

# **DE Faith in Action**

**C O U N C I L**

## **No Confidence Resolution State of Delaware Government – Governor Jack A. Markell July 21, 2016**

***Delaware (DE) Faith In Action Council Expresses “No Confidence” in Governor Jack A. Markell’s Willingness to Act With a Sense of Urgency and In the Best Interest of African American State Employees Seeking Relief, Remedies and Justice from Racism and Discrimination in the workplace.***

The Resolution: Representing members of the Interdenominational Ministers Action Council (IMAC) of New Castle County, the Interdenominational Ministerial Alliance (IMA) of Dover & Vicinity, the Interdenominational Faith Coalition (IFC) of Sussex County hereby known as DE Faith In Action Council:

**WHEREAS, our faith in the God we serve calls us to stand for the justice and righteousness of God, and, the scripture requires us to do justice, love mercy and walk humbly with God to set captives free and to be advocates for the poor and the oppressed,**

WHEREAS, on June 9, 2015, members of the Interdenominational Ministers Action Council (IMAC) and NAACP State Conference hosted a press briefing at the historic Louis L. Redding House in Wilmington, to announce an effort to confront workforce discrimination in state government,

**WHEREAS, preliminary interviews with state employees during the months March through May 2015 revealed that African American state employees were subjected to blatant examples of racism, discrimination, harassment, intimidation, bigotry and sexism in promotions, reclassifications, evaluations, disciplinary actions and every day treatment by fellow employees, supervision and the department heads,**

**WHEREAS, African American employees have been overlooked for promotions, disciplined more severely for infractions, and subjected to working in hostile work environments,**

**WHEREAS, African American employees are reluctant to file a grievance because the state’s grievance procedures often ends in an unfavorable ruling and employees fear reprisal and retaliation from supervision and management for filing a complaint,**

WHEREAS, the Interdenominational Ministers Alliance (IMA) of Dover and Vicinity, the Faith Coalition of Sussex and NAACP Chapters in Kent and Sussex Counties joined forces with IMAC and the NAACP State Conference to host a series of hearings the summer of 2015 in three counties — New Castle, Kent and Sussex — to document incidents of racism and discrimination in state government utilizing transcribers and videographers,

WHEREAS, hearings were scheduled at nine (9) different locations throughout the state to document the discrimination complaints and stories of African American employees who alleged unequal treatment by Cabinet Secretaries, Directors, Administrators and Managers in the workplace,

WHEREAS, at a meeting with the Governor and his executive team on or about June 15, 2015, Governor Markell agreed we may have a racism and discrimination problem in state government and, at the request of DE Faith In Action, on Thursday, July 23, 2015 Governor Markell issued an electronic memo to state employees stating there is a “zero tolerance policy” in state government regarding harassment and discrimination in the workplace and after further review he is convinced there are valid concerns in this area and individuals should feel comfortable attending the scheduled hearings and not fear reprisal,

WHEREAS, at the completion of the hearings over **one hundred and fifty (150) testimonials from state workers** were compiled asserting blatant racism, discrimination, intimidation and retaliation in the workplace, a flawed grievance process, denial of due process, inadequate union representation, and delayed responses or inadequate remedies from the Regional Equal Employment Opportunity Commission (EEOC),

WHEREAS, in September 2015, the Governor ordered an independent review of the Delaware Department of Labor (DDOL) and on November 9, 2015, the Office of Management and Budget (OMB) issued a memo to the former Secretary of Labor John McMahon stating the department was an “unhealthy work environment, lacking professionalism and culturally insensitive”,

WHEREAS, the memo outlined recommendations for improvement at the Department of Labor in the following areas: internal complaint process; communication; professionalism; human resources management practices and other, **however, DE Faith In Action was never provided an explanation on exactly what was seen, who was responsible for creating such an environment and who has been held accountable for creating the environment,**

WHEREAS, on November 10, 2015 the U.S. Department of Transportation, Federal Transit Administration Office of Civil Rights launched an Equal Employment Opportunity (EEO) compliance review of another state department, Delaware’s Department of Transportation (Delaware Transit Corporation), in response to numerous discrimination complaints and petitions from African American employees,

WHEREAS, on November 20, 2015, DE Faith In Action presented to Governor Markell and senior staff members, The State of Delaware Hearings Summary of Findings Report outlining the results from the interviews and testimonials and data on charges of discrimination against state agencies. and a list of recommendations to consider as next steps to address the statewide crisis,

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WHEREAS, at a meeting held on November 20, 2015, the state personnel office conceded its investigation of DDOL revealed much of the same information regarding discrimination practices disclosed in DE Faith In Action's Summary of Findings Report,

**WHEREAS, the Office of Anti-Discrimination, located within DDOL, is responsible for monitoring and enforcement of rights for all public and private sector employees in the state of Delaware, and according to DE Faith In Action's report, DDOL department directors, administrators and managers were identified as engaging in discriminatory practices and creating a hostile work environment,**

**WHEREAS, the DDOL Office of Anti-Discrimination investigated discrimination complaints against state agencies from 2012-2015 resulted in one (1) cause finding out of one hundred ninety (190) reported cases,**

WHEREAS, at meetings held in November 2015, January 2016, May 2016 and in letters dated February 29, 2016, and April 1, 2016, Governor Markell failed to respond to DE Faith In Action's repeated requests to provide a plan or a course of action for investigating discrimination allegations throughout state agencies, enforcing the anti-discrimination law (Title 19) throughout ALL state agencies and holding management accountable for their discriminatory actions and practices,

WHEREAS, beginning November 20, 2015 until present, DE Faith In Action Council issued repeated calls for enforcement of the "zero tolerance anti-discrimination policy" and termination of state personnel who have engaged in discriminatory practices and violated the civil rights of state employees,

WHEREAS, on March 18, 2016, the DE Faith In Action Council requested a written copy of the state's anti-discrimination zero tolerance policy referenced in Governor Markell's July 23, 2015 memo to state employees,

WHEREAS, on March 22, 2016 a memo from the state's personnel office indicated **that the state of Delaware does not have a written anti-discrimination "zero tolerance policy"** and the state of Delaware uses Affirmative Action Executive Order #8, the OMB Beliefs and Principles statement, and Merit Rules as the "zero tolerance" guidelines, and each department has its own compliant process and a Workplace Discrimination and Harassment Policy is currently under legal review,

WHEREAS, DE Faith In Action Council members repeatedly questioned Governor Markell about management accountability, enforcement of the anti-discrimination law, and termination of employees who have violated African American's civil rights in the workplace,

WHEREAS, several legislators publicly acknowledged the racism and discrimination crisis in state government and agreed the individuals who violated the law should be terminated,

WHEREAS, in an April 1, 2016 letter from Governor Markell to DE Faith In Action Council members, Governor Markell characterized DE Faith In Action's appeals for the termination of management violating the anti-discrimination law as a "WITCH HUNT",

WHEREAS, between January 2016 – May 2016, several DDOL Directors and the Cabinet Secretary were allowed to resign from their positions which preserved their pensions and healthcare benefits,

WHEREAS, Governor Markell's response to the racism and discrimination in state government has been to approve a Human Resource Management Assessment review by an independent firm, set up a hotline number to receive complaints from state employees, and appoint a new Secretary of Labor,

**WHEREAS, while a human resource management review is an important factor in correcting structural problems in state government moving forward, it does not address the past discriminatory practices and the current hostile work conditions, the unfair promotions and salary increases given to white employees, the wrongful terminations and excessive disciplinary actions experienced by African Americans, or the lack of accountability for management who have violated the law and continue to violate the civil rights of African Americans under the current administration,**

WHEREAS, under the leadership of Governor Markell we have witnessed the recent appointments (2016) of two African American Cabinet Secretaries, African American Magistrates and Commissioners, an apology for slavery in February 2016 during Black History Month and pardoning abolitionist Samuel Burris which are noteworthy actions, however, they do not, address the racism and discrimination practices numerous African American state employees have endured under the current and former administrations,

WHEREAS, in 2009, Governor Jack Markell renewed Affirmative Action Executive Order#8 that directed his agencies to pursue the recruitment and promotion of qualified applicants from diverse backgrounds,

WHEREAS, the Executive Order #8 directive issued by Governor Markell and the Office of Management and Budget's, Human Resource Management Guidelines on Equal Employment Opportunity (EEO) and Affirmative Action (AA) document states, "Each executive branch agency is accountable for compliance by including measures/statements in all manager's performance plans and agency strategic plans" yet, when asked, the OMB provided no explanation to the DE Faith In Action Council regarding accountability of management tied to meeting stated affirmative action plans and objectives,

WHEREAS, under the leadership of Governor Markell the percentage of African American and Hispanic employees that filled managerial positions in state government decreased from 2009 – 2014 and the percentage of white managers increased, according to data provided from the Delaware Department of Labor. Twenty nine percent (29%) of state employees are African

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American and sixty five percent (65%) are white; blacks represented twenty percent (20%) of the officials and administrators and whites represented seventy six (76%) of management,

WHEREAS, under the leadership of Governor Markell, the Governor's Cabinet and Office of Management Budget (OMB) lacked diversity and inclusion,

WHEREAS, the Governor's Equal Employment Opportunity Council (GCEEO) was charged with oversight for execution of state department's affirmative action plans however the GCEEO is an advisory group and does not have enforcement authority,

**WHEREAS, the state of Delaware will never achieve diversity, economic parity or equity within state agencies if the leadership fails to hold management accountable, enforce the anti-discrimination law and directly address the discrimination and unfair labor practices displayed and condoned by management within the government workplace,**

WHEREAS, it is our collective duty as Delaware leaders to address issues of inequality and injustice wherever they appear and respond to the concerns and needs of the African American community and all Delaware citizens impacted by racism and discrimination

WHEREAS, states have a clear obligation to end discrimination under the law, and to enact effective laws and practices against both direct and indirect discrimination by both government and private actors, and state officials should recognize, with urgency, the importance and legal obligations of identifying, prohibiting and addressing discrimination by state personnel,

WHEREAS, the state of Delaware government **does not** have a written anti-discrimination policy to protect the civil rights of African Americans and other state employees of protected classes in the workplace,

WHEREAS, the state of Delaware government has a responsibility to protect employees in the workplace from discrimination and hostile working conditions by enacting and enforcing policies and procedures in compliance with the Delaware Code Title 19 and Title VII Civil Rights Act of 1964,

WHEREAS, during the State of the State address on January 21, 2016, Governor Markell failed to publicly acknowledge the Summary of Findings Report which represented the voices and concerns of African American state employees who have endured unfair treatment in state government and Governor Markell failed to publicly acknowledge the evidence of institutional racism and discrimination in government and the challenges we all face in eliminating racism and discrimination in Delaware,

WHEREAS, during the State of the State address on January 21, 2016, Governor Markell failed to highlight the opportunities upon us to become a more diverse and inclusive state government that appropriately reflects the diversity in our state and our ability to transform state government into a more efficient, effective, culturally inclusive service provider for all the citizens of Delaware,

WHEREAS, Governor Markell failed to immediately commit appropriate resources, both human and financial, to develop and implement the necessary strategies, policies, and actions for a comprehensive anti-discrimination plan, which should include temporary special measures to accelerate the achievement of equity across **ALL** state agencies and **provide relief to state employees who have been impacted by discriminatory practices,**

WHEREAS, discrimination can both cause poverty and be a hurdle in alleviating poverty; discrimination in state government promotes racialized economic inequality,

WHEREAS, the Governor of Delaware and state officials have the responsibility of implementing proactive measures to identify and address embedded racism and discrimination, both direct and indirect,

WHEREAS, Governor Markell failed to act with urgency to remedy racism and discrimination throughout ALL state agencies for which Cabinet Secretaries, Directors, Administrators and Managers, under his leadership, were directly or indirectly responsible,

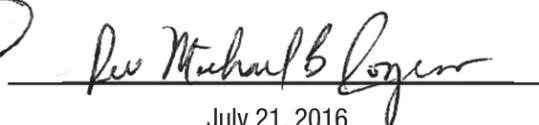
WHEREAS, Governor Markell failed to avoid future discriminatory practices in state government by taking proactive measures to hold state personnel accountable for civil rights violations as well as implement additional safeguards and protections for ALL state employees of protected classes throughout state agencies.

***THEREFORE BE IT RESOLVED, that the DE Faith In Action Council members unanimously declare that they have NO CONFIDENCE in the leadership of Governor Jack A. Markell to address racism and discrimination in state government, hold state personnel accountable for violating the anti-discrimination law, and restore trust and credibility among African Americans in state government. The DE Faith In Action Council provided sufficient time and support for the Markell administration to develop a comprehensive statewide plan and approach with goals, targets, and indicators directed at investigating and correcting discriminatory practices throughout the thirteen (13) Executive Branches of state government to ensure that the civil rights, social and economic needs of protected classes were being addressed fairly.***



July 21, 2016

Reverend Vincent P. Oliver  
Interdenominational Ministers Action  
Council of New Castle County (IMAC)



July 21, 2016

Reverend Michael B. Rogers  
Interdenominational Ministerial Alliance of  
Dover & Vicinity (IMA)



July 21, 2016

Reverend C. Claudia Waters  
Interdenominational Faith Coalition  
of Sussex County (IFC)

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*Rev. Dr. Charles Amos*, St. Paul UAME Church  
*Rev. Sonia Ayers*, Dickerson Chapel AME Church  
*Rev. Dr. Silvester S. Beaman*, Bethel AME Church  
*Pastor C.E. Brocks*, New Jerusalem Baptist Church  
*Rev. Darius Brown*, Manna Christian Fellowship  
*Pastor Walter C. Brown*, New Hope Baptist Church  
*Pastor William Carter*, Harrison Memorial Baptist Church  
*Rev. Dr. Christopher T. Curry*, Ezion Fair Baptist Church  
*Pastor Elmer Davis*, Whatcoat United Methodist Church  
*Rev. Dr. Donald Dunnigan*, Cornerstone Baptist Church  
*Pastor George Edwards*, Friendship Baptist Church  
*Bishop Boston Ford*, Outreach Holy Church  
*Pastor Jackie Ford*, Marshallton United Methodist Church  
*Bishop Dr. George Gibson*, Christian Love Worship Cathedral  
*Apostle Dr. John T. Graham*, Temple United Church  
*Rev. Winton Hill*, Presiding Elder AME Dover District  
*Rev. Dr. Clifford I. Johnson*, Shiloh Baptist Church  
*Pastor Jeffrey Johnson*, New Life Baptist Church  
*Elder Ty Johnson*, New Destiny Fellowship Church  
*Rev. Lester Justice*, UMC Director of Strengthening the Black Church  
in the Peninsula-Delaware Conference  
*Rev. Dr. Lawrence Livingston*, Mother Church  
*Pastor Ellis B. Loudon*, Mt. Zion AME Church  
*Bishop Roland Mifflin*, Power and Love Church  
*Pastor Michael Morgan*, Mt. Friendship AME Church  
*Bishop Dr. Aretha E. Morton*, Tabernacle Full Gospel Church  
*Dr. Donald Morton*, Complexities of Color Coalition  
*Rev. Dr. Vincent P. Oliver*, New Calvary Baptist Church, Interdenominational  
Ministers Action Council of New Castle County  
*Pastor Herbert J. Owens, Sr.*, Rock of Ages Baptist Church  
*Rev. Shanika Perry*, Bethel AME Church  
*Pastor Provey Powell*, Mt. Joy United Methodist Church  
*Dr. Lonnie Rector*, Moderator, Mt. Zion Missionary Baptist Association  
*Dr. Samuel Richardson, III*, President, United Baptist Convention of DE  
*Pastor Michael Rogers*, Central Baptist Church, Interdenominational  
Ministerial Alliance of Dover & Vicinity  
*Rev. Dr. William Sanford*, Love Fellowship Free Will Baptist Church  
*Pastor Larry Vaughn*, Mt. Sinai Baptist Church  
*Pastor Anthony Wallace*, Crossroad Christian Church  
*Pastor C. Claudia Waters*, St. Paul Milford Wesley Chapel,  
Interdenominational Faith Coalition of Sussex County  
*Apostle Dr. Thomas Wesley Weeks*, New Destiny Fellowship Church  
*Pastor Lawrence Wright*, Macedonia Baptist Church