

# PHRC

Pennsylvania Human Relations Commission

Pennsylvania Human Relations Commission  
July 1, 2002 – June 30, 2003



## OFFICERS

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**Carl E. Denson, Past Chairperson**

**Raquel Otero de Yiengst, Vice Chairperson**  
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## EXECUTIVE OFFICE

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

# 2002-2003 Annual Report

MESSAGE FROM THE EXECUTIVE DIRECTOR

The Honorable Edward G. Rendell  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Rendell and  
Members of the General Assembly:

Investigating complaints of discrimination is the heart of the Pennsylvania Human Relations Commission (PHRC). Through this investigative work, the PHRC has made a substantial impact on the lives of Pennsylvanians.

During the various stages of the complaint process, PHRC staff assisted in obtaining lost pay and other benefits, helped to secure housing or negotiated structural changes to create disability accessibility for 47,624 residents of this Commonwealth. The direct financial impact was \$10,490,149.91 in both actual dollar amounts received by the individuals and non-monetary settlements where improvements and changes are negotiated and made, but the individual does not directly receive the financial amount.

This outstanding work by the staff and Commissioners of PHRC was in conjunction with significant changes at the Commission. Fiscal year 2002-2003 marked the first year that the Commission's Case Management System (CMS) was in full operation. This electronically based method of investigating cases replaced an entirely paper-driven system that had been in place at the Commission since it began in 1955.

CMS offers a lot more than a case tracking system. PHRC investigators use it as an electronic tool to assist with all parts of case investigation. It contains proof formulas as well as the actual documents involved in each and every case. Ultimately, CMS is designed to increase agency efficiency and improve customer service. As the fiscal year was ending, reports were beginning to show improvements in many areas of the Commission's operations: the average age of cases was beginning to decline and the length of time to investigate cases was beginning to decrease.

In addition to the case investigation work, Commission staff also responded to 307 bias-related incidents across the Commonwealth. As the issues and the severity of each of these incidents varied, the Commission's response of support, education and training to the victim and surrounding community did not .

Therefore, pursuant to Section 7(k) of the Pennsylvania Human Relations Act, we are pleased to submit to you the 2002-2003 Annual Report of the Pennsylvania Human Relations Commission.



Homer C. Floyd

*“Challenges are what make life interesting; overcoming them is what makes life meaningful.”  
-Joshua J. Marine*

Very truly yours,  
*Homer C. Floyd*  
Homer C. Floyd  
Executive Director

WORK AT A GLANCE

July 1, 2002 - June 30, 2003

Cases pending on 7/1/2002	9,181
Cases docketed in 2002-2003	5,010
<b>TOTAL CASELOAD</b>	<b>14,191</b>
Cases closed in 2002-2003	5,050
•Employment	4,403
•Housing	352
•Commercial Property	5
•Public Accommodation*	247
•Education (Post Secondary)	42
•Other	1
Cases pending on 6/30/03	9,141
Number of Informal Complaints	37,292
<b>IMPACT</b>	
Total Number of Persons Benefited	47,624
Monetary	1,868
Non-Monetary	45,756
Total Financial Impact (in dollars)	<b>\$10,490,149.91</b>
Monetary Settlement	<b>\$10,443,716.50</b>
Non-Monetary Settlement	<b>\$46,433.41</b>

\*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.

## MESSAGE FROM THE CHAIRPERSON

*“Looking ahead...Embracing the challenges before us.”*

The Honorable Edward G. Rendell  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Rendell and  
Members of the General Assembly:

This has been an exciting and challenging year at the Pennsylvania Human Relations Commission (PHRC), underscored for me personally by your confidence in my ability to lead this important agency of state government as it's newly appointed Chairperson. I am fortunate to follow many fine Pennsylvanians who have served in this capacity including my immediate predecessor, Carl Denson. It is an honor for us all, staff and Commissioners alike, to serve the people of the Commonwealth out of a deep and abiding commitment to the work of this agency. You have boldly asserted your own vision for an inclusive civil rights movement by appointing the first openly gay state commission chair in the country to guide this vital operation.

As one of the most active human relations commissions in the nation, the Commission's responsibilities are profound indeed. Supported by a diverse staff of extraordinary talent, skill, commitment and experience, the PHRC offers to those who live and work in Pennsylvania the best opportunity to actively respond to bias, inequality and injustice in the workplace, housing, public accommodations, lending and education. We have a responsibility to provide for all Pennsylvanians the best possible customer service available through hard work, dedication and the pride we take in our mission to identify and combat discrimination wherever it occurs. Ultimately, this is accomplished through leadership, vision and a focused determination to improve upon our past successes while addressing our current shortcomings.

We are embarking upon an era of thoughtful and deliberate evaluation of new ways to serve the expanding needs of an increasingly diverse population in our historic yet ever-changing state. This will clearly be accomplished through vision, good management and by asserting a compelling belief in our institution's goals and the importance of seeing that they are accomplished.

We must promote cooperation and encourage a sense of shared responsibility at PHRC. Gathering support from coworkers, taking pride in one's own work, and finding economical solutions to complex problems will all help us to create an environment in which we can work together to build leadership within the larger community and become a model for other state boards and commissions.



*Stephen A. Glassman*

## MESSAGE FROM THE CHAIRPERSON

The principal issues confronting us in state government today are basically those, which are challenging non-profits and businesses alike. Commissioners and administrators must be continually aware of accelerating changes in the environment, an increased demand for accountability, the need to weigh priorities among competing internal and external demands, and the necessity of achieving a leadership balance while clarifying the roles, relationships, and expectations of all those involved. We must also keep up with changes in technology, plan for short term needs as well as long term goals, maintain a motivating environment for staff when resources for compensation are limited, and work effectively and collaboratively in complex relationships without losing sight of the goals we have established in our larger vision and strategic plan.

The Commission pledges to consistently bring dedication and passion for the work to be done along with the enthusiasm to successfully achieve our stated goals. Determination and energy, reliability and integrity, efficiency and economy of effort and the ability to stick to each difficult task while retaining the flexibility to change course rapidly when necessary will be carried out. Courage and confidence are two very powerful allies in achieving success and both are more effective when one is willing to empower rather than wield power. My hope is to inspire and motivate everyone in the Pennsylvania Human Relations Commission to make a difference in the lives of those who come to us for assistance when they are vulnerable, fragile and aching with the pain of prejudice. We have a sacred trust to uphold for those who have been unfairly treated as we seek to identify the truth in each case we bring to conciliation, mediation or adjudication.

When individuals are discouraged from fully participating in the life of the Commonwealth, we lose out on our greatest strength, our diversity. The PHRC is essential to our understanding of the connections, which exist between us as individuals and we are honor bound to uphold the legacy of fairness, understanding, and justice in which we all believe. In this next year we will surely find the capacity to work even harder to achieve these goals knowing that we reside in the birthplace of American liberty.

Sincerely,

A handwritten signature in black ink that reads "Stephen A. Glassman". The signature is fluid and cursive.

Stephen A. Glassman, AIA  
Chairperson



## 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 and community outreach and technical assistance completed during the fiscal year that dates July 1, 2002 to June 30, 2003.



## Defining the Commission's Workload

Fiscal Year 2002-03 has the distinction of being the first full fiscal year that the new Case Management System (or CMS) was in operation at the Commission. CMS is a computerized case management, processing and tracking system PHRC utilizes to assist in the investigation and tracking of complaints of discrimination. The Commission is now able to record, retrieve and report case information that was not possible before. Therefore, this annual report features many more details about the Commission's workload than ever reported before. When the Commission began the fiscal year on July 1, 2002, it had 9,181 cases pending. Throughout the fiscal year, the Commission docketed 5,010 new cases for investigation, bringing the Commission's total caseload to 14,191. As the fiscal year progressed and came to an end on June 30, 2003, the Commission closed 5,050 cases, and finished the year with 9,141 cases pending.

### Inquiries

Throughout the fiscal year, each of the four Commission offices are contacted either by phone, by an in-office visit, by mail or by Email. Pennsylvania citizens who need to file a complaint with PHRC make many of the contacts. 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.

### Cases vs. Counts

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 received. A complaint is docketed with PHRC when it is placed into active investigation.

In CMS, one complaint is referred to as a case – each 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 public accommodations.

For every one complaint that is received by the Commission, over 54 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 counts (allegations), each individual count must be investigated. The complexity of any one case is what requires a large volume of staff time and inordinate resources to complete.

### INQUIRIES

July 1, 2002 - June 30, 2003

Type	Pittsburgh	Harrisburg	Philadelphia	Central	Total
In Office	112	1,132	2,513	1	3,758
Mail	130	845	1,653	0	2,628
Other	0	56	57	0	113
Telephone	12,023	10,004	8,493	273	30,793
<b>Total</b>	<b>12,265</b>	<b>12,037</b>	<b>12,716</b>	<b>274</b>	<b>37,292</b>



For instance, a man alleges he was discharged because of his age (55), his disability (heart) and his 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 discharged within the company. S/he must examine if any of those who were discharged that had disabilities. And last, of those who were discharged, S/he must examine the racial make-up of these individuals. One – or all – of the components may have value in the case.

While the man only made one complaint with the Commission, his 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.

### Cases and Counts by Jurisdiction

July 1, 2002 - June 30, 2003

Jurisdiction	Pittsburgh		Harrisburg		Philadelphia		Central		Total	
	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts
Commercial Property	1	1	6	7	3	5	0	0	10	13
Education	6	8	26	47	17	19	0	0	49	74
Employment	934	1,593	1,728	3,864	1,799	3,044	10	24	4,471	8,525
Housing	88	124	77	97	150	206	0	0	315	427
Public Accommodation	59	71	44	52	61	68	1	1	165	192
<b>Total</b>	<b>1,088</b>	<b>1,797</b>	<b>1,881</b>	<b>4,067</b>	<b>2,030</b>	<b>3,342</b>	<b>11</b>	<b>25</b>	<b>5,010</b>	<b>9,231</b>

### Lukus Filings

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 cases. (*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.*) 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 following chart details the Commission’s Lukus complaints that were processed and monitored during the fiscal year.

### Protected Class Types in Alleged Complaints

When a formal complaint of discrimination is made to the Commission, that complaint may have one count or comprise multiple counts (allegations). These counts are based on the protected classes (i.e. race, age, disability, gender, etc.) that the Commission has jurisdiction over and has the ability to investigate.

### Lukus Activity

July 1, 2002 - June 30, 2003

Activity	Total
Filings	2,414
Closings	1,926



### Protected Class Type in Alleged Complaints by Jurisdiction

July 1, 2002 - June 30, 2003

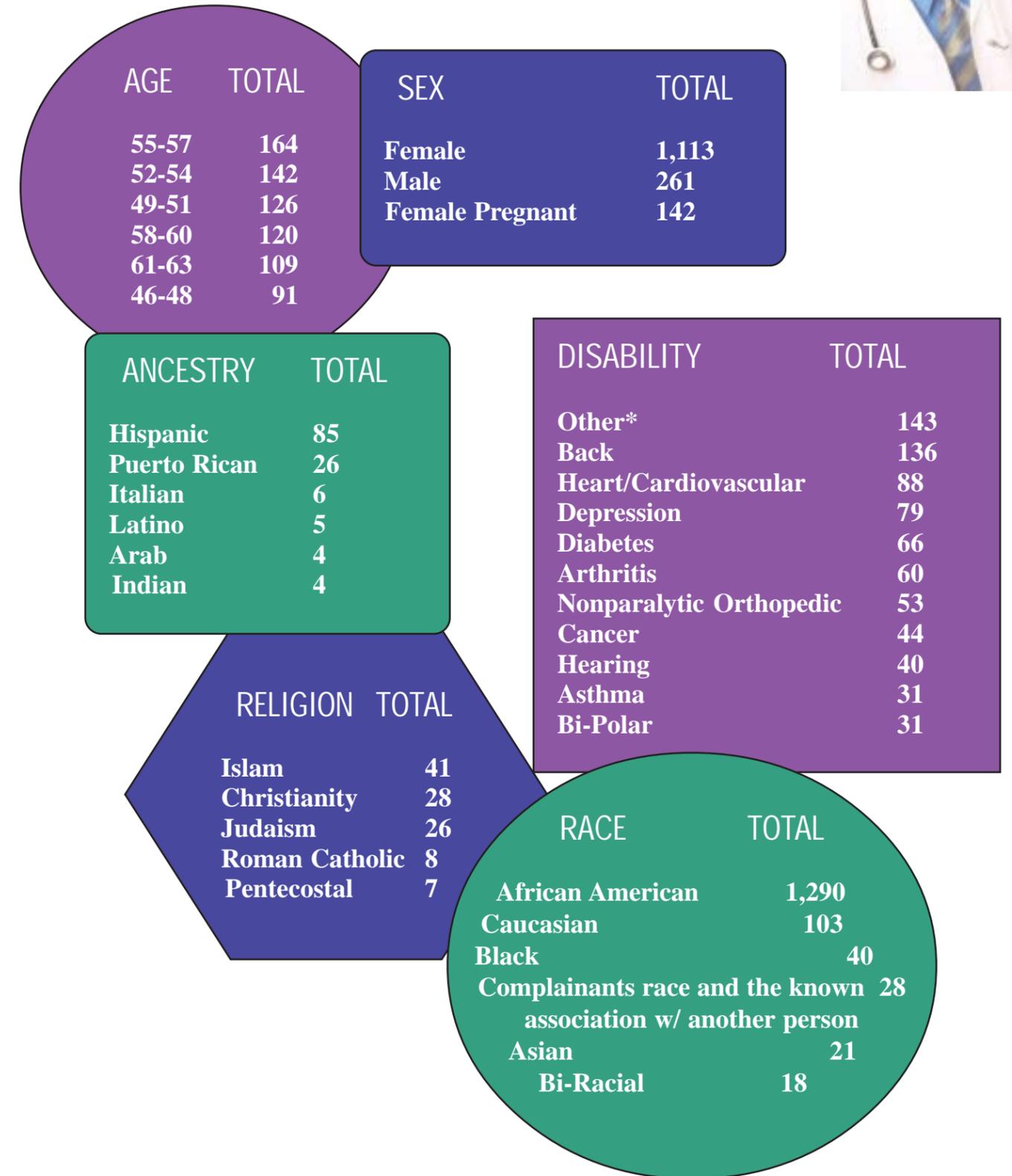
Jurisdiction	Protected Class	Pittsburgh	Harrisburg	Philadelphia	Central	Total
Commercial Property	Ancestry			1		1
	Disability - Has	1	2			3
	Disability - Regarded as		1			1
	National Origin		2			2
	Race			1		1
	Religion			2		2
	Retaliation			1		1
Education	Sex		1			1
	Ancestry			1		1
	Color		2			2
	Disability - Has	3	8	6		17
	Disability - Has record		1			1
	Disability - Regarded as			1		1
	National Origin			2		2
Employment	Race	1	13	5		19
	Religion		1	1		2
	Retaliation		1	2		3
	Sex	2	4			6
	Abortion/Sterilization			1		1
	Age	219	443	352	2	1,016
	Ancestry	14	84	56		154
Color	2	8	1		11	
Disability - Has	168	332	339	1	840	
Disability - Record of	4	29	21		54	
Disability - Regarded as	27	55	44		126	
Disability - Related to	4	11	11		26	
Disability - Related to, Regarded as	1	1	2		4	
GED		1			1	
Multiple Class			1		1	
National Origin	16	48	87		151	
Other	3	5	1		9	
Race	277	432	573	4	1,286	
Religion	17	38	71	1	127	
Retaliation	204	397	407	3	1,011	
Sex	295	617	543	2	1,457	

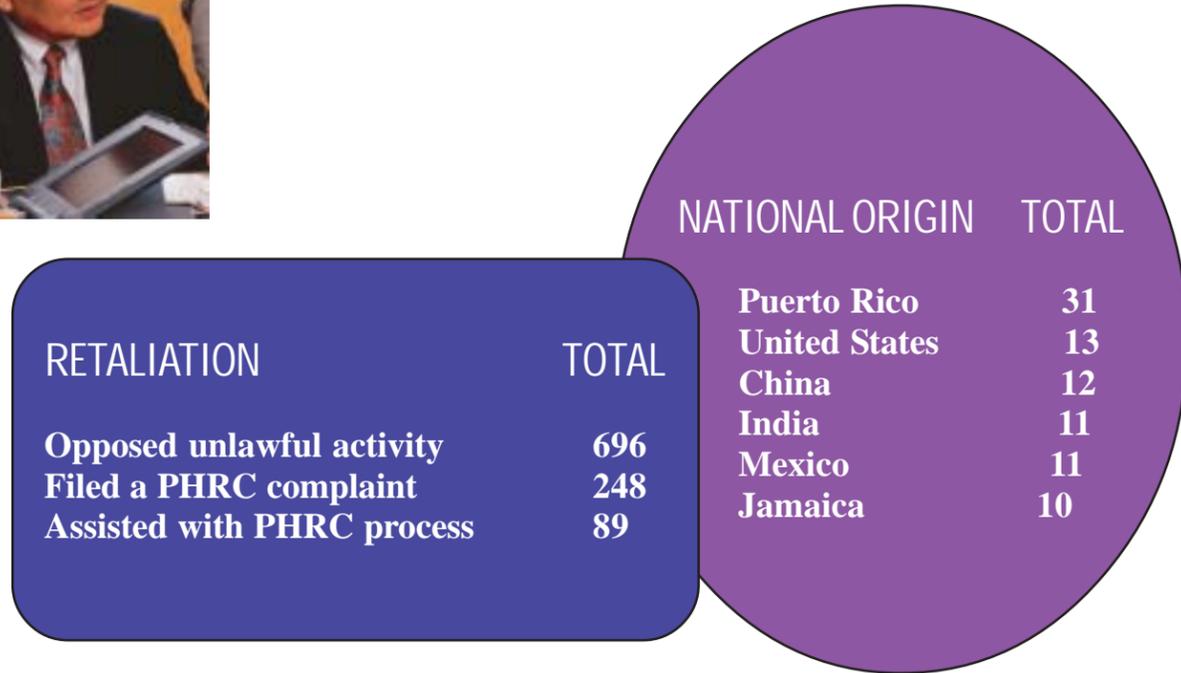


Housing	Age	1	3	3	7
	Ancestry	1	10	8	19
	Disability - Has	20	23	34	77
	Disability - Has record	2	4		6
	Disability - Regarded as		1		1
	Disability - Related to	5		1	6
	Familial Status	9	9	18	36
	National Origin	8	4	13	25
	Race	45	17	66	128
	Religion	1	3	4	8
Public Accommodation	Retaliation	4	4	15	23
	Sex	3	10	9	22
	Trainer of G/S Animal		2		2
	Ancestry		4	1	5
	Color		1		1
	Disability - Has	20	9	21	50
	Disability - Regarded as			3	3
	Disability - Record of			1	1
	Disability - Related to	1	2		3
	National Origin	2	1	6	9
Race	31	24	26	81	
Religion	3	4	1	8	
Retaliation	3		3	6	
Sex	4	3	5	12	
Use of G/S Animal		1		1	

### Specific Types of Protected Classes

With the improved reporting capabilities that CMS has, this year, the Commission is able to provide many more details about the types of allegations PHRC receives during the fiscal year. CMS not only provides the number of age cases that are docketed with the Commission by jurisdiction; it also provides the specific age that is at issue at the time the complaint is made and so on. The following totals detail the highest number of allegations made by specific type of protected class.





Sexual Harassment Complaints

Ever since the issue of sexual harassment took center stage during Anita Hill’s testimony during the U.S. Supreme Court confirmation hearing of Clarence Thomas in October 1991, the Commission has been reporting on the number of these complaints it receives during the fiscal year.

Sexual Harassment Complaints Docketed

July 1, 2002 - June 30, 2003

County	Total	County	Total
Montgomery	41 cases	Westmoreland	7 cases
Philadelphia	36 cases	Franklin, Schuylkill, Venango	6 cases each (18)
Allegheny	27 cases	Erie, Mercer	5 cases each (10)
Luzerne	22 cases	Blair	4 cases
Cumberland	17 cases	Crawford, Lebanon, Lycoming,	
Bucks	15 cases	Snyder, Warren, Wyoming	3 cases each (18)
Chester	14 cases	Beaver, Indiana, Jefferson,	
York	13 cases	Lackawanna, Northumberland, Perry	2 cases each (12)
Dauphin	12 cases	Adams, Armstrong, Cambria,	
Berks, Lancaster	10 cases each (20)	Carbon, Centre, Clarion, Clearfield,	
Lehigh, Northampton	9 cases each (18)	Columbia, Fayette, Lawrence, Pike	1 case each (11)
Delaware, Monroe	8 cases each (16)	<b>Total</b>	<b>331</b>

Cases Docketed by County

During the fiscal year, Commission staff also document how many complaints are filed in which Pennsylvania counties and in what areas of jurisdiction the complaints are made.



Docketed Cases by County

July 1, 2002 - June 30, 2003

County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Adams	15	2		1		18
Allegheny	486	46		37	4	573
Armstrong	5					5
Beaver	29	1		3		33
Bedford	5		1			6
Berks	100	5		5		110
Blair	32	1		1		34
Bradford	6					6
Bucks	166	17		6		189
Butler	20	1		1		22
Cambria	38	2	1			41
Cameron	2					2
Carbon	8			1		9
Centre	26	1		1	1	29
Chester	116	26		10	2	154
Clarion	10	4				14
Clearfield	12					12
Clinton	5	1				6
Columbia	13	1	1		1	16
Crawford	18			1		19
Cumberland	148	5	1	2	2	158
Dauphin	301	10	1	11	12	335
Delaware	184	26		10	3	223
Elk	6					6
Erie	62	8		2		72
Fayette	24	8		2		34
Forest	2					2
Franklin	42	5		2	2	51
Fulton	2					2
Greene	2					2
Huntingdon	5					5
Indiana	11			1	1	13
Jefferson	6					6
Juniata	2	1				3
Lackawanna	53	4				57
Lancaster	125	2		5	1	133
Lawrence	13	2		4		19



### Docketed Cases by County July 1, 2002 - June 30, 2003

County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Lebanon	39	1			1	41
Lehigh	76	4		2		82
Luzerne	127	5		1		133
Lycoming	44			1		45
McKean	4					4
Mercer	42	2		2		46
Mifflin	11					11
Monroe	48	4		3	2	57
Montgomery	463	33	1	11	2	510
Montour	8					8
Northampton	48	4		2	1	55
Northumberland	32	2				34
Perry	9	1				10
Philadelphia	706	25	3	16	5	755
Pike	6	1				7
Potter	5					5
Schuylkill	36					36
Snyder	13					13
Somerset	8					8
Sullivan		1				1
Susquehanna	4					4
Tioga	5					5
Union	7				1	8
Venango	11					11
Warren	11					11
Washington	44	5				49
Wayne	5			1		6
Westmoreland	68	3		3		74
Wyoming	7			1		8
York	131	5		4	1	141
<b>Total</b>	<b>4,118</b>	<b>275</b>	<b>9</b>	<b>153</b>	<b>42</b>	<b>4,597</b>



### Case Age

One of the driving forces behind CMS was creating a process that standardize the investigatory process and would enable investigators to work at their optimum level of efficiency, thus improving customer service by reducing case processing times. The following statistics show the age of cases closed during the fiscal year and include the time period of the time when the complaint was docketed to the final resolution of the complaint.

### Age of Cases Closed from the Beginning of a Complaint to Final Resolution July 1, 2002 - June 30, 2003

Time Period	Cases Closed	Percentage of Total	Cumulative Percentage
0 to 90 days (3 months)	381	8	8
91 to 182 days (4-6 months)	1,053	21	29
183 to 365 days (6 months to 1 year)	976	19	48
366 to 730 days (2 years)	1,023	20	68
731 to 1,096 days (3 years)	670	13	81
1,097 to 1,462 days (4 years)	947	19	100
<b>Total</b>	<b>5,050</b>	<b>100</b>	

### Cases Closed

The Commission closes cases 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 or federal court. Cases are also closed after a decision is reached in a public hearing case.



### Case Closures by Jurisdiction and Type July 1, 2002 - June 30, 2003

Closure Type	Jurisdiction	Pittsburgh	Harrisburg	Philadelphia	Central*	Total
Settled After a Probable Cause Finding	Employment	3	14	10	0	27
	Housing	4	10	5	1	20
	Public Accommodation	0	3	3	0	6
<b>SUB-TOTAL</b>		<b>7</b>	<b>27</b>	<b>18</b>	<b>1</b>	<b>53</b>
Settled Before a Probable Cause Finding	Commercial Property	1	2	0	0	3
	Education	5	4	3	0	12
	Employment	274	459	511	1	1,245
	Housing	47	22	45	0	114
	Public Accommodation	26	17	27	1	71
<b>SUB-TOTAL</b>		<b>353</b>	<b>504</b>	<b>586</b>	<b>2</b>	<b>1,445</b>
Administrative	Education	2	2	6	0	10
	Employment	251	260	265	7	783
	Housing	5	7	14	2	28
	Public Accommodation	21	14	50	0	85
<b>SUB-TOTAL</b>		<b>279</b>	<b>283</b>	<b>335</b>	<b>9</b>	<b>906</b>
No Probable Cause	Commercial Property	0	2	0	0	2
	Education	3	8	9	0	20
	Employment	628	1,005	705	10	2,348
	Housing	43	63	79	5	190
	Other	1	0	0	0	1
	Public Accommodation	12	31	40	2	85
<b>SUB-TOTAL</b>		<b>687</b>	<b>1,109</b>	<b>833</b>	<b>17</b>	<b>2,646</b>
<b>TOTAL CASE CLOSURES</b>		<b>1,326</b>	<b>1,923</b>	<b>1,772</b>	<b>29</b>	<b>5,050</b>

#### Financial Impact of Case Investigation

At any time during a case investigation by the Commission, a settlement can be reached between the complainant and the respondent. There are two basic types of settlement: those with a monetary impact – or actual dollar amount – that the complainant receives and non-monetary impact, which covers any benefits that are gained, but are not received directly by the complainant. Examples of a monetary impact are: lost wages, insurance contributions or a cash settlement that is received directly by the complainant. An example of non-monetary impact is a building that is remodeled to be accessible to wheel chair users. The cost to remodel has a dollar amount that is spent on renovations, but the complainant does not receive that dollar amount.

The Commission prides itself on its outstanding settlement rate each year. PHRC has Work-Sharing Agreements with the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). As part of these contractual relationships, settlement rates are reported at the federal



level. According to these reports, PHRC's settlement rate far exceeds the national average of state and local, as well as federal agencies. Over the past three years, PHRC has maintained an average settlement rate of 30 percent.

### Total Monetary and Non-Monetary Impact July 1, 2002 - June 30, 2003

Office	Type	Amount	People Benefitted
Pittsburgh	Monetary	\$1,775,918.51	355
	Non-Monetary	\$21,040.41	3,148
Harrisburg	Monetary	\$3,486,186.56	584
	Non-Monetary	\$10,838.00	4,448
Philadelphia	Monetary	\$5,118,722.09	911
	Non-Monetary	\$14,555.00	38,060
Central	Monetary	\$62,889.34	18
	Non-Monetary	\$0.00	100
Total	Monetary	\$10,443,716.50	1,868
	Non-Monetary	\$46,433.41	45,756
<b>Grand Total</b>		<b>\$10,490,149.91</b>	<b>47,624</b>

### 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 improved customer service by making all of the Commission's informational materials available on the website is a decrease in the number of physical requests for informational mailings.

[www.phrc.state.pa.us](http://www.phrc.state.pa.us)  
averaged 253,820 hits  
per month in  
Fiscal Year 2002-2003.

In prior fiscal years, the Communications Office distributed thousands of individual mailings of Commission materials. Two fiscal years ago, the number of requests was 924 mailings. Fiscal year 2002-2003, the total number of mailings dipped to 423, while the number of hits on the Commission's website pages where this information is also housed recorded 3,045,836 hits

during the fiscal year for an average of 253,820 hits each month for Commission information.

#### EDUCATION AND COMMUNITY SERVICES

##### Informational Outreach, Training and Technical Assistance

The Division of Education and Community Services (E/CS) continued to provide presentations, media interviews and training sessions on a variety of topics related to PHRC's mission. These services are tailored to meet the



needs and requests of a variety of audiences throughout the Commonwealth.

This year staff from all of the Commission’s four offices conducted 64 presentations, interviews and training sessions, reaching a total of 5,292 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. In all, 38 sessions were provided on these topics for a total of 3,679 people. Many of these requests came from schools, colleges and universities.

Other common requests were for sessions on cultural diversity and cultural competency (11 sessions for 853 people) and on Pennsylvania’s hate crime law (10 sessions for 594 people, 42 percent of whom were law enforcement professionals).

Additionally, under the Commission umbrella of education and community services, Executive Office, housing and legal staff also conducted additional training sessions, seminars and presentations to 8,883 people in 76

presentations. These programs reached other civil rights agencies on a state and national level, kept the legal community updated on civil rights laws and the impact on Pennsylvania and informed housing organizations and groups about key issues.

**199 training sessions and presentations were conducted for 19,301 people in the Commonwealth.**

PHRC leveraged its expertise by assisting in the design of training curricula for use by other state government agencies and by providing planning assistance for numerous inter-agency initiatives. Staff assisted in designing the curriculum for a new, daylong mandatory training component for all Deputy Sheriffs in the Commonwealth titled, “Effective Law Enforcement in Diverse and Changing Communities.”

Staff also provided technical assistance to the Reading/Berks Conflict Resolution Task Force for a full day seminar at Alvernia College that brought together Berks County law enforcement officials with students and administrators from the county’s high schools for an interactive dialogue about issues of importance to students, e.g. bullying; peer-to-peer insensitivity; gangs, guns and violence; hate groups; drugs; and sexual harassment. E/CS staff also participated in a series of planning meetings coordinated by the

Governor’s Advisory Commission on Latino Affairs for Hispanic Heritage Month 2002.

PHRC also continues to provide technical assistance and support to local human relations commissions and to the six active PHRC Advisory Councils that continue to function as the “eyes and ears” for the Commission in a number of local communities. A presentation to Montgomery County school district superintendents on “No Child Left Behind and Educational Equity” was provided at the invitation of PHRC’s Montgomery County Advisory Council.

A number of efforts were made during the year to reduce staff time and other resources associated with providing informational and training services. Key resource materials were revised and tailored for specific uses in order to minimize paper, photocopying and mailing costs. Email, Internet and web site technologies are being more fully exploited for distributing the most commonly requested informational materials. PHRC’s award-winning videotapes and training resource guides have often been used by local presenters in lieu of agency staff traveling to present basic, informational sessions. Many of our training resources have been converted to PowerPoint

presentation slides to facilitate distribution.

**Civil Tension Prevention and Response**

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

This year PHRC staff convened and facilitated 10 meetings of the Tension Task Force. In order to strengthen relationships among key member agencies, the hosting of monthly meetings was shared among agencies, including the PA Department of Education; the Office of Attorney General; the PA State Police and the Governor’s Commissions on Latino Affairs and African-American Affairs.

The predominant focus at the Tension Task Force meetings is placed on bias-related incidents that have been reported to either PHRC or other Task Force agencies.

A bias-related incident is:

any incident in which an action taken by a person or group is perceived to be malicious toward another person or group based on bias or

prejudice relating to such characteristics as actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender, age, or gender identity or expression OR any situation in which intergroup tensions exist based on such group characteristics.

Bias-related incidents include, but are limited to actual or potential hate crimes; unlawful discrimination; organized hate group activities; public expressions of prejudice or bigotry; or intergroup conflict.

Throughout the fiscal year, the Tension Task Force receives reports of bias-related incidents by monitoring a limited number of daily local newspapers. Reports are also received by telephone, fax and mail from concerned citizens, human relations agency staff, law enforcement and public officials, PA Inter-Agency Task Force on Civil Tension member agencies and various advocacy organizations at local, state and national levels. Some reports are received via a form available at [www.stopbias.org](http://www.stopbias.org).

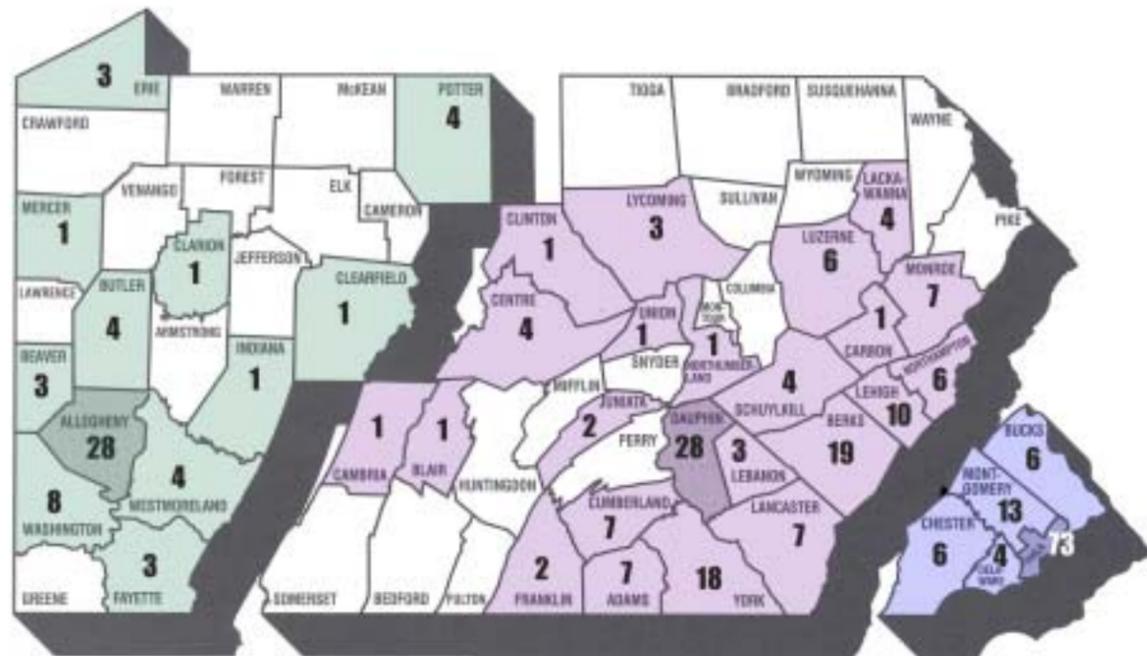
The bias-related incident data in this Annual Report is NOT presented as a reliable indicator of patterns of either the frequency



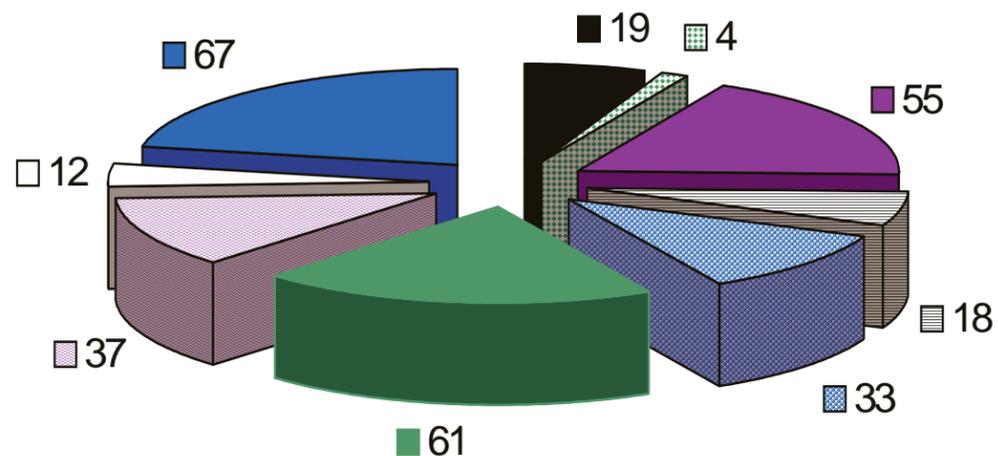
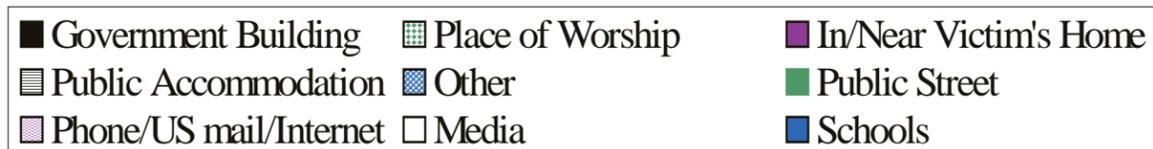
or type of incidents occurring in Pennsylvania. Only a small percentage of all bias-related incidents come to the attention of the PA Human Relations Commission and the PA Inter-Agency Task Force on Civil Tension. Reporting varies from community to community. Some communities report very diligently and seek technical assistance. Other communities are not aware that reports can be made, or they avoid reporting, believing it blemishes community or campus image. Newspapers that are monitored daily are not representative of the entire Commonwealth. The categories represented in the pie charts are not mutually exclusive. Each incident is categorized by what appears to be its most significant and salient features. This past fiscal year, 306 bias-related incidents were reported to PHRC. Detailed statistics follow.



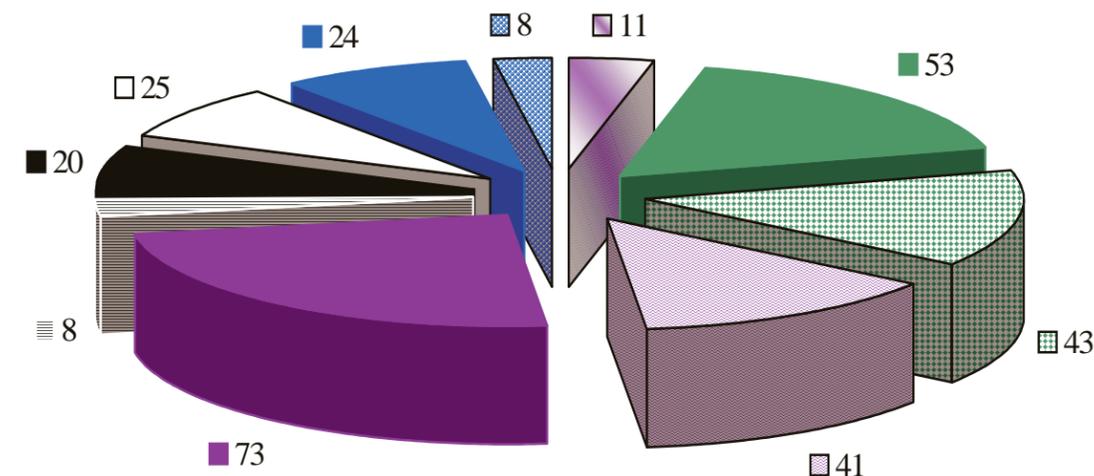
306 Bias-related incidents were reported to PHRC during Fiscal Year 2002-2003.



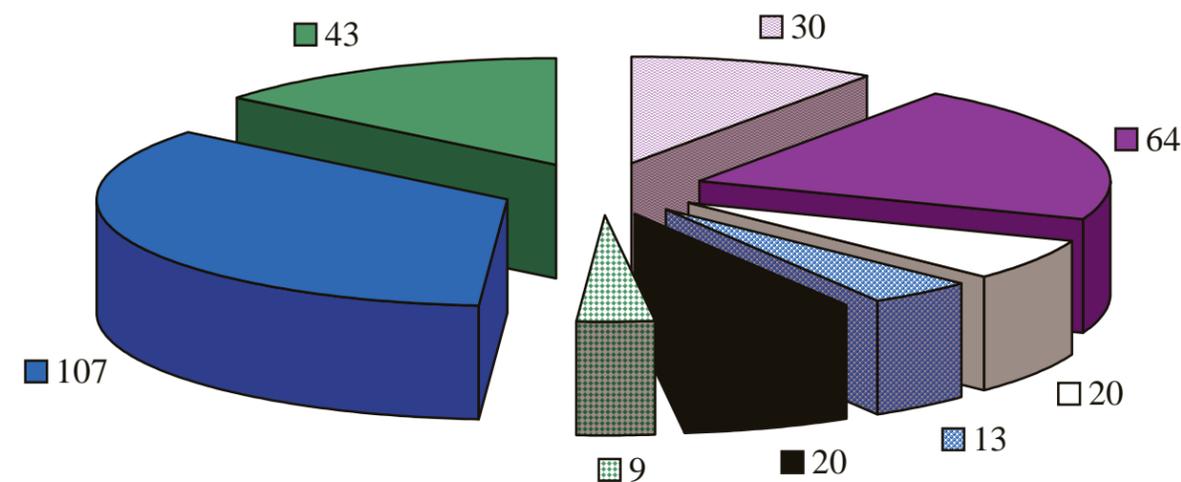
Location of Bias-Related Incidents



Target Group in Bias-Related Incidents

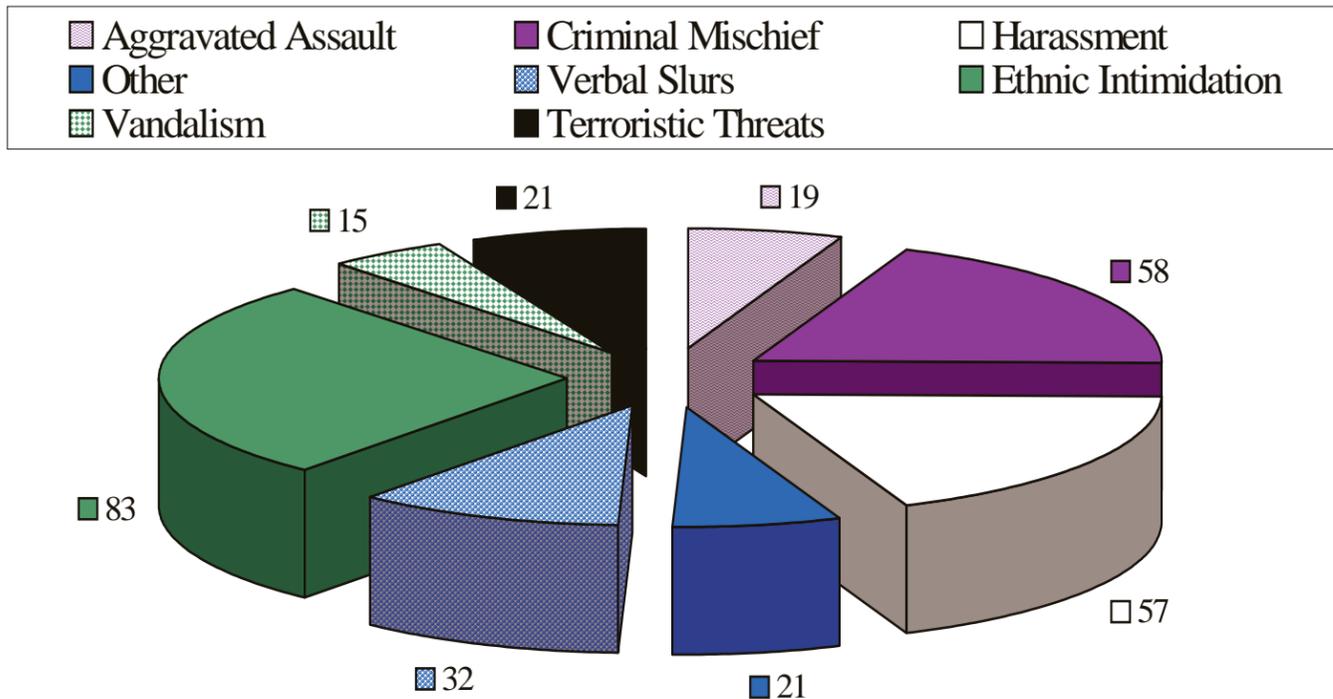


Identity of Alleged Offenders in Bias-Related Incidents





Offense/Situation Type in Bias-Related Incidents



As the reported bias-related statistics indicate, the types of incidents that are occurring in the Commonwealth can occur at any time, anywhere. The following are examples:

Bricks were thrown through windows of a family’s home, nearly striking the children inside. A cross was also found on the lawn of the home.

A restaurant manager allegedly made homophobic and other hostile remarks to a group of 12 people who had come to eat. An Asian male in the group received the worst treatment of the group.

White students wrote racial slurs and threats in the

notebook of an African American student.

Neighbors harassed a White female and her Iraqi boyfriend continuously. The woman’s daughter has been called names, a brick was thrown through the window of their home and the tires on her car have been slashed several times.

A real estate agency received phone calls repeatedly from a person who warned the agents not to sell homes to African Americans in a certain part of town.

Two White males allegedly exited their car and approached an African American female who was topped along the highway. When she asked for directions, they told her, “N—, go back to where you came from.”

An Arab owner of a 7-11 store sent two of his employees to rent an apartment. When they were turned down, the owner accompanied the men and was allegedly told by the property manager, “We do not rent apartments to terrorists. If you don’t leave the property, I will call the police and get you arrested.”



Community tension was created when a group of militants made derogatory comments about a school board’s efforts to offer services to English Language Learner students.

A civil rights worker received hate email greeting cards.

Unknown persons tipped over 50 tombstones in a Jewish cemetery.

A White male teenager with “KKK” written on his skateboard, yelled racial and homophobic slurs and hit a Black, gay man, who was walking on the sidewalk.

Tension was created within the disability community when officials at a government building failed to provide disability parking spots for the public. A security guard made a person with a disability leave the area.

A supervisor allegedly called a pregnant, Jewish employee a “F—ing Princess” and stated that she was “sick of hearing about your Jewish friends and their diamonds.”

Flyers promoting a meeting of a local skinhead group were posted on telephone poles and other buildings within a community.

An unknown neighbor of a White female placed a note on her home that read: “You and your n— son will die. P.S. Neighbor, guess who?” The woman has a bi-racial son.

SPiRiT School Intervention

A major initiative of the Tension Task Force for the year was to jointly implement numerous “SPiRiT” interventions in schools experiencing rapid demographic change and/or intergroup conflict. SPiRiT is a school intervention model originally designed by the Community Relations Service of the U. S. Justice Department. The acronym stands for “Student Problem Identification and Resolution of Issues Together,” and the model involves student dialogue for identifying problems and their solutions.

A team of Tension Task Force member agencies, including PHRC, provides initial leadership and overall coordination, ensuring that there is sufficient community involvement in the process to secure lasting engagement. Community leaders serve as small group facilitators for a two-day group dialogue process. This initial two-day intervention ends with the formation of a student advisory group that helps to ensure long-term follow-through.

A beneficial by-product of the SPiRiT program activity is the strengthening and sharpening of working relationships among partnering agencies, including PHRC, the U.S. Justice Department, the PA State Police, the PA Office of Attorney General and the PA Department of Education. Each agency plays a unique role and provides unique expertise so that efforts are not unnecessarily duplicated.

The strengthening of inter-agency relationships has had benefit outside of SPiRiT efforts as these same agencies respond to bias-related incidents and intergroup conflict situations in schools and communities. The long-term engagement that the SPiRiT program establishes among students and local community leaders minimizes the need for state agency staff to return repeatedly to problematic school districts and communities.

One of the SPiRiT interventions was conducted on April 29-30, 2003 at the Reading High School. Student representatives in 9th through 12th grade participated in identifying problem areas within their high school and then worked together to develop solutions. Reading High School is one of the largest high schools in the state, and one of the most racially and ethnically diverse. Numerous SPiRiT interventions are planned for the coming year.



### Other PHRC and Tension Task Force Activities

The work of PHRC and the Tension Task Force that it convenes continues to be affected by events flowing from the September 11, 2001 terrorist attacks. Increasing interactions between law enforcement professionals and certain religious and cultural communities in light of “backlash” hate crimes targeting these communities has exposed the need for cultural awareness and cultural competency training.

PHRC and other member agencies of the Tension Task Force provided assistance to the U. S. Justice Department for organizing and conducting two, regional, all-day seminars on “Muslim, Arab and Sikh Awareness & Protocol” for law enforcement and community leaders — one held in Montgomery County, the other in Berks County.

The Tension Task Force sponsored presentations from staff from the national offices of the Council on American Islamic Relations (CAIR) and welcomed the participation of the Central PA Chapter of CAIR on the Tension Task Force. Other new partners welcomed to the Tension Task Force this year included the American Jewish Committee; the Center for Schools and Communities; and the Governor’s Center for Local Government Services; the PA Chapter of the National Organization for Women;

the Center for Gay and Lesbian Civil Rights; and, the Pennsylvania Statewide Independent Living Council.

Some of these latter organizations were invited to join the Tension Task Force in light of amendments to Pennsylvania’s hate crime statute that now applies to criminal offenders motivated by victims’ “actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity.”

The Tension Task Force conducted a panel presentation and discussion on these recent changes to the hate crime law in Pennsylvania. The panel included presenters with legal expertise as well as presentations by representatives of advocacy organizations for classes of people newly included in the law.

Due to the changes in hate crime law, PHRC staff created a new informational brochure “A Citizens’ Guide to Hate Crime in Pennsylvania” and updated its key resource for law enforcement professionals and attorneys titled, “Legal Extracts Relating to Ethnic Intimidation and Institutional Vandalism in Pennsylvania.” These documents are available on the web sites of both the Commission ([www.phrc.state.pa.us](http://www.phrc.state.pa.us)) and the Tension Task Force ([www.stopbias.org](http://www.stopbias.org)).

In response to the continuing presence and activity of organized hate groups in Pennsylvania communities, PHRC coordinated a full week itinerary for three members of the Kootanei County, Idaho Task Force on Human Relations. The itinerary included presentations and media interviews 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.

PHRC provided leadership, coordination and facilitation for two work groups of the Tension Task Force — one working on issues related to intergroup tensions at school sporting events and the other addressing the need for law enforcement training that addresses the implications of the recent amendments to Pennsylvania’s hate crime statute, the Ethnic Intimidation and Institutional Vandalism Act.

PHRC staff and others from the Tension Task Force encouraged, supported and facilitated the continuing 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, and the Reading/Berks Conflict Resolution Task Force remains active.

### Efficiency, Effectiveness and Capacity-Building Activities

PHRC staff coordinated a content update of the Tension Task Force’s [www.stopbias.org](http://www.stopbias.org) web site. A grant from the U.S. Department of Housing and Urban Development (HUD) will be used to enhance the website. The vision is to create capability for online reporting of bias-related incidents, with automated download of incident data to a database and/or automated distribution of incident reports to appropriate responders. A PowerPoint presentation detailing the envisioned web site enhancements has been developed and was shared at a national HUD conference.

PHRC staff has also enhanced existing features the Tension Task Force’s “Bias-Related Incident Collection and Reporting System” database. The database is now routinely used to generate standard monthly reports as well as customized reports on request.

Due to efforts made this year, all Tension Task Force meeting

notices, agendas, monthly reports, media clippings, and other materials are distributed via email for recipients that can receive the materials in that form. This is saving significant staff time and effort, as well as copying, paper and postage costs. It also allows for a more timely distribution of time sensitive information.

### Equal Educational Opportunity Initiative

A proactive initiative based, in part, on PHRC’s previous “Equity Academy” model was initiated this year to address equal educational opportunity issues with a number of school districts. The new “Equal Educational Opportunity Initiative” began with a first round of meetings with community leaders in Allentown, Bethlehem, Lancaster, Reading and York. Significant follow-up activities were conducted at the request of these communities in Allentown and York, including meetings with school district administrators and with school board members.

This new project examines equal educational opportunity indicators and seeks to engage multiple groups of stakeholders — community leaders, school district officials, school board members, teachers, parents, students and others to develop action plans that can leverage resources and take advantage of the current educational policy climate to actively address equal



educational opportunity challenges.

The Office for Civil Rights of the U.S. Department of Education has initiated discussions with PHRC concerning a potential partnership in providing information sessions for parents of students throughout Pennsylvania who have limited English proficiency. If this partnership materializes, these sessions may first be offered in those school districts and communities with whom PHRC has begun to work in the new Equal Educational Opportunity Initiative.

### Other Basic Education Activity

The education policy arena at the federal, state, and local levels has been dynamic and complex over the past year. In particular, the implications of the federal “No Child Left Behind” legislation are being felt at all levels, requiring policy formation with wide-ranging impact. New accountability provisions are intended to address long-standing inequities in educational results, at least as measured by test score data. These inequities and others have been the active concern of the Commission for many years.

PHRC staff has invested more time in this past year monitoring education policy developments. Staff regularly attended meetings of the PA State Board of Education, and the Director of Education and Community Services participated in



the Education Policy Leadership Fellowship Program of the Education Policy Leadership Center. Staff performed policy analysis and presented recommendations to PHRC's Commissioners for appropriate Commission positions on emerging policy issues related to PHRC's areas of jurisdiction and concern.

PHRC's E/CS staff continues 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.

PHRC has continued to stay engaged with agencies that can provide educational equity resources for Pennsylvania's schools, including the Mid-Atlantic Equity Center (MAEC). PHRC staff also regularly attends meetings of Pennsylvania's network of Limited English Proficiency practitioners that is periodically convened by the PA Department of Education.

This past year has also seen a more focused approach to the resolution of formal complaints of discrimination in education that come before PHRC due, in part, to the involvement of an attorney who is dedicated to assist with education case litigation and resolution. This attorney also successfully litigated the Pittsburgh Public School's Commonwealth Court challenge to the Commission's jurisdiction over cases alleging unlawful discrimination by public school boards.

### Equal Opportunity in Higher Education

PHRC's Director of Education and Community Services provided extended technical assistance to the staff of the PA House Education Committee in drafting their report with recommendations on HR 139 - Racial Relations in Higher Education.

One of the most significant recommendations in the HR 139 Report 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 efforts to encourage the reconvening of this Task Force

during this year were not immediately fruitful, but these efforts will resume in the coming year.

PHRC staff provided planning services and technical assistance for the PA Black Conference on Higher Education's 33<sup>rd</sup> Annual Conference, which was held in Harrisburg between February 26 and March 1, 2003. PHRC provided statistical data on the status of equal opportunity in higher education; assisted with identifying and confirming conference speakers; helped with media relations activities; and led workshops at the conference, one of which focused on effective prevention and response to campus-based intergroup tension situations.

### PHRC Regional Office Activity

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

PHRC staff members in the Pittsburgh Regional Office continue to 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. There is broad participation involving many governmental and non-governmental agencies and organizations.



### Case Processing

At the start of the federal fiscal year on October 1, 2002, the federal Housing and Urban Development's (HUD) informed fair housing enforcement agencies -- including PHRC -- that no more than 48 percent of any agency's housing caseload was to be over 100 days old.

Not only did PHRC housing staff meet that goal, they exceeded it, by reducing the aged caseload down to 38 percent. HUD also commended PHRC for its creative use of technology to achieve this precedent-setting goal. At its national Quint-Regional FHIP/FHAP Conference in Atlanta on Tuesday, April 29, 2003, HUD issued an award to PHRC for the high number of aged housing cases the agency processed last year. HUD Secretary Mel Martinez selected PHRC for the special recognition. The Commission's Philadelphia Regional Office Housing and Commercial Property Supervisor accepted the award on the agency's behalf.

### Predatory Lending

The PA Human Relations Commission continues to set a precedent in the state -- and perhaps the country -- on the issue of predatory lending. 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 two tools the Commission has 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*. The other significant tool used by staff is the prosecutorial arm the Commission has through case investigation. The result of this first predatory lending public hearing against a licensed mortgage broker is pending. The two complainants alleged that they were targeted because of their race, African American and/or, the racial composition of their neighborhood, African American.

Housing and Commercial Property staff continue to provide education, training and technical assistance programs -- all of which emphasize voluntary compliance. Training sessions focus on issues that directly impact the housing and commercial property industry, such as providing

The Harrisburg Regional Office continues to facilitate 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 aims to alter peer attitudes and to showcase and reward students of excellence in numerous academic fields and disciplines.

PHRC's Montgomery County Advisory Council continues to provide leadership in a number of education-related initiatives, with support from the staff of PHRC's Philadelphia Regional Office. Advisory council leaders continue to convene the county's school district superintendents to explore implications of regulatory provisions including, most recently, provisions relating to the federal "No Child Left Behind" legislation.

### HOUSING/COMMERCIAL PROPERTY

Fiscal year 2002-2003 included a variety of projects and tasks for the Housing and Commercial Property Division (HCPD).



the instruction for mandatory continuing education courses for all individuals who hold real estate licenses in the Commonwealth.

### Security

The Commission's Housing and Commercial Property Director also carries out the functions of the agency Security Officer. In response to the statewide initiative of increased security for Commonwealth employees in the workplace, the following issues were addressed: developed and implemented planned security measures for visitor sign-ins in each of the four Commission offices; continued work on the agency's Business Recovery Plan; oversaw any training needs; and responded to security issues in each of the offices.

### TECHNOLOGY

Three letters dominated the work of the Information Technology (IT) staff this fiscal year: CMS.

Fiscal Year 2002-2003 marked the first full and complete timeframe that CMS (or the Case Management System) was operational for the entire 12 months of the fiscal year. After CMS was implemented in each of the Commission's four offices, Commission staff then turned its attention on enhancements.

To achieve that goal, Commission technology staff met with an

Enhancements Review Group. Comprising Central Office and regional user representatives, this group identified and prioritized enhancements for CMS. After a final review, a list of 95 enhancements was reviewed for feasibility and implementation in CMS resulting in a final list of 84 proposed enhancements. At the end of the fiscal year, in conjunction with consultant assistance, PHRC completed 63 percent of the proposed enhancements. Time constraints and the need to complete work to meet Commonwealth security requirements prevented completion of the additional enhancements.

Earlier in this annual report, the Commission's Compliance statistics were provided in much greater detail than in year's prior. This was accomplished using some of the 189 standard reports and the 45 ad hoc reports that have been created in CMS. Technology staff also implemented standard housing documents.

Technology staff also investigated and initiated, with consultant assistance, a prototype for more effectively viewing documents and updating indexes in CMS. Staff also completed development of a revised extract program to transfer data files from CMS to CDS (Charge Data System or the federal Equal Employment Opportunity Commission's case processing system in which dual-filed cases are located).

Files are transferred periodically between the two systems.

A key element of CMS is scanning and document capture. IT staff established a statewide scanning coordinator to: work with regional staff in support of scanning and document-capture operations. IT staff met regularly with consultant staff to review work in progress; troubleshoot problems with scanning and document capture operations; review operating, training, and procedural documentation as well as updating and distributing as needed.

To maintain consistency, IT staff completed an initial draft of scanning business rules and operating procedures and met with regional staff to review. As a result of that meeting, IT staff began a comprehensive overhaul of the business rules. A training manual of operating procedures was revised and distributed statewide by fiscal year end.

A data file transfer project was completed in coordination with the Office of the Attorney General. IT staff met with representatives of the Office of the Attorney General and completed the design of new data transfer files and initiated monthly reports in April 2003.

Desktop operations and support also continued to be a high priority for Commission IT staff. Research on the use of

public folders in Outlook was done, and subsequently, staff prepared documentation and provided user training on its effective use.

IT staff monitored the need for updates and fixes to desktop software (Windows, Office, and Outlook) in response to Office of Information Technology security alerts. This resulted in some of our most intense and critical work requiring completion during short time spans.

IT staff provided users with training and familiarization sessions and documentation (where appropriate) in the following areas: CMS operations, CMS enhancements, scanning and document capture, desktop applications (Word, Excel, PowerPoint, Access, Outlook/Exchange), special applications (EEO-1, voice recognition, Typing Tutor, anti-virus software), new printer and label writer operations, file sharing, and ImaginePA.

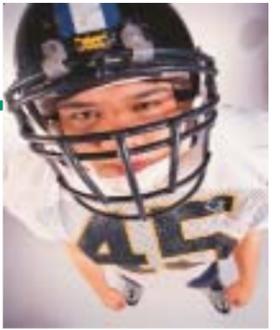
### LEGAL ACTIVITIES

The Pennsylvania Human Relations Commission's Legal Division attorneys are located in each of the three regional offices and the Central Office. They provide the legal expertise needed by the Commission to fulfill its duties under the Pennsylvania Human Relations Act ("PHRA" or "the Act") and the Pennsylvania Fair Educational Opportunities Act ("PFE OA").

The Commission's Legal Division provides legal assistance at every stage of the processing of a complaint, from the first inquiries about filing a complaint, continuing with the investigation of complaints, the prosecution of complaints that go to public hearing, appeals of Commission decisions to the Commonwealth and Supreme Courts and the representation of the Commission's interests in both state and federal courts.

Legal Division attorneys who work in the Commission's Housing and Commercial Property Division also file complaints in Commonwealth Court on behalf of complainants in cases where one or both parties have elected to remove the case from the Commission to Court under the election procedure provided in Section 9 of the Act. This procedure is available only for cases involving housing discrimination. In addition, the Legal Division attorneys represent the Commission in proceedings before other administrative agencies.

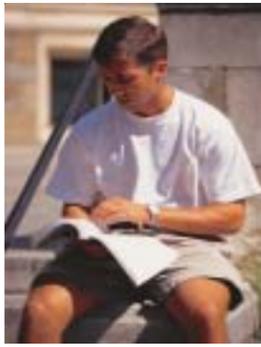
Legal Division provides a full range of other legal services to the Commissioners and Commission staff. Commission attorneys analyze proposed legislation of interest to the Commission and make appropriate recommendations for action. Attorneys also draft proposed amendments to the PHRA and the PFE OA, regulations, guidelines and policy statements. This past



fiscal year, for example, Central Office attorneys were involved in the drafting of statutory language involving amending the PHRA and the PFE OA to expand the protected classes to include sexual orientation, gender identity or expression, and expand the remedies available, which legislation the Commission is on record as supporting.

Legal Division attorneys provide legal analyses of relevant state and federal cases for their impact on the Commission. This past fiscal year saw several major U.S. Supreme Court cases come down with significant civil rights implications. Among the most significant were two cases from Michigan upholding the right of universities to engage in racially based affirmative action, under appropriate circumstances, in the admissions process and cases involving the interpretation of the Americans with Disabilities Act.

Attorneys in the Commission's Central Office were involved in the Commission's triage program. Under this program, Central Office staff is assigned older cases to investigate and bring to conclusion. This is part of the Commission's ongoing efforts to resolve cases within the shortest, feasible timeframe. It has also provided Central Office attorneys with experience doing the non-legal aspects of case investigations. This experience should help them provide better legal support for the Commission's investigatory staff.



Legal Division attorneys continued to provide legal support throughout the case investigation and hearing process. They participated in obtaining answers in 73 cases where answers were not filed within the statutory time limit. As a result of these efforts, there was no need to conduct any rule to show cause hearings to determine whether liability should be found for failure to file a timely answer.

Respondents may file a motion to dismiss a case on legal grounds prior to a decision on the merits.

Commission regulations require Legal Division attorneys to reply to these motions by providing all good faith arguments as to why the case should not be dismissed. The Legal Division responded to 121 of these motions.

One of the major responsibilities of Legal Division attorneys is responding to requests by Complainants that their cases be reopened after a finding of no probable cause or some other closure prior to a public hearing. A party may also request that the Commission determine if a settlement agreement has been breached. This past fiscal year, staff attorneys responded to 304 requests. Of these, 14 were granted and 290 were denied.

In ruling on these requests, the Commission may hold a preliminary hearing to determine what should

happen. During the past fiscal year, there was one preliminary hearing held to determine if the respondent had breached a settlement agreement.

Legal Division attorneys are also involved in the approval of cases, which are recommended for a finding of probable cause. They may recommend either that probable cause be approved, that it be denied or that further investigation is necessary to make a valid determination. During the past fiscal year, Legal Division attorneys approved 88 probable cause recommendations, returned 51 for further investigation and denied 100.

The Commission is mandated to work towards a reasonable, voluntary settlement between the parties from the time a complaint is filed. These efforts accelerate once a finding of probable cause is issued. Commission regulations provide that any settlement can be approved by the Commission as a conciliation agreement or consent order, which have the force of a Commission final order. While most settlements do not become conciliation agreements or consent orders, Legal Division attorneys were involved in finalizing 34 settlement agreements as conciliation agreements or consent orders of the Commission.

Legal Division attorneys routinely review requests by

investigators for subpoenas needed to obtain necessary information for resolving complaints. During the past fiscal year, staff attorneys took appropriate action on 88 requests for subpoenas. Of these, only one subpoena had to be enforced in court. The Commission succeeded in obtaining a favorable order of enforcement.

In addition to subpoenas issued by the Commission, Legal Division attorneys respond to subpoenas for case file information subpoenaed in state and federal court cases. An attorney assigned to the Chief Counsel's Office of the Legal Division primarily carries out this function. Commission attorneys responded to 459 such subpoenas during the past fiscal year.

Legal Division attorneys attended 42 pre-hearing conferences. These conferences are normally held prior to a public hearing, on the merits of a complaint, to establish ground rules for the final discovery period and the hearing, itself. Legal Division attorneys participated in 12 public hearings during the past fiscal year.

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 seven cases pending in Commonwealth Court. There were 10 cases filed in Commonwealth Court during the fiscal year. They consisted of two appeals, four original jurisdiction-housing complaints under Section 9(d.1), 3 actions seeking to dismiss underlying Commission complaints, and one subpoena enforcement action. Of the 17 total cases in Commonwealth Court, 11 were resolved favorably to the Commission and 6 remained on the Commonwealth Court docket as of June 30, 2002.

The Commission began the past fiscal year with one case pending in the Pennsylvania Supreme Court. This case was resolved when the Supreme Court upheld Commonwealth Court's ruling. There was one case appealed to the Supreme Court from a case, which was decided favorably to the Commission by Commonwealth Court. This case remained pending as of June 30, 2003.

Several cases are worthy of specific mention. *Canteen Corporation v. PHRC*, 814 A.2d 805 (Cmwlth. Ct. 2003), is an important employment case

dealing with disability discrimination. Commonwealth Court upheld a Commission decision finding that Canteen Corporation had unlawfully discriminated against a disabled employee by refusing to initiate and engage in an appropriate interactive process with the employee to determine if a reasonable accommodation was possible to allow her to continue to do her job.

This decision is important because it emphasizes that it is the employer's responsibility to seek out reasonable accommodations with the disabled employee, in good faith, rather than merely sitting back and requiring the employee to make suggestions, which it then claims, cannot be done. The decision is also important because it reaffirmed that a complainant need only make an honest, good faith effort to mitigate damages, such as by seeking alternate work, and does not require that a complainant actually succeed in providing mitigation.

*PHRC on behalf of Ronail Allen v. Buckler*, No. 518 M.D. 2001 (Cmwlth. Ct. 2001)(slip opinion June 23, 2003), is significant housing discrimination case because it represents the first case brought under the statutory election procedures, providing for the removal of housing discrimination cases to Commonwealth Court, which proceeded to trial and resulted in a written decision.



In this case, the Commonwealth Court agreed with the Commission's position that the Respondent had unlawfully refused to sell to Ms. Allen because of her race. In deciding the case, the Court specifically held that a property owner may not avoid liability simply by taking the property off the market, where the purpose of doing so is to avoid having to sell it to someone whose race, or other protected characteristic, is unacceptable to the seller.

In *Pittsburgh Board of Public Education v. PHRC*, 820 A.2d 838 (Cmwlth. Ct. 2003), the issue involved the Commission's ability to decide its own jurisdiction to proceed with a case. The Commission had issued interlocutory (non-final) orders in nine complaints, in which the Commission refused to dismiss the complaints for lack of subject matter jurisdiction. The Board of Public Education attempted a direct appeal to Commonwealth Court. The Court dismissed this attempt, holding that the proper time to challenge the Commission's interlocutory order was on appeal from any final order that the Commission might issue on the merits of the nine complaints.

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. There were approximately 25 new complaints of predatory lending filed during the past fiscal year.

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. Legal staff met with officials from the U.S. Attorneys Office and HUD regarding these efforts.

During the last fiscal year, the Pennsylvania Right to Know Law was amended to provide for significant new procedural requirements which Commonwealth agencies such as the Commission must meet. The Right to Know Law deals with the right of the public to

be given access to public records of local and state government agencies. The Legal Division was instrumental in developing the legal analysis, policies, form letters, appeal procedures and other matters required to implement the amendments and assure that the Commission remains in full compliance with the Right to Know Law.

The Commission fully implemented its new Case Management System (CMS) during the past fiscal year. Legal Division input was vital to assuring that CMS met all legal requirements for case management. As implementation proceeded, Legal Division attorneys were involved in training for, and began using, CMS as an every day tool for case management.

Legal Division attorneys provided a variety of public presentations on issues ranging from predatory lending to sexual harassment to civil rights issues in education to general

employment discrimination law. They served as faculty or speakers before such diverse audiences as the Pennsylvania Bar Institute Employment Law Institute West, the Labor and Employment Law Summit, Boeing Corporation employees, UPS management employees, Northeast High School (Philadelphia) students, Fayette and Allegheny County employees and the Fair Housing Counsel of Montgomery County.

Staff attorneys continued their normal practice of responding to the numerous written, email and telephonic requests for legal information by the public. Housing advertisers received legal interpretations of their proposed advertisements, by staff attorneys assigned to the Housing Division, as provided in the Commission's housing advertisement regulations. Commission attorneys also participated as presenters in the Commission's ongoing program of in house training for staff and Commissioners.

## The Commissioners

As the new 2002-2003 fiscal year began, change continued to take place at the Commission – and the change carried over into the new 2003-2004 fiscal year as well. The Commission added another new face in October 2002 in Commissioner Toni M. Gilhooley, formerly of Greenfield Township, Lackawanna County. Commissioner Gilhooley replaced Commissioner Russell S. Howell of Lititz, Lancaster County, who had served with the Commission for 16 years as a Commissioner.

Because of the departure of Commissioner Howell, the Commissioners selected Dr. Daniel D. Yun of Huntingdon Valley to become the Commission's Assistant Secretary. Commissioner Sylvia A. Waters of Oberlin was then chosen to become the Commission's Secretary after serving as the Assistant Secretary.



Completing the remainder of the Commissioner panel was: Carl E. Denson of Bethel Park who served as Chairperson and Raquel Otero de Yiengst of Sinking Spring who served as Vice Chairperson. The remaining Commissioners included: David A. Alexander of Pittsburgh M. Joel Bolstein of Philadelphia; Theotis W. Braddy of Camp Hill; Joseph J. Borgia of Erie; Timothy Cuevas of Bethlehem, Northampton County and Stephen A. Glassman of New Oxford, Adams County.

Then, on Friday, July 11, 2003, just 11 days into the 2003-2004 fiscal year, Mr. Glassman was appointed by Governor Rendell to replace Mr. Denson to become the eighth person to Chair the PA Human Relations Commission.

The Pennsylvania Human Relations Act requires that the Commission be non-partisan 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 genders; 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 2002-03 the Commission held 61 public hearings and pre-hearing conferences. An additional 19 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:

### Stacie Garmon v. VIP Restaurant Docket No. E92918D

Ms. Garmon's complaint alleged that from March 22, 1999 through March 31, 1999, she had been sexually harassed and that when she opposed the harassment, she was terminated on March 31, 1999, in retaliation for expressing such opposition.

In this matter, the Respondent never filed a proper answer and after the Rule to Show Cause Process was activated, the

PHRC found the VIP Restaurant liable for the allegations Ms. Garmon made. A Public Hearing on the limited issue of damages resulted in the PHRC awarding Ms. Garmon \$1,316 in back pay lost plus interest, and \$120 in certifiable travel expenses.

### Cynthia E. Montondo v. Kieffer RV Sales, Ltd, Ernest A. Kieffer Docket No. E92071D

This case arose from an allegation that the respondent, Ernest Kieffer sexually harassed her by propositioning her for sex, touching and grabbing various body parts, repeatedly showing her pornographic materials on a computer, and lastly, walking into a bathroom occupied by Montondo. Ms. Montondo further alleged that there was a hostile work environment created by Kieffer, which aided and abetted by RV Sales to commit unlawful practices, and constructively discharged the complaint.

At the public hearing, Ms. Montondo proved that Kieffer RV sales discriminated against her by subjecting her to a hostile work environment and discharged her because of her sex, female. The complainant also showed that Ernest Kieffer aided and abetted in the creation of the hostile work environment and the constructive discharge.



At the September 2002 Commission Meeting, the Commission unanimously voted to find in favor of Ms. Montondo and award the following remedy:

- Cease and desist order
- A lump sum of \$3,287.36 plus interest, representing back pay
- An additional \$682.72, representing the wage differential plus interest
- Both Kieffer and RV Sales were required to undergo training to insure compliance with the PHRA.

A requirement that respondent’s manner of compliance be reported to the Philadelphia Regional Office within 30 days of the Commission’s Order.

**Richard A. Overby v. Acme Tree Service & Landscapin**  
Docket No. E98440

Acme Tree Service is a seasonal tree trimming/ removal and landscaping business. Each year, Acme’s employees are laid off in the late fall and recalled in the later part of the winter or early spring.

Mr. Overby was hired by Acme in 1987 by its then owner, William Burkholder. Mr Overby’s problems at Acme did not really begin until William Burkholder’s son, Eric Burkholder returned to the family

business in 1998. After Acme employees were all laid off in the fall of 2000, Eric Burkholder purchased the business from his father. When employees were recalled in 2001, Eric Burkholder failed to recall Mr. Overby.

At the Public Hearing, Mr. Overby established a prima facie case and Acme articulated legitimate non-discriminatory reasons why Overby was not recalled. The Commission found all of Acme’s reasons to be pretextual and that the reason Eric Burkholder failed to recall Overby was because of his race, African American.

This case explores a subjective determination and uncovers how subjectivity in the decision in this case was a convenient pretext for giving force and effect to racial prejudice.

The Commission unanimously voted to award Mr. Overby a remedy for a race-based refusal to recall him to his job as a groundsman with Acme Tree Service and Landscaping. Having found for Mr. Overby, the Commission ordered the following: a cease and desist from future race-based discrimination; a lump sum of \$22,300 as back pay lost; interest at the rate of 9% per year until payment is made; reinstatement into the next available groundsman position; front pay until such an offer of reemployment is made; and a requirement to report on

Acme’s manner of compliance with the Philadelphia regional office within 30 days of the effective date of the Commission’s order.

**Dennis M. Micklo v. City of Duquesne and City of Duquesne City Council**  
Docket No. H8239

In his complaint, Micklo alleged that, collectively, the respondents maintained a building and offered services, which are inaccessible to individuals with mobility impairments. This was a housing issue because Micklo alleged that because of his mobility impairment, he was unable to participate in a condemnation process involving his personal residence. To get to meetings of the City Council, a person had to climb stairs and Micklo alleged that he was unable to climb stairs.

Although Micklo thought there were condemnation proceedings being undertaken about his residence, in fact, there never was a condemnation process involving his home. Instead, a city Building Inspector merely left Micklo with the belief that his property was in danger of being condemned.

Thinking the city council was about to discuss the condemnation of his home, Micklo went to the building where the city council met.



Knowing that there were stairs from previous occasions, Micklo still went to the building and when he got there, experienced consternation at not being able to climb the stairs, he went home. Although Micklo knew there were stairs at the city council building, he did not attempt to seek an accommodation by first calling someone. Had he done so, he would have learned that condemnation was not under

consideration by the city council and perhaps, had his property be on the agenda, the city council may have made an accommodation for him.

Because the city council did meet in an inaccessible location, the PHRC awarded Micklo a threshold level of compensation for humiliation and embarrassment in the amount of \$150. Additionally, Micklo’s humiliation stemmed mostly

from his interaction with the Building Inspector rather than being unable to negotiate stairs leading to the city council meeting.

The following chart indicates the case activity completed by the Commissioners.

**THE COMMISSIONERS’ WORKLOAD**  
**JULY 1, 2002 - JUNE 30, 2003**

Commission Meetings .....	12
Compliance Sessions .....	12
Consent Orders/Decrees and Conciliation Agreements Approved .....	25
Review of Staff Action in Making Disposition of Complaints .....	5,050
Review and Determination of Petitions for .....	249
Reconsideration of Complaint Disposition and Requests for Public Hearing (denied) .....	169
Motions .....	3
Cases Closed on Motion .....	39
Cases Placed on Public Hearing Docket .....	19
Cases Settled After Public Hearing Approval .....	4
Final Orders Approved after Public Hearing .....	6
Total Rules to Show Cause Resulting in Liability and Subsequently Settled .....	61
* Pre-Hearing Conferences and Public Hearings Conducted .....	56
* Includes those Pre-Hearing Conferences and Public Hearings conducted by Commission Hearing Panels and Hearing Examiners	
Number of Days of Pre-Hearing Conferences and Public Hearings .....	

**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 final six months of the 2001-2002 Legislative Session were the first six months of the

2002-2003 fiscal year for the Commission.

The most notable piece of legislation that the Commission supported and recommended passage of was **House Bill 1493, Printer’s No. 4156**. This legislation amended the state’s Ethnic Intimidation statute to

include the actual or perceived ancestry, mental or physical disability, sexual orientation, gender or gender identity of an individual. The statute already had provisions for an individual’s race, color, religion or national origin. As efforts were ongoing to get this legislation passed, during the October 2002 Commission Meeting,



the Commissioners approved the following statement regarding Sexual Orientation/Gender Identity Acts of Bias:

*The Pennsylvania Human Relations Commission (PHRC or Commission) enforces two civil law statutes, the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA). The PHRA prohibits discrimination in the areas of employment, housing and commercial property, public accommodations and education. The PFEOA prohibits discrimination in post-secondary education. Protected classes under the Acts are: race, color, religious creed, ancestry, age (40 and above, not covered in public accommodations), sex, national origin, non-job related or disability, known relationship or association with a person with a disability, use of a guide or support animal, having a general educational development test diploma as compared to a high school diploma (employment only) and familial status (housing only). The Commission also opposes discriminatory acts against all individuals, including those who belong to classes not*

*currently protected under the PHRA or the PFEOA.*

The Pennsylvania Human Relations Commission deplors the use of violence and therefore strongly supports the Ethnic Intimidation and Institutional Vandalism Act (Ethnic Intimidation Act). The Ethnic Intimidation Act created the crime of Ethnic Intimidation. When certain crimes are committed and it can be shown that the motive for such crimes was hatred of the race, color, religion or national origin of the victim, the crime of ethnic intimidation can also be charged, subjecting the perpetrator to more severe penalties.

The Pennsylvania Human Relations Commission condemns discrimination and the use of hate threats and violence against anyone, whether or not they are members of a protected class under the PHRA, the PFEOA or the Ethnic Intimidation Act. The existence of such egregious acts underscores the need for legal protection for persons on the basis of their sexual orientation or gender identity. Therefore, the PHRC reaffirms its ongoing support to amend the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act and the Ethnic Intimidation Act to include protection on the basis of sexual orientation and gender identity.

House Bill 1493 received final passage from the House of Representatives late in November 2002 and was signed into law by former Governor Mark Schweiker.

PHRC Chairperson Stephen Glassman, a key lobbyist for the bill as the Co-Chair of the Statewide Pennsylvania Rights Coalition at the time of its passage, stated: “The Commonwealth has a more proactive legislature that is more willing to accept civil rights issues than ever before. For the first time in the nation’s history, Pennsylvania is the first state in the country to pass proactive gay and lesbian legislation with a Republican controlled state Senate, state House of Representatives as well as a Republican Governor. Gay and lesbian civil rights activists who championed the bill are very proud of this accomplishment and the work completed with the help of the state Legislature and Governor.”

Commission staff also testified in support of **House Resolution 473, P.N. 3554** before a House Committee in November 2002. This proposal would have established and directed a select committee of the House of Representatives to study and investigate the integration of human rights standards in Pennsylvania’s laws and policies.



The Commission also supported **S.R. 248, P.N. 2116**. This resolution declared October 6, 2002, as Unity Day in Pennsylvania. It passed on June 18, 2002. Another supported resolution was **S.R. 256, P.N. 2132**. This proposal encouraged the various levels of federal government to continue the longstanding Title IX athletic policies that have expanded opportunities and reduced sex discrimination in athletic programs. Another resolution was **S.R. 259, P.N. 2155**. Supported in July 2002, the measure designated June 25, 2002 as “No Place for Hate Day” in Pennsylvania.

The Commission also supported **House Bill 2863, P.N. 4720**. This legislation officially renamed the South Office Building to the Speaker K. Leroy Irvis Office Building. The Commission maintained a positive and productive history with Mr. Irvis, who was one of the true early champions of Pennsylvania civil rights issues.

When the 2001-2002 Legislative Session ended on December 31, 2002, the bills not signed by the Governor died in committee. After the 2003-2004 Legislative Session got underway, the Commission addressed various legislative issues that directly affected the laws enforced by the Commission.

Early in the new legislative session, the Commission supported and recommended the

passage of **House Bill 65, P.N. 68**. This proposal would amend the Human Relations Act to

prohibit discrimination in employment on the basis of “familial status” and “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.

The Commission supported this issue in the past and continues to do so because 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.

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.

The Commission also supported and recommended passage of **Senate Bill 131, P.N. 127**, which mirrors H.B. 65.

In the spring of 2003, two separate sets of bills were introduced in the Senate that

would amend the two laws PHRC enforces. In June, the Commission supported and continues to recommend passage of **Senate Bill 706, P.N. 973** and **Senate Bill 707, P.N. 974** over Senate Bill 608, P.N. 742 and Senate Bill 609, P.N. 743.

S.B. 706 would amend the Pennsylvania Human Relations Act (PHRA) to include sexual orientation or gender identity or expression to the list of protected classes in all areas of the PHRA’s jurisdiction, expand the remedies to provide for the award of actual damages, including humiliation and embarrassment and punitive damages in both administrative hearings and court of common pleas trials and provide for jury trials in court of common pleas trials.

S.B. 707 would amend the Pennsylvania Fair Educational Opportunities Act (PFEOA) to include sexual orientation or gender identity or expression to the list of protected classes in the PFEOA’s jurisdiction, expand the remedies to provide for the award of actual damages, including humiliation and embarrassment and punitive damages in both administrative hearings and court of common pleas trials and provide for jury trials in court of common pleas trials.

The Commission opted to support S.B. 706/707 because this combination of bills contains the



language that upholds the Commission’s position statement on these issues and has the best possible chance to pass the General Assembly. This two-part package was still pending at the end of the fiscal year. The issue of racial profiling has been in the news for the past few years. The issue has also received media attention in the Commonwealth as well. A package of bills was introduced and analyzed by the Commission on this issue.

**H.B. 690, P.N. 818**, proposes to enact the Traffic Stops Statistics Study Act. It would require the Attorney General to conduct a study of stops for routine traffic violations by law enforcement officers in this Commonwealth. The study is to include collection and analysis of appropriate data considering the following factors:

- (1) The number of individuals stopped for routine traffic violations.
- (2) Identifying characteristics of the individual stopped, including the race or ethnicity as well as the approximate age of that individual.
- (3) The traffic infraction alleged to have been committed that led to the stop.
- (4) Whether a search was instituted as a result of the stop.

- (5) The manner in which the search was instituted.
- (6) The rationale for the search.
- (7) Whether any contraband was discovered in the course of the search.
- (8) The nature of such contraband.
- (9) Whether any warning or citation was issued as a result of the stop.
- (10) Whether an arrest was made as a result of either the stop or the search.
- (11) The benefit of traffic stops with regard to the interdiction of drugs and the proceeds of drug trafficking, including the approximate quantity of drugs and value of drug proceeds seized on an annual basis as a result of routine traffic stops.
- (12) Other factors as deemed appropriate by the Attorney General.

H.B. 690 is strictly limited to the conduct of a racial profiling study.

**House Bill 691, P.N. 819** provides the state Attorney General with enforcement powers.

**H.B. 692, P.N. 820** would provide detailed records of all police motor vehicles and pedestrian stops.

**H.B. 693, P.N. 821** calls upon the State Police Commissioner to prevent racial profiling.

**H.B. 694, P.N. 822** would require the category of “race” to be added to the license face.

**H.B. 695, P.N. 823** would include courses on the prevention of racial profiling in traffic stops given by the Municipal Police Officers’ Education and Training Commission.

The Commission supported and recommended passage of five of the six bills; the exception was H.B. 694. After a review by Commission legal staff, H.B. 694 appeared to be an attempt to put police officers on notice of a person’s race, as the person has declared it on his or her driver’s license, during traffic stops. Commission attorneys provided this analysis of H.B. 694:

Presumably, the intent of providing this notice is to facilitate the accuracy of racial profiling statistics. While there is no indication, from the bill itself, that this is the intent, the bill is included in the middle of the same numbering series, and with most of the same sponsors, as the other bills that are clearly designed to



attack the problem of racial profiling. Despite its apparently benign intent, however, there are several serious flaws that defeat this intent.

First, the problem of racial profiling concerns someone based on their *perceived* race or ethnicity. By the time a police officer stops a person and looks at their driver’s license, the damage has already been done. It is the police officer’s belief, at the time the decision to stop is made, that is the key element of racial profiling. If a person was stopped because of a certain racial perception by an officer, the fact that the person may have a different race shown on his or her driver’s license does not change the racial nature of the stop.

Similarly, if someone is not stopped because of a different racial perception by the same officer, his or her listed race (which, of course, was never seen) did not make one iota of difference in that decision and never even makes it onto any report. Thus, it is the perceived race of the person

stopped which needs to be reported and tracked, not the race as declared by the person on his or her driver’s license.

Second, police officers are not the only ones who have access to the information on a person’s driver’s license. A driver’s license is the routine and expected form of identification for everything from banking to night club and bar entrance to check cashing to airport and building security screening to video store applications, and on and on.

Of all the categories of people who may ask to see a driver’s license, a police officer is one of the least likely to be encountered by the vast majority of people. As a result, listing race on a driver’s license opens the door to discrimination, by a vast array of people, based on the race as listed on the license. It also requires a person (at least everyone who drives, which is most of the population over the age of 16) to carry and show a form of identification, which expressly distinguishes them by race. This is something that a person, in this day and age, should not be required to do.

In the area of education, the Commission examined a few new measures:

**House Bill 340, P.N. 386** would require all school districts in Pennsylvania to establish and maintain kindergartens. School

districts would be permitted to establish age policies, but would not be allowed to deny any child 5 or older access to kindergarten. The compulsory school age also would be lowered from 8 to 6 to assist in addressing truancy cases in students younger than 8. The Commission has supported this issue in the past and continues to do so.

**House Bill 846, P.N. 981** would require institutions of higher education to report graduation statistics. The Commission supported this proposal, but noted that the data would be more useful to have the statistics by race, national origin and/or gender to determine achievement rates.

The language in **Senate Bill 171, P.N. 176** would prohibit discrimination in health insurance on the basis of genetic information or request for genetic services. The Commission supported this bill.

Other legislation the Commission addressed was:

**S.R. 19, P.N. 151**, which designated February 2003 as “Black History Month”;

**S.R. 25, P.N. 185** designated February 7, 2003 as “National Black HIV/AIDS Awareness Day”;

**H.R. 54, P.N. 281** condemned certain disparaging remarks, which



**S.R. 86, P.N. 783** recognized May 1, 2003 as “Prayer Day” in Pennsylvania as part of the annual “National Day of Prayer” celebration; and,

**Senate Bill 669, P.N. 759** addressed providing court interpreters to interpret in Spanish.

The Commission continues to enactment of the legislation that would amend the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act to include sexual orientation, gender identity or expression to the protected classes under the Commission’s jurisdiction.

were made regarding the use of bilingual election ballots in Berks County and directed the House State Government Committee to hold public hearings;

**S.R. 38, P.N. 401** designated March 2003 as “Women’s History Month” in Pennsylvania;

## 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.

