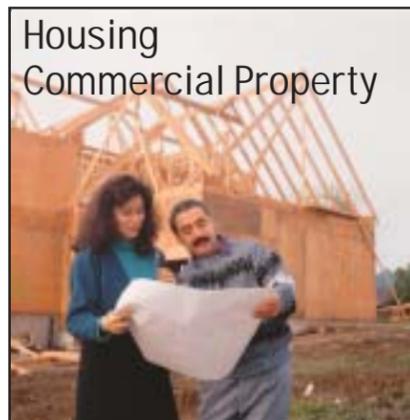


PHRC

Pennsylvania Human Relations Commission



Annual Report 2003-2004

Mission Statement

The mission of the Pennsylvania Human Relations Commission is to administer and enforce the Pennsylvania Human Relations Act and the Fair Educational Opportunities Act of the Commonwealth of Pennsylvania through investigation, identification and elimination of unlawful discrimination and promoting of equal opportunity for all persons.

It is agreed that it is Commission policy that staff should carry out the mission in a courteous, responsive and professional manner.

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Stephen A. Glassman
Chairperson
New Oxford
Adams County



Raquel Otero de Yiengst
Vice Chairperson
Sinking Spring
Berks County



Sylvia A. Waters
Secretary
Oberlin
Dauphin County



Daniel D. Yun
Assistant Secretary
Huntingdon Valley
Montgomery County



David A. Alexander
Pittsburgh
Allegheny County



M. Joel Bolstein
Philadelphia
Philadelphia County



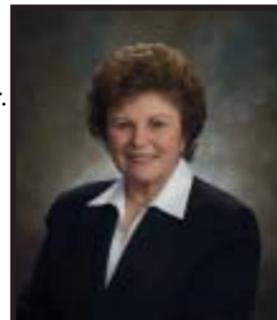
Theotis W. Braddy
Camp Hill
Cumberland County



Timothy Cuevas
Bethlehem
Northampton County



Rev. James
Earl Garmon, Sr.
Pittsburgh
Allegheny
County



Toni Gilhooley
Harrisburg
Dauphin
County



J. Wyatt
Mondesire
Philadelphia
Philadelphia
County

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:

When future readers of the Commission’s history books review this past fiscal year, it might likely be described as “The Year of the Challenge.”

With the Commission’s Case Management System (CMS) in operation for its second full year, Commission staff challenged itself to utilize CMS to its maximum potential. In the short timeframe CMS has been in use, the following benefits can be seen: an increase in the number of probable cause findings, a reduction in the age of PHRC’s caseload, better monitoring capabilities of the benefits secured for the citizens of Pennsylvania, reduction in the time it takes to file a complaint with PHRC and referrals and tracking of non-jurisdictional inquiries received by staff that enable PHRC to improve customer service.

An even bigger challenge came for the Commission on Monday, February 16th at 7 p.m., when an explosion and fire occurred on the 4th floor of the building that houses the Commission’s Central Office. While the fire and explosion occurred on the floor above, PHRC offices experienced severe water and smoke damage. From February 17th to May 6th, the Commission’s Central Office staff joined with the Commission’s Harrisburg Regional Office. Office space designed for 50 staff was prepared to accommodate 95 staff. Space was at a premium. Computer operations were pushed to capacity. Staff was challenged to turn three stacked boxes into a desk. Four people shared a small conference room and made it an office. Phone time to conduct business was at a premium. Typical business functions were sometimes anything but typical. But through it all, PHRC staff rose to the challenge.

Staff closed over 5,000 cases and reduced the pending backlog by over 500 cases. Staff helped to secure over \$10.8 million in lost wages and other benefits to 97,754 individuals. Staff responded to 40,012 inquiries from the general public who asked for the Commission’s help. Staff also responded to 309 bias-related incidents across the Commonwealth.

Fiscal Year 2003-2004 was the Year of the Challenge and the Commission met these challenges head on. Therefore, pursuant to Section 7(k) of the Pennsylvania Human Relations Act, I am proud to submit to you the 2003-2004 Annual Report of the Pennsylvania Human Relations Commission.



Homer C. Floyd

Homer C. Floyd
Executive Director

WORK AT A GLANCE

July 1, 2003 - June 30, 2004

Cases pending on 7/1/2003	9,141
Cases docketed in 2003-2004	4,473
Total Caseload	13,614
Cases closed in 2003-2004	5,040
•Employment	4,454
•Housing	326
•Commercial Property	2
•Public Accommodation*	214
•Education (Post Secondary)*	44
Cases pending on 6/30/04	8,574
Number of Inquiries	40,012
IMPACT	
Total Number of Persons Benefited	97,754
Monetary	27,843
Non-Monetary	69,911
Total Financial Impact (in dollars)	\$10,802,854.38
Monetary	\$10,021,032.22
Non-Monetary	\$781,822.16

*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

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 a year of significant change for the Pennsylvania Human Relations Commission and events, which have shaped the lives of all Americans, have had a very real impact on our staff members and Commissioners, our clients as either complainants or respondents, our community partners, and our colleagues in all branches of local, state, and federal government.

From terrorism abroad to hate crimes in the Commonwealth, from the polarized election results in November to the culturally biased politics of discrimination and prejudice, from the boardroom, the classroom, and the family room to the spin of the newsroom, we are living in a society in which the need for our services has never been greater.

The effects of subtle bias and discrimination permeate every area over which we have statutory authority as well as those (for example, "marital status, sexual orientation, and gender identity or expression") which have not yet been incorporated into our civil rights acts. All Pennsylvanians deserve equal protection under the law, and it is our responsibility to ensure that our state legislation is inclusive of equal rights for all Commonwealth residents.

We will continue to support amendments to the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act which will expand our authority to ensure the rights of protected classes in the areas of employment, housing (including credit and lending), public accommodations, and education.

In our fact finding and investigative work we are seekers of the truth as we identify whether or not there is probable cause to proceed to public hearings. As adjudicators we make recommendations that may result in findings of discrimination along with remedies designed to make a victim whole again. In every case we make repeated attempts to identify a solution or a settlement through conciliation or mediation. And we are always looking for ways to improve our internal procedures and client services so that complainants and respondents alike feel that they have been fairly dealt with at the PHRC.



Stephen A. Glassman

MESSAGE FROM THE CHAIRPERSON

Finally, it is with great pleasure that I take this opportunity to thank our dedicated and highly trained staff for another year of exceptional work on behalf of those who visit, live, or work in the Commonwealth of Pennsylvania. Even as we acknowledge the need for ongoing training, improved communication, enhanced management skills, and higher standards, we celebrate the successes of the past year and recognize the efforts of our staff throughout the state to adapt to change with open minds and good will as we encourage an environment of respect and dignity for everyone in the workplace.

Sincerely,



Stephen A. Glassman, AIA
Chairperson

// I am writing to praise the effort, hard work and tenacity of Investigator X. Mr. X was always courteous and professional, and though this was not a “big” case in terms of money, the results achieved brought a great deal of meaning and justice to (my client) and his family. This could not have happened without him and PHRC. ... It took a long time (1 year/10 months), but that doesn’t matter. PHRC found cause to believe the law had been violated, and (the investigator) worked out a fair settlement ... (my client) has been given back his dignity. On behalf of my client, I want to thank (the investigator) for a job well done. //

Attorney A, on behalf of her client, a person with a disability who was discharged

// The (PHRC investigator) conducted the investigation of this matter in a thorough, professional and unbiased manner. She was thoughtful and careful to be certain that the complainant was at all times treated with dignity, respect and was provided with a full opportunity to make his claim. As the representative of the employer, I applaud her efforts at assuring (the complainant) that his complaint was being given her full attention. Likewise, I appreciated (the

investigator’s) candor in the course of the investigation and, particularly, am grateful for the unprecedented speed with which her determination was issued. //

A western Pennsylvania attorney for the respondent

// I do not know how to begin to express my gratitude. Let me begin by saying thank you so much for being you and for not being prejudiced in your investigation. You showed so much professionalism and you also managed to stay neutral concerning not just me but with (my employer) as well. //

A complainant from southeastern Pennsylvania

// I found (the PHRC investigator) be professional, responsive and knowledgeable of the law relative to the claims made. This matter was resolved by the parties after a significant amount of difficulty which was occasioned by the complainant’s having reneged on two settlement agreements. ... The (PHRC investigator) was helpful in assisting the parties to bring this matter to a global resolution. //

A western Pennsylvania attorney for the respondent

// It is my pleasure to take this opportunity to compliment and express my appreciation to Mr. (PHRC investigator) who was assigned to my case. (He) was extremely helpful and informative concerning each step of the process. He was timely in contacting me, even after his normal work hours, due to my schedule. His explanations were always clear and complete. He always displayed great patience with my questions, thoughts and overall selfish and one-sided approach to the issues. He was supportive, compassionate and understanding while always being a professional. It was clear that his attempts were to assist both parties to arrive at a settlement that was fair and reasonable. I felt that he was always up front and honest in his communications with me and he always treated me with much respect. I am grateful for his efforts in assisting me through this process. He is truly an asset to the Commission and to claimants, like myself, who are very naive to these circumstances. //

A complainant from central Pennsylvania

// I will use this opportunity to commend (PHRC investigator) for the thoroughly professional and experienced method with which she handled every phase of this case. //

An attorney from central Pennsylvania

The PA Human Relations Commission (PHRC) is required to enforce two Pennsylvania laws (Pennsylvania 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. 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, 2003 to June 30, 2004.



Fiscal year 2003-2004 represents the second full year of implementation of PHRC's computerized case management system. CMS is the computerized case management, processing and tracking system that is utilized to investigate complaints of discrimination. CMS provides the capability to more closely monitor all aspects of the case investigation and to provide reports to management to assist in programmatic decision-making. PHRC, in the short timeframe of CMS use by staff, has seen the following benefits: an increase in the number of probable cause findings, a reduction in the age of PHRC's caseload, better monitoring capabilities of the benefits secured for the citizens of Pennsylvania, reduction in the time it takes to file a complaint with PHRC and referrals and tracking of non-jurisdictional inquiries received by staff that enable PHRC to improve customer service. PHRC is extremely proud of CMS, nevertheless, staff continue to explore and implement enhancements to the system that improve its efficiency as a tool that enables PHRC to meet its legislative mandate and provide improved customer service.

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.

INQUIRIES					
July 1, 2003 - June 30, 2004					
Type	Pittsburgh	Harrisburg	Philadelphia	Central	Total
In Office	196	947	2,116	0	3,259
Mail	1,192	1,653	2,059	41	4,945
Other	928	1,143	967	61	3,099
Telephone	11,456	9,853	7,125	275	28,709
Total	13,772	13,596	12,267	377	40,012

Cases vs. Counts

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 (*ie. discharge, failure to promote, etc.*) and one protected class (*ie. race, religion, disability, etc.*). 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 adds to the complexity of the case investigation as each individual count must be investigated. Complex cases require a large volume of staff time and extraordinary resources to complete.

For example, a woman alleges she was sexually harassed and then terminated because of her gender (female) and age (47). In order to conduct a thorough investigation, each individual allegation or count must be investigated.



This means the Commission’s investigator must examine both counts. S/he must examine the issue of sexual harassment and whether the age of the woman played a factor in her discharge. The woman may not be able to substantiate an age-based discharge, but evidence may exist to support her claim of sexual harassment. Either way, both elements in this one case must be investigated, documented and analyzed in order to complete the investigation to determine if one – or both – counts have value in the case.

Cases and Counts by Jurisdiction										
July 1, 2003 - June 30, 2004										
Jurisdiction	Pittsburgh		Harrisburg		Philadelphia		Central		Total	
	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts
Commercial Property	2	4	4	6	1	1	0	0	7	11
Education	6	9	14	25	19	29	0	0	39	63
Employment	809	1,258	1,591	3,518	1,528	2,497	4	12	3,932	7,285
Housing	110	162	89	104	123	190	0	0	322	456
Public Accommodation	53	71	61	83	59	63	0	0	173	217
Total	980	1,504	1,759	3,736	1,730	2,780	4	12	4,473	8,032

Lukus Filings

On an annual basis, the Commission maintains a federal government contract with the federal Equal Employment Opportunity Commission (EEOC). Each fiscal year, the Commission must process and track all paperwork on the cases where EEOC is conducting the active investigation, but the Commission has a supporting role. These types of cases are referred to as Lukus cases. PHRC does not investigate the complaint, however, staff time is required to oversee these complaints. PHRC must reserve the right to docket, serve and require an answer if necessary. This chart details the Commission’s Lukus complaints that were processed and monitored during the fiscal year.

Lukus Activity	
July 1, 2003 - June 30, 2004	
Activity	Total
Filings	2,163
Closings	1,722
Total	3,885

Protected Class Types in Alleged Complaints

With the improved reporting capabilities that CMS has, the Commission is able to provide many more details about the types of allegations that are made in the individual complaints PHRC receives during the fiscal year. Because of the many areas of jurisdiction that PHRC has, the volume of statistics is also large as well. To review the detailed protected class statistics for fiscal year 2003-2004, they are located on pages 32 to 40 of this annual report.

Protected Class of Alleged Complaints by Jurisdiction						
July 1, 2003 - June 30, 2004						
Jurisdiction	Protected Class	Pittsburgh	Harrisburg	Philadelphia	Central	Total
Commercial Property	Disability - Has	2				2
	Disability - Record of	2				2
	Disability - Related to		2			2
	Race		1	1		2
	Retaliation		2			2
	Sex		1			1
Education	Ancestry		1			1
	Disability - Has	2	9	2		13
	National Origin	1	1	2		4
	Race	2	3	12		17
	Religious Creed			2		2
	Retaliation	1		7		8
	Sex		1			1
Employment	Age	294	428	297	2	1,021
	Ancestry	1	107	67		175
	Color		9	1		10
	Disability - Has	112	361	228		701
	Disability - Record of	1	24	20		45
	Disability - Regarded as	23	38	32		93
	Disability - Related to	3	10	13		26
	Disability - Related to, Record of		2			2
	Disability - Related to, Regarded as		1			1
	GED	2				2
	Multiple Class	7				7
	National Origin	13	67	77		157
	Other		1			1
	Race	197	420	530	2	1,149
	Religious Creed	10	30	57		97
	Retaliation	127	301	352	2	782
	Sex	226	488	447	2	1,163
Use of Guide/Support Animal			1		1	
Housing	Age	1	2	6		9
	Ancestry		18			18
	Disability - Has	33	19	26		78
	Disability - Record of	2	10	4		16
	Disability - Regarded as	2	2			4
	Disability - Related to	1		2		3
	Disability - Related to, Record of	1				1
	Familial Status	11	3	6		20

Protected Class of Alleged Complaints by Jurisdiction						
July 1, 2003 - June 30, 2004						
Jurisdiction	Protected Class	Pittsburgh	Harrisburg	Philadelphia	Central	Total
Housing	National Origin	6		10		16
	Race	49	27	81		157
	Religious Creed	2	3	6		11
	Retaliation	5	7	7		19
	Sex	7	5	10		22
	Use of Guide/Support Animal			5		5
Public Accommodation	Ancestry		4	3		7
	Disability - Has	12	15	12		39
	Disability - Related to			1		1
	National Origin	2	5	2		9
	Race	39	28	29		96
	Religious Creed	1	3	8		12
	Retaliation	4	4	5		13
	Sex	4	8	4		16
	Use of Guide/Support Animal		2			2

Sexual Harassment Complaints

Since 1991, increased public attention is paid to sexual harassment. While previous years showed an increase in the number of cases filed, this fiscal year marks a noticeable decrease. This year's cases of 223 is 108 fewer cases than last fiscal year's 331 case total.

Sexual Harassment Complaints Docketed			
July 1, 2003 - June 30, 2004			
County	Total	County	Total
Philadelphia	32	Luzerne	7
Allegheny	16	Berks, Bucks, Lackawanna, York	24 (6 each)
Chester	15	Butler, Lebanon, Westmoreland	12 (4 each)
Dauphin, Lehigh	26 (13 each)	Cambria, Monroe	6 (3 each)
Cumberland, Montgomery	24 (12 each)	Blair, Lawrence, Lycoming, McKean, Pike, Schuylkill, Venango	14 (2 each)
Lancaster	9	Bedford, Bradford, Columbia, Crawford, Franklin, Huntingdon, Jefferson, Mercer, Montour, Perry, Snyder, Sullivan,	14 (1 each)
Delaware, Erie, Northampton	24 (8 each)	TOTAL	223

Cases Docketed by County

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

Docketed Cases by County						
July 1, 2003 - June 30, 2004						
County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Adams	22	1				23
Allegheny	383	58	1	35	4	481
Armstrong	3					3
Beaver	19	4		1		24
Bedford	2					2
Berks	140	4		2	1	147
Blair	35	2		1		38
Bradford	5			2		7
Bucks	143	9		6		158
Butler	13	1				14
Cambria	24	2		2		28
Carbon	2					2
Centre	25				2	27
Chester	118	7		2	1	128
Clarion	6					6
Clearfield	12					12
Clinton	3	1		1	1	6
Columbia	18	2			1	21
Crawford	4	1				5
Cumberland	131	6		2	1	140
Dauphin	313	17	1	13	3	347
Delaware	174	13		6	4	197
Elk	7					7
Erie	72	8		5	1	86
Fayette	11	4				15
Franklin	31	4		8		43
Fulton	2					2
Greene	1	1		1		3
Huntingdon	9			1		10
Indiana	10	2		1	1	14
Jefferson	4	4		1		9
Juniata	2					2
Lackawanna	55	3		1	2	61
Lancaster	152	4		6		162
Lawrence	14	1				15
Lebanon	29	2		1		32
Lehigh	77	4				81
Luzerne	98	10		3		111

Docketed Cases by County						
July 1, 2003 - June 30, 2004						
County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Lycoming	43	3		3	1	50
McKean	9					9
Mercer	21	3				24
Mifflin	11	3				14
Monroe	35	3		1	1	40
Montgomery	334	27		5		366
Montour	8					8
Northampton	41			2		43
Northumberland	22	5		1		28
Perry	2					2
Philadelphia	683	38	1	38	14	774
Pike	15	3		1		19
Potter	1					1
Schuylkill	38					38
Snyder	13					13
Somerset	6					6
Sullivan	2					2
Susquehanna	1					1
Tioga	5			1		6
Union	8	1				9
Venango	9					9
Warren	139					139
Washington	22	2		2		26
Wayne	9	1				10
Westmoreland	41	14		7		62
Wyoming	1	1				2
York	116	6	3	7	1	133
Out-of-State*	128	37	1	4		170
Total**	3,932	322	7	173	39	4,473

*Indicate respondents with parent company/address outside of Pennsylvania
 **If a county is not listed no cases were reported for the fiscal year.

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 complainant and respondent. The case can be closed as no cause, which 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, because the complainant withdraws his/her allegations or opts to go into state or federal court. Cases are also closed after a decision is reached after a public hearing.

Case Closures by Jurisdiction and Type						
July 1, 2003 - June 30, 2004						
Closure Type	Jurisdiction	Pittsburgh	Harrisburg	Philadelphia	Central	Total
Settled After a Probable Cause Finding	Employment	2	11	46	1	60
	Housing	10	13	8	0	31
	Public Accommodation	1	4	3	1	9
SUB-TOTAL		13	28	57	2	100
Settled Before a Probable Cause Finding	Commercial Property	0	0	1	0	1
	Education	2	4	6	1	13
	Employment	252	485	505	13	1,255
	Housing	51	18	57	0	126
Public Accommodation		13	24	26	1	64
	SUB-TOTAL		318	531	595	15
Administrative	Education	0	8	2	0	10
	Employment	200	313	300	13	826
	Housing	6	6	21	0	33
	Public Accommodation	28	16	20	0	64
SUB-TOTAL		234	343	343	13	933
No Probable Cause	Commercial Property	0	0	1	0	1
	Education	4	7	10	0	21
	Employment	659	996	639	19	2,313
	Housing	41	43	52	0	136
Public Accommodation		33	22	22	0	77
	SUB-TOTAL		737	1,068	724	19
TOTAL CASE CLOSURES		1,302	1,970	1,719	49	5,040

Case Age

Through the use of CMS, staff has seen a reduction in the time it takes to file a complaint with PHRC as well as a reduction in the age of PHRC's overall caseload. The following statistics show the age of cases closed during the fiscal year and include the time period from when the complaint was docketed to the final resolution of the complaint.

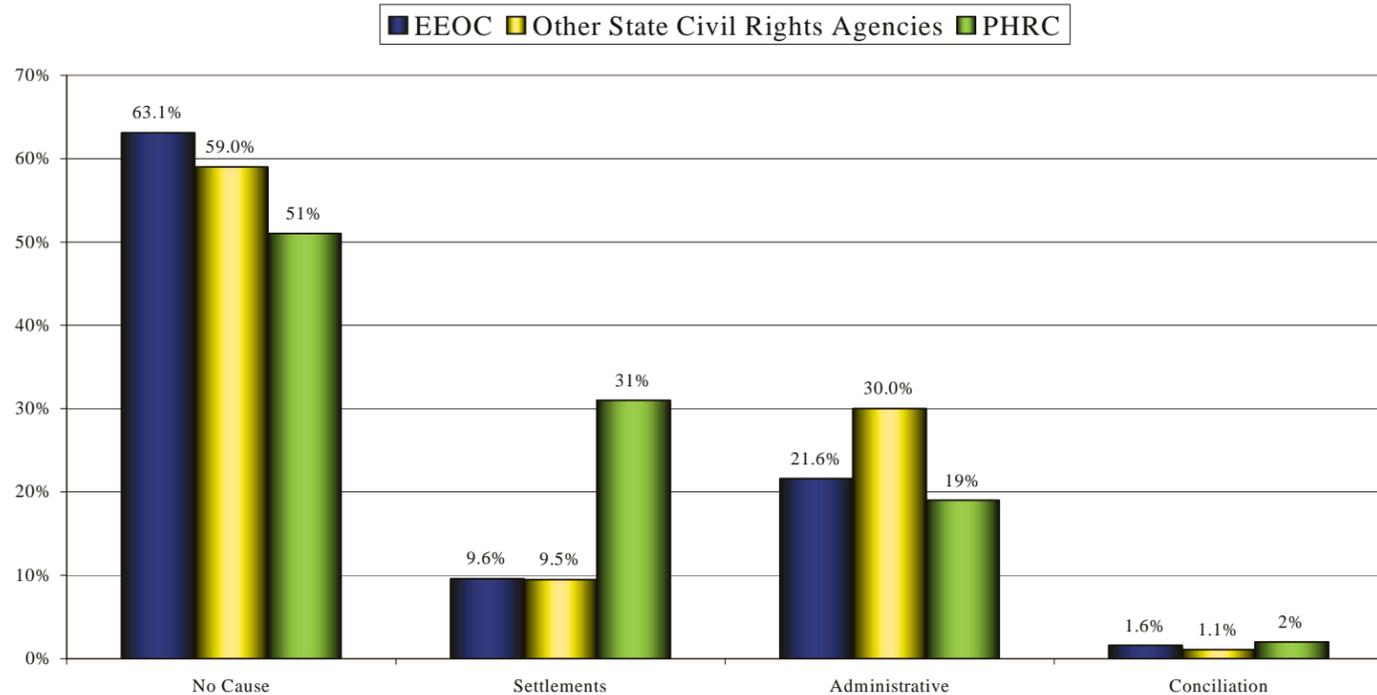
Age of Cases Closed from the Beginning of a Complaint to Final Resolution			
July 1, 2003 - June 30, 2004			
Time Period	Cases Closed	Percentage of Total	Cumulative Percentage
0 to 90 days (3 months)	362	7	7
91 to 182 days (4-6 months)	1,067	21	28
183 to 365 days (6 months to 1 year)	1,045	21	49
366 to 730 days (2 years)	1,176	23	72
731 to 1,096 days (3 years)	636	13	85
1,097 days to ??? (4 years+)	754	15	100
Total	5,040	100	

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 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). 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 31 percent.

Total Monetary and Non-Monetary Impact			
July 1, 2003 - June 30, 2004			
Office	Type	Amount	People Benefitted
Pittsburgh	Monetary	\$1,850,729.38	1,432
	Non-Monetary	\$14,298.51	6,043
Harrisburg	Monetary	\$3,827,623.52	6,098
	Non-Monetary	\$515,523.65	10,540
Philadelphia	Monetary	\$4,282,407.07	20,296
	Non-Monetary	\$2,000.00	50,324
Central	Monetary	\$60,272.25	17
	Non-Monetary	\$250,000.00	3,004
Total	Monetary	\$10,021,032.22	27,843
	Non-Monetary	\$781,822.16	69,911
Grand Total		\$10,802,854.38	97,754



Outreach and Initiatives

The Commission placed a high priority on community outreach by providing training, technical assistance and various informational materials. Outreach and assistance was provided in housing/commercial property, employment, education and intergroup relations within communities.

The Commission’s website continued to be an immediate link to all publications, final orders and other informational materials available to the general public. The average number of hits per month for the website was 337,156.

Education and Community Services

Informational Outreach, Training and Technical Assistance

The Division of Education and Community Services continues 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 the Commission’s four offices conducted 86 presentations, interviews and training sessions, an increase of 34% from the previous fiscal year. These outreach activities reached a total of 6,755 Pennsylvanians directly, and thousands more through media exposure.

The 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. Other topics most frequently addressed included responding to demographic change, diversity and cultural competency, maintaining unbiased and harassment-free work and educational environments, police/community relations and equal educational opportunity.

www.phrc.state.pa.us
 averaged 337,156 hits
 per month in
 Fiscal Year 2003-2004

A luncheon presentation conducted for approximately 50 members of the Hanover Area Human Resources Association on “Creating and Maintaining a Bias-Free Workplace” was made by staff. Other significant training activities included sexual harassment training for the network of “Sexual Harassment Resource People” on The Pennsylvania State University’s many campuses, a presentation at the First Annual PA Women Firefighters Conference, and an overview of civil rights, discrimination and hate crimes legislation and policy for the

Pennsylvania Women’s Legislative Exchange.

PHRC provided technical assistance and support to local human relations commissions. Two full-day training sessions were organized and conducted for local commissions in Allentown and Scranton.

Six active PHRC Advisory Councils continue to function as the “eyes and ears” for the Commission in a number of local communities. Education and Community Services Supervisors in PHRC’s Harrisburg and Philadelphia Regional Offices support these councils in their local work.

Civil Tension Prevention and Response

PA Inter-Agency Task Force on Civil Tension

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 12 meetings of the Tension Task Force. In order



to strengthen relationships among key member agencies, the hosting of monthly meetings continues to be shared among agencies, including the PA Office of Attorney General, the PA Department of Education; PA State Police; and the Governor's Commissions on Latino Affairs and African-American Affairs.

SPIRIT School Intervention

A major initiative of the Tension Task Force for the year was to jointly implement numerous "SPIRIT" programs 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 an intensive, two-day process in which students identify problems and fashion potential, realistic solutions. A student advisory group is formed to work with school administrators to implement some of the solutions proposed by the students.

These student advisory groups receive ongoing support from participating Tension Task Force agencies and from local community members.

SPIRIT was conducted in the following nine schools during the 2003-2004 fiscal year:

1. North High School, East Stroudsburg (Monroe County)
2. South High School, East Stroudsburg (Monroe County)
3. Lehmen Intermediate School, East Stroudsburg (Monroe County)
4. McKeesport High School, McKeesport (Allegheny County)
5. Lower Dauphin High School, Hummelstown (Dauphin County)
6. Central Dauphin East High School, Harrisburg area (Dauphin County)
7. Fleetwood High School, Fleetwood (Berks County)
8. GAR High School, Wilkes-Barre (Luzerne County)
9. William Penn High School, York (York County)

Division staff provided extensive leadership, coordination, planning, logistical and implementation support for these SPIRIT programs. The Commission also convened a number of follow-up meetings to revisit these schools and support the institutionalization of student involvement and input to school problem solving.

Given the expansion of the SPIRIT program over the past year, PHRC staff provided leadership for a full-day, comprehensive evaluation and planning session for the SPIRIT program, involving agency leaders, SPIRIT group facilitators, and local community advocates from throughout the state.

A beneficial by-product of 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 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 address emerging challenges in those school districts and communities.

Training for Criminal Law Enforcement Personnel

In December of 2002, the definition of the Ethnic Intimidation offense in the

Pennsylvania Crime Code (PA's "Hate Crime" offense) changed. The offense now applies to criminal offenders who perpetrate certain crimes with malicious intention toward their victims' "actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity."

PHRC and the Tension Task Force immediately identified a need for training for law enforcement personnel on these changes. A "Law Enforcement Training Work Group" was formed by the Tension Task Force. This work group held several planning sessions and designed and implemented a first, full-day regional training symposium, held on April 28, 2004 in Conshohocken.

The symposium focused on the implications of the changes to the definition of Ethnic Intimidation in the PA Crimes Code. Approximately 85 participants attended. Persons responsible for law enforcement training for State and Municipal Police were present to witness the value of such training. The Conshohocken session was a catalyst for a number of local trainings that followed, and plans are being made to replicate the Conshohocken session in several other regions of Pennsylvania.

PHRC developed and printed a new informational resource for its debut distribution at the

Conshohocken training symposium. It is a pocket guide titled "Police Response to Hate Crimes in Pennsylvania" modeled after a similar resource produced by the International Association of Chiefs of Police, but with specific reference to Pennsylvania law.

Also in the area of criminal law enforcement training, PHRC's Education and Community Services staff both in the Central Office and the Philadelphia Regional Office conducted two "Diversity and Effective Law Enforcement" training events for PA Capitol Police officers assigned to the state office buildings in Philadelphia and in Scranton. A law enforcement-training specialist from the U.S. Department of Justice's Community Relations Service assisted in providing this training.

Support for Local Task Forces

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 continuing development of a Western PA Task Force. A York County Task Force on Civil Tension has grown and strengthened, and the Reading/Berks Conflict Resolution Task Force remains active. Technical assistance was given to the Reading-Berks Conflict Resolution

Task Force as they seek a new host organization to convene the group and attend to meeting logistics.

Technical Assistance and Coordinating Response to Bias-Related Incidents

PHRC's Education and Community Services Division piloted concepts for new, comprehensive initiatives in Monroe and Clinton counties in response to rapid demographic change and the intergroup dynamics in schools and communities that this kind of rapid change has fostered. These experimental initiatives involve multiple field visits, facilitation of local strategic planning processes, numerous technical assistance efforts, and ongoing follow through aimed at expanding local community capacity to address related challenges.

Bias-Related Incidents

Education and Community Services Division staff monitored and coordinated response to many incidents reported to the PA Inter-Agency Task Force on Civil Tension.

In response to the March 2003 picketing by Westboro Baptist Church in the Harrisburg and Lebanon areas, PHRC staff facilitated planning meetings for church leaders and law

enforcement personnel to coordinate response activity.

PHRC responded jointly with the PA State Police's Heritage Affairs Officer and a Civil Rights Enforcement Investigator of the PA Office of Attorney General to racial tensions in a high school in Franklin County following physical violence there. Meetings were held with the superintendent, principal, local police chief, and PA State Police investigators. An in-service training session was designed and presented for all

staff, teachers and administrators within weeks of the incident.

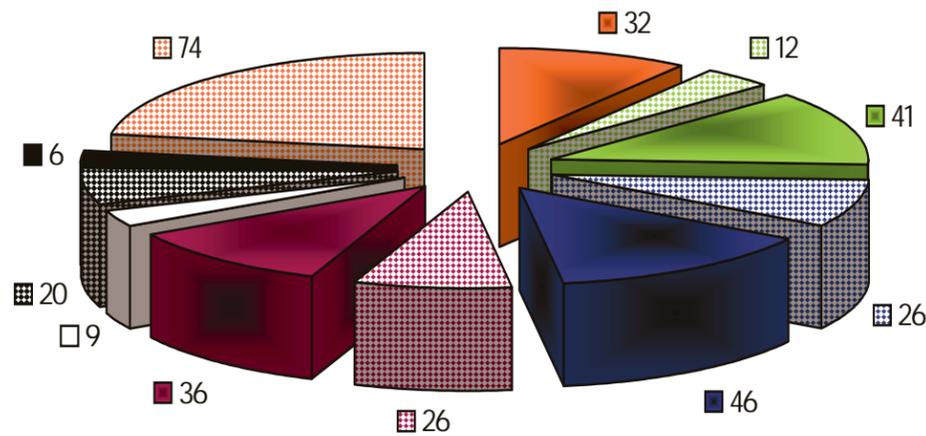
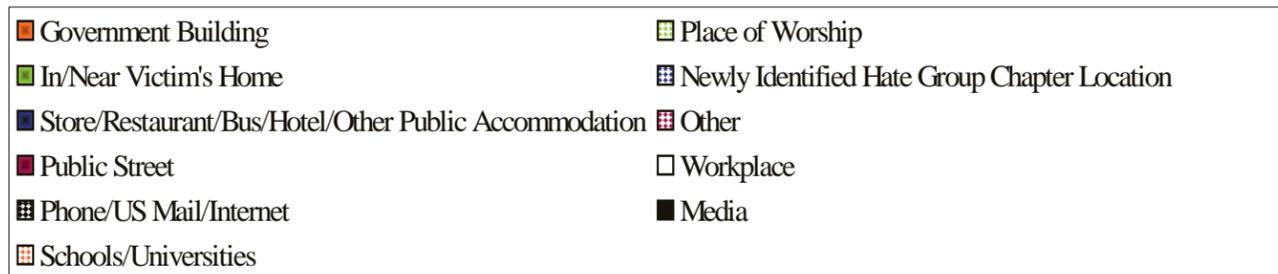
Developmental Activities

PHRC staff invested time and resources in activities for the development and expansion of capacity for the civil tension prevention and response work. An Education and Community Services staff member attended the "National Institute on Hate Crimes and Terrorism" in January of 2004. This staff member is now working collaboratively with the Pennsylvania delegation that

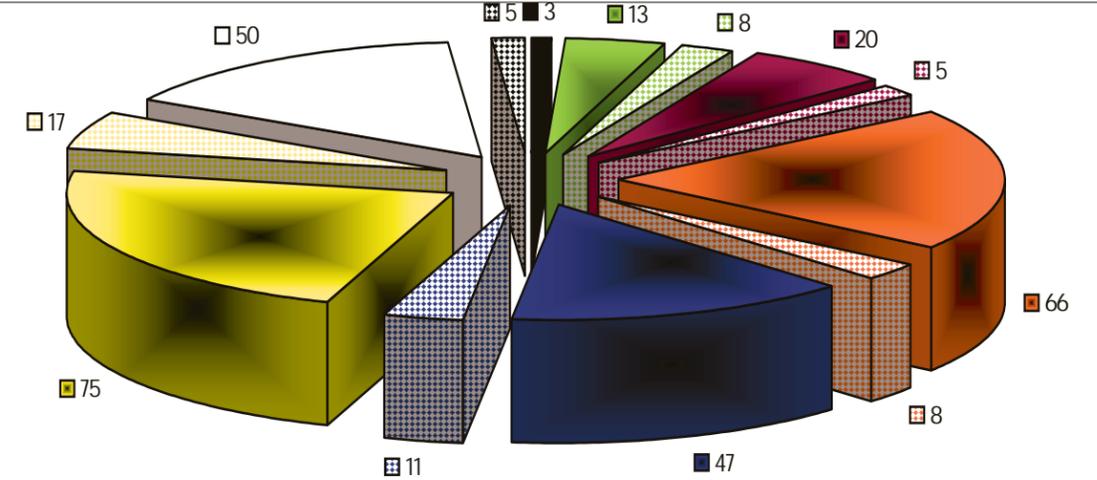
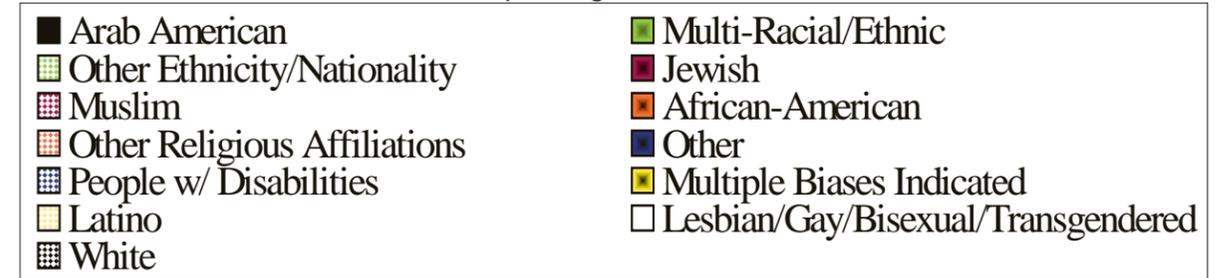
attended the institute in order to develop an action plan focusing on youth participation in hate crimes in Pennsylvania.

PHRC also initiated some strategic planning dialogue among key member agencies of the PA Inter-Agency Task Force on Civil Tension concerning the future structure, functions and priority activities of the Task Force.

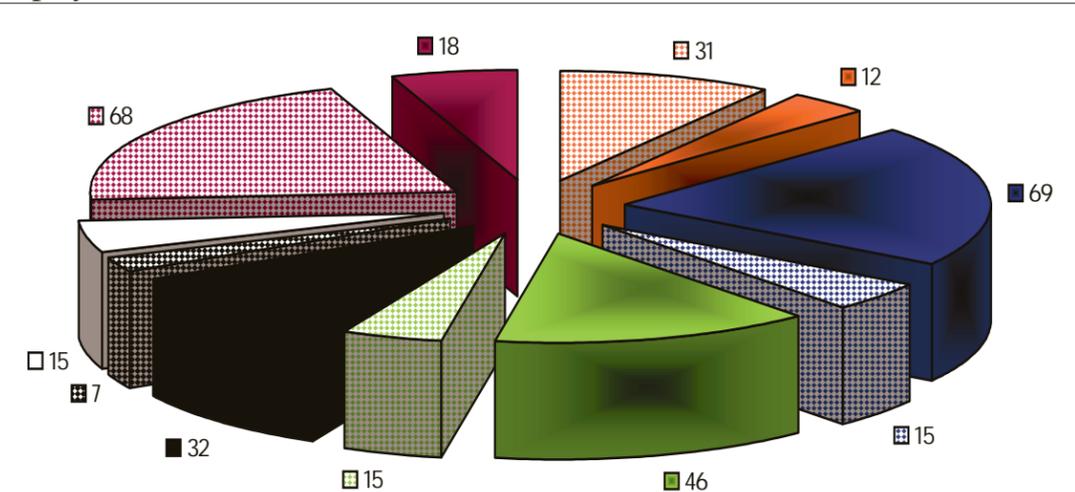
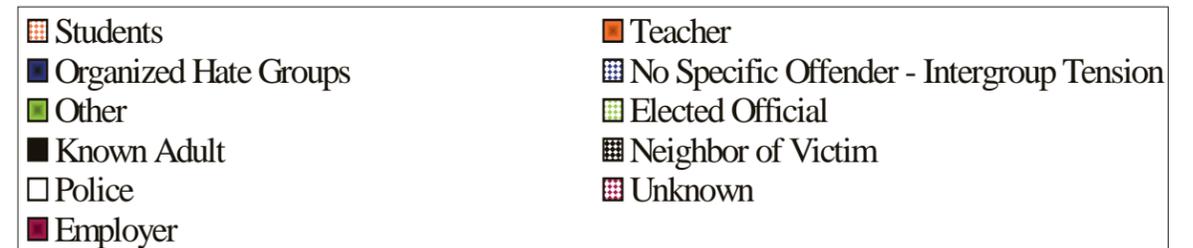
Location of Bias-Related Incidents



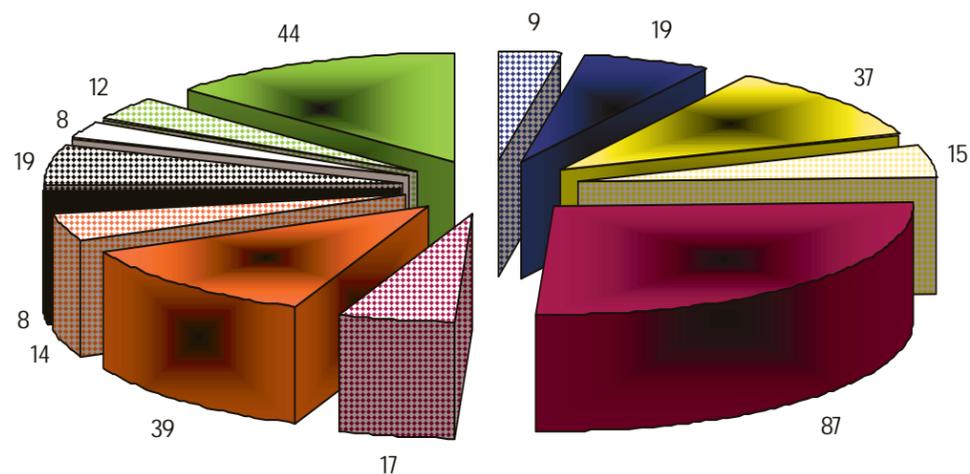
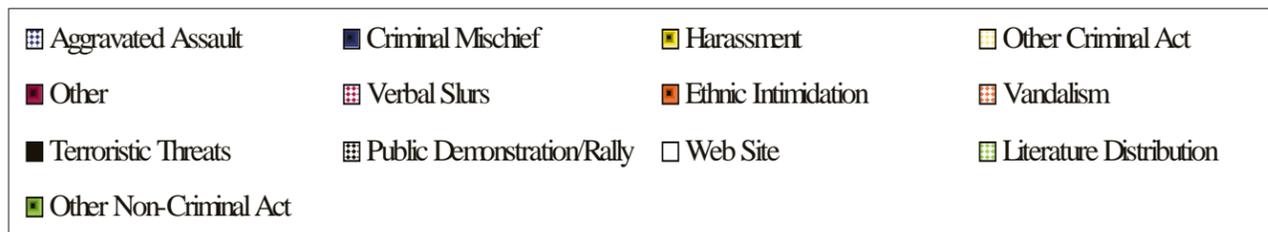
Characteristics of People Targeted in Bias-Related Incidents



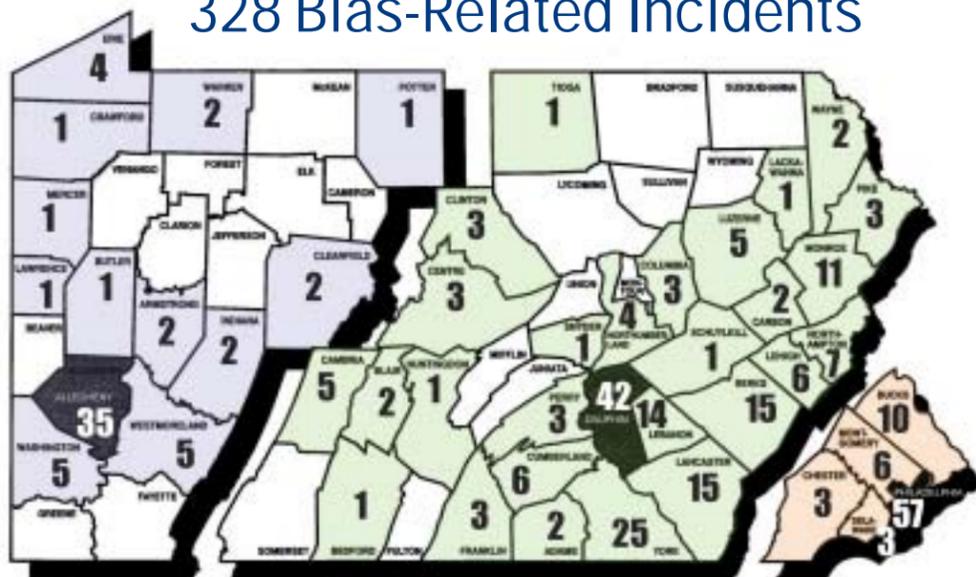
Identity of Alleged Offenders in Bias-Related Incidents



Type of Offense/Situation in Bias-Related Incidents



328 Bias-Related Incidents



Equal Educational Opportunity

Basic Education Policy Developments

The Basic 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. Inequities that have been of long-standing concern to PHRC are now receiving attention as disaggregated test score data is routinely reported, and as Adequate Yearly

Progress (AYP) thresholds are becoming more difficult to attain.

PHRC’s Education and Community Services staff have monitored developments in education policy more closely over this past year. The Commission regularly attends meetings of the PA State Board of Education and perform policy analysis on emerging issues related to PHRC’s areas of jurisdiction. Completed policy analysis is provided to PHRC’s Commissioners. In particular, PHRC is monitoring the implementation of the State Board of Education’s “Pennsylvania’s First Achievement Gap Effort” (PAGE1) initiative which is attempting to address “achievement gap” disparities in 16 pilot schools throughout the Commonwealth.

Education Discrimination Compliance Activities

PHRC’s Central Office Education and Community Services Division staff participated in the “Triage Project,” an effort to resolve some of the oldest compliance cases in the agency’s inventory. The Division was assigned 32 cases that involved allegations of unlawful discrimination in educational settings. Twenty-three of these cases were brought to resolution and case closure.

Other Basic Education Activity

The 50th anniversary of the landmark *Brown vs. Board* decision of the U. S. Supreme Court brought numerous requests for PHRC’s historical files on school desegregation and numerous requests for media interviews and public speaking.

PHRC’s Education and Community Services Division staff continue to produce “Equal Educational Opportunity Profiles” on request, including statistical charts that monitor trends over time at the school district level with respect to various equal educational opportunity indicators.

This task has been facilitated by the increasing availability of PA Department of Education data via the Internet, including PSSA reading, math and writing test score data. This data is now readily available in a form that is disaggregated by race/ethnicity, limited English proficiency status, and special education status.

Division staff has provided numerous in-service training sessions for instructional staff in many school districts, as well as presenting at several conferences for educational professionals. In-

service training as provided for administrators and Student Assistance Program (SAP) staff of the Boyertown School District, Berks County. Training was provided at Benton School District for K-12 teachers and counselors. James Buchanan High School in Mercersburg, Franklin County, received in-service training for teachers and administrators following an incident that increased intergroup tensions in the school.

PHRC staff moderated a high profile, keynote panel discussion on “Bullying Prevention” at the Annual Conference of the Center for Schools and Communities and strengthened working relationships with staff members of that same organization’s “Center for Safe Schools.”

Staff also presented at the annual conference of the PA Pupil Transportation Association on issues relating to harassment, intergroup tensions and bullying on school buses. We also presented a workshop at the statewide Alternative / Corrections Education Conference, spoke at two workshops at the annual Student Assistance Programs Conference, and assisted in the planning for and provided the keynote at the Columbia County School Diversity Conference.

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). Division of Education and Community Services staff attended MAEC's regional conference in Washington, D.C. in March of 2004 in order to stay well informed concerning educational equity resources and expertise that can be made available to Pennsylvania's schools. PHRC staff also regularly attended meetings of Pennsylvania's network of Limited English Proficiency practitioners that is periodically convened by the PA Department of Education.

PHRC staff met with legal and other staff of the Pennsylvania School Boards Association to strengthen relationships and to specifically address policy and other issues relating to race-based harassment and intergroup tension on school buses; student codes of conduct; gay/straight alliance organizations and student unity groups in schools; achievement gap issues; and issues related to students with disabilities.

Education and Community Services staff developed a School Environment Resource and Idea List that will be continuously expanded and from which PHRC will pull ideas for schools that need assistance on creating an unbiased school climate.

Equal Opportunity in Higher Education

Several staff members attended the Annual Conference of the PA Black Conference on Higher Education, which was held in Philadelphia in February of 2004. This continues to be a valuable network of equal educational opportunity contacts in higher education.

The Director of Education and Community Services is an active participant in a series of meetings convened by State Representative James Roebuck, in response to recommendations made in House Resolution 139 regarding intergroup relations in higher education.

PHRC Regional Office Activity in Education and Community Services

Each of PHRC's three regional offices remains active with respect to the agenda for the Education and Community Services.

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, working collaboratively with many agencies on addressing factors relating to establishing a safe, respectful learning environment within schools. There is broad participation involving many governmental and non-

governmental agencies and organizations. The Pittsburgh Regional Office also continues to maintain a strong position of leadership with respect to law enforcement and community relations in Western Pennsylvania.

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. The Harrisburg Regional Office also supports the work of five local PHRC Advisory Councils in its region.

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. The Advisory Council has also built strong relationships with law enforcement leadership throughout the county, and has worked jointly with law enforcement to produce two excellent booklet resources, "Rules for the Road" and "What to Do When Stopped by the Police."

HOUSING AND COMMERCIAL PROPERTY

For a division that deals primarily with "concrete" issues, the Housing and Commercial Property Division (HCPD) was directly involved in a number of key social issues during fiscal year 2003-2004.

Interfaith Dialogue

What does a state agency do when a large number of religious-based housing discrimination and tension issues are growing within a community?

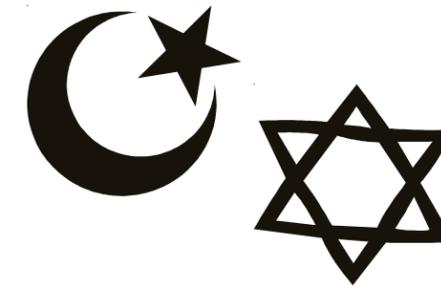
The answer: PHRC provides \$2,000 in federal grant money to fund a faith-based outreach program in Pittsburgh to promote a dialogue between Jews and Muslims because of several housing cases involving this particular issue. This grant was partnership funds received from the U.S. Department of Housing and Urban Development (HUD) to further community outreach efforts in line with the Commission's mission of improving human relations.

What happened next goes down in the history books.

The American Jewish Committee proposed an evening dialogue entitled *Towards Interfaith Understanding: A Journey Through Dialogue* between the Jewish and Muslim communities in the Pittsburgh area, but funding for the event was not readily available. The American Jewish Committee

worked with Commission staff in Pittsburgh to secure the HUD-PHRC funding to make the event happen.

The dialogue, held in Pittsburgh on October 23, featured interaction between Dr. Judea Pearl, father of Daniel Pearl, the Wall St. Journal Reporter killed by El Qaida in Pakistan, and Akbar Ahmed, Ibn Khaldun Chair of Islamic Studies and professor of international relations at American University was held. Despite the event being held in Pennsylvania, the effects were felt worldwide.



Representatives of the Pakistani government came to Pittsburgh and offered the first official condolence to Judea Pearl on the murder of his son, Daniel.

Immediately after the event was held, it received a significant amount of publicity from all faith communities in Pittsburgh and the local media. Akbar Ahmed wrote an article entitled *Dialogue with Danny* for the Religion News Service, which ran in many periodicals across the country. It was also printed in *The Arab News*, the largest circulation English language newspaper in the Middle East.

A reporter for the American University newspaper wrote a story, which was picked up by the English language newspaper of Pakistan and the *Southeast Asia Tribune*. These stories have circulated nationally through Muslim community electronic list-serves.

The program was also filmed by Auteur Productions and will be included in a documentary they are preparing for public television called *Three Faiths, One God: Islam, Christianity and Judaism*. During another event held in Philadelphia, the dialogue was filmed by PBS and was aired during the following weeks. Additional sessions have been held elsewhere in the United States and Great Britain, where it has received international press coverage.

Predatory Lending

During the summer of 2003, a three-member Commissioner Hearing Panel needed three days to conduct a public hearing in a case of first impression: predatory lending.

The public hearing focused on two consolidated complaints filed by two African American women against a licensed mortgage broker and his company. The women alleged that the mortgage broker targeted them for predatory loans because of their race, African American and/or racial composition of their neighborhood, African

American in violation of the PA Human Relations Act.

Both women filed their complaints on behalf of themselves along with eight other homeowners and all other similarly situated persons. As a result, the case was investigated and pursued on a class-action basis.

Predatory lending has been identified as 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.

In short, a predatory loan is described as any loan where the borrower's expenses cannot be justified on the basis of the lender's risk and cost.

The Commission pursued the case under a legal theory of reverse redlining. In contrast to redlining, which is the practice of denying the extension of credit to specific geographic

areas due to the race of its residents, reverse redlining is the practice of extending credit on unfair terms to those same communities. Courts have held that reverse redlining is a violation of the federal Fair Housing Act.

The final order in the complaints was still pending when the fiscal year came to an end.

Even before the first predatory lending public hearing was held and the decision made, the Commission has been recognized as a leader on the issue of predatory lending. HUD applauded the Commission for using both traditional means and technology in its battle against predatory lenders.

The Commission utilized community groups and specialized predatory lending task forces for locating potential complainants. On the technological side, the Commission developed procedures and specific questions for intake and/or proof guidance in CMS that were specifically aimed at predatory lending.

As a part of its outreach efforts, the Commission continued to circulate its booklet entitled

Predatory Lending: Why You Need to Read the Small Print. This booklet provides an in-depth examination of the characteristics of abusive lending practices.

Accessibility Website

Utilizing HUD grant funds, the Commission began a project by partnering with the Data and Information section of the Penn States School of Information Technology at the Middletown Campus. The project goal is the development of a software program, which would allow any person to answer a series of questions regarding vacant land and/or properties to determine what federal, state or local laws and/or ordinances apply to that property. Based upon the information provided, the software would then be able to determine what accessibility or accommodations are needed because of a disability. The projected roll-out date for the this new initiative is Fair Housing Month or April 2005.

Security

The Commission's Housing and Commercial Property Director also serves as the agency's Security Officer. Soon after completing the agency's Business Recovery Plan as required by the Commonwealth's increased security initiatives, this very plan was put into motion as the



Central Office of the Commission had to relocate its entire operation following a fire and water damage in its office building. During the four-month building recovery process, the Security Officer revised various security measures, coordinated training needs and continued to respond to security issues in each of the four Commission offices.

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

LEGAL

The Pennsylvania Human Relations Commission's Legal Division is the branch of the Commission that provides the attorneys and legal expertise necessary for the Commission to fulfill its duties under the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA). The Legal Division is directly involved in the processing of complaints by providing legal assistance during the investigation of complaints, prosecuting complaints that go to public hearing and to trial before Commonwealth Court (certain housing cases only), arguing cases on appeal and otherwise upholding the Commission's

interests in state and federal courts. The attorneys also are involved in the development and implementation of the materials for the Commission's Case Management System (CMS), drafting of proposed amendments to the PHRA and PFEOA, drafting regulations and guidelines, providing legal advice on the kinds of issues that any employer or agency may face, such as drafting contracts and reviewing purchase orders. Finally, the attorneys responded to requests for information from members of the public and participated in seminars and educational programs for both the legal community and the community at large.

Legal Division attorneys provided the Commission with an analysis of many significant state and federal court decisions, an example of which was the U.S. Supreme Court decision in *Pennsylvania State Police v. Suders*. This case, which included allegations under the PHRA, was the first case in which the Supreme Court expressly ruled that an employer could be held liable, under Title VII of the Civil Rights Act of 1964, the federal law prohibiting unlawful employment

discrimination, for the constructive discharge of an employee who quit due to intolerable sexual harassment.

Significant among the many legal analyses and input provided for proposed legislation that would either amend the PHRA and PFEOA or could have an effect on the Commission's operations was the substantial input on legislation to amend the PHRA and the PFEOA to include sexual orientation as a protected class and to expand the remedies that are available under both acts.

There are many stages in the processing of complaints that involve significant legal action. Legal Division attorneys provided legal support for Commission staff in 34 cases where Rules to Show Cause were issued. The Rules in these cases were all resolved in such a way that no Rule to Show Cause hearings were required during the past fiscal year. Commission attorneys responded to 116 motions to dismiss and 323 requests for reconsideration of a case closing. Of these, 16 were granted and 307 were denied. In addition, the Commission



held one a preliminary hearing to determine whether probable cause existed in the case. Two appeals to the Exceptions Officer under the Pennsylvania Right to Know Law found in favor of maintaining the confidentiality of the records sought.

Legal Division attorneys handled 85 subpoena requests. In 80 of these cases, Commission attorneys were able to secure the information without having to go to court. In the remaining five cases where the respondent did not comply with the subpoena, Commission attorneys filed a subpoena enforcement action in Commonwealth Court. The Legal Division obtained successful results in all of these actions. In addition to handling subpoena requests from investigators, the Legal Division attorneys responded to 604 subpoenas.

In fiscal year 2003-2004, Commission attorneys approved 127 findings of probable cause, returned 73 for additional investigation and denied 76. They were also involved in finalizing 43 consent orders. As for probable cause cases that did not settle, PHRC attorneys participated in a total of 52 pre-hearings and public hearings before the Commission.

The Legal Division represented the Commission in a variety of court proceedings. In

Commonwealth Court, in addition to the six cases pending at the beginning of the fiscal year, 15 more cases were filed. Three cases were appeals from Commission final orders, four were 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), two were collateral actions involving removed housing complaints, one was an action seeking to dismiss an underlying Commission complaint and, finally, there were the five subpoena enforcement actions. Of these 21 cases, nine were resolved and 12 remained on the Commonwealth Court docket as of June 30, 2004.

The Pennsylvania Supreme Court decided *Caernarvon Twnshp. Zoning Hearing Bd. v. PHRC*, affirming the Commonwealth Court's decision dismissing the Township's appeal of the Commission's denial of its motion to dismiss for lack of jurisdiction, thereby affirming the PHRC's authority to make initial determinations of jurisdiction. Further PHRC action before the Pennsylvania Supreme Court involved an appeal from a Commonwealth Court decision, which was still before the Supreme Court at the end of the fiscal year.

The PHRC has been significantly involved in a case involving a local Human Relations ordinance. In furtherance of its support of the right of local governments to adopt ordinances that provide protection against discrimination even beyond that provided by the PHRA, the Commission filed an *amicus curiae* (friend of the court) brief and participated in oral argument in the Court of Common Pleas of Lehigh County in *Hartman, et al. v. City of Allentown*. The Commission argued in support of the legality of Allentown's addition of sexual orientation to its Human Relations ordinance and continues to be involved in the appeal of that case.

Of particular note, the Commission took another step toward resolving its long-standing Philadelphia School District civil rights litigation. This litigation, now in its 33rd year, is intended to ensure that the school children in the School District receive an equal educational opportunity irrespective of their race.

Toward this end, the Commission executed a Memorandum of Understanding with the School District and other parties that was approved by Commonwealth Court on March 18, 2004. In exchange for a series of commitments from the School District regarding the development and initiation of various remedial programs, as well as a commitment from the School District regarding the submission of reports to the Commission and continued Commission monitoring of the ongoing reform initiatives, the Commission agreed to suspend

further enforcement efforts for a period of three years. The Commission retained both the right to reinstate the enforcement action and committed itself to a series of evaluations of the School District's progress in achieving compliance with the PHRA.

Commonwealth Court, in agreeing to stay further enforcement proceedings, and retain jurisdiction over the matter, expressed its thanks to the Commission and other parties regarding the cooperative manner in which all were working in an effort to resolve the matter in a manner that will provide for an equal educational opportunity for all of the children within the School District.

The Commission continued with its innovative efforts in the field of predatory lending. These efforts were recognized by HUD with a special achievement award at its national conference in Washington D.C., which the PHRC hosted on behalf of HUD.

In addition to actively litigating predatory lending cases, the Commission was, and continues to be, an active member of the Reinvestment Fund Predatory Lending Strategy Team, the City of Philadelphia Anti-Predatory Lending Coordinating Committee, and the South Central Assembly Predatory Lending Task Force, all of which emphasize the connection between fair housing and predatory lending.

The Commission also established cooperative relationships with a

number of federal, state, and local agencies and has been repeatedly called upon by advocacy groups and civil rights agencies to lend its expertise through presentations and outreach efforts to combat predatory lending. The Commission's predatory lending initiative has resulted in 80 complaints being filed containing allegations of predatory lending.

Legal Division attorneys have been instrumental in prosecuting these cases and attempting to reach pre-determination resolutions to the complaints. The settlements obtained by the Commission on behalf of the complainants are designed to cure the mortgage loans of their predatory aspects. As a result, such settlements have contained a wide variety of terms, including: refund of fees, lower interest rates, removal of balloon payments and pre-payment penalties, and principal and debt reduction.

Attorneys made 32 public presentations on topics ranging from general state and federal civil rights law, predatory lending, and sexual harassment. Presentations were made to interested groups and organizations such as the Allentown and Reading Human Relations Commissions, the Anti-Predatory Lending Coordinating Committee, Fayette County Court

employees, the Civil Rights Enforcement Agencies of Western Pennsylvania, and various Pennsylvania Bar Institute Continuing Legal Education Seminars. Finally, Legal Division attorneys were involved in training Commission staff and new Commissioners on legal requirements and procedures necessary for the proper performance of their duties.

TECHNOLOGY

The primary objective of Electronic Data Processing (EDP) Systems Administration is to minimize user down time resulting from problems with hardware, software or operations. This was never more called into play than after the fire at Pennsylvania Place.

With power off in the building as a result of the fire, the Central Office server room was out of operation. Still, regional office Internet and Commonwealth email were restored within one business day and access to the Case Management System was restored within three business days.

Before the fire, the development on the Case Management System (CMS) focused on the completion of the enhancements started the previous fiscal year. With limited funding due to budget

constraints, no new work (with one exception) was started. The enhancements, along with document and user training, were released in two phases during the year.

Altogether, the enhancements included: adding secondary databases of addresses, phone numbers, and special service requirements; adding designations for primary contacts; improving links between cases; improving view control and reindexing of document images in the electronic case file; providing the ability to add events across cases; adding the ability to dynamically re-order counts within a case; improving the handling of facts and verifications; and improving various techniques for maneuvering within and between cases. All of the enhancements were developed an ways to improve the accuracy and efficiency in entering and maintaining complaint information.

The requirements and conceptual design for an electronic reference library of documents shared across multiple cases was completed. Final design, testing, and implementation were deferred until the following fiscal year due to limited funding.

One new project was completed with the assistance of federal funding. "CMS Lite" was conceived to meet two needs: provide off-site completion of intake and case analysis information; provide continuity of government services for case management in the event of inaccessibility to centralized operations for extended periods of time. In general, case data can be downloaded into computers not attached to the Commonwealth network. At a later time, completed work can be uploaded into the primary database. A prototype was developed and demonstrated at the Department of Housing and Urban Development conference in June 2004.

Throughout the year, contacts were made with civil rights agencies across the country interested in CMS. Presentations, user manuals, system documentation, and program files were available for agencies who wished to improve their own case management capabilities. Some looked to CMS as a starting point in the own development process while others considered the feasibility of modifying basic CMS functions for their own use.



Change was the operative word again for fiscal year 2003-2004 as two new Commissioners joined the nine sitting Commissioners of the PA Human Relations Commission.

In February 2004, Governor Ed Rendell appointed the Reverend Dr. James Earl Garmon, Sr., as a Commissioner to the Pennsylvania Human Relations Commission. Rev. Garmon has served as the pastor of Trinity Baptist Church in Pittsburgh for the past 24 years. He is an active participant in many religious, community and service-based organizations. Rev. Garmon replaced Joseph J. Borgia of Erie, who had served as a Commissioner since July 1995.

In April 2004, Gov. Rendell appointed J. Wyatt Mondesire to fill the 11th and final Commissioner position on the 11-member panel. Commissioner Mondesire, in association with three partners, publishes the weekly *Philadelphia Sunday SUN*, which is a journalistically aggressive alternative weekly. In conjunction with his publishing operations, Mr. Mondesire is the weekly radio host of a public affairs program broadcast on WDAS/FM as well as a cable television program that is broadcast by Urban Cableworks and Comcast Corp, entitled *Freedomquest*. Mr. Mondesire also

serves as the President of the Philadelphia Chapter of the NAACP, a position he has held since 1997.

The officers for the Commission were: Chairperson Stephen A. Glassman of New Oxford, Adams County; Vice Chairperson Raquel Otero de Yiengst of Sinking Spring, Berks County; Secretary Sylvia A. Waters of Oberlin, Dauphin County; and, Assistant Secretary Dr. Daniel D. Yun of Huntingdon Valley, Montgomery County.

Completing the remainder of the Commissioner panel was: David A. Alexander of Pittsburgh, Allegheny County; M. Joel Bolstein of Philadelphia, Philadelphia County; Theotis W. Braddy of Camp Hill, Cumberland County; Timothy Cuevas of Bethlehem, Northampton County; and Toni Gilhooley of Harrisburg, Dauphin County.

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 sexes; a variety of professional backgrounds; and a demonstrated interest in civil rights.

Commissioners are responsible for representing and enforcing the Pennsylvania Human Relations Act and the Fair Educational Opportunities Act.

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



During 2003-04 the Commission held 52 public hearings and pre-hearing conferences. An additional 37 cases that were approved for public hearing reached settlement prior to the initiation of a public hearing.

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

James Bennett v. Brownsville Area School District, E89538A

Mr. Bennett worked for the School District as a part-time custodian. He was 62 years old when he applied for the full-time custodian position with the School District in 1997 and 63 years old when the full-time positions were filled in August 1998. Despite his application and qualifications for employment, Mr. Bennett was rejected from two full-time positions. The two full-time positions were filled by persons younger than Mr. Bennett.

After a public hearing, the Commission found that the School District unlawfully discriminated against Mr. Bennett because of his age. The Commission ordered the School District to pay Bennett \$54,147.31, which represented back pay commensurate with employees hired on August 3, 1998, minus his interim earnings. The Commission also directed the School District to pay interest of six percent per annum on the back pay award, calculated from

August 3, 1998 until December 31, 1998, interest at the rate of eight percent per annum for the calendar year 2000 and interest at the rate nine percent per annum until April 30, 2002, the date of the public hearing. The Commission also ordered the School District to stop discriminating against persons because of their age.

Stephanie Gates v. The New Corey Creek Apartments, Inc. and Charles Wood, Manager, H8304

Beginning in November 1999, Stephanie Gates, an African American female, along with her daughter and foster daughter, entered into a one year lease for an apartment at the New Corey Creek Apartments, located in Mansfield, Pennsylvania. The New Corey Creek Apartment complex consists of 54 apartments situated in two separate three-story buildings.

Beginning in January 2000, Charles Wood, the on-site manager of the apartments, began to harass Stephanie Gates. The harassment consisted of using racial slurs towards her, members of her family and visitors to Stephanie Gates' apartment, refusing to make needed repairs to her apartment, calling the police and making false reports about Stephanie Gates, and not allowing Stephanie Gates' daughter and her friends to play outside.

Wood's race-based harassment of Stephanie Gates was a major cause in Stephanie Gates moving from the Corey Creek Apartments in September 2000.

On January 27, 2004, the PHRC Ordered Corey Creek to cease and desist from engaging in discriminatory acts such as allowing the harassment of tenants because of their race, failing to make repairs because of the race of a tenant, denying the full privileges of being a tenant because of the race of a tenant, and making false police reports based on the race of a tenant.

The PHRC also awarded Stephanie Gates \$25,000 in damages for the humiliation and embarrassment she suffered, \$500 in out-of-pocket expenses associated with the move from Corey Creek, \$1,013 in costs associated with presenting the case, and \$5,500 in attorney fees.

Additionally, the PHRC imposed civil penalties on both Corey Creek and Wood: \$5,000 against Corey Creek and \$2,500 against Wood and required Corey Creek to prominently post "Fair Housing Practice" notices next to any "for rent" signs and to include the fair housing "Equal Opportunity in Housing" symbol whenever Corey Creek places an ad for an apartment owned by Corey Creek.

Keith and Yvonne Johnson v. Morris and Carol Wilson, H8561

Keith and Yvonne Johnson alleged that Morris and Carol Wilson had threatened them, made false animal reports, interfered with the quiet,

peaceful enjoyment of the Complainants' home, attempted to interfere with the Complainants' fair housing rights, and made many racially derogatory references exhibiting a racial preference. Keith Johnson is an African American and Yvonne Johnson's national origin is Chinese.

Because the Wilsons failed to file an answer to the Johnsons' complaint, the Wilsons were found liable for the discriminatory actions alleged in the Johnsons' complaint.

On or about Easter 2000, the Wilson's son verbally attacked Yvonne Johnson's mother. Later, when Yvonne Johnson attempted to express her concern about the incident to Carol Wilson, Carol Wilson left Yvonne Johnson with the impression that Carol Wilson was not interested in the volatile racial indignity towards Yvonne Johnson's Mother.

The course of conduct that followed was found to be reflective of deeply embedded individual racist tactics designed to ultimately exclude and expel the Johnsons from the neighborhood.

After a public hearing on the limited issue of appropriate damages, the PHRC assessed Morris and Carol Wilson \$25,000 to be paid to Keith Johnson for the embarrassment and humiliation he suffered, \$25,000 to be paid to Yvonne Johnson for the embarrassment and humiliation she suffered, and an additional \$1,104.00 to be paid to the Johnsons to cover the expenses the Johnsons incurred.

The Commission also assessed a civil penalty against the Wilsons in the amount of \$1,500.

Daniel H. Parks v. USF Glen Moore, Inc., E100541A

Mr. Parks worked for USF Glen Moore, Inc., a trucking company, where he was the Director of Safety. When the position of Vice President of Safety opened Parks applied, but the position was awarded to a younger person. Shortly after the announcement that the position had been filled, Parks was terminated.

Parks filed a PHRC complaint alleging that he was denied a promotion and subsequently discharged because of his age. Because USF Glen Moore, Inc. failed to file an answer to Parks' complaint, it was found liable for the discriminatory actions alleged in Parks' complaint.

After the case could not be conciliated, a two-day public hearing on the issue of appropriate damages was held. Parks was awarded out-of-pocket expenses and damages for the alleged failure to promote him. The lost wages for the short period of time between the hiring of someone else for the Vice President position and

Parks' termination totaled \$870.77. Parks' request for damages resulting from his termination were denied because Parks, under oath, had informed the Social Security Administration that he had been totally disabled as of the date of his termination.

Kimberly Guerin v. Rainbow Construction and A-1 Steeplejack, 200163589

Kimberly Guerin filed a PHRC complaint that alleged sexual harassment from November 21, 2001 to December 8, 2001. Additionally, Kimberly Guerin alleged that on December 8, 2001, she was constructively discharged.

Because the Respondents failed to answer Kimberly Guerin's complaint, the Respondents were found liable for the discriminatory actions alleged in Guerin's complaint. When the case could not be conciliated, a public hearing was held on the issue of appropriate damages.

Kimberly Guerin presented evidence seeking lost wages for the period December 8, 2001 to February 1, 2002. The total amount of lost wages she sought was \$4,900. Ms. Guerin



did not seek reinstatement. After the public hearing, the PHRC awarded Ms. Guerin \$4,900 which amount represents the back pay she lost and an additional amount reflective of interest on the lost back pay.

Eugene J. Cobbs v. Southeastern Pennsylvania Transportation Authority (SEPTA), E100377AD

In early 2000, one of SEPTA’s plumbers retired creating an opening. Cobbs and others applied for the opening. While Cobbs had considerable plumbing experience, he was not hired.

Cobbs’ PHRC complaint alleged a refusal to hire because of his race, African American and because of his age. At the public hearing, Cobbs’ age-based allegation was effectively abandoned. Also, after the public hearing, a majority of the PHRC found that although Cobbs had set forth a sufficient prima facie case of race-based discrimination, Cobbs was unable to show that SEPTA’s articulated reason for not hiring Cobbs was a pretext for discrimination.

Ricardo J. Morales v. Treco/Fibematics, 199727687

Mr. Morales was hired as a Sales Associated of Fibematics in 1998. Fibematics is a family owned company that manufactures industrial paper towels used for industrial cleaning. Morales’ PHRC claim was that he was terminated

about five months after he was hired because of his national origin/ancestry, Hispanic, and in retaliation for Morales being named in a purported complaint filed by another Hispanic individual who had worked for Fibematics. Before the public hearing, Morales dropped the portion of his complaint that alleged national origin/ancestry discrimination and the matter proceeded on a retaliation claim only.

A three member Panel of Commissioners heard this case at a Public Hearing and presented their recommendations to the full Commission which accepted their recommendations. The Commission found that Morales did not establish a prima facie case of retaliation because the evidence did not show that he had sufficiently opposed a practice forbidden by the PHRA. The Commission also found that, even if Morales had been able to make the requisite prima facie showing, Fibematics had articulated legitimate non-discriminatory reasons for Morales’ termination.

Elizabeth Adams v. The Board of Directors of the Delco Phantoms Youth Hockey Program and George Scherbak, Past President, P-6117

In 1997, Elizabeth Adams, who was entering 9th grade, signed up to play ice hockey for the Delco Phantoms at the midget level. Players at this level ranged in

age from 15 to 18 and the two midget level teams were divided into two teams. On the A team were the players volunteer coaches had evaluated to be better players; the remaining youth who had paid a registration fee and tried out were placed on the B team. The midget level of the Delco Phantoms had an equal ice time policy, which meant that over the course of a season, each member of the team should play approximately the same amount of time. In her first year, Elizabeth was satisfied that she belonged on the B team and that she was given equal ice time. Elizabeth was the only female on the midget B team. In 1998, the second year of the Delco Phantoms, the Board formed two girls’ teams for young women aged 19 and under. Unlike the midget teams, both of the two girls teams were composed of players with different skill levels. In 1998 and again in 1999, Elizabeth tried out for the midget boys team. In both years, Elizabeth was placed on the midget B team.

Elizabeth filed a complaint alleging sex discrimination because she was not placed on the A team, that she did not receive equal ice time with the boys and that she was harassed at games and tryouts. After a public hearing, the Commission found that Elizabeth had not been discriminated against because she had stated that, although she wanted to gain more experience by playing against the better players she belonged on the B team, that any disparity in ice time was attributed to individual coaching styles which had resulted in Elizabeth getting more ice time from

some coaches and the same or less ice time than boys from other coaches, and finally, that she was not harassed either at games or tryouts.

A fundamental threshold question in the case was whether the Delco Phantom Youth Ice Hockey Program is a “public accommodation” within the meaning of the PHRA. After weighing numerous factors, the Commission determined that the club is not distinctly private and falls within the definition of a “public accommodation” and, therefore, is subject to the jurisdiction of the PHRA.

THE COMMISSIONERS’ WORKLOAD
JULY 1, 2003 - JUNE 30, 2004

Commission Meetings	12
Compliance Sessions	12
Consent Orders/Decrees and Conciliation Agreements Approved	27
Review of Staff Action in Making Disposition of Complaints	5,040
Review and Determination of Petitions for	355
Reconsideration of Complaint Disposition and Requests for Public Hearing Motions	133
Cases Closed on Motion	8
Cases Placed on Public Hearing Docket	41
Cases Settled After Public Hearing Approval	37
Final Orders Approved after Public Hearing	9
Total Rules to Show Cause Resulting in Liability and Subsequently Settled	3
* Pre-Hearing Conferences and Public Hearings Conducted	52
* 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	57

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

Extensive focus was placed on two crucial, companion packages of legislation in fiscal year 2003-04: **Senate Bill 706, Printer's Number 973** and **Senate Bill 706, Printer's Number 973** and **House Bill 1850, Printer's Number 2848** and **House Bill 1851, Printer's Number 2849**.

Senate Bill 706 and **House Bill 1850** would amend the Pennsylvania Human Relations Act (PHRA) to include sexual orientation, 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.

Senate Bill 707 and **House Bill 1851** 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.

Throughout the fiscal year, the Commission's Chairperson and key executive staff met with a number of key legislators and business leaders to discuss the impact of the legislation in various areas as well as stressing the need for these legislative changes to the laws enforced by the Commission.

Another legislative focal point for the Commission was **Senate Bill 131, P.N. 127** and **House Bill 65, P.N. 68**. These proposals would amend the Human Relations Act to prohibit discrimination in employment on the basis of "familial status" and "marital status." Both measures would add "marital status" – which is defined as "whether a person is single,

married, divorced, separated or widowed" – to the PHRA. 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 both of these measures.

The Commission unanimously supported two separate bills – **House Bill 1859, P.N. 1962** and **Senate Bill 884, P.N. 1129** – which would create an Office of Disabilities within the Governor's Office. This new office would be responsible for providing certain services to and assisting with access to other services for people with disabilities. The language in both bills is identical.

The Commission supported **Senate Bill 774, P.N. 934**, which would amend the Unfair Insurance Practices Act to prohibit discrimination in the provision of health insurance on the basis of genetic

information or the use of genetic services. The Commission supported a similar measure in the 2002-03 fiscal year under Senate Bill 171, P.N. 176.

While the provisions are essentially the same in both bills, Senate Bill 171 sets forth the need for anti-discrimination legislation, which the Commission feels is an essential element in the bill's language. The Commission continues to support both measures, but maintains a preference for Senate Bill 171 because of the anti-discrimination language.

After extensive analysis on the impact **House Bill 2515, P.N. 3713** would have on the Commission's case investigation process, the Commissioners opposed the legislation. As written, the bill would radically curtail complainants' rights.

Currently, if a complaint is still open one year after the date it was filed, the complainant has the choice of going to court or remaining with the Commission's process. The statute of limitations for going into court does not begin to run until after the Commission closes a case.

If a complainant remains with the Commission process and the case is approved for public hearing, Section 9(e) of the PHRA, 43 P.S. §959, provides that a Commission attorney will present the case in support of the

complaint unless the complainant opts for representation by private counsel or a personal representative.

The proposed legislation would limit a complainant's right to elect a forum to the year between the period that the Commission has exclusive jurisdiction and the proposed amendment's two year cut off.

For complainants who want to stay with the Commission process, unless the public hearing process is completed and a decision issued within the two year period set by the proposed amendment, would be faced with a choice of (1) going into court at their own expense, represented by private counsel, if they can obtain legal representation, or (2) being left without a forum and without a remedy. For complainants of limited financial means, this would not even be a choice, since they could not afford to pursue the action in the courts of common pleas.

Respondents have repeatedly tried to have complaints filed with the Commission dismissed on the grounds of laches. Laches is a common-law doctrine that bars a plaintiff from pursuing relief if the plaintiff has not been

diligent in proceeding with the action and that lack of diligence prejudices the rights of others. Pennsylvania courts have consistently refused to grant these motions where the delay is attributable to the Commission and not in any way to the actions of the complainant.

The proposed amendment does not require any showing that a respondent was prejudiced by a case being open after two years and, instead, would reward obstructionist tactics by respondents that would delay investigation of complaints. It would penalize complainants who timely filed their complaints and were diligent in pursuing them for delays over which they have no control.

Other legislation the Commission addressed was:

Senate Resolution 109, P.N. 965 designated September 21, 2003 as "Unity Day" in Pennsylvania. The Commission supported this measure.

House Bill 1555, P.N. 1962, which would amend the Public School Code to repeal the prohibition against teachers in public schools wearing any religious dress, mark, emblem or insignia in school was opposed by the Commission.



July 1, 2003 to June 30, 2004

Age-based Complaints			
Age	Employment	Housing	Total
40-42	93		93
43-45	70		70
46-48	116		116
49-51	119		119
52-54	149		149
55-57	144	1	145
58-60	138	3	141
61-63	91	3	94
64-66	51		51
67-69	24	1	25
70-72	26	1	27
73-75	12		12
76-78	10		10
79-81	2		2
82-84	2		2
85-87	1		1
88-90	1		1

Familial Status-based Complaints	
Familial Status	Housing
Designee Of Such Parent Or Other Person Having Custody	9
Domiciled With	2
Individual Not Yet 18 Living With Parents Or Guardian	2
Parent Or Other Person Having Legal Custody	7

Color-based Complaints	
Color	Employment
Black	3
Brown	4
Dark Brown	1
Olive	1
White	1

Race-based Complaints						
Race	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
African American	950	139	2	77	17	1,185
African American Female*	6					6
African American Male*	1					1
Alaska Native	1					1
American Indian	5	1				6
Arabic or Middle Eastern	4					4
Asian	17					17
Bi-Racial	9	1		1		11
Black	76	4		7		87
Caucasian	80	10		3		93
Complainants race and the known association with another person	16	4		7		27
Pacific Islander	2					2

*This category is called Multiple Class. The category definition occurs when discrimination is not solely because of race Black or sex female, but a combination of race and sex.

July 1, 2003 to June 30, 2004

Religion-based Complaints					
Religion	Employment	Housing	Public Accommodation	Education	Total
7th Day Adventist	4				4
Amish	1				1
Baptist	3				3
Buddhism	3				3
Christianity	26	1	1		28
C's religion, known assn. w/ another person	2				2
Hinduism	1				1
Islam	27	1	2	2	32
Israelite	2	5			7
Jehovah Witness	4				4
Judaism	13	3	2		18
Methodist	1				1
Morman	2				2
Non-Catholic		1			1
Non-Jewish	1				1
Pentecostal	3				3
Roman Catholicism	3				3
Sikh			2		2
Strongly-held Belief	1		5		6

Retaliation-based Complaints						
Retaliation	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Assisted	49	2		2		53
Filed a PHRC Complaint	175	11	1	3	4	194
Otherwise Opposed Unlawful Activity	564	6	1	8	4	583
Provided Information	5					5
Testified	5					5

Sex-based Complaints						
Sex	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Female	812	18	1	11	1	843
Female Pregnant	119	1				120
Male	240	3		5		248

July 1, 2003 to June 30, 2004

Disability-based Complaints						
Disability	Employment					
	D1	D2	D3	D4	D5	D6
Agent Orange	4		1			
Aids	2					
Alcoholism	13	3	3			
Allergies	2			1		
Alzheimers				1		
Anemia	1					
Anxiety Disorder	30	1	2			
Arthritis	26			1		
Asthma	28			1		
Attention Deficit Disorder	8	1	2			
Autism	1					
Back	84	6	10			
Bi-Polar	21	1	2	2		
Brain/Head Injury	2	1				
Brain/Head Injury (Traumatic)	6					
Cancer	23	5	4	4		
Carpel Tunnel Syndrome	11		1			
Cerebal Palsy	5			1		
Cervical Discogenic Injury	2					
Chemical Sensitivities	2					
Chronic Fatigue	4					
Colitis	2					
Crohn's Disease	6					
Cystic Fibrosis				2		
Depression	71	5	3			
Diabetes	41		4	2		
Downes Syndrome				1		
Drug Addiction	1	2	3			
Dyslexia	1					
Dysthymia	1					
Eating Disorder	1					
Epilepsy	10					
Extremities Impairment	11	1				
Fibromialgia	16			1		
Gastrointestinal	7	1	1			
Graves Disease	1					
Hand Injury	3					
Hearing	21					
Heart/Cardiovascular	40	7	7	3		

KEY

D1 - Has a disability.

D2 - Has a record of a disability.

D3 - Is regarded as having a disability.

D4 - Is related to someone who has a disability.

D5 - Is related to someone who has a record of a disability.

D6 - Is related to someone who is regarded as having a disability.

July 1, 2003 to June 30, 2004

Disability-based Complaints						
Disability	Employment					
	D1	D2	D3	D4	D5	D6
Hepatitis	4					
Hernia	1	1	1			
HIV	11		2		1	
Hydrocephalus			1			
Hyperlipidemia	1					
Immune System Impairment		1		1		
Kidney	3					
Learning Disability	14	1				
Liver Impairment		1				
Menieres Disease			1			
Mental - Other	3		4			
Mental Retardation	3					
Migraine	6		3			
Missing Digits/Limbs	2		1			
Multiple Sclerosis	7					
Narcolepsy	1					
Nonparalytic Orthopedic	33	4	13			
Obesity	6		3			
Obsessive Compulsive Disorder	2					
Oppressive Compulsion	1					
Other	75	2	15	4		
Other Blood Disorder	2			1		
Other Emotional/Psychiatric					1	1
Other Neurological	8		2			
Other Respiratory/Pulmonary	1			1		
Panic Disorder	4			1		
Paralysis	3					
Paratid Gland Dysfunction	1					
Parkinsons Disease	2					
Polio	1					
Post Traumatic Stress	6					
Renal Dysfunction	1					
Respiratory Pulmonary Disorder	5					
Schizophrenia	2					
Seizure Disorder	5					
Shoulder Decreptitation	1					
Shoulder Impairment	8					
Sleep Apnea	9	1	1			
Sleep Disorder	3					

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July 1, 2003 to June 30, 2004

Disability-based Complaints						
Disability	Employment					
	D1	D2	D3	D4	D5	D6
Speech	5		3			
Spinal Stenosis	4					
Stroke	5	1	1	1		
Tendinitis	5					
Thyroid Disease	3		1			
Tuberculosis			1			
Vision	12		2			

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July 1, 2003 to June 30, 2004

Disability-based Complaints					
Disability	Housing				
	D1	D2	D3	D4	D5
Tourettes Syndrome	1				
Vision	2				

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Disability-based Complaints					
Disability	Housing				
	D1	D2	D3	D4	D5
Agent Orange		4			
Alcoholism					2
Arthritis	3	1			
Asthma	3				
Attention Deficit Disorder					1
Back	4	2			
Bi-Polar	5	1			
Brain/Head Injury		1			
Cancer	1		1		
Chronic Fatigue	1				
Depression		1			
Diabetes	6				
Drug Addiction		1			
Epilepsy	2				
Fibromialgia	1				
Heart/Cardiovascular	10				
Hepatitis	1				
HIV	2		2		
Liver Impairment	1				
Lupus	5				1
Mental - Other	3		1		
Mental Retardation	2				
Muscular Dystrophy	6				
Nonparalytic Orthopedic	1				
Other	18	3			
Other Blood Disorder			1		
Other Neurological	1				
Schizophrenia			1		

Disability-based Complaints			
Public Accommodation			
Disability	D1	D2	D4
Agent Orange	1		
Arthritis	2		
Asthma	1		
Attention Deficit Disorder	3		
Autism	1		
Back	3		1
Brain/Head Injury (Traumatic)	1		
Cirrhosis of Liver	1		
Depression	1		
Diabetes	2		
Dyslexia	2		
Epilepsy	2		
Extremities Impairment	1		
Gastrointestinal	1		
Hearing	3		
Heart/Cardiovascular	1		
Learning Disability	2		
Other	6		
Other Emotional/Psychiatric	1		
Paralysis	4		
Shoulder Impairment	1		
Speech	1		
Vision	2		

Commercial Property			
Disability	D1	D2	D4
Cerebral Palsy			2
Drug Addiction	2	2	

Education			
Disability	D1	D2	D4
Agent Orange	1		
Anxiety Disorder	2		
Asthma	1		
Attention Deficit Disorder	1		

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D3 - Is regarded as having a disability.

D4 - Is related to someone who has a disability.

July 1, 2003 to June 30, 2004

Disability-based Complaints			
Education			
Disability	D1	D2	D4
Back	1		
Bi-Polar	1		
Brain/Head Injury (Traumatic)	1		
Cerebal Palsy	1		
Dyslexia	3		
Epstein Barr	1		
Gastrointestinal	1		
Hearing	2		
Learning Disability	2		
Obsessive Compulsive Disorder	1		
Other	2		

D5 - Is related to someone who has a record of a disability.

D6 - Is related to someone who is regarded as having a disability.

Combined Classes* Complaints				
Various Protected Classes	Employment	Housing	Public Accommodation	Total
GED	2			2
Other	1			1
Use of Guide/Support Animal	1	5	2	8

*A number of protected classes have only one sub-category. These protected classes have been grouped together in one chart.

National Origin-based Complaints					
National Origin	Employment	Housing	Public Accommodation	Education	Total
Afghanistan	1				
Africa	1				
Argentina	1				
Austria	1				
Belarus	1				
Cambodia	2				
China	2		1		
Colombia	5				
Congo	1				
Dominican Republic	6		2		
Ecuador	1				
Egypt	3				
El Salvador	1				

July 1, 2003 to June 30, 2004

National Origin-based Complaints					
National Origin	Employment	Housing	Public Accommodation	Education	Total
Finland	1				
France	1				
Germany	1				
Ghana	1				
Greece			1		
Grenada	1				
Guatemala	1				
Haiti	12				
Honduras	3				
India	14	1	1		
Iran - Islamic Republic Of				1	
Iraq	4				
Italy		1			
Jamaica	5	1			
Kenya	1				
Korea - Republic Of			1		
Lebanon	2				
Liberia	3				
Malaysia		2	1		
Mexico	7	5			
Nigeria	5			2	
Pakistan	2				
Palestinian Territory	1				
Peru	1				
Philippines	1				
Poland	2				
Puerto Rico	24		1		
Romania	1				
Russian Federation	4	3			
Rwanda	1				
Saudi Arabia		1			
Sierra Leone	1				
Slovakia	1				
Spain	5				
Sudan	1				
Syrian Arab Republic	1				
Togo	1				
Trinidad And Tobago	2				

July 1, 2003 to June 30, 2004

National Origin-based Complaints					
National Origin	Employment	Housing	Public Accommodation	Education	Total
Turkey	1				
United States	10	2			
Vietnam	2				
Virgin Islands - U.S.	1				
Yugoslavia				1	

Ancestry-based Complaints					
Ancestry	Employment	Housing	Public Accommodation	Education	Total
African	3				3
American /United States	4				4
Arab	1				1
Asian	4				4
Chinese	1				1
Cuban	1				1
Dominican	4				4
German	1				1
Haitian	1				1
Hispanic	108	16	3		127
Indian	2	1			3
Iranian	1				1
Israeli	1				1
Italian	1			1	2
Japanese	1				1
Latino	10		1		11
Mexican	6				6
Multiple	1				1
Nigerian	2				2
Peruvian	1				1
Polish	3				3
Puerto Rican	20	1	2		23
Russian	2				2
Spanish	1				1

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.

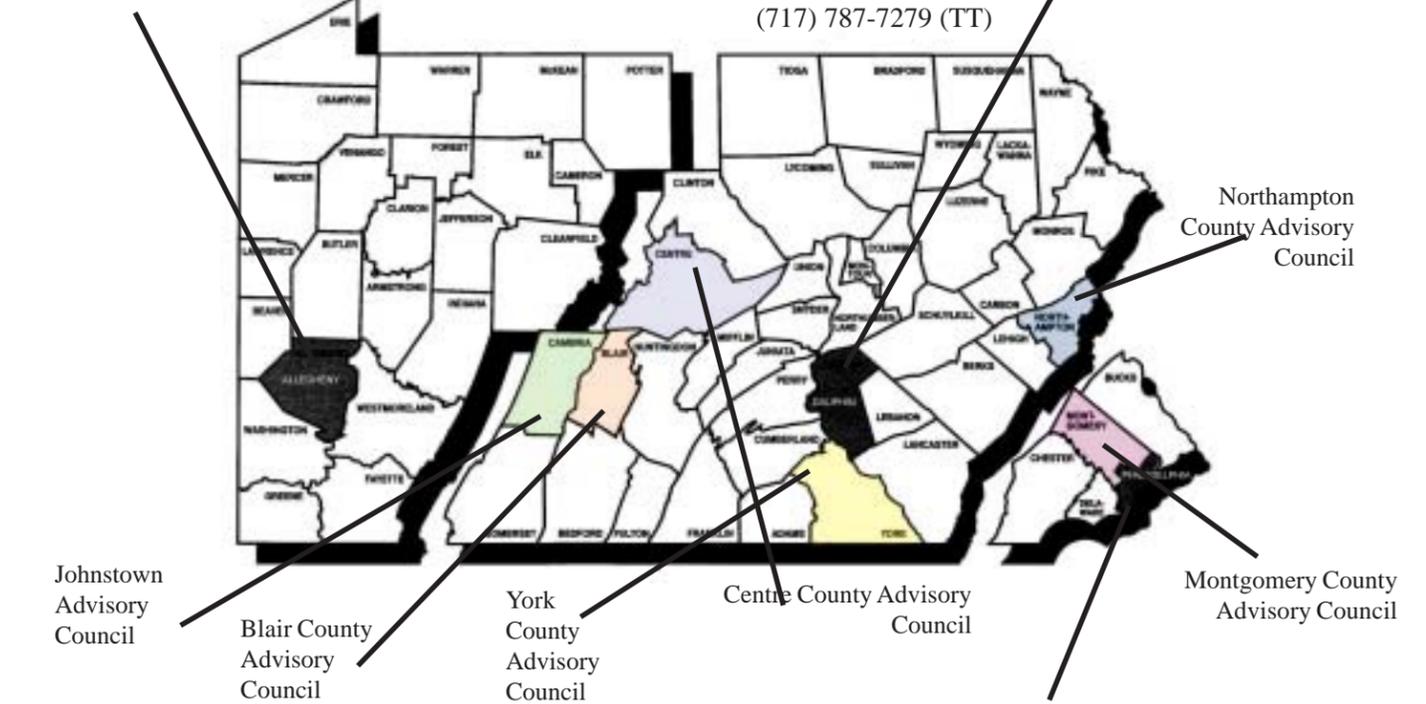
This state map indicates where the advisory councils are located throughout the state.

Pittsburgh Regional Office

11th Floor State Office Building
 300 Liberty Avenue
 Pittsburgh, PA 15222-1210
 (412) 565-5395 (VOICE)
 (412) 565-5711 (Text Telephone)

Harrisburg Regional Office

Riverfront Office Center-5th Floor
 1101-1125 South Front Street
 Harrisburg, PA 17104-2515
 (717) 787-9784 (VOICE)
 (717) 787-7279 (TT)



Central Office
 Pennsylvania Place - Suite 300
 301 Chestnut Street
 Harrisburg, PA 17101-2702
 (717) 787-4410 (VOICE)
 (717) 783-9308 (TT)

Philadelphia Regional Office

711 State Office Building
 1400 Spring Garden Street
 Philadelphia, PA 19130-4088
 (215) 560-2496 (VOICE)
 (215) 560-3599 (TT)

Case
One complaint

CMS
Case Management System, which is the Commission's internal, electronic case management, processing, and tracking system that involves the intake, investigation and legal functions of complaint investigation

Complainant
The aggrieved person who files a complaint of discrimination with PHRC

Count
Consists of one act of harm (i.e. sexual harassment, discharge, refusal to promote) AND one protected class (i.e. race, age, sex, disability)

Docketed
A complaint is docketed when it is assigned to an investigator and placed into active investigation

EEOC
Equal Employment Opportunity Commission (federal government agency)

Employee
DOES NOT INCLUDE: anyone employed in agriculture or in domestic service residing in the personal residence of the employer or anyone employed by their parents, spouse or child

Employer
Any person employing four or more persons within the Commonwealth.

Certain exemptions apply to religious, fraternal, charitable, or sectarian corporations or associations, except those supported by government funds

Familial Status
Families with children under the age of 18 (Housing only)

FEPA
Fair Employment Practice Agency

FHAP
Fair Housing Assistance Program

FHIP
Fair Housing Initiative Program

Filed
A complaint is filed on the date a verified complaint is received

Harm
Discharge, failure to promote, sexual harassment, etc.

HUD
Housing and Urban Development (federal government agency)

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

Inquiries
When PHRC staff are contacted by the general public with a need of services that are not within the Commission's jurisdiction or questions about their civil rights

Protected Class
Age, Disability, Gender, Race, etc.

Reasonable Accommodation
Allegations that an employer failed to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability. (ie. an interpreter for an individual who is deaf or job restructuring for an individual who has a back impairment). Also includes religious accommodation (ie. time off for religious holidays.)

Respondent
The company, agency or person(s) that the charge of discrimination is filed against

Statute of Limitations
Under the PHRAAct, an employer must have four or more employees, and a complaint must be filed within **180 days** of the alleged act of harm. Under the Pennsylvania Fair Educational Opportunities Act, a complaint must be filed within **six months** of the alleged act of harm

Intake

The first step in the process is Intake. Individuals who believe they have been discriminated against may telephone, write or come into one of our regional offices, which will explore whether a formal complaint is appropriate.

Informal Inquiry

Often, there is a situation, which is not within PHRC's area of jurisdiction. In this instance, the individual may be referred to an appropriate source of help. Sometimes the problem can be resolved informally, without the need for a formal complaint. Examples of this include referrals to numerous state and local agencies that provide services for the aging, disability and welfare communities, connection to housing resources and legal aid.

Complaint Filed

However, when the individual wishes to file a formal complaint, the intake investigator will secure all relevant information available from the individual and draft the formal complaint of discrimination for the complainant's notarized signature.

Complaint Docketed/Served

The complaint is then docketed and a formal complaint is served on the business or person charged (the respondent) along with a request for information. Where the Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD) has jurisdiction in the matter, the complaint may also be filed with the federal agency, which holds its action in abeyance pending the outcome of PHRC's investigation. Housing complaints are also referred to the PA Real Estate Commission.

Respondent Answer

The respondent then has 30 days to file a formal answer to the complaint.

Fact-finding Conference

In most cases, the next step of the investigation is a fact-finding conference (FFC) conducted by an investigator. A FFC is not a formal hearing. It is, rather, an early step in the investigative process, designed to expedite the investigation.

Voluntary Settlement?

The FFC serves several purposes. At the conference, the investigator identifies disputed points and determines what additional

evidence is necessary to resolve those issues. The investigator receives evidence and statements at the conference and clarifies issues. Also, efforts are made to secure a voluntary settlement between the parties without a formal finding. Our law was amended in 1991 to encourage early settlement efforts.

Or more investigation?

In many cases, voluntary settlement is secured in conjunction with the conference. In other cases, sufficient information is secured before and during the conference, so that a recommended finding can be prepared. Often, additional investigation is necessary.

Why no FFC?

In some cases, there might not be a fact-finding conference. This may occur for a variety of reasons. Sometimes it is inconvenient for the parties to attend such a conference. Sometimes the case is too complex for a FFC to be feasible. Sometimes it is not possible to schedule a FFC early enough for it to serve the function of expediting the investigation and resolution of a complaint. And, since the FFC is a voluntary procedure, there are times when one of the parties does not want a FFC.

PHRC Complaint Process

Formal Investigation Begins

When a fact-finding conference is not held (as well as cases which are not resolved through the fact-finding process) the case must be investigated through formal investigative procedures.

Investigation Continues

The investigation includes securing relevant documents, getting statements from witnesses and securing all other information necessary to address the charges in the complaint. Where necessary, PHRC has the power to subpoena pertinent information.

Investigator Makes a Finding

When the investigation is completed, the information is carefully analyzed and documented and the investigator prepares a recommended finding.

No Probable Cause Finding

If it is determined that there is no probable cause to credit the allegations, the finding is reviewed by regional office and Central Office staff and then submitted to the Executive Director for closing. The complainant whose case is dismissed has the right to petition for

reconsideration, to request a preliminary hearing or to file suit in a Court of Common Pleas.

Probable Cause Finding

If the investigator recommends a finding of probable cause, the finding is forwarded to a staff attorney for review and approval. Notice of the finding of probable cause is served on the respondent and efforts are made to conciliate the complaint.

Conciliation Agreement or Public Hearing

When a formal conciliation agreement is obtained, it is submitted to the Commission for review and approval. If conciliation efforts are unsuccessful, a public hearing is approved and the Commission Chair appoints a Hearing Examiner or a panel of Commissioners to conduct the hearing. In many cases that are listed for public hearing, a settlement is reached prior to the hearing being held or completed.

Final Order

After a public hearing, the Hearing Examiner or panel prepares recommended findings of fact, conclusions of law, opinion and order. The full Commission, after reviewing the entire record, approves, disapproves or modifies the Order.

Possible Court Appeal

The Commission's order may then be appealed or enforced in Commonwealth Court, with a discretionary appeal to the Pennsylvania Supreme Court.