fulfill the mission and meet federal guidelines for funding and compliance.

EMPLOYMENT UNIT



Virginia Human Rights Commission employment The West and public accommodations unit focuses on investigating complaints of discrimination in the workplace and places of public accommodation such as restaurants, public transportation, and entertainment venues open to the public. The West Virginia Human Rights Commission is a Fair Employment Practices Agency (FEPA) with the U.S. Equal Employment Opportunity Commission (EEOC). According to the U.S. Equal Employment Opportunity website, "[t[he EEOC has contracts and 'Worksharing Agreements' with approximately 90 FEPAs nationwide that process more than 48,000 employment discrimination charges annually." The West Virginia Human Rights Commission is responsible for investigating a contractual number of cases and conducting education and outreach activities. Fair Employment Practices Agencies may receive partnership funds for targeted education and outreach activities to eliminate employment discrimination.

Virginia The West Human Rights Commission received a partnership with the **Employment** Equal Opportunity Commission for the 2024 Joint Innovation Project. The project includes facilitating training on reasonable accommodations for those with disabilities at the West Virginia Division of Rehabilitation Services' six district meetings across the state. The employment and public accommodations unit participates in several trainings with the U.S. Equal **Employment Opportunity Commission for the** latest legal updates, best practices, and investigative techniques to fulfill contractual obligations.



James Spenia, Lead Investigator; Marsha Spiker, Rehabilitation Program Specialist; Tia Welch, Executive Director; Chris Baker, Rehabilitation Program Specialist

CIVIL RIGHTS DAY



The West Virginia Human Rights Commission, with the support of the Office of Governor Jim Justice, annually recognizes the importance of civil rights in the State of West Virginia. The Commission hosted the annual Governor's Civil Rights Award Ceremony, Advancing Civil Rights Through Advocacy, on August 23, 2024, at the West Virginia Culture Center in Charleston, West Virginia.

Executive Director Tia Welch stated, "We congratulate this year's honorees who promote equality and justice. The Commission is honored to host this event that continues to recognize West Virginians who have paved the way for others through their advocacy of civil and human rights."

The ceremony was live-streamed on the West Virginia Human Rights Commission's Facebook page.



Tia Welch, Executive Director



Marie Redd, Commissioner

CIVIL RIGHTS DAY



This year the following individuals were honored for their dedicated service to the people of West Virginia and their constant struggle for civil rights for all:

- Dr. Rosalyn Artis;
- · John Bryan;
- Dr. Charles Ledbetter;
- · Quincy Madison;
- · Tamar Slay;
- · Rev. Roberta Smith;
- · Col. Kim McGhee Tyson;
- · Annie Cronan Yorick; and
- · Loretta Young.



First Row: Loretta Young, Annie Cronan Yorick, Quincy Madison, and Fred Tyson (accepting for Col. Kim McGhee Tyson)

Second Row: Preston Hall (accepting for Rev. Roberta Smith), Dr. Rosalyn Artis, John Bryan, Bishop Charles Shaw, Dr. Charles Ledbetter, and Tamar Slay

CASE ACTIVITY FOR FISCAL YEAR 2023



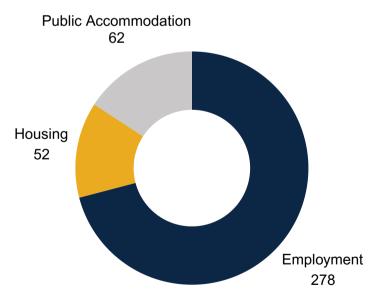
Inquiries and Complaint Forms:

The West Virginia Human Rights Commission receives hundreds of inquiries from individuals and businesses concerned 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 answer the inquiries quickly. Individuals considering filing a complaint receive an appropriate background information form to complete and return to begin the complaint and investigation process. The Commission tracks the number of background information forms mailed to individuals. Potential complainants may also retrieve the forms on the Commission's website.

During fiscal year 2023, the Commission mailed 392 background information forms.

- 342 were mailed to individuals after a telephone inquiry.
- 24 were mailed after an online inquiry.
- 1 was requested via the U.S. Postal Service.
- 25 were requested in person.

The 392 background information forms that were mailed were divided as follows: 278 employment complaints (71%), 62 public accommodation complaints (16%), and 52 housing complaints (13%).



CASE ACTIVITY FOR FISCAL YEAR 2023

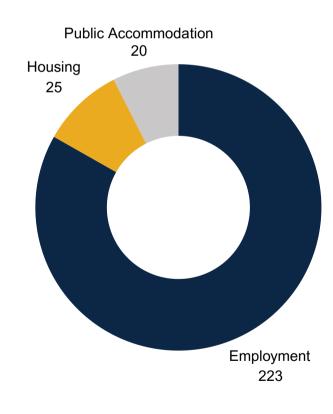


Complaints Docketed:

After an individual completes and returns a background information form, the 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. The West Virginia Human Rights Commission has seen an increase in cases sent from our federal partners to investigate at the state level.

During fiscal year 2023, the West Virginia Human Rights Commission docketed 268 legal complaints:

- 223 complaints alleged discrimination in employment (83%) - 5 of which alleged violation of the Pregnant Workers' Fairness Act (PWFA) (2%);
- 25 complaints alleged discrimination in housing (9%); and
- 20 complaints alleged discrimination in public accommodation (7%).



CASE ACTIVITY FOR FISCAL YEAR 2023



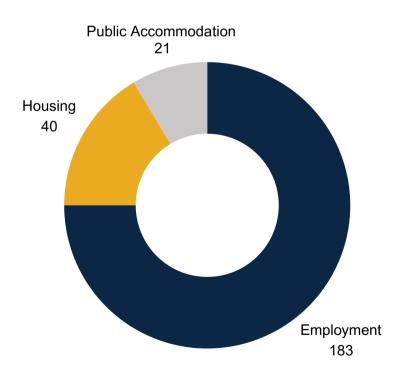
Cases Closed:

Most of the West Virginia Human Rights Commission's cases are closed after the Commission completes an investigation and determines "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 Judges to be decided at a public hearing unless the parties settle. Some cases alleging housing discrimination are litigated before the State's circuit courts instead of the West Virginia Human Rights Commission's administrative law judge after a probable cause determination.

During fiscal year 2023, the West Virginia Human Rights Commission closed 244 cases:

- 183 cases alleged discrimination in employment (75%) - 5 of which alleged violation of the Pregnant Workers' Fairness Act;
- 40 cases alleged discrimination in housing (16%); and
- 21 cases alleged discrimination in public accommodations (9%).

This demonstrates an increase in overall cases filed and investigated by the West Virginia Human Rights Commission during this annual reporting period.



FEDERAL WORKSHARE AGREEMENTS



The West Virginia Human Rights Commission'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 West Virginia Human Rights 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 the West Virginia Human Rights Commission 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 the Office of Fair Housing and Equal Opportunity, the case is referred to the West Virginia Human Rights Commission for investigation. During fiscal year 2023, the U.S. Equal Employment Opportunity Commission continued referring complaints filed by West Virginia workers to the West Virginia Human Rights Commission for investigation, increasing the active caseload. Both the U.S. Equal Employment Opportunity Commission and the Office of Fair Housing and Equal Opportunity review the West Virginia Human Rights Commission's investigations to ensure that the work is diligent, thorough, and legally accurate. Each federal agency generally accepts the findings of the West Virginia Human Rights Commission's investigations as its own findings.

Additionally, as long as the West Virginia Human Rights Commission 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

FEDERAL WORKSHARE AGREEMENTS



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 U.S. Department of Housing and Urban Development funds for community development and affordable housing projects.

U.S. Equal Employment Opportunity Commission:

The fiscal year for the West Virginia Human Rights Commission's workshare agreement with the U.S. Equal Employment Opportunity Commission runs from October 1, 2023, to September 30, 2024. During this contract year, the West Virginia Human Rights Commission met its goal of 150 cases. The West Virginia Human Rights Commission is approved by U.S. Equal Employment Opportunity Commission for payment of \$830 per case and engagement funding of \$3,500 resulting in \$128,000 in federal funds to the Commission. This highlights the Commission's successful partnership with U.S. Equal Employment Opportunity Commission in investigations and joint innovation projects.

Office of Fair Housing and Equal Opportunity:

The West Virginia Human Rights Commission's workshare agreement with the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity runs from July 1 through June 30, each fiscal year. The West Virginia Human Rights Commission completed and submitted 40 housing investigations during fiscal year 2023; each was approved for payments of various amounts totaling \$103,800. This highlights the West Virginia Human Commission's increase in submitting case closures for payment and the numerous education and outreach activities statewide.

PREDETERMINATION CONCILIATION



During every investigation, the parties to each case are invited and encouraged to participate in conciliation efforts to resolve the dispute before the investigation is complete and a determination is issued. The West Virginia Human Rights Commission's staff are available to facilitate talks but cannot provide legal advice to either party.

- The West Virginia Human Rights Commission facilitated conciliation agreements in 13 cases during fiscal year 2023. Four of those agreements were in employment discrimination cases, nine of those agreements were in housing discrimination cases, and one was a public accommodation discrimination case.
- The total amount paid to complainants under the conciliation agreement for five of the housing discrimination cases totaled \$20,877.50.
- The total amount paid to one complainant under the conciliation agreement in one of the employment discrimination cases was \$10,000.

The West Virginia Human Rights 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 West Virginia Human Rights Commission's contact information.



When the West Virginia Human Rights Commission's confidential investigations result in a determination of probable cause, the individual case becomes public and is immediately assigned to the West Virginia Human Rights Commission's Office of Administrative Law Judges for disposition. The Office of Administrative Law Judges promptly enters a Notice of Public Hearing which sets 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 West Virginia Human Rights Commission's Office of Administrative Law Judges and the West Virginia 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. However, in this past fiscal year, the administrative law judges conducted two full public hearings/administrative trails, both in the Eastern Panhandle.

The public hearing in *West Virginia Human Rights Commission* ex rel. *Chester A. Sprankle, Jr. v. West Virginia Department of Health and Human Resources*, Docket No. EAS-71-21 was held in the Berkeley County Judicial Center in Martinsburg, West Virginia, on September 20 and 21, 2023. Eight witnesses testified, and over 20 exhibits were admitted into evidence. At the conclusion of the proceeding, the parties submitted post-hearing briefs containing *Proposed Findings of Fact and Conclusions of Law* for the judge's consideration.

The public hearing in *West Virginia Human Rights Commission* ex rel. *William Polk v. Jefferson County Commission*, Docket No. EREP-49-21 was held in Charles Town, West Virginia on May 29 through 31, 2024.



The following is an all-inclusive list of the cases resolved before the West Virginia Human Rights Commission's Office of Administrative Law Judges during fiscal year 2023.

Total Settlement Amount	\$140,000
Total Number of Right to Sue	10
Total Number of Settlement and/or Other	15
 Employment Discrimination 	13
Housing Discrimination	0
 Public Accommodation Discrimination 	n 1
Other	1

JULY 2023		
Date	Case	Disposition
07/12/2023	Ryan v. Panther Creek Mining Docket No. EAD-09-21	Right to Sue issued. Complaint filed with American Arbitration Association (pursuant to the parties' arbitration agreement).
07/31/2023	Hathaway v. Barbour County Sheriff's Department Docket No. EREL-43-22	Motion to Dismiss (based on Collateral Estoppel) granted by Administrative Law Judge <i>Pro Tempore</i> David Bishop, and affirmed in its entirety by the West Virginia Human Rights Commission



AUGUST 2023		
Date	Case	Disposition
08/22/2023	Hamilton v. Charter Foods, Inc. d/b/a Taco Bell Docket No. PAD-78-23	Settled: \$2,500. Respondent will provide anti-discrimination training with an emphasis on disability and service animals and post West Virginia Human Rights Commission notice of compliance.

SEPTEMBER 2023		
Date	Case	Disposition
09/11/2023	Bennett v. Stonewall Jackson Memorial Hospital Company d/b/a Monhealth Stonewall Jackson Memorial Hospital Docket No. EA-07-21	Settled: \$35,000. Respondent will continue to train on anti-discrimination with an emphasis on age discrimination and post West Virginia Human Rights Commission notice of compliance.
09/11/2023	Faust v. MRC Global Corporation Docket No. EA-58-22	Settled: \$27,500. Post West Virginia Human Rights Commission notice of compliance.
09/25/2024	Perry v. WV DC&R Docket No. ED-76-22	Settled: Disability discrimination training and post West Virginia Human Rights Commission notice of compliance.



SEPTEMBER 2023 (continued)		
Date	Case	Disposition
09/27/2023	Hardwick v. Town of New Haven and Jessica Rickard, Councilperson Docket No. EREPS-68-21	Withdrawal of Complaint (confidential settlement), Right to Sue issued.

OCTOBER 2023		
Date	Case	Disposition
10/04/2023	Simms v. West Virginia State University Docket No. EAD-2-23	Settled: Continued training and proof of compliance
10/04/2023	Nelson v. City of Moundsville Docket No. EAREL-80-22	Settled: \$5,000. Age and religious discrimination training and post West Virginia Human Rights Commission notice of compliance.

NOVEMBER 2023		
Date	Case	Disposition
11/01/2023	West Virginia Human Rights Commission ex rel. Julee Ann Catania v. Genesis Eldercare Rehabilitation Services, LLC Docket No. ED-161-20	Settled: \$15,000. Disability Discrimination training and (continue) to post West Virginia Human Rights Commission notice of compliance.



NOVEMBER 2023 (continued)		
Date	Case	Disposition
11/01/2023	West Virginia Human Rights Commission ex rel. Shawna Matusik v. Sunbridge Mt. Care Mgmt. Docket No. EAREL-68-22	Complaint withdrawn. Right to Sue issued. The civil action was filed in Wetzel County Circuit Court.
11/01/2023	West Virginia Human Rights Commission ex rel. Beatrice Williams-Myers v. Schenker, Inc. Docket No. ERREP-5-23	Settled: \$10,000. Race discrimination training and (continue) to post West Virginia Human Rights Commission notice of compliance.

DECEMBER 2023		
Date	Case	Disposition
12/04/2023	West Virginia Human Rights Commission ex rel. Michael Yost v. City of Bridgeport Docket No. ED-13-23	Complaint withdrawn. Right to Sue issued.
12/15/2023	West Virginia Human Rights Commission ex rel. Darryl Hahn v. Argos USA, LLC Docket No. EADREP-103-22	Complaint withdrawn. Right to Sue issued. The civil action was filed in Berkeley Couu9nty Circuit Court.

JANUARY 2024 (no cases closed)



FEBRUARY 2024		
Date	Case	Disposition
02/05/2024	West Virginia Human Rights Commission ex rel. Janet A. Booth v. Pinnacle Dermatology Docket No. EADREPS-100-23	Complaint withdrawn. Right to Sue issued.
02/07/2024	West Virginia Human Rights Commission ex rel. Justice on behalf of her Minor Child v. James Rumsey Technical Institute Docket No. PACR-137-22	Complaint withdrawn. Right to Sue issued. A civil action was filed in Berkeley County Circuit Court.
02/07/2024	West Virginia Human Rights Commission ex rel. Donna Anderson v. T-Mobile USA, Inc. Docket No. ES-81-23	Complaint withdrawn. Right to Sue issued. The civil action filed in the U.S. District Court for the Southern District.

MARCH 2024		
Date	Case	Disposition
03/05/2024	West Virginia Human Rights Commission ex rel. Gloria R. Powell v. North Fork Holdings, LLC d/b/a Sonic Docket No. EACRREPS-55-23	Settled: \$17,500. Anti-discrimination training and post West Virginia Human Rights Commission notice of compliance.



APRIL 2024			
Date	Case	Disposition	
04/11/2024	West Virginia Human Rights Commission ex rel. Dwyer v. Allied Universal Security Docket No. ER-116-23	Complaint withdrawn. Right to Sue issued. Civil action filed in Berkeley County Circuit Court.	
04/26/2024	West Virginia Human Rights Commission ex rel. Bailey v. Asplundh Tree Expert, LLC	Confidential Settlement Agreement/Stipulation of Dismissal.	

MAY 2024			
Date	Case	Disposition	
05/17/2024	West Virginia Human Rights Commission ex rel. Putnam v. OHM, LLC Microtel of Beckley Docket No. PACR-45-23	Complaint withdrawn. Right to Sue issued. Civil action filed in Raleigh County Circuit Court.	
05/21/2024	West Virginia Human Rights Commission ex rel. Select In Home Services, Inc. Docket No. EDREP-140-23	Settled: \$3,500. Anti-discrimination training and post West Virginia Human Rights Commission with notice of compliance.	



JUNE 2024			
Date	Case	Disposition	
06/13/2024	West Virginia Human Rights Commission ex rel. Staley v. Appalachian Power Company Docket No. ED-126-23	Confidential Settlement Agreement and General Release	
06/24/2024	West Virginia Human Rights Commission ex rel. Lisa Robertson v. Dice, LLC Docket No. EDREP-225-23	Settled: \$5,000. Anti-discrimination training and post West Virginia Human Rights Commission notice of compliance.	
06/26/2024	West Virginia Human Rights Commission ex rel. Virginia M. Woods v. Maples Nursing Care, Inc. Docket No. EA-204-20	Settled: \$7,000	

APPEALS



After the West Virginia Human Rights Commission's Administrative Law Judge enters a final decision on the merits of a case, the parties may appeal the decision to the nine Commissioners who review the Administrative Law Judge'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, the West Virginia Intermediate Court of Appeals, and the West Virginia Supreme Court of Appeals. There was one case for potential appeal However, the complainant erroneously filed in the West Virginia Intermediate Court of Appeals.

COMMUNITY OUTREACH & PARTNERSHIPS



The West Virginia Human Rights Commission 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, seminars, and webinars with other Commissions and interested parties in promoting civil and human rights.



Issues & Eggs Annual Legislative Breakfast 2024
General Counsel Cameron McKinney, Accountant Peter
Olaoluwa, Executive Director Tia Welch, Delegate Mike
Pushkin, Administrative Service Manager Karen Smith,
and Investigator Joseph Saunders



Executive Director Tia Welch hosts the U.S. Equal Employment Opportunity Commission, Commissioner Kalpana Kotagal for the West Virginia REACH Listening Session on April 23, 2024, at the Women's Club of Charleston.

COMMUNITY OUTREACH & PARTNERSHIPS





West Virginia Black Policy Day 2024

Top: Investigator Carissa Phillips, Executive Director Tia Welch,
Secretary Sherry Walker

Bottom: Secretary Sherry Walker, Investigator Carissa Phillips,

Investigator Joseph Saunders, Executive Director Tia Welch



Executive Director Keoki Kim from Anchorage, Alaska, visits the West Virginia Human Rights Commission



Executive Director Tia Welch speaking at the Rotary Club of Martinsburg, West Virginia

THANK YOU



Contact Us

West Virginia Human Rights Commission 1321 Plaza East, Room 108A Charleston, WV 25301 (304)558-2616

> Hours of Operation: Monday-Friday 8:30AM-5:00PM