PHILADELPHIA COMMISSION ON HUMAN RELATIONS FISCAL YEAR 2020 BUDGET TESTIMONY

DEPARTMENT MISSION & PLANS

Mission: The Philadelphia Commission on Human Relations (PCHR) is the City's official civil rights agency. The PCHR enforces an important set of laws that prevent discrimination and promote equality. The PCHR works to: enforce anti-discrimination laws, especially the City's Fair Practices Ordinance; administer the "Fair Chance Hiring" law that prevents discrimination against people with criminal records; investigate complaints of discrimination and violations of civil rights laws; resolve community conflicts through dialogue and other dispute resolution methods; and educate the public on their legal rights and responsibilities. This work is led by a nine-member commission appointed by the Mayor that decides disputed complaints and conducts hearings to educate and inform the public. The PCHR works to make sure that everyone in Philadelphia has equal rights and opportunities.

Since 1993, the PCHR has also staffed the Fair Housing Commission (FHC), which is charged with remedying unfair rental practices and addressing unsafe and unhealthy conditions in rental properties through enforcement of the Fair Housing Ordinance.

Plans for Fiscal Year 2020: The PCHR consists of two units, the Compliance Unit and the Community Relations Division.

PCHR's Compliance Unit enforces laws that prohibit discrimination and promote equality. These include Philadelphia's anti-discrimination law; the Fair Practices Ordinance; the Fair Criminal Record Screening Standards Law (formerly called "Ban the Box" law, now known as the "Fair Chance Hiring Law") and the Entitlement to Leave Due to Domestic or Sexual Violence Ordinance. The unit also regularly educates businesses, housing providers, and the public about these laws. A new law amending the Fair Practices Ordinance that bans Cashless Businesses was passed in FY19 and will go into effect in early FY20. The PCHR is promulgating regulations to provide guidance on that law. Finally, since FY17, the City has been defending a lawsuit surrounding the Wage Equity law. The PCHR stands ready to enforce the new law and provide education to employers and the public at the conclusion of the litigation.

The PCHR has a **Work-Sharing Agreement** with the federal Equal Employment Opportunity Commission (EEOC) that aligns with the Federal Fiscal Year (FFY)¹. Under the contract, the PCHR, as a Fair Employment Practices Agency (FEPA), receives dual-filed discrimination cases, which it investigates and closes. In FY18, the PCHR closed 145 cases generating \$106,800 from the EEOC for its case closings and outreach activities. Due to staff vacancies, which will be filled in late FY19, the PCHR's contract was modified to 139 cases in FY19.

When necessary, the PCHR conducts educational hearings addressing discriminatory conduct or other issues of inequality. In an effort to address racism and discrimination in Philadelphia's lesbian, gay, bisexual, transgender, and queer (LGBTQ+) community, the Commission held an educational hearing in FY17 resulting in a series of recommendations. Subsequently, in FY18, the Commission issued its one-year follow-up report describing compliance by bars and non-profits in the **Gayborhood** who received mandatory training for staff and management as well as Implicit Bias Training. As part of continuing follow-up to this effort, early FY19 included additional training, and the successful realization of a recommendation conceived from the original PCHR report - the Community Leadership Pipeline Initiative.

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¹ The Federal Fiscal Year runs from October 1 through September 30 each year.

Developed through the Office of LGBT Affairs, along with many community-based organizations, the initiative, will prepare LGBTQ+ people of color, youth, trans people, and seniors for leadership positions with local non-profit organizations.

The Compliance Unit also operates a **Discrimination Mediation Program**, which resolves employment, housing, and public accommodations discrimination cases efficiently by drawing upon support from volunteer lawyers who have trained in mediation. Mediation mFfakes processing cases more efficient by settling issues at an early stage and avoiding lengthy investigations. In FY18, 26 cases were mediated, and the total monetary recovery for complainants resolved through mediations, settlements and conciliations was just over \$365,000. Through December 2018, 17 cases have been mediated in FY19 and the total recovery for all mediations, settlements and conciliations has been just over \$240,000 for complainants. It is anticipated that an additional 20 cases will be mediated by the end of FY19.

The Fair Criminal Record Screening Standards Law, also known as the **Fair Chance Hiring or "Ban the Box" law**, governs employers' use of criminal background information during the job application process. New provisions to the Fair Chance Hiring Law in FY18 expanded the law to include juvenile records. In FY18, the PCHR investigated 19 cases² as well as increased its training on the law to the community, human resources professionals and lawyers. In FY19, it is anticipated that staff will investigate 50 cases. FY19 also saw the completion and launch of a Fair Chance **Media Campaign**, aimed at individuals with criminal records and businesses, to promote the City's Fair Chance Hiring Law. This multimedia campaign, which included English and Spanish messaging, was delivered through print, online, and SEPTA display advertising, public service announcement radio spots, and "know your rights and responsibilities" distribution materials.

The PCHR continues to be actively involved in The Coalition for Restaurant Safety and Health (CRSH), which is a coalition of advocacy and government groups in Philadelphia that is working to promote respectful and safe workplaces in the restaurant industry. Restaurant workers are particularly vulnerable to sexual harassment and restaurants are the leading source of sexual harassment complaints nationwide.³ CRSH trainings educate employees and management in how to identify abusive behaviors, respond to situations of sexual violence, and create a supportive, productive, and safe workplace culture. CRSH also offers anti-harassment policy guidance for employers. In FY18 and FY19, the EEOC has supported the PCHR in this effort through \$1,400 in annual cooperative engagement fund grants. The PCHR used the funds to translate the training materials into Spanish in FY18 and Simplified Chinese in FY19. In October 2018, the PCHR's Executive Director presented the project and the coalition's progress at the EEOC's regional meeting that gathered other state and local partners from a five state area.

At the Mayor's request, in April 2018, the PCHR investigated the racial bias incident that occurred at a Philadelphia-area **Starbucks** establishment. Specifically, the PCHR was asked to examine the policies and procedures of Starbucks and to identify whether there was a need for implicit bias training for the employees and management. The PCHR's submitted its report to the Mayor and the Chief Executive Officer of Starbucks in November 2018. Due to a confidentiality agreement that the PCHR entered into with Starbucks to receive sensitive and confidential company information, the report was not released to the public. The

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² PCHR's FY18 year-end case number was lower than anticipated because 15 cases were not investigated due to legal issues that now have been resolved.

³ Johnson, S. & Madera, J. (2018, January 18) Sexual Harassment Is Pervasive in the Restaurant Industry. Here's What Needs to Change. *Harvard Business Review*. Retrieved from https://hbr.org/2018/01/sexual-harassment-is-pervasive-in-the-restaurant-industry-heres-what-needs-to-change.

report included the PCHR's insights obtained from its investigation as well as provided recommendations to prevent similar situations from occurring in the future. On April 12, 2019, the one-year anniversary of the incident, the PCHR initiated a follow up conversation with Starbucks to determine if the company adopted any of its recommendations. Starbucks has reported to the PCHR that it has continued to conduct anti-bias training for its staff, as well as improved its internal incident and discrimination reporting systems. Finally, as a result of the investigation, the PCHR created **Best Practices Guidelines for Places of Public Accommodations** that will be available to businesses in May 2019.

For FY 2020, the PCHR will continue to work to enforce the anti-discrimination and equality laws and increase outreach to communities throughout the city.

COMPLIANCE UNIT FY20 PLANS:

- Increase compliance case closings in FY20.
- Increase investigations of Fair Chance Hiring cases in FY20.
- Increase mediations of employment discrimination cases FY20.
- Increase outreach and education to the business community on all laws enforced by the PCHR in FY20, which hopefully, will include the Wage Equity Law.
- Finalize and distribute the Best Practices in Places of Public Accommodations guide.
- Finalize development of a series of educational videos demonstrating the scope of work of the PCHR.
- Continue to work with the Coalition for Restaurant Safety and Health (CRSH) to educate restaurant owners and their employees on their rights and responsibilities regarding preventing workplace sexual harassment.
- Create an accessible online archive of public hearing decisions.

PCHR's Community Relations Division (CRD) provides a variety of conflict resolution and mediation services to resolve neighborhood disputes and works to engage people of different backgrounds to promote intergroup harmony. The CRD also conducts skills-building workshops and serves as the general educational arm of the PCHR. Through its **Dispute Resolution Program**, the CRD responds to requests from residents, policymakers, and law enforcement to help quell neighbor disputes and other volatile situations that have not yet escalated to violence and that are not being litigated in court. It is one of the most frequently-accessed initiatives offered by the PCHR, helping to divert police presence or constituent services resources to more pressing matters by preventing neighborhood problems from escalating. In FY18, the CRD investigated 360 neighbor dispute cases and 74 intergroup conflicts through its **Intergroup Conflict Response Program**. In FY19, it is expected to investigate 340 neighbor disputes and 60 intergroup conflict cases.

The PCHR continues to respond to many **hate crime and bias incidents**. Since November 2016, the PCHR has received reports of 217 separate incidents. Of this number, 17 were determined to be not hate-related; 121 are confirmed; 79 are unconfirmed (i.e. not enough information to establish whether the incident is hate-related or not). In FY18, the PCHR recorded 65 separate hate crimes and bias incidents. So far, in FY19 through March 31, 2019, 83 separate incidents have been recorded. To combat further hate and bias incidents, the CRD staff has increased outreach to many communities including immigrants and refugees, LGBTQ+ residents, and various religious groups. The CRD staff also established the creation of quarterly Prevention Plans within each Police District so they can proactively conduct outreach and education to try to prevent further acts of hate or bias.

Throughout FY18, the PCHR also continued to engage its **Philadelphia Civil Rights Rapid Response Team (PCRRT)**, an interdisciplinary group of civil rights leaders from City, state, and federal agencies, the School District, and advocacy groups that respond to hate crimes, bias incidents, and violent acts that have bias potential. The Team also is involved in creating education programs.

Every month, the PCHR convenes an **Interagency Civil Rights Task Force** that is made up of local, state, and federal law enforcement agencies and community partners who work to prevent intergroup tension and bias crimes. It is through this partnership that the PCHR has co-hosted the annual "Unifying Our Communities: Responding to Hate" summit along with the Pennsylvania Attorney General's Office, the Anti-Defamation League (ADL), and the Interfaith Center of Greater Philadelphia. The third summit, held in FY19, was led by community and faith-based leaders and provided the public with an understanding of the cause and effect of hate crimes as well as an update on the state of hate in Pennsylvania and the Philadelphia region.

The CRD is also proactive in conflict resolution through its **Prevention and Community-Building Program**, which seeks to engage the community through a variety of programs. These programs include leading and participating in outreach events and activities; organizing community dialogues; and conducting information sessions and skills workshops for community stakeholders. Building on its training successes in FY17 and FY18, the CRD conducted anti-racism, cultural diversity and bias awareness trainings to staff at selective school ranging from elementary through high school in FY19. These trainings were also provided to leaders of Registered Community Organizations, Advisory Councils to Parks and Recreation Centers and Friends of the Libraries. The CRD also provided de-escalation training for all school police recruits, the Office of Violence Prevention, and local immigrant service agencies.

In total, PCHR staff conducted 221 prevention education and outreach activities in FY18. In the first half of FY19, the PCHR conducted 88 activities.

Beginning in FY18, the PCHR brought together elected officials of the Northeast section of Philadelphia to gain support for a program to address racism in the region called "We Are the Northeast" (WAN). Through the support of an International Legislative Fellow from the United States Department of State and VISTA summer associates, this project commenced in early FY19. With widening reports of racist hate incidents in other geographic areas; the project has expanded to become the "Philadelphia One Project" (POP) to help build community-based leaders to address racist incidents in their own neighborhoods.

As part of its Changing Neighborhood Project, the CRD continued **Breaking Bread, Breaking Barriers 2.0** (**BBBB 2.0**). The initiative, facilitated by CRD staff, brings together diverse communities in the City through food and dialogue to cultivate relations beyond cultural differences and strengthen community involvement. There are plans to hold sessions in five different parks in 2019 as the initiative continue in partnership with the Penn Project for Civic Engagement (PPCE) and Reading Terminal Market (RTM) and is newly joined by the Fairmount Park Conservancy and Vetri Cucina.

In FY18, the PCHR began developing a **Good Neighbor Guide**, a print and on-line publication for the public that will include tips, conflict resolution techniques, and resources to build and maintain quality of life for city residents. The Guide will be published and distributed in FY19 throughout the city.

Lastly, the PCHR continues to participate actively in the **International Association of Official Human Rights Agencies (IAOHRA)**, which is an association of directors and commissioners of local and state human rights/relations agencies.

COMMUNITY RELATIONS DIVISION FY20 PLANS:

- Continuing Breaking Bread Breaking Barriers 2.0, with plans to move conversations to five city parks under new partnerships.
- Convene community conversations with groups from different backgrounds throughout Philadelphia;
- Continue campaigns to address racism in the Northeast with expectations to replicate the program in South Philadelphia and other areas of the city.
- Publish and distribute the PCHR's Good Neighbor Guide that includes tips, conflict resolution techniques, and resources to build and maintain stronger neighborhoods and a greater quality of life.
- Expand the Community Conflict Certificate Program to reach more communities experiencing change, including where the City is making significant investments in neighborhoods.

The Fair Housing Commission (FHC) enforces the Fair Housing Ordinance, which addresses unfair rental practices in housing, particularly when a property has been cited for code violations. Each year, hundreds of tenants file complaints with the FHC seeking redress after their landlords engage in unfair rental practices, such as terminating a lease when a property is cited for code violations or retaliating against tenants for exercising their legal rights. The FHC also conducts educational outreach to inform tenants and landlords of their legal rights and responsibilities.

FHC leadership has played an active role in the **Mayor's Eviction Task Force** since the task force's formation in September 2017. The task force was charged with issuing recommendations on how to ease or end the eviction crisis that is affecting many low-income Philadelphians. Among other initiatives, members of the task force have focused on promoting and strengthening the Fair Housing Ordinance to provide greater protections for tenants and landlords.

Since the inception of the task force, the FHC has seen an increase in demand for its services. In FY18, the FHC handled 386 cases, a 29% increase from FY17. In the first half of FY19, the FHC has already handled 200 cases. In FY19/FY20, as an outcome of the eviction task force, the FHC will launch a pilot **FHC Mediation Program** to offer an alternative to cases going to hearings. FHC staff received basic mediation training in March 2019 in preparation of the new program.

Also in FY19, the FHC will be impacted by a significant legislative change. In January 2019, the Mayor signed the **Good Cause Eviction Bill** that amends the current Fair Housing ordinance (FHO). The Fair Housing Commission is responsible for enforcing the law that will be implemented in April 2019. For leases less than one year, "Good Cause" prevents an owner or landlord from issuing a lease termination notice without first showing a "good cause," such as habitual non-payment by the tenant or causing substantial damage to the property. Tenants can challenge the landlord's notice in court or at the FHC. This is the most significant amendment to the Fair Housing Ordinance since 1962 and likely will lead to a further increase in cases filed with the FHC.

In coordination with activities commemorating the fiftieth anniversary of the Fair Housing Act, FHC staff increased **outreach and education** of the housing protections under the Fair Practices Ordinance and the Fair Housing Ordinance.

FHC PLANS FOR FISCAL YEAR FOR FY20:

The Fair Housing Commission has many new and continuing initiatives moving forward. The Commission anticipates completing the creation of internal systems and processes to address Good Cause Eviction cases along with new outreach and education on the law. Also planned is increased education and outreach to

tenants and landlords, which will highlight any new amendments to the Fair Housing Ordinance. The Commission will continue to partner with the Mayor's Eviction Task Force to conduct increased education and outreach on unfair rental practices and the Fair Housing Ordinance. Also, the FHC will launch its pilot Mediation Program. Specifically, the FHC will:

- Create internal systems and processes to handle Good Cause Eviction cases.
- Conduct outreach and education to tenants and landlords on the Good Cause eviction law and the Fair Housing Ordinance.
- Launch the FHC pilot mediation program.

PCHR/FHC Administration: In fourth quarter of FY18, the PCHR introduced a new case management program, **Advologix**, which enhances the Commission's ability to analyze data, track metrics, and run reports more efficiently. Going forward, the system will assist PCHR staff with case management, tracking, and reporting tasks and will enhance the analysis capabilities for process improvement and performance reporting.

In FY19, the PCHR filled many vacant staff positions, and is working to fill the remainder. The proposed FY20 Budget includes funding for two new positions: a bilingual Clerk 1 to support the Compliance Unit and an Attorney for the Fair Housing Commission.

PCHR/FHC ADMINISTRATION FY20 PLANS:

• Fully implement Advologix, the new case management system created by OIT for tracking and reporting discrimination cases. With the new system, we are able to fully track our work and run reports. This will greatly increase our efficiency and allow us to focus on productivity and outcomes.

BUDGET SUMMARY & OTHER BUDGET DRIVERS

Staff Demographics Summary (as of November 2018)					
	Total	Minority	White	Female	
Number of Full-Time Staff	31	23	8	24	
Number of Exempt Staff	3	1	2	3	
Number of Executive Staff (deputy level and above)	3	2	1	2	
Average Salary, Full-Time Staff	\$67,082	\$62,257	\$80,954	\$66,581	
Average Salary, Exempt Staff	\$91,841	\$69,525	\$103,000	\$91,841	
Average Salary, Executive Staff	\$106,429	\$100,419	\$118,450	\$109,278	
Median Salary, Full-Time Staff	\$67,476	\$64,423	\$86,511	\$67,376	
Median Salary, Exempt Staff	\$87,550	\$69,525	\$103,000	\$87,550	
Median Salary, Executive Staff	\$100,732	\$100,419	\$118,450	\$109,278	

Employment Levels (as of November 2018)				
	Budgeted in FY19	Filled as of the Increment Run (11/18)		
Number of Full-Time Positions	34	31		
Number of Exempt Positions	3	3		
Number of Executive Positions (deputy level and above)	3	3		
Average Salary of All Full-Time Positions	\$64,892	\$67,082		
Median Salary of All Full-Time Positions	\$67,276	\$67,476		

General Fund Financial Summary by Class						
	FY18 Original	FY18 Actual	FY19 Original	FY19 Estimated	FY20 Proposed	Difference:
	Appropriations	Obligations	Appropriations	Obligations	Appropriations	FY20-FY19
Class 100 - Employee Compensation	\$2,141,591	\$2,033,062	\$2,139,648	\$2,234,730	\$2,323,714	\$88,984
Class 200 - Purchase of Services	\$34,657	\$34,598	\$34,657	\$34,657	\$34,657	\$0
Class 300/400 - Materials, Supplies & Equipment	\$28,031	\$11,971	\$28,031	\$28,031	\$28,031	\$0
	\$2,204,279	\$2,079,631	\$2,202,336	\$2,297,418	\$2,386,402	\$88,984

PCHR uses citywide contracts only.

PROPOSED BUDGET OVERVIEW

Proposed Funding Request:

The proposed Fiscal Year 2020 General Fund budget totals \$2,386,402, an increase of \$88,984 over Fiscal Year 2019 estimated obligation levels. This increase is primarily due to salary increases for DC33 and DC47 employees and the addition of a new bilingual Clerk position.

The proposed budget includes:

- \$2,323,714 in Class 100, a \$88,984 increase over FY19. This funding includes pay increases for DC 47 and DC 33 salaries and \$35,000 for the salary for our new Clerk 1 Bilingual position.
- \$34,657 in Class 200, which is level with FY19.
- \$28,031 in Class 300/400, which is level with FY19.

STAFFING LEVELS

The department requested 36 budgeted positions for FY20, an increase of 2 positions over FY19.

The increase is for an additional bilingual clerical staff person to assist with our increased volume and complexity of discrimination cases and an attorney for the Fair Housing Commission.

NEW HIRES

New Hires (from 7/1/2018 to 11/25/18)			
	Total Number of New Hires		
Black or African American	2		
Asian	0		
Hispanic or Latino	0		
White	0		
Other	0		
Total	2		

Since the increment run, PCHR hired one male who identifies as Black or African American.

PERFORMANCE, CHALLENGES, AND INITIATIVES

FY20 Strategic Goals

- Create new efficiencies for case handling.
- Establish partnerships to expand programs.

FY20 Performance Measures

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		FY19 YTD		
Measure	FY18 Actual	(Q1 + Q2)	FY19 Target	FY20 Target
Discrimination cases investigated ¹	145	92	139	159
Ban the Box cases investigated	16	19	50	50
Neighbor disputes investigated ²	360	120	340	340
Intergroup conflict cases investigated	74	26	60	60
Prevention/education activities ³	221	88	188	188
Fair Housing Commission number of cases	386	200	360	400

Targets reflect the numbers in PCHR's contract with the Equal Employment Opportunity Commission (EEOC). This contract runs over the course of the Federal Fiscal Year (10/1-9/30), so FY18 Actual figures are for 10/1/17-9/30/18, FY19 YTD figures are for 10/1/18-12/31/18, the FY19 Target is for 10/1/18-9/30/19, and the FY20 Target is for 10/1/19-9/30/20. FY18 YTD performance was low due to retirements among staff. PCHR anticipates that the number of cases investigated will increase before the end of the year to meet the target.

² Neighbor disputes tend to increase in the spring. As a result, PCHR expects to meet the FY19 year-end target.

³ These activities include attending or organizing outreach events and activities; conducting information sessions and skills workshops for community stakeholders (i.e. informing community about PCHR and city ordinances, conducting workshops on conflict resolution, connecting people to resources); and organizing community dialogues.

OTHER BUDGETARY IMPACTS

Federal and State (Where Applicable)

The PCHR has a work-sharing agreement with the EEOC under which we are reimbursed \$700 per case we investigate (our current contract is for 139 cases). The stipend will be increased to \$800 in federal FY20.

CONTRACTING EXPERIENCE

PCHR uses citywide contracts only.

EMPLOYEE DATA

Staff Demograph	ics (as of Novemb	per 2018)					
Full-Time Staff				Executive Staff			
	Male	Female		Male	Female		
	African-	African-		African-			
Г	American	American	_	American	African-American		
Total	1	11	Total	0	1		
% of Total	3%	35%	% of Total	0%	33%		
Average Salary	\$44,245	\$67,519	Average Salary	N/A	\$100,107		
Median Salary	\$44,245	\$67,276	Median Salary	N/A	\$100,107		
_	White	White	_	White	White		
Total	2	5	Total	0	1		
% of Total	6%	16%	% of Total	0%	100%		
Average Salary	\$87,394	\$78,808	Average Salary	N/A	\$118,450		
Median Salary	\$87,394	\$78,865	Median Salary	N/A	\$118,450		
_	Hispanic	Hispanic		Hispanic	Hispanic		
Total	2	6	Total	0	0		
% of Total	6%	19%	% of Total	0%	0%		
Average Salary	\$46,671	\$56,010	Average Salary	N/A	N/A		
Median Salary	\$46,671	\$57,133	Median Salary	N/A	N/A		
	Asian	Asian	Ī	Asian	Asian		
Total	2	0	Total	1	0		
% of Total	6%	0%	% of Total	33%	0%		
Average Salary	\$84,316	N/A	Average Salary	\$100,732	N/A		
Median Salary	\$84,316	N/A	Median Salary	\$100,732	N/A		
	Other	Other	_	Other	Other		
Total	0	1	Total	0	0		
% of Total	0%	3%	% of Total	0%	0%		
Average Salary	N/A	\$46,925	Average Salary	N/A	N/A		
Median Salary	N/A	\$46,925	Median Salary	N/A	N/A		
	Bilingual	Bilingual		Bilingual	Bilingual		
Total	3	6	Total	0	0		
% of Total	10%	19%	% of Total	0%	0%		
Average Salary	\$53,747	\$52,243	Average Salary	N/A	N/A		
Median Salary	\$61,352	\$46,966	Median Salary	N/A	N/A		
	Male	Female		Male	Female		
Total	7	24	Total	1	2		
% of Total	23%	77%	% of Total	33%	67%		
Average Salary	\$68,715	\$66,581	Average Salary	\$100,732	\$109,278		
Median Salary	\$67,899	\$67,376	Median Salary	\$100,732	\$109,278		

LANGUAGE ACCESS

1. Has your leadership received language access training?

Yes, all staff was trained by the Office of Immigrant Affairs.

2. Do you currently have a language access coordinator?

Yes, Monica Gonzalez, Executive Secretary to the Executive Director.

3. Has your department written a language access plan and is it posted online?

Yes: https://beta.phila.gov/documents/language-access-plans/

4. Explain what your department has done to improve language access services over the past year.

We continue to provide language access for the parties in our cases. We also translate all pertinent outreach documents and provide interpretation when needed.