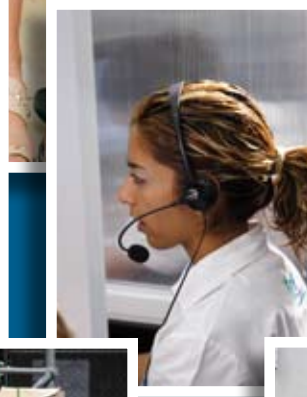


Florida Commission on Human Relations



Annual Report 2007-2008



We're All In It Together



Vision:

To become the chief resource on human relations for the state of Florida.

Mission:

To prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given access to opportunities in employment, housing and certain public accommodations, and to promote mutual respect among groups through education and partnerships.

Core values:

- Every individual should be treated with dignity and respect.
- Service should be impartial and high-quality.
- Innovation and creativity are encouraged.
- Communication should be open and honest.
- Teamwork determines our success.

A Message from the Leadership



Since 1969, the Florida Commission on Human Relations has recognized the unique and important role it plays in being the only independent, state entity charged with enforcing the Florida Civil Rights Act. We are proud of the partnerships we have built and the accomplishments we have achieved in service to this great state.

This past year has been difficult as we have watched giant financial institutions fall, the housing market crumble and unemployment rates spike. Thousands of workers have lost their jobs, leading to an unemployment rate in Florida that is above the national average. Florida leads the nation in foreclosures, and public officials have grappled with an alarmingly steep budget shortfall.

We know first-hand that the economic crisis is also having an impact on civil rights and human relations. During the last fiscal year (07-08), the Commission received more employment discrimination complaints than in each of the past four years. The Commission also received more housing discrimination complaints last fiscal year than during each of the past eight years. Our sister agency, the Equal Employment Opportunity Commission (EEOC), reached a record high of 95,402 claims in fiscal year 2008.

In the wake of the increased workload and diminishing resources, we are pleased to report that during the past year, our staff and Commissioners made substantial progress in preventing and resolving instances of discrimination in Florida. Our Mediation Unit settled 132 cases totaling \$1.5 million, providing great cost-savings to businesses who may have otherwise been subjected to costly lawsuits. We continue to recruit and train talented professionals who, despite low salaries, conduct quality investigations within statutory time frames.

The Commission received a \$280,000 grant from the U.S. Department of Housing and Urban Development (HUD) to conduct a Housing Discrimination Study to measure the extent of housing discrimination against Hispanic homebuyers and renters in the Orlando metro area. This grant allowed us to educate the people of Orlando and to encourage them to notify us of any discriminatory behavior.

Our third annual Florida Employment Law Conference was a great success, covering critical topics such as sexual harassment, Americans with Disabilities Act (ADA), the Fair Labor Standards Act (FLSA) and much more.

With the challenging economic times, employers are forced to make tough budgetary decisions and, unfortunately, training and similar programs tend to be vulnerable. We believe that there has never been a more important time for businesses to educate their managers and implement internal anti-discrimination policies to avoid costly lawsuits and lost productivity. It is also essential that individuals become more aware of the protections afforded to them by federal, state and local laws.

Our role in the state has enabled the Commission to be a resource to many. We feel that the greatest contribution we can make during these challenging times is to be an ongoing resource and provide vital information, training and education to assist businesses in making sound decisions that prevent charges of discrimination to be filed against them. At the same time, we have an obligation to vigorously investigate allegations of discrimination, help communities to resolve intergroup tensions and teach children and youth how to be responsible and tolerant adults.

In the coming year, we will commemorate the 40th anniversary of the creation of the Florida Civil Rights Act and the Commission! During the year, we will celebrate the progress that has been made and educate the public on the pressing discrimination issues that are still prevalent today. As job layoffs and budget cuts continue, fair treatment and equality must remain a top priority. Together, we will get through these turbulent times because when we come together, we can accomplish anything!

Derick Daniel,
Executive Director

Dr. Donna Elam,
Chairperson

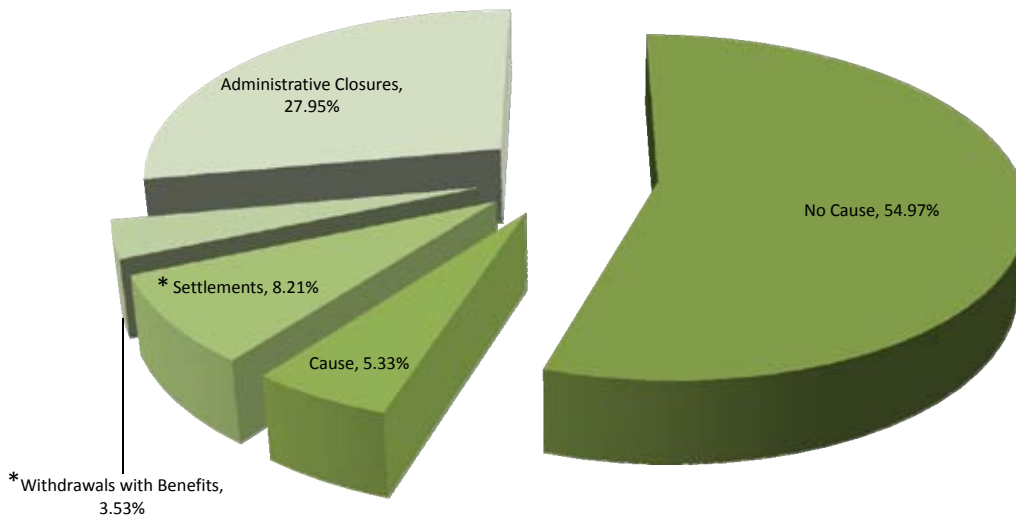
Statutory Authority and Budget:

The Florida Commission on Human Relations was statutorily created in 1969 to enforce the Florida Civil Rights Act and to work towards the elimination of discrimination. The Commission is responsible for investigating and resolving discrimination complaints in the areas of employment, housing, certain public accommodations and state employee whistleblower retaliation. It is against Florida law to discriminate on the basis of race, color, religion, sex, national origin, age, disability, marital status or familial status. Through education, partnerships and outreach, the Commission strives to provide a solid understanding of the laws and best practices to avoid discriminatory activities.

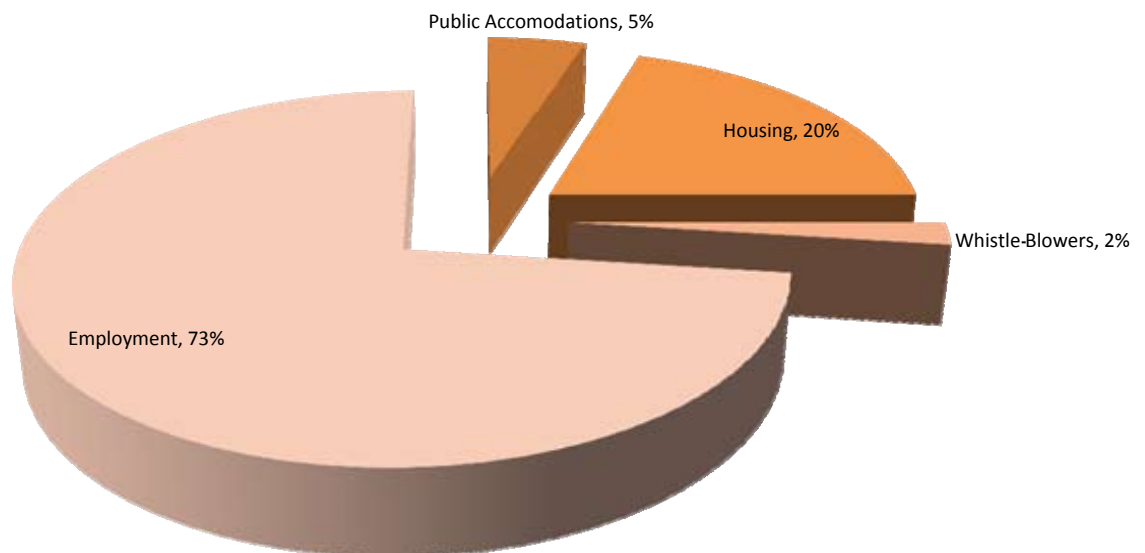
The Commission brings people together to encourage mutual understanding and respect among groups and individuals.

During 07-08, the Commission received approximately 72 percent of its budget from general revenue dollars appropriated by the Florida Legislature. The remainder was derived from trust funds through contracts with the U.S. Equal Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). The trust fund dollars are also derived from registration fees for 55+ communities (housing for older persons) and payments for public records requests.

Employment Cases Closed By Resolution Fiscal Year 2007 - 2008



End of Year Inventory Comparison Fiscal Year 2007 - 2008



*Cases that may have resulted in cause determinations, but were resolved either before or during investigation, or prior to the issuance of a cause determination.



Students from Greensboro Elementary and Apalachee Tapestry Magnet School of the Arts in Tallahassee created artwork and performed songs and dances to offer a glimpse into the socioeconomic and cultural spectrum of North Florida at the 2008 Children's Diversity Art Show.

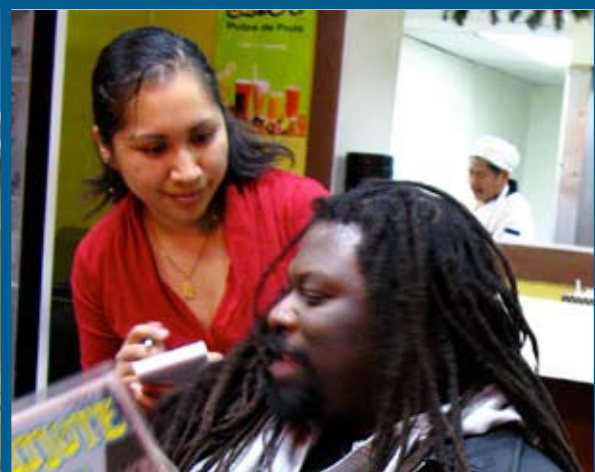
Accomplishments for Fiscal Year 2007 - 2008

- **Backlog:** 4.9%
- **Cases Resolved Within 180 Days:** 76%; Legislative approved goal: 77%
- **Average Case Age:** 73 days; FY 06-07 – 117 days; Decreased by 89% since 2000
- **Working Inventory:** Decreased by 82% since 2000; Total decreased by 72%
- **Federal Employment Contract:** 768; exceeded – 93%
- **Housing Cases Accepted:** 242
- **95% of determinations upheld at Division of Administrative Hearings (DOAH)**
- **Employment: Cause:** 5.3%; Settlements: 8.2%; Withdrawal/ Benefits: 3.5%
- **Housing: Cause:** 12.8%; Conciliation: 7.9%; Withdrawal/ Benefits: 5.0%
- **Top 5 Bases:** Disability - 22%; Retaliation - 21%; Race - 18%; Sex - 15%; Age - 10%
- **Top 5 Counties (cases filed):** Leon (90); Orange (39); Escambia (36); Okaloosa (32); Dade (30)

Services to Florida's Communities

- **Outreach** – Providing the public, community organizations and schools with information on the many facets and importance of embracing diversity; responding to pressing human and civil rights issues facing communities and building community partnerships.
- **Training and Education** – Utilizing data from the Commission's investigations, proactively informing employers, housing providers, human resource professionals and the public on best practices and legal rights and responsibilities.
- **Conflict Resolution and Technical Assistance** – Providing assistance to community leaders, law enforcement and individuals in addressing inter-group tensions; bringing people together to seek solutions; providing information on civil rights laws and the Commission's complaint process.
- **Investigations** – Thoroughly investigating discrimination complaints from the people of Florida, residents and visitors; issuing an unbiased, high-quality and timely determination.
- **Mediation** – Finding an acceptable, confidential and mutual compromise while avoiding costly investigations and litigation.







Did you know...

Retaliation complaints jumped to 47% of Commission employment cases closed!

Retaliation

- In the 2007-2008 fiscal year, retaliation was the number one reason employees filed complaints against their employers (46.61%). Race (35.37%) and sex (35.59%) were second and third.
- An employer may not fire, demote, harass or otherwise “retaliate” against an individual for filing a charge of discrimination, participating in a discrimination proceeding or otherwise opposing discriminatory actions.
- Retaliation is the fastest growing area of employment discrimination complaints for the Commission.
- In June 2006, the Supreme Court relaxed the standard in retaliation cases. Because of this decision, a person can file a claim of retaliation as long as the action they faced was “materially adverse” (an action that is likely to dissuade a reasonable worker from making or supporting a charge of discrimination). The Court’s rationale was that people will not come forward to report discrimination if they do not feel protected.
- Retaliation laws cover friends, family members and associates of individuals who file, support or participate in discrimination cases.
- In addition to tangible actions such as firings or demotions, retaliation can also include denials of salary increases, being put on paid administrative leave, moving an individual from a nice office to a “closet” or giving a worker a demeaning task and saying that it falls under “other tasks as needed.”



Tough Economic Times: Did you know...

Unemployment

- Florida’s unemployment rate hit 7.3% in November 2008 which represents 680,000 jobless out of a labor force of 9,311,000 (Agency for Workforce Innovation).

Foreclosures/Housing

- Florida’s foreclosure rate is higher than the U.S. rate of 7.2%.
- According to a December 2008 study from the Pew Center, one in 26 Florida homeowners will be in foreclosure over the next two years.
- Across Florida, foreclosure filings totaled 450,588 through November. This makes Florida second in the nation, following California.

Between July 2007 and June 2008, CRS interacted with 4,356 people statewide.



Housing

In 2007, the Commission received a \$280,000 grant from the U.S. Department of Housing and Urban Development (HUD) to conduct a Housing Discrimination Study to measure the extent of housing discrimination against Hispanic homebuyers and renters in the Orlando metro area (Lake, Orange, Osceola and Seminole counties). As part of this study, the Commission conducted a Fair Housing and Predatory Lending conference.

The Fair Housing and Predatory Lending Summit featured presentations by Commission staff and private and public housing industry partners such as the U.S. HUD; Center for Responsible Lending; City of Orlando, Office of Human Relations; Brevard County Housing Authority; National Fair Housing Alliance; League of Latin American Citizens; National Association of Hispanic Real Estate Professionals; Orange County Government and Seminole County Government.

Attendees, which included agencies, renters and homeowners, participated in informational dialogues with the presenters throughout both days.

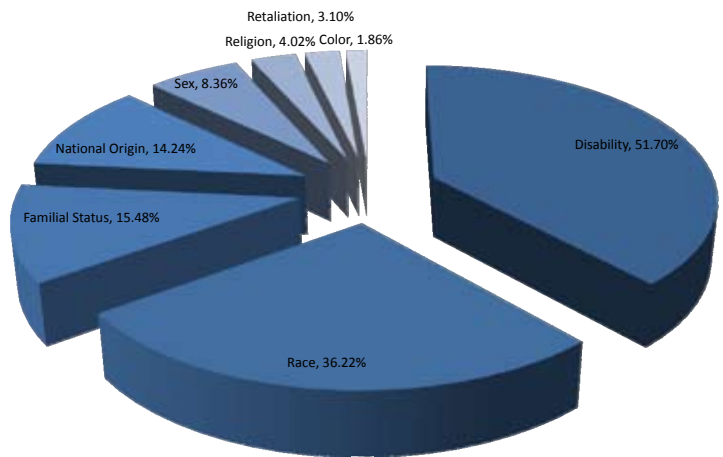
Attendees felt that they had never had the Fair Housing Act explained in as much detail and that the summit equipped them with the information they needed to properly handle, or prevent, a discriminatory situation.

As a result of the Summit, the Commission learned that many community members had concerns about discriminatory finance and mortgage fraud in their community. The Commission held a community meeting on May 31 to specifically address these issues. This event was attended by residents from Orange, Seminole and Hillsborough Counties, who filed 60 complaints.

Intake and Customer Service

The Commission has implemented a customer satisfaction survey to enable individuals who use Commission intake services to provide critical feedback. During FY 07-08, 21% of the surveys were returned. Of these, an overwhelming majority (84.2%) of respondents rated the Commission's customer service as excellent.

Housing Cases Closed by Type of Basis
Fiscal Year 2007 - 2008



State and Federal Laws Prohibiting Employment Discrimination

- Federal Age Discrimination in Employment Act
- Federal American with Disabilities Act
- Federal Employment Act (Title VIII)
- Florida Statutes Chapter 760, Part 1



Community Relations Services

The CRS Unit of the Commission is essential in ensuring the Commission is in compliance with its statutory mandate (Chapter 760 F.S.) and meets a critical need in Florida as discrimination issues continue to arise in workplaces, communities and schools statewide.

Court Trainings

Media reports of racial and cultural intolerance within Florida's court system prompted the Office of the State Court Administrator to require that sensitivity training be offered to all of Florida's court systems. After previewing CRS' diversity training materials, a subcommittee of the Supreme Court's Standing Committee on Diversity requested that the Commission conduct a portion of these trainings.

During this past fiscal year, the Commission has successfully provided training to Florida's Supreme Court and an additional 13 courts statewide, including the Chief Justice of the Florida Supreme Court, Associate Judges and Chief Judges in several Florida circuit courts.

Human Trafficking

Continually committed to education about forced labor and the pursuit of the elimination of human trafficking, the CRS Unit trained a consortium of local and state government agencies and private organizations in Alachua County. Additional human trafficking trainings were conducted for the Volusia/Flagler County Chapter Society of Human Resource Management, Duval County Hate Crimes Working Group, the State of Florida Department of Management Services and the First Friday Miami Human Services Coalition.

Conversation with the Commission

The majority of discrimination cases closed by the Commission annually are employment cases (73% of the entire closed case inventory for FY 07-08). In an effort to involve the community directly in identifying and prioritizing their needs as they relate to being treated fairly in the workplace, "Conversation with the Commission" assembled local employees from various industries to discuss major workplace issues. The information gathered at the event will be used for targeted outreach and education in the upcoming fiscal year.



Haitian Youth Rally with participation from CRS



Did you know... Hate Crimes

January – June 2008

- In Orlando, an elderly white woman and her mentally challenged friends were allegedly beaten by black men for not paying a fee for being white in the park.
- In Palmetto Bay, racist and anti-Semitic slurs were painted on the walls of two buildings.

July – December 2007

- In Hollywood, a man allegedly threatened a Bangladeshi immigrant who worked at a convenience store. The man also called the store worker a terrorist.

- In Callaway, two men were charged with felony battery for allegedly beating a black man.
 - In Gulfport, an Orthodox Jew who was working as a substitute teacher picked up an assignment from a student that said "Jews with die soon."
- (Southern Poverty Law Center)

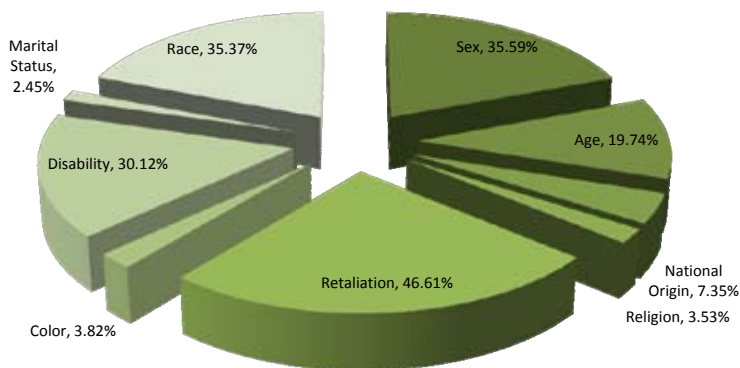
National Hate Crime Information

- Of the 7,621 single-bias hate crime incidents, 50.8% were based on race.
 - There were 5,408 hate crime offenses classified as crimes against persons in 2007.
- (2007 FBI Hate Crime Report)

Legal

During FY 07-08, there were 245 Petitions for Relief filed with the Division of Administrative Hearings (DOAH). The administrative law judges upheld 97% of the determinations the Commission issued.

Employment Cases Closed
By Basis
Fiscal Year 2007 - 2008



Examples of 2007-2008 Employment Cases

Case 1: An employee at a school came in to her office to find racial epithets and threats scrawled in and around her office. After reporting the incident to her supervisor, no action was taken. A few days later, she found human feces on the floor of the bathroom in her office. The employee reported the action again, and no action was taken. The employer was found to have committed a discriminatory act. Even though the person responsible is believed to have been a student, the employer has a responsibility to ensure that employees are not working in a hostile environment.

Case 2: Disappointed with the performance of his new hire, a supervisor decided to give the employee a verbal warning. However, that same day, the employee's wife arrived and told the supervisor that her husband had just suffered from a stroke and would need a week to recover. The supervisor decided to fire the employee instead of issuing the warning he had initially planned. This was found to be a discriminatory act because the supervisor gave no verbal warning to the employee and fired him based on the employee's disability.

Case 3: A woman with decades of experience in her job suffered from retaliation after she disagreed with her supervisor's religious views. Besides having items necessary for her job taken from her, she was forced to train her replacement, who had less experience but was offered a higher pay. The supervisor was found to have committed a discriminatory act by retaliating against the employee and forcing the employee to resign.





Florida ranks second in the nation with the number of documented hate groups.

Commissioners Speak Out!

As a way to reach out to the public and keep them informed of important changes to civil rights laws, best employment practices and human relations issues facing our state, the Commission has implemented a program entitled "Commissioners Speak Out." This program allows the Commissioners to author articles that target Florida's business and legal communities.

The "Commissioners Speak Out" program began with an article authored by Commissioner Gilbert Singer entitled "Sexual Harassment: It Will Not Go Away on its Own," which details the top five things everyone should know about sexual harassment. In a short time period, this article has been published in multiple media outlets throughout the state including business magazines, local Society for Human Resources Management (SHRM) newsletters, Chambers of Commerce newsletters and newspapers (Northwest Business Climate magazine, the Destin Log and the Tallahassee Democrat to name a few).

Recently, the Commission released the second article in the "Commissioners Speak Out" program, entitled "Americans with Disabilities Act - Big Changes in 2009." This article, by Commissioner Anice Prosser, covers the recent changes to the ADA and reminds individuals that the best way to stay compliant is to stay informed. It has been published in various statewide media outlets including seven local SHRM newsletters and two business magazines (Biz 941 and Space Coast Business Magazine).

For more information on the program or to read the articles, please visit our website at <http://fchr.state.fl.us>.

Employment Law Conference

The Florida Commission on Human Relations partnered with the Association to Preserve African American Society, History and Tradition (PAST) to host the second annual Employment Law Conference (ELC) in Orlando. This educational event was attended by attorneys along with private and public sector employers.

Workshops included Sexual Harassment, An Interactive Look at Diversity, Overcoming Unconscious Bias, Conducting Internal Investigations and Navigating the FCHR Complaint Process. Each attendee was provided workshop materials to use as an educational tool for their coworkers and peers.

Several attendees commented that the ELC was one of the best conferences they had ever attended. The ELC was an important step towards achieving the Commission's vision of becoming "the chief resource in Human Relations in the state of Florida." By providing this valuable educational conference, the Commission is serving as a vital state resource in preventing costly discrimination lawsuits on the front end and encouraging the development and enforcement of internal discrimination policies.



Photos from the 2007 Employment Law Conference

The Commissioners



Dr. Donna Elam, Chairperson
Orlando



Gilbert Singer, Vice Chair
Tampa



Onelia Fajardo
Miami



Mario Valle
Naples



Elena Flom
Cocoa Beach



Anice Prosser
Tallahassee



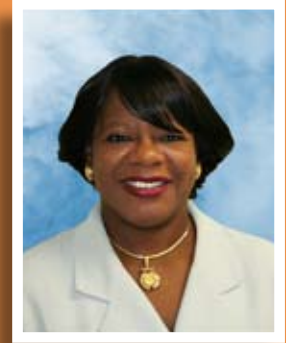
Watson Haynes II
St. Petersburg



Gayle Cannon
Lake City



Billy Whitefox Stall
Panama City



Dr. Patty Ball Thomas
Tallahassee



We're All In It Together

Florida Commission on Human Relations

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