



# Pennsylvania Human Relations Commission

2001 - 2002  
Annual  
Report

# WORK AT A GLANCE

July 1, 2001 - June 30, 2002

Cases pending on 7/1/2001	8,429
Cases docketed in 2001-2002	6,565
<b>Total Caseload</b>	<b>14,994</b>
Cases closed in 2001-2002	5,813
•Employment	5,235
•Housing/Commercial Property	270
•Public Accommodation*	244
•Education (Post Secondary)*	25
•CMS	39
Cases pending on 6/30/02	9,181
Number of Informal Complaints	37,604

## IMPACT

Financial Impact (in dollars) \$11,188,558.52

\*Education is higher education only; basic education is included in public accommodation.

Pennsylvania is proud to be an equal opportunity employer supporting workforce diversity.

The Pennsylvania Human Relations Commission is strongly committed to the principles of equal opportunity and affirmative action. This commitment extends to the Commission's function as a civil rights agency in providing service to the public and to its role as an employer. The Commission provides equal opportunity in its employment practices including recruitment, selection, promotion, training and all terms and conditions of employment.

## Pennsylvania Human Relations Commission July 1, 2001 - June 30, 2002

### OFFICERS

Carl E. Denson, Chairperson  
Raquel Otero de Yiengst, Vice Chairperson  
Gregory J. Celia, Jr., Secretary (Replaced on June 12, 2002)  
Russell S. Howell, Assistant Secretary

### COMMISSIONERS

David A. Alexander (Appointed March 26, 2002)  
M. Joel Bolstein  
Joseph J. Borgia  
Theotis W. Braddy  
Timothy Cuevas (Appointed June 12, 2002)  
Stephen A. Glassman (Appointed June 4, 2002)  
Elizabeth C. Umstatt (Replaced on June 4, 2002)  
Sylvia A. Waters  
Daniel D. Yun

### EXECUTIVE OFFICE

Homer C. Floyd, Executive Director  
Elizabeth J. Zeisloft, Special Assistant to the Executive Director

## MESSAGE FROM THE CHAIRPERSON

The Honorable Edward Rendell  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Rendell and Members of the General Assembly:

Fiscal year 2001-2002 was a year marked by change for the Pennsylvania Human Relations Commission. Change in process. Change in technology. Change in the times.

A key aspect of the Commission's work is community outreach and technical assistance. In the wake of September 11, 2001, last fiscal year posed unique challenges for the education and community services staff. Within a few days of 9.11, in response to bias-related incidents, Commission staff received requests for assistance from the Muslim and Arab American communities. The number of reported incidents that targeted Muslims, Arab Americans and individuals perceived to be Arab Americans reported to the Commission totaled 71 incidents by the end of the fiscal year. This propelled this grouping of individuals to the second-highest group targeted by bias-related incidents for the fiscal year and the first time in the Commission's history these individuals were ever categorized as victims.

A major change was the introduction of the Commission's own Case Management System or CMS. Over the past three years, the Commission received Program Revision Request funding for the development and implementation of an electronic case processing system. This project reached fruition when CMS was installed in each of the Commission's four offices. CMS is designed to increase agency efficiency and improve customer service.

The Commission's enforcement programs help to assure that Pennsylvanians have the opportunity to be productive employees, to live in housing of their choice, to have the opportunity to receive a quality education and to benefit from public accommodations, without unlawful discrimination.

The Commission, its Commissioners and staff remain dedicated to the agency's mission of preventing and eliminating unlawful discrimination and promoting goodwill among the people of Pennsylvania. We thank you for your past and continued support of this Commission and the work it carries out.

Sincerely,



Carl E. Denson  
Chairperson

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# Introduction

The PHRC is required to enforce two Pennsylvania laws (PA Human Relations Act and the Pennsylvania Fair Educational Opportunities Act) that prohibit discrimination because of:

race, color, religion, ancestry, age (40 and above), sex, national origin, disability, known association with a person with a disability, use of guide or support animals because of the blindness, deafness or physical disability of the user or because the user is a handler or trainer of support or guide animals, possession of a diploma based on passing a general education development test, retaliation, familial status or refusal or willingness to participate in abortion procedures.

The Commission's jurisdiction covers employment, housing and commercial property, public accommodation, education and monitoring of community tension situations.

There are two key methods the Commission uses to implement the law: (1) the receipt, investigation, resolution, conciliation and litigation of formal discrimination

complaints filed by harmed individuals, the Pennsylvania Attorney General or the Commission itself; and (2) the publication of regulations and guidelines as well as the provision of community outreach and technical assistance to organizations or individuals to promote and encourage voluntary observance with the law and to promote positive intergroup relations.

Unlawful discrimination poses serious problems for the entire Commonwealth. Pennsylvania Human Relations Commission (PHRC) programs are designed to meet the needs these problems create.

Under Section 7(k) of the Pennsylvania Human Relations Act, the Pennsylvania Human Relations Commission (PHRC) is required to report annually to the Governor and General Assembly on the caseload statistics and details of the Commission's work on discrimination investigation and its response to bias-related incidents.

The data contained in this annual report is based on case investigations completed during the fiscal year that dates July 1, 2001 to June 30, 2002.

# Commission Highlights

If one were to pick a single word to describe the Commission in fiscal year 2001-2002, that word would be **change**.

Change in software technology. Change in process. Change in procedures. Change for improved customer service.

## A Year Marked By Change

At the end of the previous fiscal year, the Commission's Central Office physically moved to a new location in Harrisburg. This change provided a connection to the Commonwealth's Email system and improved communication capabilities. As the 2001-2002 fiscal year progressed, the Commission's regional offices were connected to the state's Email system and all Commission staff began to fully utilize Email in various aspects of their jobs.

The Commission also saw change as the Commonwealth improved and installed new phone systems for state agencies, boards and commissions.

Internally, in preparation for the arrival of the Commission's new case management system, Commission staff was given training in Windows, Word and other Windows-based applications.

As all of these areas of change were being addressed, certain key staff was also involved in another area of change – this one implemented by the Commonwealth itself through Imagine PA.

Imagine PA is a cutting-edge project that is designed to electronically streamline and standardize key business processes in accounting, budgeting, payroll, human

resources and procurement. The Human Relations Commission was identified as a Wave 1 agency – or one of the first – to have access to Imagine PA. In preparation for this new way of “doing business with the Commonwealth,” staff that had key responsibilities in these areas attended various training classes throughout the fiscal year in preparation for its arrival.

And then, the biggest anticipated change arrived.

When the idea was first conceived, the project was called the Design, Development, Installation & Implementation of a Case Management, Processing and Tracking System. As the project grew, it became known as CMS (Case Management System).

Executive Director Homer C. Floyd defined the goal of this monumental undertaking, in the project's early stages.

*To improve customer service by reducing case processing times, reducing or eliminating case backlogs and improving the quality of investigation through redesigning and automating our business process, to reduce duplication, increase efficiency, free up staff to work at their highest level and improve case management systems.*

Recognizing that the case backlog was continuing to grow, the Commission asked the Governor and General Assembly for additional funds to dedicate to the development of an electronic case management system. The Commission contracted with outside vendors to review each of the integral functions of the

Commission's case processing system: intake, investigation and legal.

The official birth date of CMS is January 10, 2000. This date marks the starting point of the various reviews that were necessary to take the Commission's investigatory process from paper to an electronic system.

Its arrival date was February 19, 2002. The Commission's Harrisburg Regional Office was the first to see CMS installed. After the introduction in Harrisburg, CMS was then put in operation in the Pittsburgh Regional Office and finally in the Philadelphia Regional Office. All CMS users received extensive training on the new CMS system.

During the final months of the fiscal year, Commission staff worked with the CMS developers to further customize the system and to make minor changes to improve the overall operation of CMS.

The Commission' new computerized CMS provides many new capabilities. The Commission is able to record, retrieve and report case information that was not possible with our previous computer system.

### CDS vs. CMS

The previous computer system that the Commission had access to was developed and controlled by the federal Equal Employment Opportunity Commission (EEOC). It was called the Charge Data System or CDS.

The Commission could enter basic data into CDS (*i.e. date of docketing, basis and issue of the complaint, basic informational data on the complainant and respondent, and could identify the investigator and regional office, etc.*) The Commission could also utilize CDS

to generate limited reports about the cases that were in the Commission's entire caseload.

But CDS lacked two very crucial components. One – and first and foremost – it did not permit Commission investigators to use it as an electronic tool to assist with the case investigation. It contained no standard documents. It contained no proof formulas. It contained no on-line help for investigators to assist in case processing. And two, the Commission was limited in the type of reports that could be obtained from CDS because the reports themselves had been created by EEOC – not PHRC.

### Understanding CMS

Prior to CMS, complaints were distinguished by docket numbers that began with E (employment), H (housing and commercial property), P (public accommodation) and S (alleged violations of the PA Fair Educational Opportunities Act). A complaint that contained allegations of employment and housing discrimination had two docket numbers, one for Employment, beginning with E, and one for Housing, beginning with H. Cases were tracked and reports prepared using the E, H, P and S docket numbers to distinguish various types of cases.

In CMS, one complaint is referred to as a case and may contain multiple counts. A count consists of one act of harm and one protected class. CMS complaints are still distinguished by jurisdictional area: employment, education, housing, commercial property and education.

Preliminary statistics from early CMS reports verify what has been suspected for the past 10 years. For every one complaint that is received by the Commission, over 33 percent of those complaints involve two or more individual

counts of discrimination. This keeps the case complexity levels high.

When a formal complaint is made that comprises multiple allegations, each individual allegation must be investigated. The complexity of any one case is what requires a large volume of staff time and inordinate resources to complete.

For instance, a woman alleges she was passed over for a promotion because of her age 45, her disability (diabetes) and her race (Black). In order to conduct a thorough investigation, each individual allegation or count must be investigated.

What this means is that the Commission investigator must examine each individual count. S/he must look at the ages of those promoted within the company. S/he must examine if any of those who received promotions had disabilities. And last, of those who received promotions, S/he must examine the racial make-up of these individuals. One – or all – of the components may have value in the complaint.

While this woman only made one complaint with the Commission, her complaint has three components – each of which must be investigated, documented and analyzed in order to complete the investigation – this increases the complexity of the case three-fold.

Prior to CMS, an education complaint (S prefix to docket number) was limited to alleged violations of the PA Fair Educational Opportunities Act (PFEOA). The PFEOA covers only post-secondary grade, business, vocational or trade school of secondary or post-secondary, *etc.* K – 12 education complaints, however, alleged violations of the Public Accommodation provisions of the PA

Human Relations Act and were reported as Public Accommodations (P) cases.

In CMS, an "Education Case" is defined as any case that names an educational institution as respondent **AND** for which the complaint includes an allegation(s) of a violation of:

- a) The PA Fair Educational Opportunities Act; **OR**
- b) The public accommodation provisions of the PA Human Relations Act; **OR**
- c) The PA Human Relations Act indicating an act of harm relating to equal educational opportunity.

Equal educational opportunity includes, but is not limited to, such areas as academic instruction and achievement; admissions and assignment; discipline; harassment in an educational setting; inequitable allocation of educational resources; participation in programs, sports, and extra-curricular activities; testing and evaluation; inclusive curriculum; and accommodation for disabilities or religion in an educational setting.

In CMS each complaint is assigned a case number and is written in count format. A count consists of one act of harm and one protected class.

### Unique Challenges of Combining Data from CDS and CMS

As stated earlier, the Harrisburg Regional Office went "on-line" with CMS in February and March. Then in April, Pittsburgh Regional Office staff went on-line with CMS and only Philadelphia remained to have CMS deployed in May and early June. As CMS was being rolled out into each of the three regional

offices, the statistical data and which system the statistics were located in varied. The final steps of CMS development will be to merge the old CDS data into CMS for future use.

The Compliance Statistics section of this annual report is two fold. The first set of charts is the statistical data about the Commission's caseload for the fiscal year. These charts will have a separate column for CMS numbers for the fiscal year and can be easily identified by the separate color.

## Defining the Commission's Workload

Due to the frequency and volume of cases being received by PHRC, each fiscal year is started with pending cases in-hand. These pending cases include all cases that are either under PHRC investigation or are on hold pending an investigation by the federal Equal Employment Opportunity Commission (EEOC). For fiscal year 2001-2002, PHRC began the year with 8,429 PENDING cases.

Throughout the fiscal year, Regional Offices are contacted either by phone, by an in-office visit, by mail or by Email. Many of the contacts are made by Pennsylvania citizens who need to file a complaint with PHRC. Others are citizens in need of services that are not within PHRC's jurisdiction, while others are simply calling with questions about their civil rights. PHRC refers to these types of contacts as INQUIRIES. In fiscal year 2001-2002, PHRC received 37,604 contacts of this nature.

Out of the INQUIRIES that are received, Commission staff must FILE and DOCKET the complaints related to unlawful discrimination it receives. A complaint is FILED on the date a verified complaint is

Following this year's compliance statistics will be a preview of coming attractions feature. In the 2002-2003 annual report, the compliance statistics will be provided in much greater detail. CMS was designed to capture the details of each complaint PHRC receives – not just category totals.

Several example charts have been included to demonstrate CMS capabilities. The figures that are included in them are not a part of the 2001-2002 statistics. The charts are a demonstrative representation of CMS.

received. A complaint is DOCKETED with PHRC when it is placed into active investigation. The Commission docketed 4,077 new complaints between July 1, 2001 and June 30, 2002.

The Commission maintains a federal government contract with EEOC. Each fiscal year, the Commission must process and track all paperwork on the cases where EEOC is conducting the active investigation. These cases are referred to as LUKUS (*The term "Lukus" refers to Mary Lukus. She was a complainant who filed with PHRC and did not file with EEOC. She lost her federal rights because of it. This case went to court and the concept of PHRC and EEOC working together for the purpose of intake was clarified in this court decision.*) cases. Federal law requires this processing. PHRC does not investigate the complaint, however, staff time is required to oversee these complaints. PHRC reserves the right to docket, serve and require an answer if necessary.

The 4,077 newly DOCKETED complaints received throughout the fiscal year are in

addition to the 8,429 PENDING complaints held at the onset of the fiscal year. This reflects that the Commission had an active – or working – caseload of 12,506 cases. When you add in the Lukus cases that are also processed, the number climbs to 14,994. When one factors in the 37,604 phone calls, letters, Emails and in-office visits staff must respond to, the activity level remains quite high.

The last category is cases CLOSED. Cases are closed in a number of different ways. The case can be closed after a voluntary settlement is reached between the two parties. The case can be closed as no cause.

This means that based upon all of the documents and witness testimony collected during an investigation, substantial proof of discrimination was not found. Or, the case can be closed administratively, such as when the complainant withdraws his/her allegations or opts to go into state/federal court. Cases are also closed after a decision is reached in a public hearing case. In fiscal year 2001-2002, the Commission closed 5,813 cases.

When the 5,813 case CLOSURES are subtracted from the 14,994 active cases, the Commission started fiscal year 2002-2003 with 9,181 PENDING cases.

## COMPLIANCE STATISTICS

### GEOGRAPHICAL DISTRIBUTION OF CASES FILED AND DOCKETED BY REGION July 1, 2001- June 30, 2002

AREA OF JURISDICTION	NUMBER OF COMPLAINTS DOCKETED				
	Pittsburgh	Harrisburg	Philadelphia	Lukus	State Total
Employment	686	785	1,104	2,485*	5,060
Housing/ Commercial Property	68	57	120	0	245
Public Accommodations**	58	29	103	0	190
Education***	4	0	10	0	14
CMS Dockets	190	525	338	3	1,056
<b>ALL AREAS</b>	<b>1,006</b>	<b>1,396</b>	<b>1,675</b>	<b>2,488</b>	<b>6,565</b>

The Pittsburgh Regional Office includes 23 contiguous counties in western PA.

The Harrisburg Regional Office includes 39 contiguous counties in central and northeastern PA.

The Philadelphia Regional Office includes 5 contiguous counties in southeastern PA.

\*PHRC receives all Lukus filings from EEOC, which is required by federal law. PHRC does not do the initial investigation of the complaint. However, staff time is required to process and PHRC reserves the right to docket, serve and require an answer, if necessary.

\*\* Includes elementary and secondary schools.

\*\*\* Includes secondary education only.

**BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION**

**July 1, 2001 – June 30, 2002**

BASIS	Employment		Lukus		Housing/ Commercial Property		Public Accommo- dations*		Education**		State Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Race or Color	618	17	228	9	87	31	92	46	5	22	1,030	16
Religion	32	1	24	1	6	2	2	1	1	4	65	1
National Origin	85	2	40	1	26	9	6	3	1	4	158	2
Age	449	13	287	12	1	0	1	0	0	0	738	11
Sex	478	13	220	9	17	6	10	5	2	8	727	11
Disability	496	14	300	12	70	24	64	32	6	27	936	14
Multiple****	1,240	35	735	30	56	20	25	12	8	35	2,064	31
Retaliation	167	5	74	3	12	4	2	1	0	0	255	4
Familial Status	0	0	0	0	12	4	0	0	0	0	12	1
No Basis	0	0	580	23	0	0	0	0	0	0	580	9
<b>TOTAL</b>	<b>3,565</b>	<b>100</b>	<b>2,488</b>	<b>100</b>	<b>287</b>	<b>100</b>	<b>202</b>	<b>100</b>	<b>23</b>	<b>100</b>	<b>6,565</b>	<b>100</b>

\* Includes elementary and secondary schools.

\*\* Includes secondary education only.

\*\*\* Cases in this category include all those in which the basis of the charge of discrimination is two or more of any of the above reasons.

PHRC receives all Lukus filings from EEOC, which is required by federal law. PHRC does not do the initial investigation of the complaint. However, staff time is required to process and PHRC reserves the right to docket, serve and require an answer, if necessary.

**INQUIRIES**

**July 1, 2001 – June 30, 2002**

INQUIRIES	Pittsburgh	Harrisburg	Philadelphia	State Total
Telephone	12,156	10,796	8,783	31,735
Letters	113	869	1,565	2,547
In office visits	166	346	2,810	3,322
<b>TOTAL</b>	<b>12,435</b>	<b>12,011</b>	<b>13,158</b>	<b>37,604</b>

**TOTAL OCCURRENCES OF ALLEGATIONS BY REGION\***

**July 1, 2001 – June 30, 2002**

TOTAL NUMBER OF COMPLAINTS DOCKETED	Pittsburgh		Harrisburg		Philadelphia		Lukus		State Total	
	No.	%								
ALLEGATIONS	No.	%								
Race/Color	400	25	386	17	644	24	559	17	1,989	20
Religion	15	1	30	2	61	2	78	2	184	2
National Origin	28	2	109	5	135	5	101	3	373	4
Age	435	27	557	25	501	19	623	19	2,116	21
Sex	250	15	455	20	455	17	560	17	2,016	20
Disability	296	18	454	20	510	19	646	20	1,906	19
Retaliation	190	12	247	11	353	13	135	4	925	9
Familial Status	6	0	8	0	10	1	0	0	24	0
No Basis	0	0	0	0	0	0	580	18	580	5
<b>TOTAL</b>	<b>1,620</b>	<b>100</b>	<b>2,246</b>	<b>100</b>	<b>2,669</b>	<b>100</b>	<b>3,282</b>	<b>100</b>	<b>9,817</b>	<b>100</b>

\* Because many complaints allege a number of allegations such as race and sex or disability, race and age, etc., the total number of occurrences will be greater than the total number of cases docketed. This chart details the total number of times each protected class is named in complaints of discrimination.

**SEXUAL HARASSMENT CASES BY COUNTY**

**July 1, 2001 – June 30, 2002**

COUNTY	TOTAL
Philadelphia	87
Allegheny	65
Montgomery	47
Dauphin	41
Luzerne	25
York	22
Delaware	20
Bucks	17
Berks, Lancaster	16 each
Centre, Chester, Cumberland, Lehigh, Monroe, Northampton, Northumberland	8 each
Blair, Erie, Lackawanna, Wayne, Westmoreland	7 each
Lycoming, Schuylkill	6 each
Butler, Franklin, Lawrence, Washington	5 each
Cambria, Crawford, Lebanon	4 each
Beaver, Bedford, Jefferson, Mercer	3 each
Adams, Carbon, Clearfield, Elk, Fayette, Montour, Pike, Snyder	2 each
Armstrong, Clinton, Columbia, Fulton, Huntingdon, Indiana, Juniata, McKean, Mifflin, Sullivan, Union, Venango, Warren	1 each
<b>TOTAL</b>	<b>532</b>

**DISABILITY OCCURRENCES\***  
July 1, 2001 – June 30, 2002

TYPE OF DISABILITY	NUMBER OF OCCURRENCES	TYPE OF DISABILITY	NUMBER OF OCCURRENCES
Emotional Impairment	188	Epilepsy	23
Nonparalytic Orthopedic Impairment	173	Disfigurement	23
Record of a Disability	114	Cancer	22
Regarded as Disabled	112	Past Alcoholism/Drug Addiction**	22
Back Impairment	108	Learning Disabilities	19
Diabetes	68	Paralysis	10
Neurological Impairment	67	Chemical Sensitivities	9
Heart/Cardiovascular Impairment	62	Multiple Sclerosis	9
Asthma	59	Cerebral Palsy	8
HIV/Blood Disorders	40	Respiratory/Pulmonary Impairment	7
Association with a Person with a Disability	39	Speech Impairment	5
Gastrointestinal/Kidney Impairment	31	Non-ADA Other Impairment	202
Allergies	26	Other Impairment	64
Hearing Impairment	25		
<b>TOTAL DISABILITY CASES</b>		<b>1,535</b>	

\*The total of occurrences is higher than the cases docketed under the disability basis category. These figures also include cases filed in the multiple basis category.

\*\*Current users of illegal drugs are not protected under the PHRA Act.

**RACE OCCURRENCES**  
July 1, 2001- June 30, 2002 by Region and Jurisdiction

Race Areas	Black				White				Other			
	E	H	P	S	E	H	P	S	E	H	P	S
Region 1	225	65	38	4	34	14	1	0	4	0	0	0
Region 2	275	25	18	2	33	0	0	0	20	0	0	0
Region 3	427	49	38	7	55	11	1	0	22	1	3	0
Central	202	0	0	0	17	2	0	0	12	0	0	0
State	1,129	139	94	13	139	27	2	0	58	1	3	0

E – Employment  
H – Housing  
P - Public Accommodation  
S - Education

Region 1: Pittsburgh Regional Office  
Region 2: Harrisburg Regional Office  
Region 3: Philadelphia Regional Office

Race Areas	Asian				Indian				Color			
	E	H	P	S	E	H	P	S	E	H	P	S
Region 1	6	0	0	0	4	0	1	1	3	0	0	0
Region 2	6	1	0	0	3	0	0	0	3	0	0	0
Region 3	7	1	1	0	7	0	1	0	13	0	0	0
Central	6	0	0	0	2	0	1	0	12	0	0	0
State	25	2	1	0	16	0	3	1	31	0	0	0

**DISTRIBUTION OF DOCKETED CASES BY COUNTY**  
July 1, 2001- June 30, 2002

COUNTY	Employment	Housing/Commercial Property	Public Accommodation*	Education	CMS	Lukus	State Total
Adams	10	1	0	0	3	5	19
Allegheny	412	42	42	2	104	360	962
Armstrong	6	1	0	0	2	6	15
Beaver	25	0	2	0	5	29	61
Bedford	5	0	0	0	1	2	8
Berks	43	7	2	0	31	64	147
Blair	17	0	0	0	11	6	34
Bradford	7	1	0	0	1	4	13
Bucks	61	18	5	0	22	109	215
Butler	26	1	1	0	8	19	55
Cambria	22	1	1	0	13	15	52
Cameron	1	0	0	1	1	0	3
Carbon	7	1	0	0	0	6	14
Centre	9	2	0	0	12	7	30
Chester	87	6	8	1	29	105	236
Clarion	5	0	0	0	2	3	10
Clearfield	8	0	0	0	1	3	12
Clinton	7	0	0	0	2	4	13
Columbia	8	1	0	0	4	5	18
Crawford	14	0	0	0	3	7	24
Cumberland	46	4	3	0	39	8	100
Dauphin	157	7	10	0	126	32	332
Delaware	147	26	9	0	61	115	358
Elk	4	0	0	0	2	7	13
Erie	49	4	7	0	15	38	113
Fayette	11	2	0	0	2	13	28
Forest	0	0	0	0	0	1	1
Franklin	17	1	2	0	18	5	43
Fulton	1	1	0	0	0	0	2
Greene	4	1	0	0	0	3	8
Huntingdon	2	0	0	0	2	3	7
Indiana	14	0	1	1	2	7	25
Jefferson	4	0	0	0	7	1	12
Juniata	1	1	0	0	2	1	5
Lackawanna	45	2	1	0	10	33	91
Lancaster	60	3	2	0	53	33	151
Lawrence	12	2	1	0	3	12	30
Lebanon	10	1	1	0	7	3	22
Lehigh	55	3	1	0	13	129	201
Luzerne	39	3	1	0	47	25	115
Lycoming	17	1	1	0	11	11	41
McKean	3	0	0	0	0	2	5
Mercer	12	3	0	0	5	16	36
Mifflin	5	1	0	0	6	1	13
Monroe	19	3	1	0	16	10	49
Montgomery	275	27	15	1	68	269	655
Montour	4	0	0	0	0	2	6

COUNTY	Employment	Housing/ Commercial Property	Public Accommo- dation*	Education	CMS	Lukus	State Total
Northampton	42	2	0	0	5	84	133
Northumberland	10	0	0	0	15	1	26
Perry	4	0	0	0	2	1	7
Philadelphia	534	43	66	8	158	338	1,148
Pike	3	0	0	0	2	1	6
Potter	0	0	0	0	2	2	4
Schuylkill	15	1	1	0	18	6	41
Snyder	3	0	0	0	5	0	8
Somerset	6	0	0	0	3	3	12
Sullivan	1	0	0	0	1	0	2
Susquehanna	2	0	0	0	0	0	2
Tioga	2	0	0	0	0	2	4
Union	4	0	0	0	1	1	6
Venango	6	0	0	0	1	10	17
Warren	0	1	0	0	1	6	8
Washington	22	4	2	0	6	26	60
Wayne	15	1	0	0	0	8	24
Westmoreland	47	7	2	0	18	47	121
Wyoming	1	0	0	0	2	0	3
York	64	8	2	0	43	17	134
Unknown	0	0	0	0	0	396	396
<b>ALL COUNTIES</b>	<b>3,223</b>	<b>245</b>	<b>190</b>	<b>14</b>	<b>1,056</b>	<b>2,488</b>	<b>6,565</b>

PHRC receives all Lukus filings from EEOC, which is required by federal law. PHRC does not do the initial investigation of the complaint. However, staff time is required to process and PHRC reserves the right to docket, serve and require an answer, if necessary.

### LENGTH OF TIME FROM THE BEGINNING OF A COMPLAINT TO THE COMMISSION'S FINAL RESOLUTION

July 1, 2001 – June 30, 2002

TOTAL DAYS DOCKETING TO RESOLUTION	NUMBER OF CASES CLOSED	PERCENTAGE OF TOTAL	CUMULATIVE PERCENTAGE
0 to 90 days (3 months)	814	14	14
91 to 182 days (4 to 6 months)	465	8	22
183 to 365 days (6 months to 1 year)	1,976	34	56
366 to 730 days (2 years)	1,221	21	77
731 – 1,096 days (3years)	872	15	92
1,097 – 1,462 (4 years)	465	8	100
<b>TOTAL CASES</b>	<b>5,813</b>	<b>100</b>	<b>---</b>

### CASES CLOSED BY REGION

July 1, 2001- June 30, 2002

Region		Employment	Housing	Public Accomm.	Education	CMS	Total	
							No.	%
Pittsburgh (Region 1)	ADM	203	8	9	1	1	222	17.5
	NPC	626	34	19	3	2	684	54.0
	ADJ	282	52	22	0	5	361	28.5
	<b>Total</b>	<b>1,111</b>	<b>94</b>	<b>50</b>	<b>4</b>	<b>8</b>	<b>1,267</b>	<b>100.0</b>
Harrisburg (Region 2)	ADM	220	3	21	0	8	252	17.5
	NPC	559	26	22	1	2	610	42.2
	ADJ	506	24	30	1	21	582	40.3
	<b>Total</b>	<b>1,285</b>	<b>53</b>	<b>73</b>	<b>2</b>	<b>31</b>	<b>1,444</b>	<b>100.0</b>
Philadelphia (Region 3)	ADM	270	13	23	3	0	309	17.5
	NPC	724	47	46	12	0	829	46.9
	ADJ	524	50	52	4	0	630	35.6
	<b>Total</b>	<b>1,518</b>	<b>110</b>	<b>121</b>	<b>19</b>	<b>0</b>	<b>1,768</b>	<b>100.0</b>
Central Office*	ADM	504	6	0	0	0	510	38.2
	NPC	626	1	0	0	0	627	47.0
	ADJ	191	6	0	0	0	197	14.8
	<b>Total</b>	<b>1,321</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,334</b>	<b>100.0</b>
Total	ADM	1197	30	53	4	9	1,293	22.2
	NPC	2535	108	87	16	4	2,750	47.3
	ADJ	1503	132	104	5	26	1,770	30.4
	<b>Total</b>	<b>5,235</b>	<b>270</b>	<b>244</b>	<b>25</b>	<b>39</b>	<b>5,813</b>	<b>100.0</b>

**ADM** Administrative (Closed as withdrawn, untimely, lacking jurisdiction, failure to locate/cooperate, moot or gone to state/federal court.)

**NPC** No Probable Cause

**ADJ** Settled after a finding of Probable Cause or Adjusted prior to a formal finding.

\* Cases dual filed with EEOC. EEOC conducts the investigation. Complaint held in abeyance pending EEOC's decision.

**TOTAL FINANCIAL IMPACT FIGURES**  
July 1, 2001 – June 30, 2002

AREA OF JURISDICTION	AMOUNT IN DOLLARS				
	Pittsburgh	Harrisburg	Philadelphia	Central	State Total
Employment	\$1,869,673.86	\$2,603,716.21	\$3,121,312.80	0.00	<b>\$10,819,804.02</b>
Housing/Commercial Property	58,441.50	36,493.00	76,289.00	0.00	<b>\$194,573.50</b>
Public Accommodations	18,536.00	38,604.00	110,854.00	0.00	<b>167,994.00</b>
Education	3,500.00	0.00	2,687.00	0.00	<b>6,187.00</b>
LUKUS	0.00	0.00	0.00	\$3,097,962.80	<b>3,097,962.80</b>
<b>TOTAL</b>	<b>\$1,950,151.36</b>	<b>\$2,678,813.21</b>	<b>\$3,414,931.15</b>	<b>\$3,097,962.80</b>	<b>\$11,188,558.52</b>
	Average settlement per complainant				<b>\$6,025.07</b>

**CASES CLOSED WITH TOTAL NON-MONETARY RESOLUTIONS**  
July 1, 2001 – June 30, 2002

CATEGORY	AMOUNT IN DOLLARS				
	Pittsburgh	Harrisburg	Philadelphia	Central	State Total
Policy Changes*	20	23	17	4	<b>64</b>
Training/Apprenticeships	8	6	14	0	<b>28</b>
Religious Accommodations	0	0	0	0	<b>0</b>
Seniority	2	1	0	0	<b>3</b>
Job Referrals	2	2	2	0	<b>6</b>
Union Membership	0	0	0	0	<b>0</b>
Reasonable Accommodations*	7	10	3	1	<b>21</b>
EEOC/HUD/PHRC Postings	16	8	10	0	<b>34</b>
OTHER: Employment reference, apology, purge personnel file, improved communications, admittance to public accommodation or membership, punitive action (example: harasser transferred to another area, etc.)	99	173	158	66	<b>496</b>
<b>TOTAL</b>	<b>154</b>	<b>223</b>	<b>204</b>	<b>71</b>	<b>652</b>

**TOTAL MONETARY RESOLUTIONS WITH BENEFITS SUMMARY**  
July 1, 2001 – June 30, 2002

CATEGORY	AMOUNT IN DOLLARS				
	Pittsburgh	Harrisburg	Philadelphia	Central	State Total
<b>RESTORED PAY:</b> Back pay or front pay	\$237,746.66	\$118,021.12	\$156,412.28	1,375.00	\$513,555.06
<b>NEW HIRE:</b> 1 year wage/salary	30,000.00	71,340.00	37,622.00	0.00	138,962.00
<b>PROMOTION:</b> 1 year wage differential	1,872.00	23,306.80	70,803.00	0.00	95,981.80
<b>REMEDIAL RELIEF:</b> Pension payments, medical insurance, reimbursement of insurance premiums, life insurance, etc.	8,505.57	41,887.64	107,827.29	185,000.00	343,220.50
<b>REINSTATEMENT/RECALL:</b> 1 year wage/salary	315,927.24	343,444.60	561,940.84	0.00	1,221,312.68
<b>PROJECTED MONETARY:</b> Future insurance contributions, pension contributions for the next year, etc.	41,206.00	126,708.12	23,864.67	0.00	191,778.79
<b>ACTUAL MONETARY:</b> One-time cash settlement, training, tuition costs, etc.	1,110,594.32	1,921,050.96	2,368,195.93	2,914,679.38	8,314,520.59
<b>COMPENSATORY DAMAGES:</b> Out-of-pocket expenses, filing expenses, additional expenses incurred by complainant because of the act of harm, additional travel, parking, uniforms, etc.	15,548.57	5,015.97	12,136.15	16,375.00	49,075.69
<b>PUNITIVE DAMAGES:</b> Court-ordered damages	6,500.00	0.00	0.00	0.00	6,500.00
<b>ATTORNEYS FEES</b>	182,251.00	28,038.00	76,128.99	27,233.42	313,651.41
<b>TOTAL</b>	<b>\$1,950,151.36</b>	<b>\$2,678,813.21</b>	<b>\$3,414,931.15</b>	<b>\$3,144,662.80</b>	<b>\$11,188,558.52</b>

## Preview of Coming Attractions

The 2002-2003 Annual Report will feature many more details about the Commission's cases than ever before thanks to the Commission's new Case Management System (CMS). The following charts are a snapshot of the reporting capabilities CMS has to offer. These statistics are not included in the 2001-2002 report and do not represent any complete categories.

### Inquiries

Because of the changing face of technology and improved communications, the Commission has expanded this chart to include all possible categories of contact with the public.

Inquiries	CO	Hbg	Phil	Pgh	Total
E-mail		4	2	3	9
Fax					
In Office	0	28	204	8	240
Mail	0	96	106	3	205
Other					-
Outside Office					-
Telephone	5	1042	707	1097	2,851
<b>Total</b>	<b>5</b>	<b>1,170</b>	<b>1,019</b>	<b>1,111</b>	<b>3,300</b>

### Docketed Cases

Because of federal law implications on case processing, the Commission has work-sharing agreements with two federal agencies: the Equal Employment Opportunity Commission (EEOC) and Housing and Urban Development (HUD). The chart below first shows the total number of cases docketed with PHRC and the breakdown of those cases that are also filed with the two separate federal agencies.

Dockets	Hbg	Phil	Pgh	Total
All Cases	182	131	96	409
EEOC Dual Filed Cases	157	104	78	339
HUD Dual Filed Cases	0	3	0	3

### Cases and Counts

In CMS, one complaint is referred to as a case. Each complaint is assigned a case number and is written in count format. A count consists of one act of harm and one protected class. A complaint may contain multiple counts.

The first chart compares the number of cases docketed and the number of separate counts contained within each case by office.

The second chart details the type of protected classes that are being alleged within each of the five multiple subject areas by office.

Types of Subject Area	Hbg		Phil		Pgh		Total	
	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts
Commercial Property	0	0	0	0	0	0	0	0
Education	5	6	4	8	2	2	11	16
Employment	391	756	469	785	225	382	1085	1923
Housing	14	26	44	62	23	32	81	120
Public Accommodation	14	16	12	13	12	12	38	41

Types of Subject Area	Protected Class	Hbg	Phil	Pgh	Total
Education	Ancestry		1		1
	Disability - Has	3	1	1	5
	Race	2	2	1	5
	Sex		1		1
Employment	Age	108	117	54	279
	Ancestry	10	10	2	22
	Disability - Has	93	60	32	185
	Disability - Has a record of	6	6		12
	Disability - Is regarded as having	9	14	7	30
	Disability - Is related to someone who has	2	3	2	7
	Disability - Is related to one regarded as having	1	1		2
	National Origin	13	14	3	30
	Race	96	144	70	310
	Religious Creed	10	21	4	35
	Retaliation	63	106	54	223
Sex	113	123	69	305	
Housing	Age	1	3		4
	Disability - Has	93	60	32	185
	Disability - Has a record of	6	6		12
	Disability - Is regarded as having	9	14	7	30
	Disability - Is related to someone who has		1		1
	Familial Status	2	5	1	8
	National Origin	2	1	3	6
	Race	4	12	12	28
	Sex	3	2	1	6
Public Accommodation	Disability - Has	1	1	2	4
	Disability - Is related to someone who has			1	1
	Race	6	8	4	18
	Use of Guide/Support Animal		1		1

## Community Outreach and Initiatives

Outreach to the general public in many areas continued to be a priority with the Commission. Staff provided technical assistance in housing, employment, education and community and intergroup relations within communities.

One of the direct impacts the Commission has seen as a result of making all of the Commission’s informational materials available on the website, is a decrease in the number of informational mailings. In the 1999-2000 fiscal year, the Communications Office distributed 2,036 separate mailings. This past fiscal year, this number decreased significantly to 924 mailings that were sent to employers, the real estate industry, government agencies, schools and colleges, the media as well as potential complainants.

### EDUCATION AND COMMUNITY SERVICES

#### Civil Tension Prevention and Response

The single most significant way that PHRC fulfills its legislated mandate to prevent the escalation of racial tensions is by convening and coordinating the PA Inter-Agency Task Force on Civil Tension (Tension Task Force).

This year Division staff convened and facilitated 12 meetings of the Tension Task Force. In order to strengthen relationships among member agencies and to broaden the awareness of the Tension Task Force and its activities, monthly meetings were held in locations outside of the immediate Harrisburg region in Reading, York, Pittsburgh and Philadelphia. Those meetings that were held in the Harrisburg area were hosted by numerous member agencies, including the PA

Department of Education; the Office of Attorney General; the PA State Police at their training academy in Hershey; as well as a meeting that was hosted jointly by the Governor’s Advisory Commission on Latino Affairs and the Governor’s Commission on African-American Affairs.

PHRC provided leadership, coordination and facilitation for two work groups of the Tension Task Force — one working on improving formats and establishing standardized templates for monthly summary reports of bias-related incidents, and another working on suggested strategies for media relations in the context of community tension situations. Staff members in PHRC’s Pittsburgh Regional Office were also involved in local work regarding the role and practices of media in the context of escalating intergroup tensions, offering technical assistance to the Media Sub-Committee of the Pittsburgh NAACP, which led the effort.

On several occasions, Division staff coordinated consultation and response services provided by the Tension Task Force to communities experiencing announcements of public rallies by organized hate groups. Lancaster and York received significant attention and effort in this regard.

The Division provided assistance for numerous situations involving tensions within school settings as well. At the request of a Harrisburg area school principal, PHRC mobilized Tension Task Force members to implement the Student Problem Identification and Resolution Program (SPIR) of the Community Relations Service (CRS) of the U.S. Department of Justice. The SPIR program is a problem-solving approach that empowers students to effectively deal with racial and ethnic conflict

in their school in order to improve race relations.

Over the past few years, students at this school had encountered racist graffiti, harassment and derogatory slurs both verbalized and written on school property. Ongoing meetings with students, teachers and administrators resulted in the development of a diverse student advisory group that will discuss issues of concern with the principal on a weekly basis. Task Force member agencies participating in this effort included CRS, the Pennsylvania Office of the Attorney General, the Pennsylvania State System of Higher Education, and PHRC. This same coalition of Tension Task Force member agencies also intervened in school-based tension situations in Wilkes-Barre, Mt. Union and Mt. Carmel.

PHRC worked with Intermediate Units and the PA Network for Student Assistance to present two, day-long seminars, one in July for Bradford and Wyoming Counties and the other in April for Tioga, Potter, McKean, Warren, Forest, Elk and Cameron Counties. The focus for both seminars was on changing demographics, youth participation in hate crimes/hate groups and on prevention and response to bias-related incidents. PHRC presented both of these seminars in partnership with representatives of the PA State Police, the PA Office of Attorney General's Civil Rights Enforcement Section and the PA Department of Education.

Division staff communicated with two volunteer citizen groups in Idaho that organized about 20 years ago to address the impact of the national Aryan Nations compound in their area. Pennsylvania has continued to see the impact of a number of organized hate groups, including the Aryan Nations, particularly through a handful of White supremacists who live in Potter County.

In March, the Commission planned and facilitated a two-hour videoconference between 30 community leaders in Potter County and the Bonnor County, Idaho Task Force on Human Relations. In June of 2002, plans were finalized to host three members of the Kootanei County, Idaho Task Force on Human Relations for a full week itinerary in Pennsylvania, involving presentations in Pittsburgh, Greensburg, Coudersport, York and Boyertown. The Idaho guests described the legal journey that made it possible to shut down the Aryan Nations compound in northern Idaho; offered guidance for organizing and maintaining local human rights groups; discussed strategies for dealing with the economic impact of hate groups; outlined suggestions for effective media relations strategies; and emphasized the danger of ignoring hate in the hope that it will go away. The primary advice offered by the presenters was:

- 1) Don't wait for a hate group to march down Main Street before you start working for equality and non-violence.
- 2) Anything you can do to build a strong community will help to thwart hate groups' recruitment efforts.
- 3) Be diligent about monitoring and reporting hate incidents.
- 4) Prosecute early and often.

In response to chronic tensions in the City of York relating to the indictment and pending trials of the city's former mayor and others in relation to 1969 killings during a time of civil unrest, Division staff provided support and technical assistance to the staff of the local York City Human Relations Commission. Numerous hate groups from outside of York and, in some cases, from outside of Pennsylvania, became active in York in attempts to exacerbate existing tensions and to

capitalize on the media presence in York. PHRC staff offered assistance and consultation to the local human relations commission and to community leaders in the initial stages of developing a coalition to promote community-building activities celebrating diversity, equality and non-violence. The newly formed coalition organized and conducted community dialogue sessions that invited citizens to reflect on York's challenges and to make suggestions on needed action plans. This community dialogue approach has begun to serve as a model for use by other communities facing protracted, community-wide tensions.

PHRC staff from the Central Office and from the Philadelphia Regional Office collaborated in responding to a request from community leaders, town officials and police in the Borough of West Chester concerning strained community/police relations. Two intensive days of training were designed to initiate processes of productive dialogue and mutual communication and relationships between community and police. The PA Chiefs of Police Association assisted in the training, and regional staff arranged for a panel presentation by the NAACP leadership and the Police Chief of Lower Merion, who have developed a model approach to community/police relations.

Finally, PHRC encouraged and facilitated the development of several regional Task Forces modeled after the statewide Tension Task Force. Central Office staff assisted staff from PHRC's Pittsburgh Regional Office who provided leadership for the development of a Western PA Task Force. A countywide Task Force on Civil Tension has also become active in York County.

### The Impact of September 11

The events of September 11 had a direct and

marked impact on the nature of the Division's work in civil tension prevention and response. In the two-year period immediately preceding September 11, the Tension Task Force that PHRC convenes had become aware of only two bias-related incidents in which hateful acts were directed toward people who are or appear to be Muslims, Arab-Americans or of Middle-Eastern descent. Within only one week following September 11, 60 such incidents came to the attention of the Tension Task Force. The bias-related incident information collection system, the expertise in intergroup tension response, and the network of relationships of the Tension Task Force became very highly valued by numerous governmental and law enforcement agencies in the immediate aftermath of September 11.

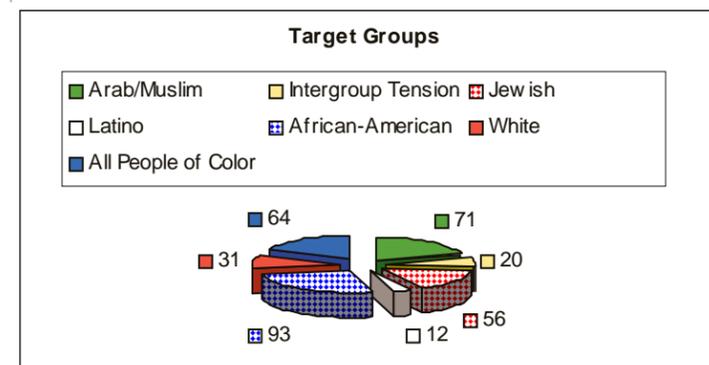
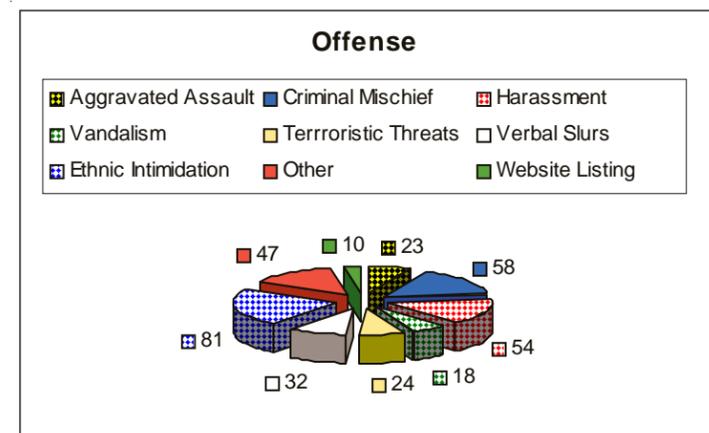
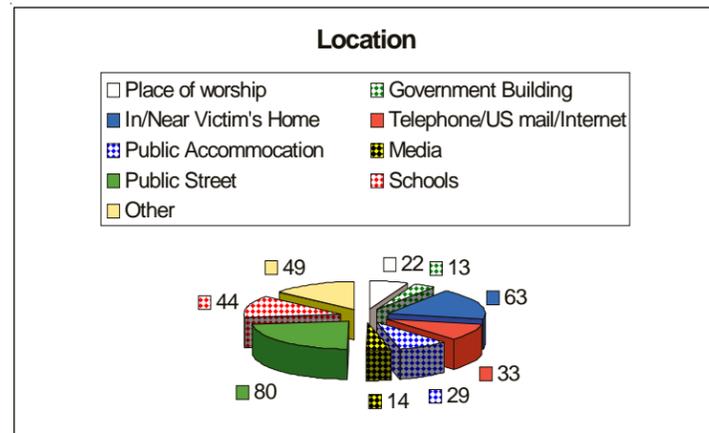
PHRC's Executive Director, Homer C. Floyd, issued a Press Release in the week following September 11 in which he condemned both the acts of terror in New York, Washington and Somerset County, as well as the hateful acts directed toward Muslims and Arab-Americans. Mr. Floyd was not alone in speaking out. Then Governor Tom Ridge called the targeting of Pennsylvanians based on their appearance or their faith a form of "domestic terrorism."

It was clear, however, that although the Tension Task Force had begun to include Arab-American and Islam faith leaders in its network prior to September 11, there was a need to strengthen and extend relationships with leaders in these communities.

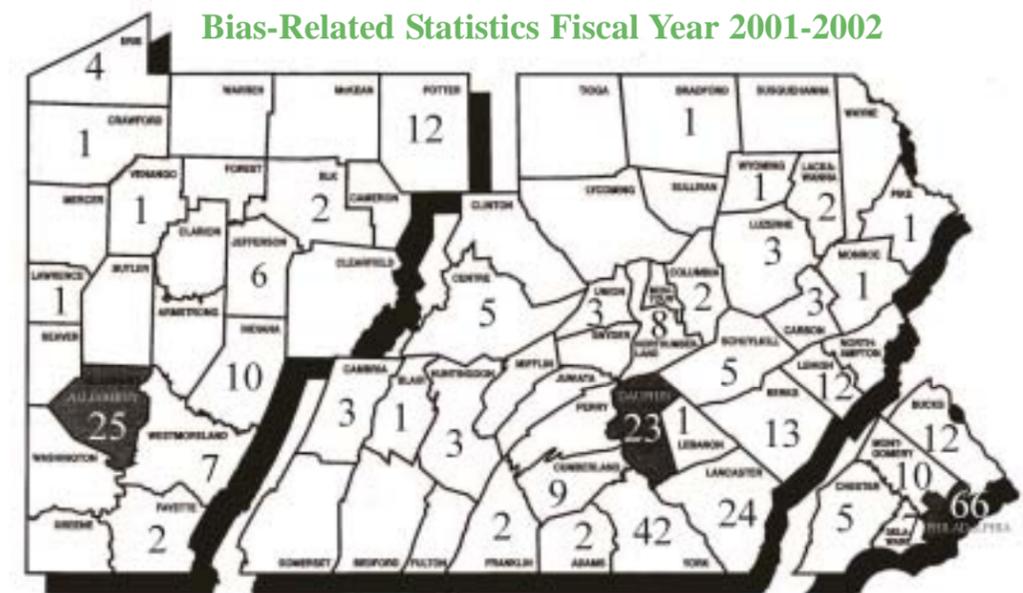
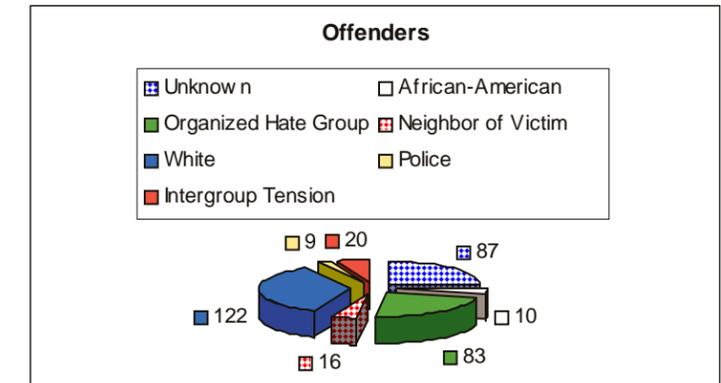
Another specific project that the Commission initiated was the development of a listing of "Promising Practice" responses that were surfacing in schools and communities throughout Pennsylvania following September 11. Promising practices included multi-lingual poster and flyer "hate-free zone" campaigns; expanded higher education course offerings and curricula to include studies on Islam and

on ethnic conflict; internet-based resource compilations; community seminars, film series and art exhibits; inter-faith exchanges, vigils and unity events; petitions; newspaper signature ads, editorials, and letters to the editor campaigns; email networks and unity chat rooms; guidance for talking with children; and basic education curricular materials.

### Bias-Related Incident Statistics



Of the total 346 bias-related incidents that were reported to the Commission last fiscal year, the following is the statistical breakdown.



2001-2002 Fiscal Year Bias-Related Incidents by County  
347 Incidents Reported to the Commission

### Equal Educational Opportunity

This fiscal year marked a significant expansion of the Division's resources and capacity for work in the arena of equal educational opportunity. A PHRC attorney was assigned to the Division to devote full attention to equal educational opportunity work, providing assistance for moving compliance cases; conducting specialized legal research; developing and providing seminars and workshops on special topics relating to equal educational opportunity; and participating in

proactive outreach initiatives. In addition, the job responsibilities of a staff person currently working within the Division were adjusted to give more emphasis to equal educational opportunity work.

These new staff resources have been used to increase PHRC monitoring and participation in education policy formation processes; to examine the implications of policy proposals for PHRC's areas of jurisdiction and concern;

and to formulate recommendations to PHRC's Commissioners for appropriate Commission positions on emerging policy. The new staff resources have also allowed for more direct participation in the development of PHRC's new automated "Case Management System," ensuring that the system includes necessary features that are unique to processing cases that allege unlawful discrimination in the area of education.

Division staff continue to produce "Equal Educational Opportunity Profiles" on request, including statistical charts that monitor trends over time at the school district level with respect to various equal educational opportunity indicators. This task has been facilitated by the increasing availability of PA Department of Education data via the internet, including PSSA reading and math test score data for all 5<sup>th</sup>, 8<sup>th</sup> and 11<sup>th</sup> graders. This data is now readily available in a form that is disaggregated by race/ethnicity, limited English proficiency status, and special education status.

Toward the end of the fiscal year, work began on formulating a new, proactive initiative, the Equal Educational Opportunity Project. Plans were made to conduct meetings with small groups of community leaders, beginning in five Central Pennsylvania school districts with whom PHRC had previously engaged as part of the Educational Equity Academy approach of the 1990s. The new project will examine equal educational opportunity indicators and work with multiple groups of stakeholders — community leaders, school district officials, school board members, teachers, parents and others to develop action plans that can leverage resources and take advantage of the current educational policy climate to actively and effectively address equal educational opportunity challenges.

Each of PHRC's three regional offices remains active with respect to equal educational opportunity initiatives as well.

Staff in the Pittsburgh Regional Office participate actively in monthly meetings of the FBI's "Adopt-a-School" school safety initiative. The scope of this initiative has expanded to address many factors relating to establishing a safe, respectful learning environment within schools, and there is broad participation involving many governmental and non-governmental agencies and organizations.

The Harrisburg Regional Office has facilitated the involvement of a number of Central Pennsylvania school districts in a national program developed by the NAACP called the Afro-Academic Cultural Technological Scientific Olympics (ACT-SO). The ACT-SO program is a competition-based, "Academic Olympics" approach that seeks to promote high levels of academic achievement among students of African descent. The program works to change peer attitudes and to showcase and reward students of excellence in numerous academic fields and disciplines.

PHRC's Montgomery County Advisory Council has provided leadership in a number of education-related initiatives, with support from the staff of PHRC's Philadelphia Regional Office. Advisory council leaders addressed a gathering of the superintendents of the county's school districts to explore the implications of proposed regulatory provisions that were being considered by the PA State Board of Education.

In the arena of higher education, PHRC was invited to testify at a January 2002 hearing before the Pennsylvania House of Representatives' Education Committee. The hearing related to House Resolution 139 concerning the state of racial relations in

higher education. Among PHRC Executive Director Homer Floyd's recommendations to the Committee was one that called for the reconvening of the Pennsylvania Task Force on Intergroup Relations in Higher Education. This Task Force had initially been formed in the early 1990s in response to a similar House Resolution, and had issued a series of five reports in the areas of curriculum, integrating the campus, town-gown relations, staff development and intergroup behavior on campus. PHRC will encourage, support and offer leadership to the reconvening of this Task Force in the coming year.

The Director of PHRC's Division of Education and Community Services actively participated in processes underway at the Pennsylvania State System of Higher Education to develop a new system-wide plan for Equal Opportunity and Diversity with applicability to all 14 of the universities that comprise the state system. In the coming year, PHRC will work to ensure that the products of these processes are integrated into the work of the PA Task Force on Intergroup Relations in Higher Education, when that task force is reconvened and its efforts are underway.

PHRC staff from both the Central and regional offices participated in the Pennsylvania Black Conference on Higher Education's 31st Annual Conference in Pittsburgh, held February 27 - March 2, 2002. PHRC provided statistical data on the status of equal opportunity in higher education, and led workshops at the conference, one of which focused on effective prevention and response to campus-based intergroup tension situations.

Sexual harassment training was provided for numerous educational institutions at both the secondary and post-secondary level. For a second consecutive year, Division staff worked in partnership with PHRC's Chief Counsel to

provide a customized, full-day training session for the network of "Sexual Harassment Resource People" from The Pennsylvania State University's many campuses statewide.

## Informational Outreach, Training and Technical Assistance

This year, staff conducted 109 presentations, interviews and training sessions, reaching a total of 5,834 Pennsylvanians directly, and thousands more through media interviews.

Strongest demand continues to be for presentations on effective prevention and response to hate crimes, organized hate group activity and other forms of racial and intergroup tension. Ninety-one (91) sessions were provided on these topics for a total of 5,055 people. Many of these requests came from schools, colleges and universities. Another common request was for sessions on cultural diversity and cultural competency (8 sessions for 516 people).

PHRC assisted in developing training curricula for use by other state government agencies and provided planning assistance for numerous inter-agency events. We helped to develop a curriculum for police/community relations training for implementation by the Pennsylvania Chiefs of Police Association under a grant from the PA Commission on Crime and Delinquency, and we participated in a series of planning meetings coordinated by the Governor's Advisory Commission on Latino Affairs for Hispanic Heritage Month.

In conjunction with the PA Commission on Crime and Delinquency, PHRC provided presentations in a series of two-day training seminars for Victim Assistance Professionals on the unique nature of hate crimes and their impact on victims. One of these seminars was underway on September 11 less than 40 miles

from the site near Shenville, Somerset County, where United Flight 93 crashed. Many of the training session participants immediately became active in their professional capacities, some assisting in developing plans to receive and counsel any family members who would be arriving at the crash site. Seminar participants remarked on the similarities between “hate crimes” and “terrorist acts” in terms of the motivations involved and the impact on victims and communities.

Division staff partnered with PHRC’s Chief Counsel to provide a consultation session for local public officials and community leaders in Scranton regarding enhancing that city’s human relations ordinance and exploring several other options for strengthening Scranton’s local civil rights education and enforcement capacity. Technical assistance continues to be provided to local human relations commissions and to PHRC’s six active advisory councils as well.

## HOUSING/COMMERCIAL PROPERTY

Despite the appearance of its title, the Commission’s Housing and Commercial Property Division (HCPD) was involved in a number of wide-ranging projects and tasks for the fiscal year.

### Predatory Lending

A Predatory Lending Task Force was created in the Commission’s Philadelphia Regional Office. When the project initially began, 30 cases were filed against financial institutions in the Philadelphia region. Because of investigative work that was completed during the fiscal year, probable cause was approved in 18 cases. A number of other cases settled including one in which the entire loan was forgiven because of its predatory nature.

Predatory lending is the process of making loans that impose onerous and/or fraudulent terms designed to strip equity from properties. These loans normally are written in a manner that repayment is impossible allowing the lender to seize equity rich properties through foreclosure. Examples of predatory lending include excessive fees, high interest rates, and costly and unnecessary insurance policies, large balloon payments, broker fees tied to interest rates and repeated refinancing that steadily increase a borrower’s debt.

One of the tools the Commission’s utilized to help inform the public about predatory lending was the creation of a new booklet entitled: *Predatory Lending: Why You Need to Read the Small Print.*

### Security

Following the tragic events of 9.11, state government agencies across the Commonwealth re-examined existing safety and security measures. PHRC was no exception.

The HCPD Director assisted with reviews of Central Office and regional office existing security. The HCPD Director was also an attendee and resource person for the Pennsylvania Emergency Management Agency Symposium for the state Counter Terrorist Taskforces co-sponsored by the PA Director for Homeland Security.

After being a participant in the FBI’s *Community Partner* program, the HCPD Director was appointed as the statewide liaison from the Inter Agency Task Force on Tension to the 15 Counter-Terrorism Task Forces.

The HCPD Director also attended meetings held by the Council on American Islamic Relations to

discuss their concerns following 9.11.

### Accessibility

An area often taken for granted is the ability to get into one’s own home or a place open to the public. Presentations were made to PHRC investigators that provided an update on disability law in order to assist them with accessibility case investigations. This training was done in Power Point and then distributed to local human relations commissions as well as fair housing councils.

The HCPD staff addressed numerous cases involving the accessibility issue. Some of the cases that were examined were the inaccessibility of a major motel chain. Another case that was worked on involved negotiation efforts with a neighbor who was allegedly blocking a driveway used by disabled residents to gain access into the home. Another case involved parking accommodations for a wheelchair user to allow close parking to that person’s home.

Additional investigation was placed on a zoning board that allegedly rejected only one variance request - that of a woman who needed to build an addition to her home because she now needed to use a wheel chair.

Public facilities, especially municipal buildings, continue to receive investigative as one of the Commissions functions is to enforce accessibility as required under ADA, Title VIII of federal law as well as the Uniform Construction Code.

### Education, Training and Technical Assistance

The other active HCPD arm at work during the fiscal year in addition to complaint investigation was meeting the increased

demand for educational materials, training and technical assistance designed to meet the emphasis voluntary compliance.

Staff continues to provide training sessions on issues that directly impact the housing and commercial property industry. Staff provided the mandatory continuing education seven-hour course on Fair Housing and Equal Opportunity (FHEO) law for all individuals who hold real estate licenses in the Commonwealth.

HCPD worked with the Realtor Association of Metropolitan Pittsburgh to implement a new marketing program designed to identify and advertise residential properties that have accessibility features. Realtors use a specially prepared checklist that contains the accessibility features of the property so the properties can be effectively marketed on the multi-list and in local newspapers.

HCPF staff also addressed bias-related incidents in housing as the reported number of incidents in this area is increasing. As an example, the neighbors that lived near a home that was for sale threatened a real estate salesperson. She was threatened because she was showing a Black family a home in a predominantly white neighborhood. Incidents like this example are increasing as real estate salespersons comply with the state and federal law by showing properties in non-traditional areas but may face resistance from existing home owners. As these situations occurred and were reported to the Commission, HCPD staff increasingly found themselves involved in greater interaction with other law enforcement agencies.

Homebuilders and newspapers have also sought seminars on Act 34 changes including the Mercury, Delaware Times, Philadelphia Inquirer and Inter-County Newspapers.

Testing also was also a focal point of work product this past fiscal year. HCPD staff worked with local commissions and groups to train individuals on how to “test” if they are being discriminated against. Testing essentially is inserting an individual as an “actor” in a real scenario to see how they are treated. Another “actor” is inserted into the same scenario and has the same identical qualifications, income level, etc. that matches the first actor, but with a major difference: the first actor may be Black while the second actor is white. Or the first actor may have a disability while the second actor does not.

## TECHNOLOGY

With the addition of two major tasks the previous fiscal year, implementation of the Case Management System (CMS) was shifted from September 2001 to February 2002 in order to accommodate the additional work.

While the final phases of software development were underway, preparations continued for the operational components of the system. The Commission’s network infrastructure was improved to support wide area network communications throughout the four offices. High speed data communications lines were planned and installed along with routers and switches. The servers, on which the new system would run, were acquired, installed, and configured along with the reporting software, document capture software, and the document management database software. Data from the old Charge Data System was reviewed and edited before conversion into CMS.

Final user testing began on January 7, 2002 and ended on January 18. Hardware and software configurations were adjusted and data conversion was completed before implementation and training began in the Harrisburg Regional Office on February 19,

2002. This initial user training lasted through March 21, 2002. In the Pittsburgh Regional Office, implementation and training began on April 1, 2002 extending through April 26, 2002. Implementation and training for the Philadelphia Regional Office began on May 13, 2002 and ended on June 7, 2002. Interspersed were training classes for users in the Central Office.

## LEGAL ACTIVITIES

The Pennsylvania Human Relations Commission’s Legal Division provides the legal expertise needed by the Commission to fulfill its duties under the Pennsylvania Human Relations Act (PHRA). The Legal Division is primarily charged with providing legal assistance during the investigation of complaints and with the prosecution of those complaints that go to public hearing. In addition, the Legal Division provides general legal advice and assistance to the Commissioners and Commission staff. Legal Division attorneys routinely analyze relevant state and federal cases for their impact on the Commission. The Legal Division analyzes any proposed legislation which would either amend the Pennsylvania Human Relations Act or which could have an effect on the Commission’s operations and recommends appropriate action by the Commission. The Legal Division is responsible for drafting proposed amendments to the PHRA, regulations, policy statements and guidelines as requested by the Commissioners and staff. In addition, the Legal Division participates in seminars and training for the Commissioners and staff, bar associations and other outside organizations.

For the first time, an attorney has been assigned to work exclusively on cases and education issues involving the denial of equal educational opportunity under the PHRA and

the Pennsylvania Fair Educational Opportunities Act, which the Commission also enforces. The attorney is located in the Education and Community Services Division at the Commission’s Central Office. In this way, the Legal Division will be better able to provide its full support in this important area of the Commission’s jurisdiction.

During the past fiscal year, the Legal Division was actively involved in providing legal support for the Commission during all phases of complaint investigation and adjudication. The PHRA requires that respondents file answers to the complaints that are filed against them. The Commission’s regulations allow a Rule to Show Cause to be issued, if an answer is not filed, which requires respondents to either file an answer or risk having a finding of liability made against them. Legal Division attorneys provided legal support for Commission staff in 153 cases where answers were not timely filed. Due to these efforts, there was no need to proceed to any Rule to Show Cause hearings during the past fiscal year.

If a Commission investigator is unable to voluntarily obtain necessary information from a respondent or other source, the next step is to request that a subpoena be issued for the information. The investigator provides the request to a Legal Division attorney, who will review it and make any necessary revisions, have it issued by the Commission and enforced. During the past fiscal year, Legal Division attorneys handled 108 of these requests. Only two of the resulting subpoenas had to be enforced in Commonwealth Court. The Legal Division was successful in obtaining the subpoenaed documents in both cases.

In addition to handling subpoena requests from investigators, the Legal Division is responsible for complying with any subpoenas for

documents, which are served on the Commission. These subpoenas are normally served in connection with a case that has been taken into court by the complainant, either before or after the Commission issued a finding. During the past fiscal year, Legal Division attorneys responded to 561 of these subpoenas.

The Commission’s regulations allow a respondent to file a motion to dismiss, in which it contests the Commission’s jurisdiction to proceed with the case investigation. These motions may be filed either before or after a finding of probable cause has been made. Legal Division attorneys responded to 105 motions to dismiss, in which they provided the Commissioners with any good faith legal arguments in favor of maintaining the Commission’s jurisdiction over the complaints.

Once the Commission completes its investigation, it will either dismiss the complaint or issue a finding of probable cause. A complainant has the right to request that the Commission reconsider the dismissal of the case. A Legal Division attorney, who will recommend that the Commission either grant or deny the request, reviews these requests. The Legal Division provided recommendations for 292 of these requests during the past fiscal year. Of these, 15 were granted and 282 were denied.

If an investigation results in a proposed finding of probable cause, a Legal Division attorney will review the proposed finding. In fiscal year 2001-2002, Commission attorneys approved 101 findings of probable cause and denied 76. Of these, the Philadelphia Regional Office attorneys approved 31 and denied 44, the Harrisburg Regional Office attorneys approved 13 and denied 7, the Pittsburgh Regional Office attorneys approved 18 and denied 21 and the Housing Division attorneys approved

39 and denied four. In addition, there were 79 proposed findings, which were returned to staff for additional investigation.

Once a finding of probable cause is made, efforts are made to reach a settlement. If these efforts fail, the case will be placed on the public hearing docket. The case will then be assigned to a Legal Division attorney for prosecution. This may require additional discovery efforts by the attorney in order to prepare the case for a public hearing. A pre-hearing conference is normally held prior to a public hearing. Legal Division attorneys participated in 41 pre-hearing conferences and 12 public hearings.

As always, the Legal Division represented the Commission in a variety of court proceedings. These proceedings involved appeals from Commission decisions, housing discrimination cases filed by the Commission under the removal provisions of Section 9(d.1) of the PHRA (which allows either party to choose a trial in Commonwealth Court instead of a Commission public hearing) and various other miscellaneous matters. The Commission began the past fiscal year with 6 cases pending in Commonwealth Court. There were none pending in the Pennsylvania Supreme Court. There were 12 cases filed in Commonwealth Court during the fiscal year. They consisted of eight appeals, two original jurisdiction-housing complaints and two subpoena enforcement actions. Of these 18 cases, 11 were resolved and seven remained on the Commonwealth Court docket as of June 30, 2002.

Two of the 11 cases, that were resolved on the Commonwealth Court level, were appealed to the Pennsylvania Supreme Court. One case, which was filed against the Commission, was dismissed when the Supreme Court refused to grant the requested allowance of appeal. The second, which was appealed by the

Commission, was accepted by the Supreme Court and remains pending as of the end of the fiscal year.

Out of the 11 cases decided, the Commission received only one adverse ruling. Three cases against the Commission were dismissed as a result of various motions filed by the responsible Commission attorney. Two subpoena enforcement cases resulted in the Commission obtaining the requested documents. Five cases ended in a mutually satisfactory settlement of the case. Two of these settlements were the result of participation in the Commonwealth Court's Mediation Program. As to the one adverse ruling, it is currently on appeal to the Pennsylvania Supreme Court, where it is hoped that the ruling will be reversed.

The Legal Division continued to provide legal support for the Commission's Predatory Lending Initiative. The purpose of the Initiative is to investigate and, if necessary, prosecute cases of predatory lending which violate the fair housing provisions of the PHRA. The Legal Division assisted in conducting interviews, providing training to Commission staff, conducting community outreach efforts, establishing working relationships with other state agencies, investigating complaints of predatory lending, and negotiating settlements. Thanks to these efforts, there were approximately 35 complaints of predatory lending filed with the Commission during the past fiscal year. A number of these have already resulted in settlements involving remedies such as loan restructuring, reduction of interest rates, return of fees and the forgiveness of loans. The value of these settlements is approximately \$250,000.

In this fiscal year, the Commission spent a substantial amount of time in developing, and beginning to implement, the Commission's

new Case Management System (CMS). The Legal Division provided critical input to assure that all legal requirements of case management were considered and included in the developmental stage. Legal Division attorneys spent significant time serving on committees, in training sessions, and in various other roles to assure that CMS works properly and is implemented effectively and efficiently.

The Legal Division continued its commitment to providing legal education to Commission staff and to the general public. On the staff level, Commission attorneys provided the Commissioners and staff with the legislative and case analyses described above. They also participated in training sessions for new employees and Commissioners.

Commission attorneys routinely responded to written and telephonic request for legal information from individuals and business entities. Housing Division attorneys assisted in

providing housing advertisers with legal interpretations of proposed advertisements, in accordance with the Commission's regulations on Housing Advertisements.

Attorneys made 15 public presentations on topics ranging from general state and federal civil rights law, predatory lending and sexual harassment. Presentations were made to such diverse organizations as the American Bar Association, statewide civil rights law seminars sponsored by the Pennsylvania Bar Institute, personnel associations, the Pennsylvania Supreme Court's Committee on Gender and Racial Bias in the Courts, the Reading-Berks Human Relations Council, Pittsburgh Technical Institute, the Center for Independent Living and the National Coalition of One Hundred Black Women. In addition, the Chief Counsel served on the Pennsylvania Supreme Court's Racial and Gender Bias in the Judicial System Committee.

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## The Commissioners

While the country and Pennsylvanians were still reeling from the tragic events of September 11<sup>th</sup> and mourning the loss of life, the civil rights movement and the Commission were dealt another loss. Former PHRC Chairperson Rev. Dr. Robert Johnson Smith died on Friday, September 21<sup>st</sup>. Dr. Smith served as the Commission's Chair from 1990 until he resigned his position in May 2000. Dr. Smith was first appointed to the Commission in 1965 and served with the Commission for 35 years.

As the fiscal year progressed, the Commission had one Commissioner vacancy and a number of expired terms. More change was on the horizon.

After being nominated by Governor Schweiker, David A. Alexander of Pittsburgh was approved by the Senate to become a PHRC Commissioner. Commissioner Alexander's term expires on March 26, 2007.

In June, two new names were added to the list of Commissioner and PHRC said good-bye to two Commissioners who had served the Commonwealth well.

On June 4, Stephen A. Glassman of New Oxford, Adams County was nominated by the Governor and appointed by the Senate as a new PHRC Commissioner. Commissioner Glassman's term expires on June 4, 2007. When Commissioner Glassman received his confirmation, he replaced former PHRC Commissioner Elizabeth C. Umstatted of

Villanova. Commissioner Umstadd had served with the Commission for 16 years from the date of her initial appointment, September 29, 1986.

On June 12, Timothy Cuevas of Bethlehem, Northampton County was nominated by the Governor and approved by the Senate as a new PHRC Commissioner. Commissioner Cuevas's term expires on June 12, 2007. When Commissioner Cuevas received his confirmation, he replaced former PHRC Commissioner Gregory J. Celia Jr. of Lancaster. At the time of his replacement, Commissioner Celia was serving as Secretary of the Commission. Commissioner Celia had served with the Commission for 16 years from the date of his initial appointment, September 29, 1986.

Completing the remainder of the Commissioner panel was: Raquel Otero de Yiengst of Sinking Spring who served as Vice Chairperson and the Assistant Secretary was Russell S. Howell of Lititz. The remaining Commissioners included: M. Joel Bolstein of Philadelphia; Theotis W. Braddy of Camp Hill; Joseph J. Borgia of Erie; Sylvia A. Waters of Oberlin; and Dr. Daniel D. Yun of Huntingdon Valley.

The Pennsylvania Human Relations Act requires that the Commission be nonpartisan and that no more than six of the 11 Commissioners be from the same political party. By historical custom, the Commission's composition reflects a varied geographic representation; a diverse racial, religious and ethnic mix; a representation of both sexes; a variety of professional backgrounds; and a demonstrated interest in civil rights. Commissioners are responsible for representing and enforcing the Pennsylvania Human Relations Act and the Fair Educational Opportunities Act.

When implementing this role, Commissioners perform four major functions: 1) policy making; 2) oversight; 3) adjudication; and 4) public liaison. Each of these functions is complex, sensitive and critical to the success of the Commission's mission: to eliminate, prevent and remedy the effects of unlawful discrimination throughout the Commonwealth.

During 2001-02 the Commission held 54 public hearings and pre-hearing conferences. An additional 25 cases that were approved for public hearing reached settlement prior to the conducting a public hearing.

Commission findings and orders after public hearings resulted in the following findings:

***Charles Jusinski v. Borough of Shenandoah, Docket No. H7235***

Mr. Jusinski alleged that the Shenandoah Borough unlawfully failed to accommodate his disability by refusing to provide him with a disability parking space in front of his home. The Commission ordered the Borough to cease and desist, provide the parking space, amend their parking policy and awarded Mr. Jusinski damages for embarrassment and humiliation in the amount of \$5,000. The Borough of Shenandoah has appealed the Commission's decision to Commonwealth Court

***Raymond Maturo v. Assets Protection, Docket No. E93153H***

Mr. Maturo alleged that his employer, Assets Protection, unlawfully failed to accommodate his disability upon his return to work following heart problems. The Commission ordered Assets Protection to cease and desist and awarded Mr. Maturo damages in the amount of \$1,200. Assets Protection appealed this case to Commonwealth Court.

***Linda S. Richardson-Moss v. Emmaus Associates, Owner of Meadows at Indian Creek, Docket No. H7540***

Ms. Richardson-Moss alleged that the Emmaus Associates unlawfully failed to address her allegations of racial harassment by a co-tenant. The Commission ordered Emmaus Associates to cease and desist and awarded Ms. Richardson-Moss \$7,500 in damages for embarrassment and humiliation. Emmaus Associates appealed this case to Commonwealth Court.

***Gary T. Kuklish v. Tri-County Joint Municipal Authority, Docket No. E85442A***

Mr. Kuklish alleged that the Tri-County Joint Municipal Authority did not hire him as a laborer because of his age. Mr. Kuklish further alleged the Municipal Authority made the illegal age inquiries on its application forms. In its decision, the Commission ruled that Mr. Kuklish was not denied employment because of his age. However, the Commission ordered the Tri-County Joint Municipal Authority to revise its application forms, which clearly have an unlawful age inquiry of all applicants.

***Stephanie Bedford, individually and o/b/o minor child, Jerome Nelson v. William F. Barrett, Docket No. H7353***

In February 1995, Bedford moved into Colonial Arms apartments. Prior to coming to the Colonial Arms, Bedford had been evicted from an apartment complex for non-payment of rent. After moving into the Colonial Arms, Bedford gave birth to a child and Colonial Arms management wrote Bedford that children were not allowed in the apartments. Bedford and Colonial Arms settled her dispute over the inappropriate letter to Bedford.

Subsequently, Bedford consistently failed to timely pay rent and the accountant for Colonial Arms advised that Bedford's lease not be renewed due to Bedford's habitual late rent

payments. In November 1996, Colonial Arms advised Bedford that her lease would not be renewed and that she should vacate by January 31, 1997.

In Bedford's claim of failure to renew a lease, the PHRC found that Bedford's lease was not renewed because Bedford habitually failed to pay her rent in a timely manner. Accordingly, Bedford's claims were dismissed.

***Sophie M. Weber v. Canteen Corporation Division of Compass Group Docket No. E90886AH Weber v. Canteen Corporation Division of Compass Group Docket No. E90886AH***

Ms. Weber alleged that Canteen Corporation Division of Compass Group failed to provide her with a reasonable accommodation and then terminated her. Ms. Weber also alleged age discrimination but this matter proceeded to Public Hearing on the disability claim only. The Commission ordered Canteen Corporation to cease and desist from failing to engage disabled employees in an interactive process and awarded Ms. Weber damages in the amount of \$11,804, plus interest, and ordered Canteen Corporation to re-instate Ms. Weber into the next available accounting clerk position or equivalent position.

***Katherine Branch v. Bill and Carol Archer, Docket No. H7666***

The Archer's owned a property on Mary Street in Scranton. When they built a new home in 1995, the Archers began to rent the Mary Street property. In February 1998, the Archers entered a "Listing Contract-Exclusive Right to Sell Real Property" with a local real estate company in an effort to sell the Mary Street Property. The real estate agent placed two "For Sale" signs on the property.

In or about Mid-May, 1998, Ms. Branch called the Archers expressing an interest in buying the

property. When Ms. Branch toured the property, she asked Ms. Archer if she would be interested in renting the property with an option to purchase. Ms. Archer informed Ms. Branch that one of Ms. Archer's daughters had made a similar proposal but the Archers wanted to sell the property. Ms. Archer provided Ms. Branch with information about places and organizations that could assist Ms. Branch's effort to buy the property.

After several months passed, Ms. Archer became suspicious of Ms. Branch's efforts to take measures to buy the property and began to investigate Ms. Branch. Ms. Archer found several troubling discrepancies with Ms. Branch's past dealings. Ms. Branch had several judgments against her, which had been taken by her previous landlord, the Scranton Housing Authority.

In July 1998, the Archers decided to rent the property and discounted Ms. Branch as a potential renter.

Ms. Branch's PHRC complaint alleged that the only reason she was told the Archer's property was for sale in May 1998 was to prevent her from renting the property. The PHRC found that the property was indeed for sale in May 1998 and that the Archers were justified in discounting Ms. Branch from consideration when the decision was made to rent in July 1998. The PHRC also found the testimony offered by Ms. Branch and several of her witnesses to be less than credible.

The PHRC issued a ruling for the Archers and dismissed Ms. Branch's PHRC complaint.

*Barbara A. O'Day v. Pa. Department of Corrections, Docket No. H7422*

In 1987, the Department of Corrections opened a facility known as SCI Retreat. When SCI Retreat opened, Ms. O'Day transferred there.

In 1993, Ms. O'Day was the Business Manager for SCI Retreat and had applied for the position of Deputy Corrections Superintendent for Treatment at the facility. When she did not get the promotion, Ms. O'Day filed a civil rights complaint alleging a sex-based denial of promotion.

Throughout the Commonwealth, many SCI properties have living facilities that Department of Corrections' employees are permitted to rent. At SCI Retreat, there was only one such property and that property was normally reserved for the facility Superintendent. However, in December 1995, the then SCI Retreat Superintendent, Dennis Erhard, was transferred and a SCI Retreat Deputy Superintendent, Harry Wilson, was made the facility Superintendent. Superintendent Wilson was given a waiver of the Department's requirement that he live in the facility residence. This left the facility residence open for occupancy by a Department employee.

In August 1996, O'Day and her family began to occupy the SCI Retreat residence. From the time she moved in, O'Day alleged that the Department of Corrections began to retaliate against her for having previously filed a civil rights claim. Generally, O'Day alleged that the Department failed to install a water heater in the unit; attempted to impose a fair market lease while others in the system are not required to have leases; and that she was ultimately evicted from the residence.

Throughout her tenancy, O'Day raised issues of retaliation with different Department officials. O'Day's complaints were to no avail as she had to leave the residence in November 1997.

The PHRC found that the Department had retaliated against O'Day when the Department

made the decision to modify the residence garage into a tool shed. This action effectively denied O'Day further use of the residence.

The PHRC ordered the Department to cease and desist any actions of retaliation and awarded O'Day her out-of-pocket expenses and six days of lost wages incurred by O'Day for days of work lost while she pursued her PHRC claim. O'Day's total award was \$2,185.25 plus interest.

While O'Day sought damages for humiliation and embarrassment, the PHRC determined that O'Day was not eligible for such damages.

*Barbara Crissman v. Borough of Vandergrift, Docket No. H8072*

Ms. Crissman applied for a handicap-parking permit with the Borough of Vandergrift. The

Borough denied her request and Ms. Crissman alleged that the denial violated the PHRA. After a public hearing before Chairperson Carl E. Denson, the Commission found in favor of the Ms. Crissman. The Commission ordered the Borough to cease and desist from discriminating against persons with disabilities, facilitate the assignment of a parking space to Ms. Crissman, pay a lump sum of \$5,000 for the embarrassment and humiliation suffered by the her, and pay \$1,500 in the nature of a civil penalty. The Final Order also specified that the Borough develop a scale to ensure that everyone will pay on an equal basis whether the space is handicap or non-handicapped. The Borough has appealed the decision to Commonwealth Court.

**THE COMMISSIONERS' WORKLOAD  
JULY 1, 2001 - JUNE 30, 2002**

Commission Meetings .....	12
Compliance Sessions .....	12
Consent Orders/Decrees and Conciliation Agreements Approved .....	37
Review of Staff Action in Making Disposition of Complaints .....	5,813
Review and Determination of Petitions for .....	297
Reconsideration of Complaint Disposition and Requests for Public Hearing Motions .....	153
Cases Closed on Motion .....	8
Cases Placed on Public Hearing Docket .....	46
Cases Settled After Public Hearing Approval .....	25
Final Orders Approved after Public Hearing .....	9
Total Rules to Show Cause Resulting in Liability and Subsequently Settled .....	7
* Pre-Hearing Conferences and Public Hearings Conducted .....	54
* Includes those Pre-Hearing Conferences and Public Hearings conducted by Commission Hearing Panels and Hearing Examiners.	

## Legislation

Under Section 7(k) of the Pennsylvania Human Relations Act (PHRA), the Commission is mandated to make legislative recommendations to the state General Assembly.

The Commission supported **Senate Bill 552, Printer's No. 571**, which would establish the Prevention of Hate Activity Act. If enacted, this Act would create the Prevention of Hate Activity Fund and would empower the Commission to use the \$1,000,000 fund "to enhance its efforts to combat inter-group tension, ethnic intimidation crimes and hate group activities."

On Wednesday, January 16, 2002, PHRC Executive Director Homer C. Floyd testified before the House Education Committee at the University of Pennsylvania to announce Commission support of **House Resolution 139, P.N. 1452**. This measure directed the House Education Committee to investigate any incidents relating to racial relations occurring on the campuses of the Commonwealth's colleges and universities.

During his testimony, Mr. Floyd pointed out that racial and ethnic tensions on our college and university campuses reflect the increase in racial tension and violence in our communities, statewide and nationwide. Mr. Floyd pinpointed a number of areas that would have a positive impact on the racial climate at institutions of higher education.

"...(There is a) need for leadership among faculty and the formal organizations of which they are a part. The academic, social and cultural contributions of faculty are the life-blood of the campus community. ... Cultural awareness and competency must extend into ongoing curricular planning. The curriculum itself must include scholarly contributions from

all racial and ethnic groups. This is an arena in which faculty can have a tremendous influence. ... Pennsylvania colleges and universities must offer programs that recognize the nature of our multi-cultural society. The universities of the Pennsylvania State System of Higher Education are entrusted with the training of many of the future elementary and secondary teachers for our Commonwealth. To what degree are these future teachers being adequately prepared to address diversity within the content of instruction as well as in the classrooms, hallways, playgrounds, cafeterias and gymnasiums. These are the places where students act on their attitudes toward the differences they see among fellow students."

Mr. Floyd also stressed in his testimony how critical teaching diversity issues have become in Commonwealth schools.

"There are those who will argue that teaching kids how to read and write and to do math are the most important things they can get in their education. There are those who will say that values should be taught at home. However, if diversity issues are not being taught at home and they are not being taught in the classrooms, we are failing to teach our children how to function in a global society and economy. As college students arrive on campus, they arrive with books, computers and clothing. There is some other baggage they bring — the lessons, thoughts, attitudes and pre-conceived ideas learned in their formative years. Bigotry and prejudice are not Level 1, first-year college courses.

"Because campus populations change every year as seniors graduate and new freshmen arrive, the potential for bias-related incidents are much more pronounced than in a more static, stable community. Diversity programs must be incorporated into each semester, each

year. Individual student participation in such a course should be a prerequisite to graduation.

"Students who experience a campus community where openly expressed bigotry is considered acceptable are ill served and ill prepared for leadership in a workforce today in which 80 percent of new entries are women and racial and ethnic minorities."

Mr. Floyd pointed out that no college or university is immune to bias-related incidents. It doesn't matter if the institution is located in the inner city or in a rural setting. It is a systemic problem. Students are recruited from high schools that are increasingly homogeneous and brought to Pennsylvania campuses that are increasingly heterogeneous.

On Wednesday, March 20, 2002, Mr. Floyd appeared before the House State Government Committee to give the Commission's support to **House Bill 1718, Printer's Number 2133**.

House Bill 1718 would amend the Human Relations Act to prohibit discrimination in employment on the basis of "familial status" and "marital status." It would cover employers of four or more, potential employers, labor organizations and employment agencies, all of which are currently within our realm of jurisdiction.

Currently, the Human Relations Act provides no protection against discrimination on the basis of marital status. House Bill 1718 would add "marital status" – which is defined as "whether a person is single, married, divorced, separated or widowed" – to the Human Relations Act.

Discrimination on the basis of "familial status" is currently prohibited **only** in cases involving housing and commercial property. The existing definition of familial status covers one or more

individuals who are younger than 18 and live with a parent or a legal guardian. This definition would also apply to the provisions of House Bill 1718.

During his remarks, Mr. Floyd stated: "Do we need House Bill 1718?" The answer is **YES**. There are employers within the Commonwealth who currently base their hiring, promotion, starting salaries, benefits offered and even termination decisions on whether an applicant is married, of childbearing years or already has children.

While these marital and familial status issues have some negative impact on men, the overwhelming impact that the Commission has seen applies most often to women as they have assumed the traditional role of primary caregiver."

Mr. Floyd pointed out that the Human Relations Act prohibits discrimination on the basis of "sex," which is "gender." Because of this, some people may mistakenly believe that there is no need to specifically prohibit discrimination on the basis of "marital status" or "familial status."

He explained: "Although there are circumstances where a complaint may be filed with our Commission as an allegation of sex discrimination, this does not cover all situations. For example, if an employer treats women with children the same as it treats men with children, or if it treats women of a particular marital status the same as it treats men of the same marital status, alleging sex discrimination would not cover this scenario.

If an employer refuses to hire a parent of either sex, because of a presumption that the parent's care of their children would interfere with the ability to work late hours, or to travel

overnight, the parent currently would not be protected under the Human Relations Act. Since, there is no different treatment, there is no valid gender discrimination complaint, despite the clear discrimination on the basis of familial status.

The same problem holds true with trying to rely on “sex” discrimination to protect persons from “marital status” discrimination. If an employer treats single, married, divorced, separated or widowed women and men in the same manner; this would not be sex discrimination. Therefore, there would be no protection for a person who did not get the job because he or she was divorced.”

The major enhancement that House Bill 1718 will provide to the Human Relations Act is not only the prevention of discrimination based on marital and familial status, but the elimination of two invasive employment interview questions: Are you married? and Do you have children?

Mr. Floyd further added: “The Commission has long maintained that only questions related to the person’s ability to do the job in question should be asked in an interview situation. It is reasonable to assume that all questions on an application form or in an employment interview are for a specific purpose. The selection of a successful candidate or any hiring decision should be made on basis of a person’s qualifications, skills, knowledge and abilities – NOT whether a person is a divorced mother with two children.

The employer needs to determine why the information it is requesting is relevant and necessary to obtain. The Human Relations Act does not permit asking a person’s age, date of birth or asking a person about the existence, nature or severity of a disability in pre-employment. But current law does not

specifically prohibit asking questions about marital status or if the person has children.”

The Commission also supported **House Bill 1887, P.N. 2449**, which would amend the Pennsylvania Human Relations Act to include sexual orientation as a protected class. For a number of years, the Commission has supported adding this protected class, either real or perceived sexual orientation. Commission staff often receives inquiries from gays and lesbians who are concerned about incidents of job discrimination against them because of their sexual orientation. However, with the way the statute is currently constructed, a formal complaint cannot be taken on this basis and the civil rights of many people go unprotected.

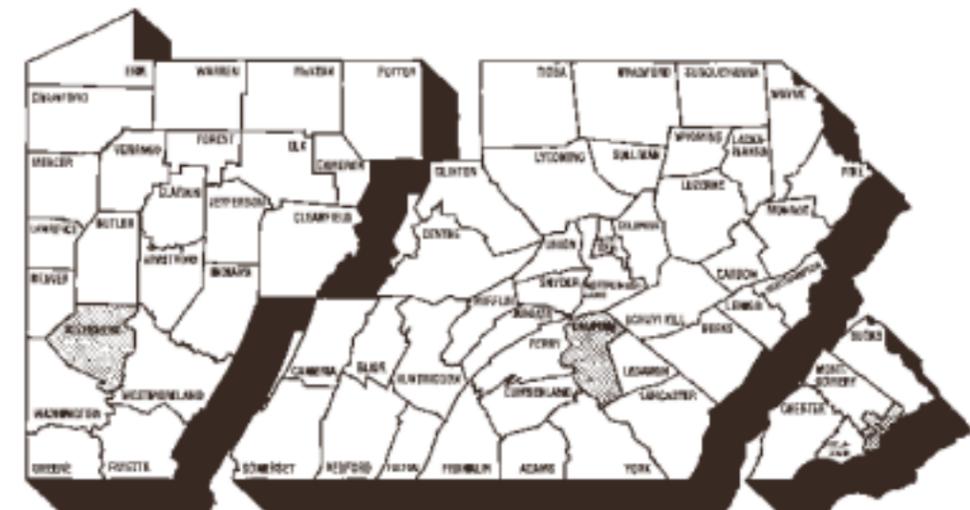
The Commission opposed **House Bill 321, Printer’s Number 338** and **Senate Bill 402, Printer’s Number 414**. Both of these bills would each establish English as the official language of government in Pennsylvania. In previous years, the Commission has not supported these types of bills because of the potential detriment it could have on English as second language individuals in Pennsylvania. These bills state that government documents would only be printed in English and that act alone could ostensibly deny access to services for many ESL individuals. Some agencies, like the Commission, offer the same document in Spanish. If these bills were passed, agencies would no longer be obligated to do so. Under some of the sections in this legislation, an agency could be in a position of trying to be responsive to the needs of the community, but because of the passage of this type of legislation, could even be prohibited to provide any document in any other language other than English and be subject to suit by private individuals seeking to prevent such publications.

## Advisory Councils

Advisory Councils to the Commission are authorized under Section 7(i) of the Pennsylvania Human Relations Act. PHRC Advisory Councils have been involved in a number of community projects, including working with local school districts on recruitment and cultural awareness programs, sponsoring and conducting a variety of community awareness programs, addressing tension situations, holding employment workshops, participating in training programs and referring complaints and other issues to Commission staff for investigation and resolution.

The Commission currently has six, active Advisory Councils: Blair County Advisory Council; Centre County Advisory Council; Johnstown Advisory Council; Montgomery County Advisory Council; Northampton County Advisory Council; and, the York County Advisory Council.

This state map indicates where the advisory councils are located throughout the state.



People who believe that they have been the victim of unlawful discrimination in employment, public accommodation, housing, commercial real estate, contracting as an independent contractor regulated by the Bureau of Professional and Occupational Affairs or education because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job related disability, relationship or association with a person with a disability, possession of a general education development diploma (GED) as compared to a high school diploma, willingness or refusal to participate in abortion or sterilization or familial status (families with children under age 18) may contact one of the three Pennsylvania Human Relations Commission regional offices to file a complaint of discrimination. (A detailed county map of the Commonwealth is located on the inside, back cover to indicate which regional office serves each county.) People with disabilities may request reasonable accommodations to assist them during the processing of these complaints.

#### PITTSBURGH

11th Floor State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222-1210  
(412) 565-5395 (VOICE)  
(412) 565-5711 (TT)\*  
George A. Simmons, Regional Director

#### HARRISBURG

Riverfront Office Center – 5<sup>th</sup> Floor  
1101-1125 South Front Street  
Harrisburg, PA 17104-2515  
(717) 787-9784 (VOICE)  
(717) 787-7279 (TT)\*  
Kaaba Brunson, Regional Director

#### CENTRAL

Pennsylvania Place - Suite 300  
301 Chestnut Street  
Harrisburg, PA 17101-2702  
(717) 787-4410 (Voice)  
(717) 787-4087 (TT)  
Homer C. Floyd  
Executive Director

#### PHILADELPHIA

711 State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA 19130-4088  
(215) 560-2496 (VOICE)  
(215) 560-3599 (TT)\*  
Sandra Holman Bacote, Regional Director

THE PENNSYLVANIA HUMAN RELATIONS COMMISSION IS A STATE  
AGENCY. THERE IS NO CHARGE FOR ITS SERVICES.

\*The Text Telephone number is for individuals with a hearing impairment.

Pennsylvania is proud to be an equal opportunity employer supporting workforce diversity.