

CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

Tuesday, March 11, 2025; 12:00 PM

Virtual Via Zoom:

<https://us02web.zoom.us/j/84869608008?pwd=MUhuMUNSunp4WIZndk9tbXZiMIY1UT09>

AMID CONCERNS ABOUT THE SPREAD OF COVID-19 (CORONAVIRUS) WITHIN OUR COMMUNITY, AS AN ONGOING MITIGATION MEASURE, IN COMPLIANCE WITH CDC RECOMMENDATIONS, THE COMMISSION WILL HOST ITS NEXT MONTHLY MEETING, SCHEDULED FOR MARCH 11, 2025, AT NOON THROUGH A VIRTUAL FORMAT. THIS ACTION HAS BEEN TAKEN DUE TO SAFETY CONCERNS ASSOCIATED WITH COVID-19. THE HEALTH AND SAFETY OF COMMUNITY MEMBERS, VISITORS, CUSTOMERS AND OUR STAFF AT THE DAVENPORT CIVIL RIGHTS COMMISSION IS ALWAYS A TOP PRIORITY. IT IS WITH THIS IN MIND THAT WE HAVE TAKEN THIS STEP TO MITIGATE THE POSSIBILITY OF COMMUNITY TRANSMISSION. IF YOU WOULD LIKE TO SIGN UP TO ATTEND OUR NEXT MEETING, PLEASE REGISTER IN ADVANCE FOR THIS MEETING - YOU WILL FIND THE LINK IN THE AGENDA UNDER ROLL CALL. AFTER REGISTERING, YOU WILL RECEIVE A CONFIRMATION EMAIL CONTAINING INFORMATION ABOUT JOINING THE MEETING.

I. Roll Call

Virtual Via Zoom:

<https://us02web.zoom.us/j/84869608008?pwd=MUhuMUNSunp4WIZndk9tbXZiMIY1UT09>

II. Approval of Agenda

III. Approval of Minutes

A. January 2025 Minutes Amended

B. February 2025 Minutes

IV. Director's Report

A. February 2025 Director's Report

B. February 2025 Case Status Report

V. New Business

A. FY2025 Budget Amendment

B. Salary Assessment Metric Followup

VI. Old Business

VII. Public Comment and Presentation

VIII. Adjourn

IX. Next Meeting

City of Davenport
Civil Rights Commission

Department: Civil Rights
Contact Info: |
Subject:
January 2025 Minutes Amended

Action / Date
3/11/2025

Attachments:

1. Corrected January 2025 Minutes

DAVENPORT CIVIL RIGHTS COMMISSION
Minutes of Regular Meeting
Tuesday, January 14, 2025; 12:00 PM

The Davenport Civil Rights Commission (DCRC) met at 12:00 p.m. Tuesday, January 14, 2025, at City Hall, 226 West 4th Street, in the Civil Rights Commission Conference Room. Commission Chair Michael Guster presided over the meeting.

COMMISSIONERS PRESENT:

Ethelene Boyd
Michael Guster
Glenn Peterson
Charlene Upchurch-Taylor
Jeff Transou

COMMISSIONERS ABSENT

Frank Holley

OTHER PERSONS PRESENT:

Director Lacey
Jessie Dill
Charles Owens
Others from the community

AGENDA

Commissioner Guster called for the approval of the agenda. Commissioner Upchurch-Taylor made a motion to approve the agenda, Commissioner Boyd seconded the motion. All Commissioners approved the agenda.

APPROVAL OF MINUTES

A. December 2024

A motion was made by Commissioner Boyd to approve the December 2024 minutes, it was seconded by Commissioner Upchurch-Taylor. All Commissioners approved the minutes.

REPORT OF THE DIRECTOR

Director Lacey stated there was no right to sue letters issued in the month of December, and there were no cases settled in mediation in the month of December.

The Director received the results of the request involved in PRR-149-2024 & PRR-171-2024. These were the FOIA fulfillments which were incomplete from March/April 2024. Director Lacey stated that the new results were still the wrong information.

Director Lacey stated that she submitted a request for salary assessment for the investigation related positions within the agency.

The Director stated she met with PW staff regarding the office remodel and concerns with the scope and timeline of the project, planned for a follow-up meeting in January 2025 to outline the full scope of the project to ensure that all parties have a uniform understanding of the project going forward. It was discussed that the security and public waiting area was the most important part of the project. Director Lacey stated furniture is still needed also as long as the funding is available.

Director Lacey conducted meetings to develop collaborative relationships for the proposed upcoming outreach and education and efficiency initiatives for the grant application that includes three organizations.

The Director stated she continues to review applications for new staff. She also conducted new hire training with the new Civil Rights Investigator who started on December 9, 2024. Director Lacey also stated she hired counsel for Commissioners Guster and Transou.

Director Lacey stated there would be an Operating Budget Work-session-February 1, 2025, at 8:30 a.m. and 11:30 a.m. Another Operating Budget Work session-February 4, 2025, at 3:45 p.m. A Capital Improvements Work session-February 8, 2025, at 8:30 a.m. and 11:30 a.m.

The Director stated there were two new employment cases and one new education case.

NEW BUSINESS

A. Commission Election of Officers

Commissioner Guster declared all offices vacant, the Chair, Vice Chair, and Secretary positions. Commissioner Guster stated the Commission would start with the Chair position first. Commissioner Upchurch-Taylor nominated Commissioner Guster for Chair. Commissioner Boyd seconded the nomination. Commissioner Guster accepted the nomination and asked for a roll call after there were no more nominations. The roll call was as follows:

Commissioner Boyd	Yes
Commissioner Guster	Yes
Commissioner Peterson	Yes
Commissioner Upchurch-Taylor	Yes
Commissioner Transou	yes

The Commissioners voted unanimously to elect Commissioner Guster to the Chair position.

Commissioner Guster then stated the Commission would be taking nominations for the Vice Chair position. Commissioner Upchurch-Taylor nominated Commissioner Holley for the Vice Chair position. Commissioner Boyd nominated Commissioner Peterson for the Vice Chair position. Commissioner Guster asked if there were any other nominations and there were not. Commissioner Guster then asked Commissioners to raise their right hands if they were voting for Commissioner Holley. Commissioner Holley received four votes. Commissioner Guster then asked for Commissioners to raise their right hand to vote for Commissioner Peterson and one Commissioner raised their hand. Commissioner Guster then declared that Commissioner Holley would be the Commissions Vice Chair by a four to one vote of hands.

Commissioner Guster then stated the Commission would be voting for the Secretary position and opened the floor for nominations. Commissioner Boyd nominated Commissioner Transou who immediately declined as he stated that he had been wanting to exit the Secretary position for some time and stayed on reluctantly last time as it's now been four years that he has served in that capacity. Commissioner Transou then nominated Commissioner Peterson for the Secretary position. Commissioner Peterson then immediately declined and stated it was a job he couldn't do. Commissioner Boyd then nominated Commissioner Upchurch-Taylor. Commissioner Upchurch-Taylor nominated Commissioner Boyd. Much discussion ensued amongst the Commissioners. The talk about the need to be trained for secretary was discussed. Commissioner Upchurch-Taylor then stated she would take the position for a year to give a break to Commissioner Transou. Commissioner Boyd then nominated Commissioner Upchurch-Taylor for the secretary position. Commissioner Upchurch-Taylor accepted the nomination and with no other Commissioners interested in or nominated for the position, it was mutually agreed that Commissioner Upchurch-Taylor would be the Commission Secretary.

B. Civil Rights Specialist Salary

The Commissioners discussed Director Lacey sending a letter about the position not paying a salary that is equivalent to other positions that are similar here or elsewhere. Commissioner Guster then asked for a motion from the Commission to have the Director send a letter to HR suggesting a fairer pay grade for this position and to reevaluate the formula used to determine the salary. A motion was made by Commissioner Upchurch-Taylor to approve the Director sending a letter to HR, it was seconded by Commissioner Boyd. All Commissioners then voted to approve the motion.

C. E-0093-0048-17

Complainant Charles Owens VS Respondent Kraft-Heinz

Discussion ensued with Attorney Jessie Dill speaking for the respondent Kraft-Heinz. Attendance was discussed as well as the company's point system. Mr. Owens admitted the ALJ was correct that the point system may have been calculated incorrectly. Mr. Owens felt there was no violation of discrimination policy in the case.

Mr. Charles Owens then spoke as the Complainant for himself. Mr. Owens stated he was wrongly terminated under the company's point system and discussed writing a manual for the company at one time and asked for nothing in return. Mr. Owens presented exhibits that he believed demonstrated how the point system was unfair to him, comparing his attendance record as an African American male with that of white male employees. Mr. Owens stated there were points he believed should have been removed after 90 days that were not.

Commissioners then asked some questions after hearing both sides of the case.

At 1:45 p.m. o'clock pursuant to Iowa Code 21.5 (1) (f) and upon motion by Commissioner Upchurch-Taylor, seconded by Commissioner Peterson and with all Commissioners, Boyd, Guster, Peterson, Upchurch-Taylor, and Transou present and voting yes, the Commission moved into closed session to discuss this case under Chapter 17.8.

The Commission came back into the open session at 2:58 p.m. Commissioner Guster asked for there to be a roll call.

Commissioner Boyd	Yes
Commissioner Guster	Yes
Commissioner Peterson	Yes
Commissioner Upchurch-Taylor	Yes
Commissioner Transou	Yes

The finding of the Commission was read by Commissioner Guster.

"The Commission rejects the ALJ findings and find sufficient evidence to conclude that the Complainant was discriminated against based upon different treatment due to age, race, and disability, due to lack of consistent treatment for white and younger employees; and he was subjected to retaliation for his participation in protected activity."

OLD BUSINESS

None

PUBLIC COMMENT AND PRESENTATION

None

ADJOURN

All Commissioners approved adjourning the meeting by unanimous consent. The meeting was adjourned at 3:10 p.m.

NEXT MEETING

The next regular meeting of the Commission is February 11, 2025, at 12 noon. This meeting will be held online using Zoom.

Submitted by Jeff Transou, Secretary

City of Davenport
Civil Rights Commission

Department: Civil Rights
Contact Info: |
Subject:
February 2025 Minutes

Action / Date
3/11/2025

Attachments:
None

City of Davenport
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February 2025 Director's Report

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Attachments:

1. February 2025 DR

DIRECTOR'S REPORT FOR THE DAVENPORT CIVIL RIGHTS COMMISSION FOR February 2025

I. CASE STATUS

1. No "right to sue" letters were issued in the month of February.
2. No cases settled in mediation in the month of February.

II. OTHER ACTIVITY

1. The Director completed case processing documentation.
2. The Director worked on pre-hearing preparation.
3. The Director attended Civil Service Commission meeting.
4. The Director attended Civil Service Commission hearing.
5. The Director followed up on the Director and the Commission's separate request for the salary assessment data for the investigation related positions within the agency. The Commission's request was submitted with a requested response date of January 31, 2025. The information has not been received to date, we do not have a prospective date of receipt from Human Resources and have not received any information from Human Resources, aside from the acknowledgment of receipt of the requests.
6. The Director met with Finance regarding the HUD funding, where we were notified that Finance would no longer do the Finance-related certification for our HUD contract.
7. The Director submitted a request for assistance with the lack of response from Human Resources to the City Administrator and a request for a meeting regarding the delays in processing personnel actions by Finance and Human Resources, the unilateral removal of the Civil Rights Investigator job posting and the refusal of Finance to execute the HUD certification paperwork, though they have complete control over how our positions are funding and where budgetary items are allocated. The City Administrator consulted with Legal and Human Resources regarding these issues, and provided a response outlining a plan to move the Civil Rights Specialist posting forward and the Investigations Manager position forward however I did not receive a response on the request for meeting, an explanation as to why the Civil Rights Investigator posting was removed nor the documents explaining how salaries are determined.
8. The Director is still awaiting updates regarding the office remodel, the project has been in the planning stages since November 2023, however no updates to the office have occurred.
9. The Director continued to monitor COVID-19¹ rates and its impact on office functions.
10. The Director worked on case resolution documents.
11. The Director worked on litigation.
12. The Director worked on pre-hearing motions and responses.
13. The Director worked on pre-hearing preparation.
14. The Director continues to monitor a possible issue involving DCRC witness intimidation and retaliation.
15. The Director continues to work on the development of training and professional development opportunities related to the staffing realignment related to the forced departure of the Asst. Director/Housing Programs Manager.
16. The Director received the executed MOU between DCRC and HUD.

¹ Also, influenza and RSV.

17. The Director and Housing Analyst worked on the HUD Performance Assessment Request(PAR) for the agency's recertification.
18. Housing Analyst worked on housing investigations.
19. Housing Analyst worked on housing inquiries.
20. Housing Analyst worked on case resolutions.
21. Civil Rights Specialist worked on case file reviews and updates.
22. Civil Rights Specialist worked on case resolutions.
23. Civil Rights Specialist worked on complaint intakes.

III. OLD BUSINESS

1. Ongoing discrimination, harassment and bullying of Commission staff.
 1. Retaliatory actions against Commission staff and further examples of different treatment.
2. Legal Department refusal to accept Commission referral.
3. Use of racial slurs in City Hall. City's failure to initiate complaint investigation.
4. Investigation of hostile working environment, still no findings over a year after the initiation of the investigation.
5. Continued refusal to process vacation correction, despite receiving their legal opinion which clearly indicates that the Commission's procedure for processing the correction was appropriate.
6. Constructive discharge of Commission employees.
7. Staffing Concerns - Investigator position postings

IV. NEW BUSINESS

1. March Public Hearings
2. HUD PAR

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Attachments:
None

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FY2025 Budget Amendment

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3/11/2025

Attachments:
None

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Salary Assessment Metric Followup

Action / Date

3/11/2025

Attachments:

None