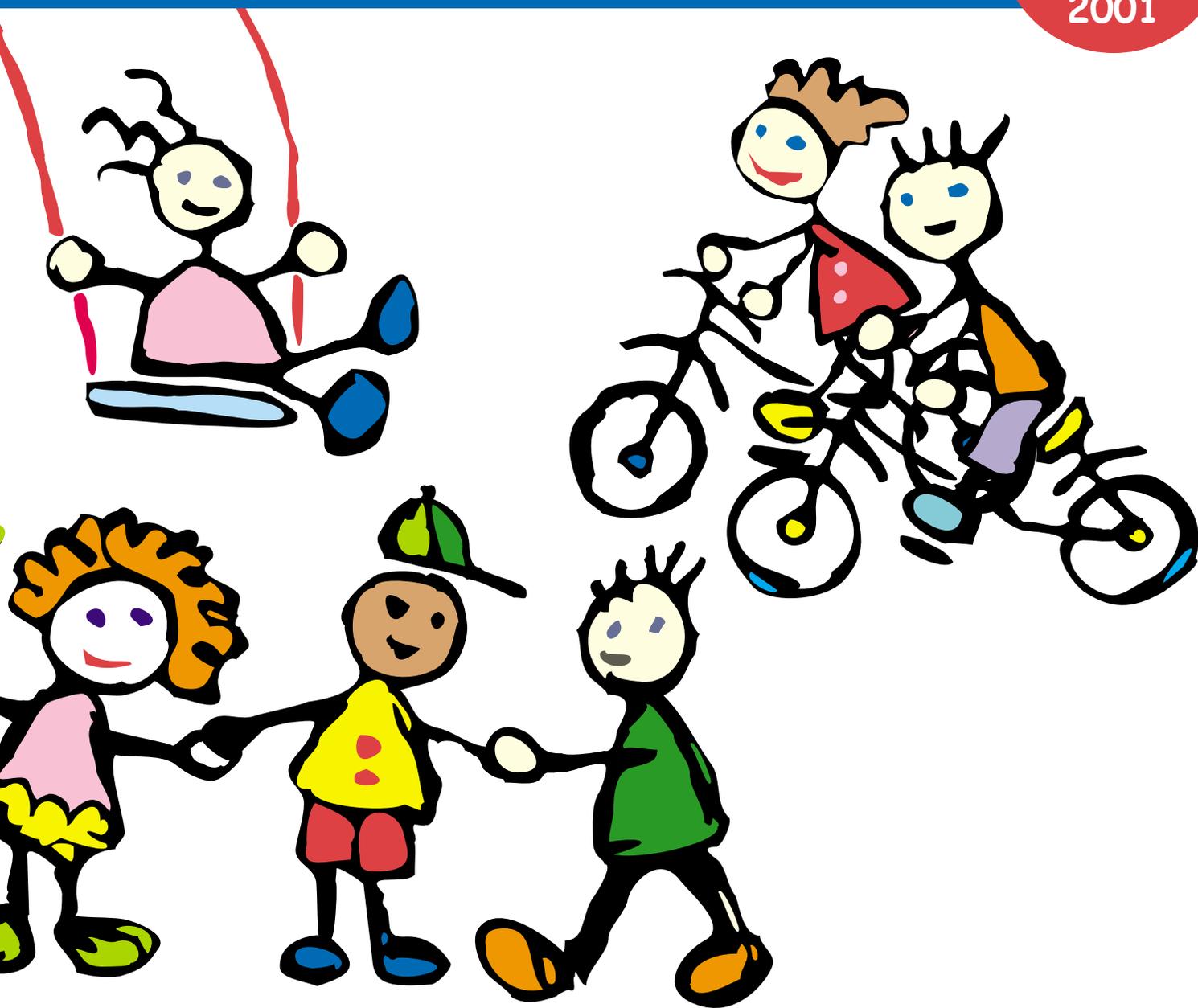


PENNSYLVANIA HUMAN RELATIONS COMMISSION

2000
ANNUAL
REPORT
2001



WORK AT A GLANCE

(July 1, 2000 – June 30, 2001)

Cases pending on 7/1/2000	9,033
Cases docketed in 2000-2001	6,172
Total Caseload	15,205
Cases closed in 2000-2001	6,809
• Employment	6,280
• Housing/Commercial Property.....	263
• Public Accommodation*	241
• Education (Post Secondary)*	25
Cases pending on 6/30/01.....	8,396
Number of Informal Complaints	37,023

IMPACT

Number of Persons Benefited.....	28,520
Financial Impact (in dollars).....	\$15,293,373

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

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.

July 1, 2000 — June 30, 2001

OFFICERS

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MESSAGE FROM THE CHAIRPERSON

The Honorable Mark Schweiker
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly
Commonwealth of Pennsylvania

Dear Governor Schweiker and
Members of the General Assembly:

Discrimination is not just a race issue, or a female issue; it is not just a big city issue or even a big company issue. It is a Pennsylvania issue. Equal opportunity is a vital element of our basic civil rights. It is a commitment illustrated with the creation of the PHRC in 1955 and the mission carried out by the Commission today.

Unlawful discrimination remains a serious problem in Pennsylvania. The Commission's backlog continued to rise this past year, despite a record number of case closures. The Commission continues to work closely with business, government agencies and private organizations in developing programs to improve equal opportunity and to promote diversity.

The Commission actively monitored and worked to prevent racial tension situations and community conflict related to bigotry and intolerance. But as the number of statewide tension incidents has increased over the years, so has the demand for Commission assistance within these communities.

The funding the Commission has received for its Program Revision Request continued to support major initiatives to improve customer service and increase agency efficiency. This funding included a multi-year project that is designed to improve the agency's overall process by automating the Commission's case management system.

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

Sincerely,



Carl E. Denson
Chairperson

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INTRODUCTION

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

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

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

There are two key methods the Commission uses to implement the law: (1) the receipt, investigation, resolution, conciliation and litigation of formal discrimination complaints filed by harmed individuals, the Pennsylvania Attorney General or the Commission itself; and (2) the publication of regulations and guidelines as well as the providing 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 case-load statistics and details of the Commission's work on discrimination investigation and its response to bias-related incidents.

The data contained in this annual report is based on case investigations completed during the fiscal year that dates July 1, 2000 to June 30, 2001.

COMMISSION HIGHLIGHTS

In the 2000-2001 fiscal year:

- 6,172 new complaints were filed. These cases were added to the 9,033 pending cases carried over from the 1999-2000 fiscal year. This resulted in the total caseload climbing to 15,205 cases. The Commission closed 6,809 cases and ended the fiscal year on June 30, 2001 with 8,396 cases pending for the next fiscal year.
- Staff processed 37,023 informal complaints. These informal complaints came from individuals who believed they were discriminated against. Complainants called, wrote or came into one of the Commission's regional offices to explore whether a formal complaint was appropriate. Often, after interviews, investigators found that the situations that occurred were situations not within PHRC's area of jurisdiction. Sometimes the problem could be resolved informally, without the need for a formal complaint. In other instances, the individual may be referred to an appropriate source of help. 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. Each issue required staff attention to address the issue.
- PHRC has a 30 percent successful settlement rate either before or after a finding of discrimination. This rate is sub-

stantially higher than other Fair Employment Practice Agencies (FEPAs) nationwide and the federal Equal Employment Opportunity Commission (EEOC) rate.

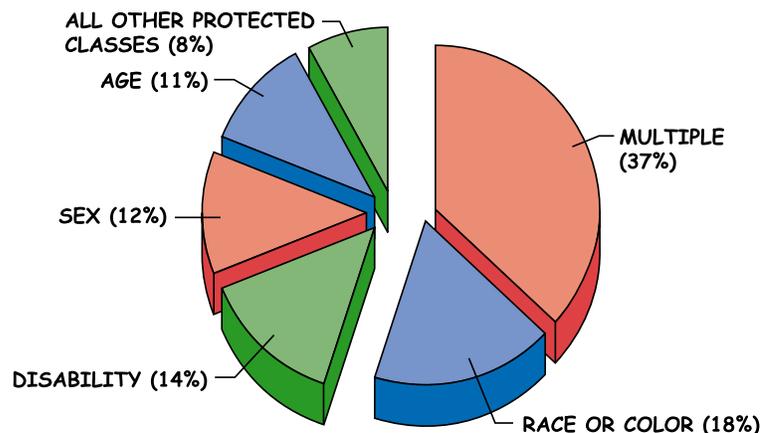
- Complaints dismissed by the Commission on the basis that no probable cause was found in the complaint accounted for 49 percent of the closings. Again, when comparing the no probable cause rate with other FEPAs and EEOC, the Commission's rate was considerably lower than the nationwide or federal average.
- Complaints closed by the Commission for lack of jurisdiction, administratively or for other reasons were at 21 percent. Nationwide, the Commission compared equally with the FEPAs and EEOC administrative rates.
- The total dollar amount negotiated for alleged victims of discrimination either after a finding of discrimination or through settlement before a formal finding was \$15,293,373. The average amount per settlement was \$7,720. This dollar amount represents an increase of nearly \$2 million over last fiscal year's figures. There were

28,520 individuals who secured jobs, promotions, reinstatements, financing or housing units, or benefited from training or policy changes from these settlements as well.

- Across the Commonwealth, 382 bias-related tension incidents in 47 of our 67 counties were reported to PHRC. This total rose by 31 incidents or an 8 percent increase over the previous fiscal year. The Commission remains greatly concerned with the type and severity of the occurring incidents.
- During much of the Commission's history, the cases that were investigated involved a single basis or reason for the discrimination such as age or gender. The Commission now experiences many cases that involve multiple reasons sited in the alleged discrimination. Thirty-seven percent of cases now involve two or more reasons for discrimination such as race and disability or age, gender and disability. Each individual reason must be thoroughly and independently analyzed during the investigation.

PHRC actively addressed its mandate to monitor and prevent racial tension situations and community conflict related to bigotry and intolerance. PHRC staff provided intervention, technical assistance and coordination with local and state police and community leaders. Tension statistics and analysis are given in the Community Services Section on pages 23-26.

Basis of Complaints of Alleged Discrimination



SELECTED CASE EXAMPLES—BASIS AND OUTCOME OF COMPLAINTS

The top five categories of allegations in the newly docketed complaints for fiscal year 2000-01 were: multiple basis (i.e., race and sex or age and disability) (37 percent), followed by race/color

discrimination (18 percent), disability discrimination (14 percent), sex discrimination (12 percent) and age discrimination (11 percent).

The following scenarios were actual docketed cases, investi-

gated and resolved by the Commission in the fiscal year. The names in the cases are fictitious. The cases are illustrations of only a part of the Commission's entire 15,205 caseload.

RACE/COLOR-BASED COMPLAINTS

Charles had only worked for a trucking company for about a year as a driver. He was the only Black assigned to his shift. During the time that he worked for the company, he noticed that the White drivers were given the newer trucks and better driving assignments. Charles complained to **Jeremiah** the dispatcher. About three weeks later, Charles was informed that he was being discharged for destruction of company property. When Charles asked what property he was being accused of destroying, Jeremiah told him the dispatch radio in the truck. Charles told Jeremiah that the radio in the truck had never worked since he was assigned to use that truck and that he had filed numerous repair forms for the radio in the time that he was there. Charles asked Jeremiah to check in the garage for the repair forms to support his claim. Jeremiah said that he was certain Charles had broken the radio and he was discharged. When Charles filed his race-based complaint with the Commission, he knew of other White drivers who also had broken radios but were not discharged; other White drivers who frequently got lost on assignments but were not discharged; and, other White drivers who caused damage to company trucks while being involved in traffic accidents, but were not discharged. Charles was reinstated to his full-time driving position at \$27,976 a year and received a \$6,500 bonus. Jeremiah was terminated from his dispatcher position.

Alannah was renting an apartment in western Pennsylvania. She is White and her boyfriend **Kevin** is Black. It wasn't until after Alannah signed the lease agreement to the apartment and Kevin helped her move in that her landlord learned that Kevin was Black. A month after Alannah moved in, she received a letter from the landlord that stated she was being requested to leave her apartment because she was an "undesirable" tenant. When Alannah talked to the landlord about the letter, he told her that he received "complaints" and would offer no other explanations. After filing her race-based complaint,

she received \$936 to cover all of her moving expenses and utility start-up fees. She now resides in another apartment.

Stella had worked at a senior care facility for 13 years. When the company changed ownership, new management staff was put into place. Stella had maintained a positive working relationship with the staff and with many of the patients. One afternoon, Stella was called into the site manager's office and was told she was being discharged for cursing at a patient, which constituted verbal abuse. Stella asked the name of the patient who had made the accusations. When she was told, Stella knew that the patient had a long-history of cursing at the nursing staff and used derogatory language when talking to others. Stella then asked if there were other witnesses to the incident. Stella was told that two nursing assistants - who were under Stella's supervision and had just recently been reprimanded by Stella - had come forward as witnesses to the incident. After Stella filed her race-based complaint, she was reinstated back into her old position at her \$46,800 salary.

AGE-BASED COMPLAINTS

For over 25 years, **Patricia** worked for a school district as a substitute teacher. Patricia applied—and was interviewed—for a vacant full-time third grade teaching position with the district. A month after her interview, Patricia learned that the successful applicant was a less-qualified applicant in her 20s. Patricia was 46. Shortly before the new school term began, Patricia again applied—and was interviewed—for a vacant full-time middle school position that suddenly became available. Again, the successful applicant was a less-qualified, younger applicant. After filing her age complaint with the Commission, Patricia was given the next available full-time teaching position with an increase in her salary of \$8,785.

Dorothy worked for **XYZ** insurance company for over 13 years as a supervisor of the managed care department. During her last two years with **XYX**, the company was bought out by **TUV** insurance. Most of the employees retained their position including Dorothy who had job performance ratings above satisfactory. Soon after the takeover, Dorothy began to notice that a high percentage of the nurses over 50 were either subjected to pay cuts, forced to resign or retire. The new management then began a campaign against Dorothy to get her to resign or retire at age 58. When Dorothy declined to resign or retire, she was told that she would be demoted at the end of the year, yet she was to train Jessica, a younger and less-qualified employee. After a month, Jessica left the position and the company advertised the position. Dorothy applied, but was not granted an interview. Michelle, who was previously Dorothy's subordinate who had less experience, was less qualified and was younger than Dorothy, was given the position. When Dorothy filed her age-based demotion with the Commission, her salary had been cut from \$63,800 down to \$54,400. In settlement, Dorothy received her old position back and was reinstated at her original rate of salary.

Eve had worked in the kitchen for a community college for 10 years. At the end of the spring semester, **Jason** told her she was being laid off because of cut backs for the summer. In mid-August, Eve called Jason to find out what her new hours were going to be as the new college session was about to get underway. Jason told Eve he had hired someone younger over the summer to replace her because she was the oldest worker there. When Eve was laid off, so were three of her colleagues—all of whom were under 40. Eve was 60. The other three kitchen workers were brought back at the start of the new session. After filing her age-based complaint, Eve was reinstated and received lost wages and benefits totaling \$16,967.

SEX-BASED COMPLAINTS

Emily was one of two administrative assistants who worked for a health service. **Mark** was the other. Both had the same work responsibilities. Emily made \$34,425 a year; Mark made \$70,000. As both individuals continued to work for the health service, Emily kept receiving additional assignments and projects, while Mark's responsibilities stayed the same. Emily asked the office manager (**Adam**) why there was a difference in pay status; Adam stated

that he would "look into the matter." Because of the increased workload, Emily began to work longer hours to keep current on all of her projects. Emily put in a request to Adam for comp time after working many overtime hours. The next day her request was denied. When she asked why, Adam told her he didn't want to "set a precedent." After Adam denied Emily's overtime request, he approved several comp requests to five male employees in a three-month time period. Emily then wrote a letter to the company CEO and cited the discrepancies that had been occurring. The CEO rescinded the comp time request of one of the male employees and the CEO told Adam why it was rescinded. Within days, her male colleagues harassed Emily. She was required to submit copies of all her work product to Adam while no one else was. After several weeks of the harassment, Adam called Emily into his office and demanded to know what was in the memo she sent to the CEO. Adam told her if she was simply that "unhappy" working for the company, she should just quit and find someplace else to go. Emily did go someplace else. She filed a gender-based complaint with the Commission. In settlement, she received a year's salary plus a one-time settlement for a combined \$36,219 payment. Emily currently works for another company.

Joshua was a data processor for a hospital. He was the only man in the division of eight employees. **Ronald** supervised all of the employees. During the seven years he worked for the hospital, Ronald would tell sexually explicit jokes, show pornographic material and carry on discussions about his (and the women's) sex lives in the office. Joshua asked Ronald on many occasions to stop this type of behavior and activities and each time, Ronald's response was the same, "I can't. The girls love it!" As these types of interactions were occurring, Joshua took notice that all of the women in his division were given preferential treatment by Ronald. Long lunch hours were overlooked. Arriving late and leaving early was excused with no accountability. Extra work assignments were always given to Joshua. Performance evaluations were scored high for the women, scored low for Joshua. When a position opened up in another department for a data processor, Joshua put in for a transfer. Ronald refused to release his necessary paperwork to complete the transfer. Joshua stopped working for the hospital. Joshua then filed a complaint with the Commission. In settlement, Joshua received a settlement of \$46,000.

With a Master's degree in Mechanical Engineering behind her, **Rochelle** applied for—and received—a research/teaching assistantship from a university. Over the next four years, Rochelle continued her work with breaks for the births of her two children. Each time she was pregnant, Rochelle's professor and advisor, **Abraham**, expressed dissatisfaction that she was pregnant, made clearly discriminatory comments about working mothers, discouraged her educational progress and always referred to her "family situation." Abraham eventually cut her assistantship, stating "being pregnant" as the reason followed by the explanation that it was "his belief that being pregnant would make her incapable of taking on the responsibilities of her job." Rochelle then began communication with another professor (**Malik**) in the same department and asked about funding for a position as a research assistant. In a meeting with Malik, he asked Rochelle how she planned to balance her family and her work and told Rochelle that he had discussed her family situation with Abraham. Rochelle then contacted the head of the department, **Thaddeus**. She informed Thaddeus that she would like to apply for education funding so she could resume her education and secure her Ph.D. degree. Thaddeus rejected Rochelle's request and stated that Abraham had told him that his "experience with Rochelle was a lost investment and he was burnt out by her departure." After filing her gender-based complaint with the Commission, Rochelle received \$12,200 in educational funding to achieve her degree.

DISABILITY-BASED COMPLAINTS

Lucy worked for a temp agency. She was assigned to work for a company as an office administrator. After working successfully for the company for almost six months, the sales director (**Rebecca**) contacted Lucy and asked to meet her for the first time. During their meeting, Rebecca noticed Lucy's cane that was propped up against the table. Rebecca asked Lucy "what was wrong with her." When Lucy told her she had multiple sclerosis, Rebecca replied, "Oh." Before Lucy left at the end of that day, she was told that another office administrator would be coming in from another state to "help out around the office." Four weeks went by and the personnel director told Lucy that she was being discharged because Rebecca "has a problem with you because you are disabled." After her termination, Lucy discovered that the office assistant who came to the company to "help out" while she was there replaced her. Lucy amended her complaint with the Commission after she talked again with the personnel director that he was told by

Rebecca to fire her because she felt Lucy "could not do the job and is unable to learn the job because she is handicapped." After filing her disability-based termination complaint with the Commission, Lucy received a \$12,500 settlement.

Wayne worked as a tooling mechanic for a manufacturing company for five years before he was terminated. During his final year with the company, Wayne's oldest son was diagnosed with bone tumors in his one leg. After receiving the diagnosis on his son, Wayne informed his supervisor, **Jonathan**, that he may need occasional time off from work to take his son to the hospital for treatments. Jonathan's response was: "That's too bad. Work should always come before family." Four months after the diagnosis on his son, Wayne's wife gave birth to their second son. Within hours after his birth, their son developed breathing difficulties, which would require several surgeries over a period of time to repair. Wayne also told Jonathan about his new son's condition and that would need additional time off for the child's surgeries in the coming weeks. Three months after his son's birth, Wayne requested a day off for a scheduled surgery; this request was approved by Jonathan. When Wayne returned to work the day after his son's surgery, Wayne was met at the door of the company by Jonathan and was told he was discharged from his position because he was missing too many workdays. After filing a complaint based on his association with a person with a disability, Wayne found other employment. Wayne received \$3,500 for lost medical benefits from the company he should have received but did not because he was discharged.

Patrick worked for a phone service as an account rep. Two years after his initial hire, Patrick became ill and was diagnosed with a muscular condition requiring periods of rest throughout the day. After a short-term disability leave, Patrick contacted **Rob**, his manager, to let him know he was able to return to work with some minor restrictions in his job assignments. Rob told Patrick he couldn't reinstate him and he needed to call the company's benefits department for medical clearance to return to work. Patrick then called the benefits department. Personnel in the benefits department told Patrick he needed to call the office of the CEO, who would determine if Patrick was capable of returning to work. After getting the "run-around" from the phone calls he had made, Patrick returned to his job site. When he

went to clock-in, Rob told him he would not be able to come back to work until he could return on a full-time basis with no restrictions. When Patrick told Rob he needed reasonable accommodations for his return to work, Rob told him there was nothing he could do because he was not released by the benefits department. After filing his disability-based termination complaint, Patrick was reinstated at his job with an increase in salary at \$22,000 annually.

MULTIPLE-BASED COMPLAINTS

Jacqueline, a Black female, had worked as a client services director and manager for 14 years with an insurance company. During her time with the company, she was responsible for the single largest account, as well as supervising several staff. Her performance evaluations and sales records were ranked exemplary. In her last years with the company, Vice President **Alan** hired a White male, **Ethan**, who Jacqueline was required to train in a very brief time period. During this training period, some of Jacqueline's paperwork requirements were delayed. Alan called a meeting with Jacqueline and informed her that now that she had trained Ethan, he was going to be the new client services manager and she would only be the director. Jacqueline asked Alan to specify her new job responsibilities and she stated she would continue to supervise a staff that held an outstanding sales record. Within the next week, the company president announced that because of a streamlining process the company was about to undergo, positions were going to be shifted and changed—and, depending upon the work that was being done, a consolidation of functions and possible loss of jobs could occur. Jacqueline again went to Alan and asked for her job specifications. Alan stated that with the reorganization in progress, upper management would review her position as the restructuring took place. Within two days, Jacqueline received her notice that her position was being eliminated. When Jacqueline filed her complaint with the Commission, she stated that with the elimination of her job, all of the director and manager positions were held by White males. Her outstanding 14-year career with the company was never considered. In settlement, Jacqueline received a \$351,632 settlement that included lost salary, vacation and sick pay, benefits, stock options, retirement contributions and attorney fees.

Gerald worked for a transportation service for 25 years. After a back injury eliminated his ability to

do heavy lifting, **Gerald** interviewed for a buyer position in the Contracts Division. After working in this job for five years, a Director of Buyers position was posted as a vacancy. **Gerald** read the job requirements for the position and noticed it had changed from the last time it was posted. The years of experience required had been increased from two to seven years. **Matthew**, who joined the transportation service out of college, had been a buyer for the last eight years. **Matthew**, age 31, received the promotion. Later, another position was posted for the position of Inventory Control Director, who was responsible for all of the products purchased by the Contracts Division. **Gerald** applied for this position. Human Resources, who stated that he didn't meet the minimum requirements and could not carry out the computer skills necessary to do the job, denied **Gerald** an interview. The person selected for the position was 28. After being notified of the two employment decisions, **Gerald** was stopped in the hall by a senior manager who asked him why he didn't just retire and take it easy instead of asking for all this stress. **Gerald** told him he had no intention of retiring. Several weeks passed and upper management announced that the buyers in the Contracts Division were going to be absorbed by the Accounting Division. It was announced that **Gerald** would remain for two weeks to "clean-up" loose ends before moving on to join the rest of the staff. When the two weeks were over, **Gerald** was called into Human Resources and told all of the buyers positions were filled and the only positions available were hourly wage jobs and dock jobs that required heavy lifting. When **Gerald** stated the hourly wage jobs paid less than what he was currently making and he could not do any heavy lifting, **Gerald** was told there was no longer a place for him at the organization. At the time **Gerald** filed his complaint with the Commission, he was 63 and had a back disability. In settlement, **Gerald** was rehired as a buyer and was returned to his \$51,731 annual salary.

Florence was a customer service representative for a bank. She was the only African-American employee at the bank. Soon after she started in her position, she was harassed by some of the employees. After **Florence** filed a complaint with the Commission, the harassment increased. Her supervisor denied her attendance at computer training. When pay raises were given out, **Florence** received the smallest one. Her hours were changed daily. She was the only one who was time-clocked for every break and lunch. Her workload was increased. Her co-workers referred to

her as "Bible thumper" and made derogatory remarks about her religion. The act that brought Florence to the Commission to file her race, religion and retaliation complaint occurred when her supervisor cut her hours from full-time to part-time. She resigned her position after this happened. After she filed her complaint, Florence wrote a letter to the bank president. When he wrote back to Florence, he told her the following: sensitivity training had been given to

all of the employees; some of the employees had been disciplined; other employees had been transferred. The president apologized to Florence that all of these incidents had happened to her and that he wished she had contacted him before she resigned. Florence then asked the Commission to close her case because she felt satisfied that the bank president had addressed her complaint.

BACK TO BASICS

Is it a "fact-finding conference" or a "public hearing"? Why wasn't a "fact-finding conference" held? This flow chart gets "Back to Basics" by explaining the key points of a Commission investigation.

COMMISSION STRUCTURE

The Commission is organized into a Central Office in Harrisburg, and three regional offices in Pittsburgh, Harrisburg and Philadelphia.

REGIONAL OFFICES

The Regional Offices have primary responsibility for receiving and investigating complaints of discrimination and also provide technical assistance in local communities.

CENTRAL OFFICE

The Central Office is responsible for budget operations, developing statewide procedures and standards, reviewing and approving case closing recommendations, information technology, personnel, training, conducting programs and providing technical assistance of statewide impact, providing direction and guidance to the regions, carrying out central administrative functions, labor relations and public communications.

FILING A COMPLAINT

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. Last fiscal year, staff responded to 37,023 informal inquiries.

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.

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

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.

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 FILED

**COMPLAINT DOCKETED

COMPLAINT 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. We also refer appropriate housing complaints to the Pennsylvania Real Estate Commission.

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

RESPONDENT ANSWER

FACT-FINDING CONFERENCE

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

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 fact-finding conference to be feasible. Sometimes it is not possible to schedule a fact-finding conference early enough for it to serve the function of expediting the investigation and resolution of a complaint. And, since the fact-finding conference is a voluntary procedure, there are times when one of the parties does not want a fact-finding conference.

REASONS WHY A FACT-FINDING CONFERENCE MAY NOT BE HELD

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.

VOLUNTARY SETTLEMENT?

The fact-finding conference 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.

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.

COMPLIANCE STATISTICS

BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION July 1, 2000 - June 30, 2001

BASIS	EMPLOYMENT		HOUSING/ COMMERCIAL PROPERTY		ACCOMMO- DATIONS*		EDUCATION**		STATE TOTAL	
	NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Race or Color	943	17	91	35	85	33	10	34	1,129	18
Religion	67	1	2	1	0	0	0	0	69	1
National Origin	123	2	11	4	7	3	0	0	141	2
Age	670	12	2	1	8	3	2	6	682	11
Sex	686	12	16	6	22	8	4	13	728	12
Disability	695	12	59	22	68	26	4	13	826	14
Association w/Person(s) w/Disability	30	1	0	0	5	2	0	0	35	1
Multiple***	2,166	39	62	24	64	25	10	34	2,302	37
Retaliation	241	4	6	2	0	0	0	0	247	4
Familial Status	0	0	13	5	0	0	0	0	13	0
TOTAL	5,621	100	262	100	259	100	30	100	6,172	100

* Includes elementary and secondary schools.

** Includes secondary education only.

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

GEOGRAPHICAL DISTRIBUTION OF CASES BY REGION July 1, 2000 - June 30, 2001

AREA OF JURISDICTION	NUMBER OF COMPLAINTS DOCKETED				
	PITTSBURGH	HARRISBURG	PHILADELPHIA	CENTRAL	STATE TOTAL
Employment	941	1,495	1,449	1,736	5,621
Housing/ Commercial Property	68	71	123	0	262
Public Accommodations*	63	91	105	0	259
Education**	8	4	18	0	30
ALL AREAS	1,080	1,661	1,695	1,736	6,172

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

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

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

* Includes elementary and secondary schools.

** Includes secondary education only.

INFORMAL INQUIRIES

July 1, 2000 - June 30, 2001

INQUIRIES	PITTSBURGH	HARRISBURG	PHILADELPHIA	STATE TOTAL
Telephone	12,175	10,405	9,041	31,621
Letters	91	825	1,480	2,396
In-office Visits	223	400	2,383	3,006
TOTAL	12,489	11,630	12,904	37,023

RACE/NATIONAL ORIGIN AND GENDER OF COMPLAINANTS

July 1, 2000 - June 30, 2001

RACE/GENDER	PITTSBURGH	HARRISBURG	PHILADELPHIA	CENTRAL	STATE TOTAL
Black Males	186	251	391	187	1,015
Black Females	217	182	483	151	1,033
White Males	247	367	186	12	812
White Females	353	539	239	12	1,143
Asian/Pacific Islander Males	1	7	6	0	14
Asian/Pacific Islander Females	3	10	10	0	23
Indian/Alaskan Native Males	0	0	0	0	0
Indian/Alaskan Native Females	0	1	0	0	1
Undeclared/Other Race Males	25	117	146	631	919
Undeclared/Other Race Females	17	158	212	741	1,128
Undeclared Gender	27	26	20	3	76
TOTAL	1,076	1,658	1,693	1,737	6,164

NATIONAL ORIGIN/GENDER	PITTSBURGH	HARRISBURG	PHILADELPHIA	CENTRAL	STATE TOTAL
East Indian Males	0	2	4	0	6
East Indian Females	1	1	2	0	4
Hispanic Males	4	42	38	15	99
Hispanic Females	0	31	41	9	81
Undeclared/Other National Origin Males	455	697	687	815	2,654
Undeclared/Other National Origin Females	589	858	901	895	3,243
Undeclared Gender	27	27	20	3	77
TOTAL	1,076	1,658	1,693	1,737	6,164

DISTRIBUTION OF DOCKETED CASES BY COUNTY
July 1, 2000 - June 30, 2001

	NUMBER OF CASES DOCKETED				
	EMPLOYMENT	HOUSING/ COMMERCIAL PROPERTY	PUBLIC ACCOMMO- DATIONS*	EDUCATION**	STATE TOTAL
Adams	19	1	1	0	21
Allegheny	947	41	46	5	1,039
Armstrong	14	0	1	0	15
Beaver	80	1	2	1	84
Bedford	11	0	0	0	11
Berks	161	16	13	0	190
Blair	40	0	3	0	43
Bradford	8	0	0	0	8
Bucks	209	16	6	1	232
Butler	67	0	3	0	70
Cambria	63	2	1	0	66
Cameron	3	0	0	0	3
Carbon	12	0	1	0	13
Centre	33	1	5	4	43
Chester	165	12	13	1	191
Clarion	9	0	0	0	9
Clearfield	16	0	0	0	16
Clinton	7	0	2	0	9
Columbia	13	0	2	0	15
Crawford	29	0	1	0	30
Cumberland	162	9	3	0	174
Dauphin	365	15	20	0	400
Delaware	291	13	5	0	309
Elk	10	0	0	0	10
Erie	80	10	0	0	90
Fayette	40	4	0	0	44
Forest	4	0	0	0	4
Franklin	31	2	1	0	34
Fulton	0	0	0	0	0
Greene	10	0	0	0	10
Huntingdon	12	0	1	0	13
Indiana	21	1	0	0	22
Jefferson	8	1	0	0	9
Juniata	4	1	0	0	5
Lackawanna	82	2	6	0	90
Lancaster	137	2	3	0	142
Lawrence	29	1	2	0	32
Lebanon	32	1	1	0	34
Lehigh	122	2	1	0	125
Luzerne	111	3	3	0	117

DISTRIBUTION OF DOCKETED CASES BY COUNTY
July 1, 2000 - June 30, 2001

	NUMBER OF CASES DOCKETED				
	EMPLOYMENT	HOUSING/ COMMERCIAL PROPERTY	PUBLIC ACCOMMO- DATIONS*	EDUCATION**	STATE TOTAL
Lycoming	30	1	2	0	33
McKean	11	0	0	0	11
Mercer	50	0	1	0	51
Mifflin	17	0	0	0	17
Monroe	47	2	1	0	50
Montgomery	579	27	13	1	620
Montour	3	0	1	0	4
Northampton	81	1	4	0	86
Northumberland	22	0	2	0	24
Perry	4	0	0	0	4
Philadelphia	839	55	64	15	973
Pike	5	0	0	0	5
Potter	1	0	0	0	1
Schuylkill	28	1	5	0	34
Snyder	13	1	0	0	14
Somerset	9	0	0	0	9
Sullivan	0	0	0	0	0
Susquehanna	2	0	0	0	2
Tioga	7	1	1	0	9
Union	5	1	0	0	6
Venango	21	1	1	0	23
Warren	9	0	0	0	9
Washington	107	1	2	1	111
Wayne	12	0	0	0	12
Westmoreland	119	8	3	1	131
Wyoming	7	0	0	0	7
York	136	5	13	0	154
ALL COUNTIES	5,621	262	259	30	6,172

* Includes elementary and secondary schools.

TOTAL OCCURRENCES OF ALLEGATIONS BY REGION*
July 1, 2000 - June 30, 2001

TOTAL NUMBER OF COMPLAINTS DOCKETED ALLEGATIONS	PITTSBURGH		HARRISBURG		PHILADELPHIA		CENTRAL		STATE TOTAL	
	NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Race or Color	416	24	492	16	721	26	445	17	2,074	20
Religion	29	2	47	2	60	2	43	2	179	2
National Origin	36	2	126	4	138	5	75	3	375	4
Age	484	27	788	26	606	22	485	19	2,363	23
Sex	336	19	560	18	482	17	611	23	1,989	19
Disability	263	15	638	21	438	16	473	18	1,812	18
Retaliation	203	11	388	13	350	12	472	18	1,413	14
Familial Status	6	0	8	0	4	0	1	0	19	0
TOTAL	1,773*	100	3,047*	100	2,799*	100	2,605*	100	10,224*	100

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

SEXUAL HARASSMENT FILINGS BY COUNTY
July 1, 2000 - June 30, 2001

COUNTY	TOTAL
Philadelphia	76
Montgomery	48
Allegheny	35
Bucks	31
Delaware	24
Luzerne	22
Dauphin	20
Berks	17
Lehigh	16
Cumberland	14
Chester, Lancaster	13 each
Westmoreland	12
Washington	11
Lackawanna, York	9 each
Erie, Mercer	8 each
Indiana, Northampton	7 each
Monroe	6
Butler, Centre, Franklin	5 each
Blair, Cambria, Adams, Lebanon	4 each
Clarion, Crawford, Northumberland, Tioga	3 each
Beaver, Carbon, Greene, Huntingdon, Juniata, Lawrence, Mifflin, Somerset, Union, Warren, Wayne	2 each
Armstrong, Bradford, Clearfield, Jefferson, Lycoming, Perry, Schuylkill, Snyder, Venango, Wyoming	1 each
TOTAL	481

If a county is not listed, there were no sexual harassment cases docketed during this fiscal year. In the past fiscal year, 481 complaints of sexual harassment were filed with the Commission, which represents a 16 percent decrease compared to 570 cases filed in the 1999-00 fiscal year. Of the cases that were docketed, 424 were filed by women and 57 by men. Employment cases accounted for the most sexual harassment allegations with 467 cases, followed by public accommodations with eight, education with five and housing with one allegation.

DISABILITY OCCURRENCES*
July 1, 2000 - June 30, 2001

TYPE OF DISABILITY	NUMBER OF OCCURRENCES	TYPE OF DISABILITY	NUMBER OF OCCURRENCES
Nonparalytic Orthopedic Impairment	148	Cancer	21
Emotional Impairment	170	Past Alcoholism/Drug Addiction**	23
Back Impairment	108	Asthma	28
Regarded as Disabled	104	Epilepsy	22
Neurological Impairment	69	Vision Impairment	39
Record of a Disability	56	Respiratory/Pulmonary Impairment	19
Heart/Cardiovascular Impairment	57	Disfigurement	17
Diabetes	56	Multiple Sclerosis	11
Learning Disabilities	38	Allergies	7
HIV/Blood Disorders	23	Paralysis	10
Gastrointestinal/Kidney Impairment	32	Speech Impairment	11
Hearing Impairment	30	Chemical Sensitivities	10
Association with a Person with a Disability	41	Cerebral Palsy	15
		Uncategorized Impairments	587
		TOTAL	1,752

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

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

RACE OCCURRENCES BY REGION AND JURISDICTION
July 1, 2000 - June 30, 2001

RACE AREAS	BLACK				WHITE				OTHER				ASIAN				INDIAN				COLOR			
	E	H	P	S	E	H	P	S	E	H	P	S	E	H	P	S	E	H	P	S	E	H	P	S
Region 1	307	40	32	1	35	10	1	1	6	0	0	0	2	0	1	0	0	0	0	0	2	0	0	0
Region 2	358	29	34	3	40	2	6	1	6	1	1	0	19	1	1	0	2	0	0	0	2	1	1	0
Region 3	533	47	58	10	49	5	4	0	6	1	2	1	12	4	3	0	0	0	0	0	3	0	0	0
Central	373	0	0	0	38	0	0	0	17	0	0	0	14	0	0	0	0	0	0	0	22	0	0	0
State	1,571	116	124	14	152	17	11	2	35	2	3	1	47	5	5	0	2	0	0	0	29	1	1	0

E – Employment

H – Housing

P – Public Accommodation

S – Education

Region 1 – Pittsburgh Regional Office

Region 2 – Harrisburg Regional Office

Region 3 – Philadelphia Regional Office

CLASSIFICATION OF RESPONDENTS IN DOCKETED CASES
July 1, 2000 - June 30, 2001

RESPONDENT CATEGORY	CASES	
	NUMBER	PERCENT
Employment Cases (Total)	5,621	100
Amusement and Recreation Places	84	1
Banks/Financial Institutions/Lenders/Mortgagers	206	4
Construction and Skilled Trades	182	3
Restaurants/Bars/Pubs	174	3
Colleges/Universities/Vocational/Trade Schools (Public and Private)	145	3
Police/Fire/Ambulance (State/City/Township/Sheriff)	83	1
Hotels/Motels/Resorts	93	2
Insurance Companies	117	2
Housing/Apartment Complexes/Condos/Real Estate Agents & Companies	100	2
Employment Agencies	76	1
Manufacturing Companies (Food Products/Clothes/Furniture/Appliances)	1,496	27
Media (Newspapers/TV/Radio/Book Companies/Magazines/Advertising)	142	3
Forestry/Fishing/Trapping/Mining	32	1
Personal Services	224	4
Medical Services (Doctors/Dentists/Hospitals/Clinics/Pharmacies)	584	10
Retail Stores	514	9
Secondary Schools and School Districts (Public and Private)	252	4
Public Transportation/Public Utilities	361	6
Unions	68	1
Business and Repair Services	62	1
Membership Organizations	96	2
Attorneys and Legal Organizations	54	1
State Government	192	3
County Government	162	3
City and Municipal Government	30	1
Township Government	38	1
Miscellaneous	54	1
Housing/Commercial Property Cases (Total)	262	100
Owners and Individuals	80	31
Real Estate Companies/Agents	28	11
Banks/Mortgagers and Credit Unions	20	8
Government (City/County/State)	7	3
Development Corporations	6	2
Housing Authorities	19	7
Management Companies/Condos/Homeowner Associations	19	7
Specific Apartments/Condos/Trailer Parks	77	29
Miscellaneous	6	2

CLASSIFICATION OF RESPONDENTS IN DOCKETED CASES
July 1, 2000 - June 30, 2001

RESPONDENT CATEGORY	CASES	
	NUMBER	PERCENT
Public Accommodations Cases (Total)	259	100
Hotels/Motels/Resorts	9	3
Restaurants/Bars/Pubs	27	11
Recreation/Amusement Places	13	5
Retail Stores	44	17
Personal Services (Beauty/Health)	5	2
Secondary Schools/School Districts	63	24
Police/Fire/Ambulance (State/City/Township/Sheriff)	14	5
Doctor's Office/Medical Services	22	8
Public Transportation/Public Utilities (Gas/Phone/Cab)	16	6
Banks/Financial Services	12	5
Government (City/County/State)	23	9
Newspapers	4	2
Miscellaneous	7	3
Education Cases (Total)	30	100
Colleges/Universities, Private	8	27
Colleges/Public	10	33
Vocational	8	27
Public Schools, Secondary	4	13

CASES CLOSED BY REGION
July 1, 2000 - June 30, 2001

REGION	TYPE	EMPLOYMENT		HOUSING/ COMMERCIAL PROPERTY		PUBLIC ACCOMMO- DATIONS		EDUCATION		STATE TOTAL	
		NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Pittsburgh (Region 1)	ADM	224	20	8	9	20	27	8	44	260	20
	NPC	521	48	27	32	20	27	3	17	571	45
	ADJ	350	32	50	59	35	46	7	39	442	35
	Total	1,095	100	85	100	75	100	18	100	1,273	100
Harrisburg (Region 2)	ADM	319	20	15	17	17	21	0	0	351	20
	NPC	594	38	45	50	23	29	0	0	662	38
	ADJ	669	42	30	33	40	50	0	0	739	42
	Total	1,582	100	90	100	80	100	0	100	1,752	100
Philadelphia (Region 3)	ADM	316	19	6	8	21	25	0	0	343	19
	NPC	881	52	29	40	36	44	4	57	950	51
	ADJ	484	29	37	52	26	31	3	43	550	30
	Total	1,681	100	72	100	83	100	7	100	1,843	100
Central Office*	ADM	520	27	3	19	0	0	0	0	523	27
	NPC	1,117	58	9	56	3	0	0	0	1,129	58
	ADJ	285	15	4	25	0	0	0	0	289	15
	Total	1,922	100	16	100	3	100	0	100	1,941	100
Total	ADM	1,379	22	32	12	58	24	8	32	1,477	21
	NPC	3,113	50	110	42	82	34	7	28	3,312	49
	ADJ	1,788	28	121	46	101	42	10	40	2,020	30
	Total	6,280	100	263	100	241	100	25	100	6,809	100

ADM—Administrative (Cases closed as withdrawn, untimely, lacking jurisdiction, docketed in error, failure to locate, failure to cooperate, moot, referred to equal Employment Opportunity Commission (EEOC) and cases that have gone to state or federal court.)

NPC—No Probable Cause

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

* Cases assigned to Central Office are generally those, which are dual filed with the EEOC, for which EEOC has the responsibility to investigate, and PHRC holds its complaint in abeyance pending EEOC's decision.

LENGTH OF TIME FROM DOCKETING* TO COMMISSION'S FINAL RESOLUTION
July 1, 2000 - June 30, 2001

TOTAL DAYS DOCKETING TO RESOLUTION	NUMBER OF CASES CLOSED	PERCENTAGE OF TOTAL	CUMULATIVE PERCENTAGE
60 days or less	575	8	8
61 to 90 days	397	6	14
91 to 120 days	440	7	21
121 to 300 days	2,022	30	51
301 to 365 days	365	5	56
366 to 730 days	1,411	21	77
731 days plus	1,599	23	100
TOTAL CASES	6,809	100	—

*Docketing occurs when a case(s) is assigned a docket number.

TOTAL FINANCIAL IMPACT FIGURES
July 1, 2000 - June 30, 2001

AREA OF JURISDICTION	AMOUNT IN DOLLARS				
	PITTSBURGH	HARRISBURG	PHILADELPHIA	CENTRAL	STATE TOTAL
Employment	\$ 1,685,125	\$ 4,319,936	\$ 4,416,327	\$ 4,340,208	\$ 14,761,596
Housing/ Commercial Property	196,891	21,996	216,534	10,000	445,421
Public Accommodations	27,891	28,102	25,652	0	81,645
Education	4,710	0	1	0	4,711
TOTAL	\$ 1,914,617	\$ 4,370,034	\$ 4,658,514	\$ 4,350,208	\$ 15,293,373

TOTAL MONETARY RESOLUTIONS WITH BENEFITS SUMMARY
July 1, 2000 - June 30, 2001

CATEGORY	AMOUNT IN DOLLARS				
	PITTSBURGH	HARRISBURG	PHILADELPHIA	CENTRAL	STATE TOTAL
RESTORED PAY: Back pay or front pay	\$28,996	\$158,592	\$137,125	\$35,315	\$360,028
NEW HIRE: 1 year wage/salary	15,960	88,787	66,796	115,879	287,422
PROMOTION: 1 year wage differential	52,817	58,742	110,326	0	221,885
REMEDIAL RELIEF: Pension payments, medical insurance, reimbursement of insurance premiums, life insurance, etc.	9,923	78,064	37,592	7,600	133,179
REINSTATEMENT/ RECALL: 1 year wage/salary	264,933	522,519	538,814	0	1,326,266
PROJECTED MONETARY: Future insurance contributions, pension contributions for the next year, etc.	23,687	153,280	99,768	15,500	292,235
ACTUAL MONETARY: One-time cash settlement, attorney fees, training, tuition costs, etc.	1,480,259	3,001,792	3,587,387	4,139,625	12,209,063
COMPENSATORY DAMAGES: Out-of-pocket expenses, filing expenses, additional expenses incurred by complainant because of the act of harm, additional travel, parking, uniforms, etc.	23,042	2,207	37,500	6,156	68,905
PUNITIVE DAMAGES: Court-ordered damages	1,500	0	0	0	1,500
ATTORNEYS FEES	13,500	306,051	43,206	30,133	392,890
TOTAL	\$1,914,617	\$4,370,034	\$4,658,514	\$4,350,208	\$15,293,373

CASES CLOSED WITH TOTAL NON-MONETARY RESOLUTIONS
July 1, 2000 - June 30, 2001

CATEGORY	AMOUNT IN DOLLARS				
	PITTSBURGH	HARRISBURG	PHILADELPHIA	CENTRAL	STATE TOTAL
Policy Changes*	18	42	29	3	92
Training/Apprenticeships	6	13	13	3	35
Religious Accommodations	0	0	0	0	0
Seniority	6	4	2	1	13
Job Referrals	1	0	0	0	1
Union Membership	1	0	0	0	1
Reasonable Accommodations*	8	19	9	0	36
EEOC/HUD/PHRC Postings	13	16	3	4	36
OTHER: Employment reference, apology, purge personnel file, improved communications, admittance to public accommodation or membership, punitive action (example: harasser transferred to another area, etc.)	121	227	149	55	552
TOTAL	174	321	205	66	766

COMMUNITY OUTREACH AND INITIATIVES

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

The Commission built upon its community outreach through continuing development of its website. This past year, the Commission added the following six new categories for users as well as changing the overall design and navigation system on the previous website.

- **Legal** allows the user to obtain copies of the Commission's recent public hearing opinions and sexual harassment guidelines. This section provides a legislative timeline on the changes to the Pennsylvania Human Relations Act, as well as a review of all PHRC state court decisions and a link to the Commission's regulations.
- **Bias** provides tension incident statistics, an explanation of Pennsylvania's Hate Crime Law, information on the PA Inter-Agency Task Force on Civil Tension and links to key state and national organizations that promote messages of equity, understanding, tolerance and respect for others.
- **Education** details the Commission's Equal Educational Opportunity Guidelines and offers links to state and national education organizations that promote messages of equity, understanding, tolerance and respect for others.
- **Community Services** also links to national organizations that also promote messages of equity, understanding, tolerance and respect for others. This section

is marked for additions in the coming months.

- **Housing and Commercial Property** offers key definitions and applicable housing laws. Links to housing advocates are also included.
- The **Special Events** section gives a listing of upcoming special events by the Commission.

All of this additional information, plus the original five sections, can be found at www.phrc.state.pa.us. The Commission's website meets national accessibility standards known as Bobby.

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

EDUCATION AND COMMUNITY SERVICES

Three Key Functions

The three key functions of PHRC's Division of Education and Community Service are to:

- Provide informational sessions and training programs to schools, communities and government agencies;
- Coordinate prevention and response for bias-related incidents that can lead to racial

tension;

- Promote equal educational opportunity.

Informational Outreach and Training

The Division of Education and Community Services provides many presentations, media interviews and training sessions on a number of topics and to a variety of audiences throughout the Commonwealth.

This year staff from all of the Commission's four offices presented 132 presentations, interviews and trainings to a total of 15,882 people.

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 civil tension. Seventy-one (71) sessions were provided on these topics for a total of 8,693 people. Many of these requests came from schools, colleges and universities.

Other common requests were for topics such as:

- Cultural Diversity (12 sessions for 5,044 people)
- Sexual, Racial and Ethnic Harassment (five sessions for 132 people)
- Training for law enforcement and communities on Pennsylvania's "Hate Crime Law," the Ethnic Intimidation and Institutional Vandalism Act (four sessions for 1,608 people).

Outreach and training activities were reinforced through assisting various agencies and organizations in both planning and conducting their own training events.

Division staff from PHRC's Central Office assisted the Governor's

Advisory Commission on Latino Affairs in planning for Hispanic Heritage Month (Sept/Oct 2000) activities, and also for a successful Latino "Youth Conference" that focused on youth violence prevention. ACCESS Harrisburg, a local disability advocacy group, invited PHRC's participation in its May 2000 informational fair focusing on disability access issues, and provided consultation to the group on a proposed new transportation accessibility ordinance for the City of Harrisburg.

There was also strong outreach activity from PHRC's three regional offices. The Pittsburgh Regional Office conducted presentations in Erie for refugee social service providers, resettlement agency representatives, local government officials and refugees in cooperation with the Pennsylvania Refugee Resettlement Program. They were also active partners in planning for the Ebony and Ivory Ball, sponsored by "The Women of Pittsburgh 2000," a non-profit, faith-based organization seeking to eliminate racial barriers among diverse women across Pittsburgh communities.

Recognizing the great potential for mid-sized cities to strengthen relationships and to learn from each other in relation to numerous issues concerning police/community relations and civil tension prevention and response, Division staff worked with the U.S. Attorney's Office of the U. S. Department of Justice and the Reading-Berks Conflict Resolution Task Force to organize a very successful "Route 222 Corridor Cities Symposium." The Symposium was held in May at Alvernia College in Reading. Delegations of public officials, law enforcement, and community leaders from the cities of Easton, Allentown, Bethlehem, Reading, Lebanon, Lancaster and York

gathered for a full day of panel presentations and dialogue.

Civil Tension Prevention and Response

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

This year Division staff convened and facilitated 10 meetings of the Tension Task Force. In order to strengthen relationships among member agencies and to broaden the awareness of Tension Task Force, monthly meetings were scheduled for the first time for locations outside of the immediate Harrisburg region in Reading, York, Pittsburgh and Philadelphia.

There continues to be significant interest beyond Pennsylvania's borders in the work of the Pennsylvania's Inter-Agency Task Force on Civil Tension. In April of 2001, Division staff made presentations at a Conference for Hate Crime Officers of New Jersey. Law enforcement in New Jersey were introduced the structure and functions of the Task Force, as well as successful response strategies to hate crimes and organized hate group activity that the Task Force has developed.

PHRC provided leadership, coordination and facilitation for two work groups of the PA Inter-Agency Task Force on Civil Tension—one on Bias-Related Incident Report Formats, and the other on Media Strategies. PHRC regional staff was also involved in developing local strategies regarding the role and practices of media in the context of escalating intergroup tensions, serving on a Media Subcommittee of the Pittsburgh NAACP.

Division staff provided leadership and staff resources for significant progress during the year on the further development of the Bias-Related Incident Collection and Reporting System database. The automation of record keeping for reported incidents of bias has allowed for much more efficient generation of standard monthly reports, easier identification of patterns among the incidents, and the capability to produce customized reports on request.

On several occasions, Division staff gave leadership to Tension Task Force consultation and response services provided to communities experiencing announcements of public rallies by organized hate groups. Three such situations in Warren, Uniontown and Carlisle received significant attention and effort.

Pittsburgh regional staff monitored events in Uniontown and attended the Unity Rally that was sponsored by the Fayette County NAACP and held at the Fayette Campus of Penn State.

There were some unique and very positive developments in the response of the Carlisle community to the presence of the "Church of the American Knights of the Ku Klux Klan." A pre-existing response plan existed for Carlisle due to an unfulfilled threat by the Klan to rally there several years ago. Response processes led by the Mayor and local community leaders began immediately. For an entire week before the Klan rally, educational initiatives were implemented in many area schools. Ecumenical vigils and numerous community seminars were conducted, all in a community-wide sea of purple ribbons, the symbol the community had adopted to express value for non-violence, equality and diversity. The planning group formed

committees, one of which they called the "Next Steps" committee, which was charged with planning for a long-term agenda beyond the day of the Klan rally.

On the day of the Klan rally, downtown businesses closed in solidarity with the community's rejection of the Klan's message and presence. Fifteen Klan members assembled, with about 50 apparent supporters looking on and about 200 other spectators. Across town, at the Biddle Athletic Field of Dickinson College, over 3,000 people assembled at a Unity Celebration. Governor Ridge addressed the crowd and thanked local leaders with "You made Pennsylvania proud." The Governor also specifically thanked Commission staff for helping "Carlisle to find its voice," and he concluded his remarks with these words:

"We must, above all, speak truth to the peddlers of hate. Yes, respect their free speech rights. But let us exercise our rights. Let our voices be heard, louder than theirs, and in numbers greater than theirs."

As a result of the Klan's presence in Carlisle, a new NAACP branch was chartered there. Division staff returned to Carlisle weeks later to facilitate small group discussion and planning sessions organized by the "Next Steps" Committee for an on-going agenda to address issues that surfaced as a result of Klan presence.

The Division provided assistance relating to tensions within schools as well. Central office staff worked with Pittsburgh regional office staff to present an intensive, one-day training addressing responding to school-based hate incidents, harassment, hate crimes and organized hate groups at the Westmoreland County Community College. The training day was

arranged and sponsored by a local Rotary Club. Students, staff and administrators from many area school districts participated, as did a number of local and state elected officials.

In February 2001, Commonwealth Court Judge Doris Smith directed PHRC to conduct an "expedited investigation" of a racial tension incident at George Washington High School in Philadelphia, and to advise the Court as to the incident's possible implications for the long-standing desegregation case PHRC has had with the School District of Philadelphia. This investigation was completed and a report issued to the Court. Several months later, Division staff participated with local law enforcement in providing training for over 500 Philadelphia school district police personnel.

Significant staff time and effort was allocated to participation with the Pennsylvania Attorney General's School Violence Task Force. PHRC staff assisted this effort by summarizing research findings and helping to formulate recommendations relating to the relationship of diversity and demographic change to strategies of school violence prevention.

Division staff was also active in the arena of tension prevention and response in higher education. One illustration of an intensive prevention effort was a three-day presence at Juniata College in Huntingdon County, which involved presentations, meetings and consultation both on and off campus.

In terms of law enforcement training activity, PHRC staff provided advice and technical assistance to the PA Chiefs of Police Association in the design of a training module for police chiefs and executive staff on the increasing cultural diversity of

Pennsylvania communities and its implications for effective policing approaches. Staff also participated in the development and design stages for a "Phase II" for this initiative, in which a model for "Regional Response Teams" will be piloted in Pottstown and Reading.

The initial phase of the Inter-Agency Task Force's "STOPBIAS Web Site Project" was completed this year. Division staff developed all content for the site and coordinated resources offered by several Task Force agencies in order to get the site on-line at www.stopbias.org.

Key features of the site are:

- Pages describing the Task Force—"Who We Are" and "What We Do";
- Basic information and definitions of key terms such as "Bias-Related Incident" and "Hate Crime";
- Resources—Brochures and documents such as "Ethnic Intimidation is Illegal in PA" (in both English and Spanish), and PHRC's "Legal Extracts" document that gives details on Pennsylvania's Ethnic Intimidation statute. Resources will also include PHRC's two videos; locations of mediation/conflict resolution agencies throughout Pennsylvania; and links to the websites of member agencies of the Task Force and other related websites;
- A feature that allows the user to make a very simple report of a bias-related incident and guidance as to how and where a formal report or complaint can be filed. This feature allows for the identification of any incidents that involve housing-related harassment, coercion or intimidation, which can be referred immediately to HUD

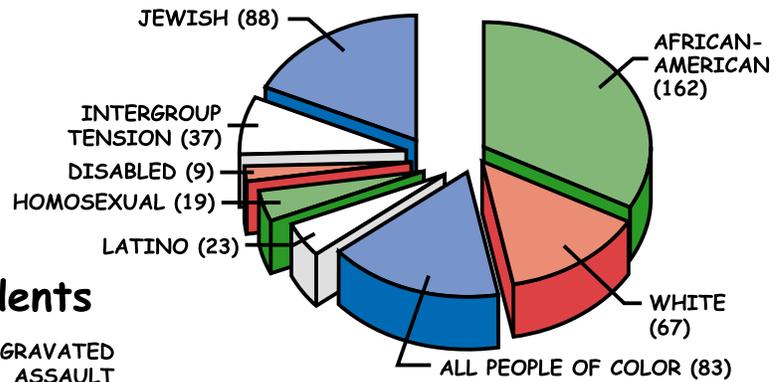
for enforcement action, which resulted in PHRC receiving a second, consecutive "Best Practices Award" from HUD.

Bias-Related Statistics Fiscal Year 2000-2001

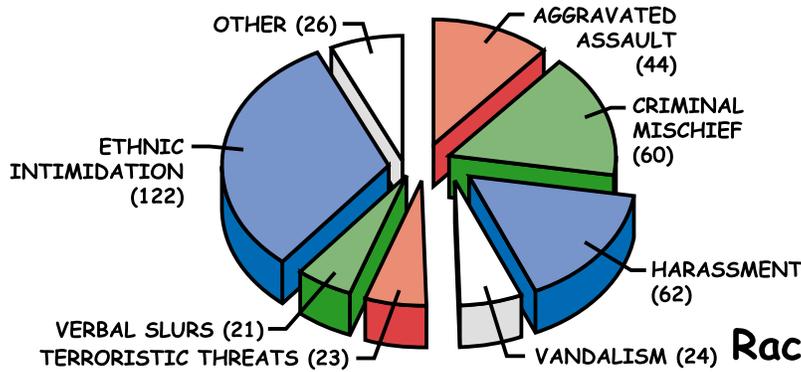
Bias-Related Incident Statistics

Of the total 382 bias-related incidents that were reported to the Commission last fiscal year, the following is the statistical breakdown.

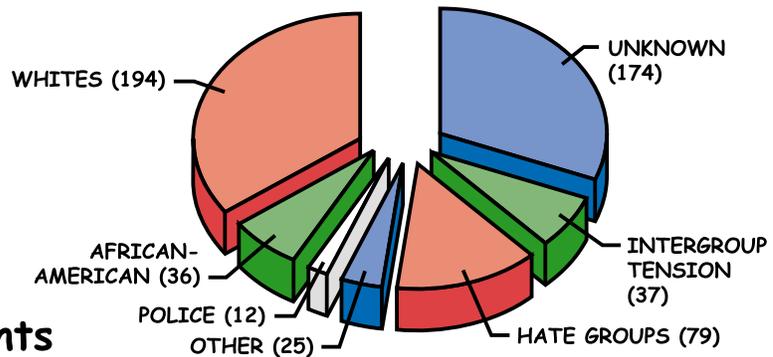
Target Group in Bias-Related Incidents



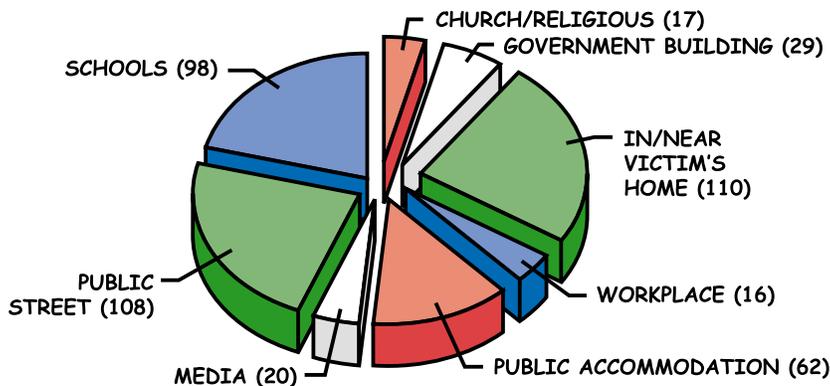
Offense in Bias-Related Incidents



Race/Ethnicity/Identity of Alleged Offenders



Location of Bias-Related Incidents



ing African-American students, which resulted in changes to the district's disciplinary code. Monthly, staff from PHRC's Pittsburgh Regional Office participate board meetings for the FBI's safety initiative for schools, the "Adopt-a-School Program."

The Harrisburg Regional Office has facilitated the involvement of a number of Central Pennsylvania School districts in a national program developed by the NAACP called 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 through changing peer attitudes and both showcasing and rewarding students of excellence in numerous academic fields and disciplines.

The Montgomery County PHRC Advisory Council has provided leadership in a number of education-related initiatives, with support from the staff of PHRC's Philadelphia Regional Office.

In the arena of higher education, Division staff participated in the Pennsylvania Black Conference on Higher Education's (PBCOHE) 30th Annual Conference in Philadelphia during March 1-3, 2001. Extensive statistical reports and analysis were prepared for the conference by Division staff in order to continue to provide information and assistance related to equal opportunity in higher education as well as campus-based intergroup tension prevention and response. PHRC also participated in a series of meetings with the Pennsylvania State System of Higher Education (SSHE) Chancellor's staff on SSHE's "Imperatives" planning document and its implications for equity concerns in higher education. Kutztown University invited PHRC

involvement as part of an "External Review Team" that was convened to assist in the evaluation of the effectiveness of the Social Equity Office of the university, and to make recommendations for strategic direction. This process may serve as an evaluative model that PHRC can offer for use at other universities.

HOUSING/COMMERCIAL PROPERTY

Fiscal year 2000-2001 included a variety of projects and tasks for the Housing and Commercial Property Division (HCPD).

Enforcement

As a result of the Act 34 amendments that made the PHRAAct housing provisions substantially equivalent with Title VIII of the federal Fair Housing Act, the first Commonwealth Court bench trial was held in September 2000. A bench trial is a trial before a judge with no jury. Immediately following the presentation of evidence and attorney closings, the Judge generally issues the decision. In the case of *PHRC v. Grayson Court Apartments (PHRC caption, Moore v. Grayson)*, Judge Samuel Rogers found that Grayson Court violated Section 5(h)(3) of the PHRAAct by subjecting Ms. Moore to different terms and conditions of rental due to her race, Black. Grayson was ordered to pay embarrassment and humiliation damages to Ms. Moore and were assessed a civil penalty to be paid to the state.

In addition, a case involving a zoning dispute in a rural municipality settled just prior to the start of the public hearing. In that case, the complainant alleged that the municipality failed to allow her to place a new trailer on her property due to her race, Black.

The requirements of handicap parking policies of municipalities became an often-raised issue over the past year. Two complaints regarding denials of accessible parking spaces filed against two municipalities resulted in public hearings last fiscal year.

A major mortgage company, which had agreed to settle allegations of systemic racial discrimination by making over \$18,000,000 dollars in mortgage money available, met the terms of the agreement.

Two cases involving accommodation of a person with blindness, two on behalf of persons with cats as support animals and one for a wheelchair user, all settled.

In general, the housing settlement figures during the past fiscal year reflect a heightened awareness of the damage issues in housing. This is reflected in the damages secured including the actual benefits of over \$445,421 in monetary adjustments achieved by Housing during the fiscal year. In these adjustments 121 complainants received settlements, 60 of which included monetary amounts. Others affected by policy changes totaled 10,696 persons.

Predatory Lending

Philadelphia Regional Office staff was active in the start-up of a Predatory Lending Task Force in the Philadelphia area that resulted in more than 30 cases of predatory lending being filed in April and May 2000.

Predatory lending takes many forms. Essentially, it is the process of making loans that impose onerous and/or fraudulent terms designed to strip equity from properties. These loans normally are written in a manner that repayment is impossible allowing the lender to seize equity-rich properties through foreclosure.

Examples of predatory lending include excessive fees, high interest rates, costly and unnecessary insurance policies, large balloon payments, broker fees tied to interest rates and repeated refinancing that steadily increase a borrower's debt.

Advertising

The Housing and Commercial Property's Legal Division completed a two-part guidelines and regulations process, the first part of which started in 1997. The Commission was under a statutory mandate to develop and publish "a list of words, phrases, symbols and the like" which are unlawful under the Pennsylvania Human Relations Act, when used in housing advertisements, together with specific examples of such illegal advertisements. The Commission met the first statutory requirement when it published the required guidelines in the October 17, 1997 issue of the *Pennsylvania Bulletin*. This year the PHRC met the second mandate when it published the final regulations in the July 8, 2000 issue of the *Pennsylvania Bulletin*.

Additionally, work has begun with the PA Newspaper Publishers Association to develop a "Frequently Asked Questions section" on ads for distribution.

Housing staff conducted ad seminars during several statewide sessions that included meetings with the homebuilders and several respondents in earlier PHRC cases who are required to conduct annual training of their staff. Various Commission staff also participated in various seminars for local advocacy groups, industry groups and local Human Relations Commissions in Pennsylvania.

Disability and Accessibility Issues

The new cases the Housing Division

received last year involved an increasingly larger number of complaints filed by persons with a disability or from advocacy groups. The focus of these complaints was on accessibility. Public facilities, especially municipal buildings, continue to be the sites which are the basis of complaints. These locations have received attention in part due to the Commission's role in enforcing accessibility as required under the Americans with Disabilities Act and Title VIII of the federal Fair Housing law as well as the Uniform Construction Code.

The Housing Director has served in an advisory capacity for "Common Ground," a coalition building effort for persons with disabilities. The Housing Director was also the Commission's designate on the Stakeholders Board of Labor and Industry for preparation of regulations for the newly adopted Uniform Construction Code.

TECHNOLOGY

CMS—the short name for the project to design, develop, and implement an automated case management, processing, and tracking system—during its full year of activity made significant progress on two levels.

At the technical level, the consultants worked through the areas of process flow, database design, system design, and hardware and software configuration recommendations. Typical progress for such a project.

At the organizational level, however, revolutionary changes were made. Associated with the CMS project was a major effort to revise proof formulas and associated procedures in intake and case analysis. Based on the recommendations of a Business Pro-

cessing Reengineering project completed prior to initiating CMS, these changes will improve the effectiveness and timeliness of case investigation and form the foundation for the automated procedures within CMS.

A fundamental commitment by the Commission to work with all staff during the project resulted in activities that merged the technical with the organizational. The first was the creation of the CMS Review Group. Comprising union and management staff from all offices in PHRC and across all functional areas, the purpose of the Group is to provide technical and procedural information to the consultant. Meeting regularly throughout the year, the Group reviewed consultant work products (e.g. process flow diagrams, a data model, lists required reports and documents) and progress.

To ensure staff participation in the project, presentations were made in each office. These presentations focused on specific topics (e.g. reviewing process flow diagrams) and the review of successive prototypes, designed to explore options for system development and operations.

As a result of staff interaction at these sessions, a supplemental project to develop an operational desktop version of the intake-processing portion of CMS was implemented. Intake staff in each office were trained in the new automated procedures and used them in actual daily work. The results were incorporated into the final design of CMS, strengthening the system's ultimate effectiveness. Success of the desktop intake project led to the development of a desktop case analysis project. This project is to be implemented in March 2002.

LEGAL ACTIVITIES

The Pennsylvania Human Relations Commission's Legal Division provides legal advice and guidance both to the Commission and to the public at large. Within the Commission, the Legal Division provides legal advice and education on discrimination law to the Commissioners, the Executive staff and the investigators.

United States Supreme Court cases, Pennsylvania court decisions and the decisions of other courts that deal with important issues of discrimination law are disseminated to the Commissioners and staff with an analysis of the case and its impact on the Pennsylvania Human Relations Act and its interpretation. Proposed amendments to the Pennsylvania Human Relations Act are drafted for the Commission, as well as any regulations or guidelines that are deemed necessary.

The Legal Division reviews proposed legislation involving issues relevant to the PHRC's mission providing an analysis that includes the impact of the proposed legislation and the arguments both for and against the legislation. The Legal Division also assists in the updating of the Commission's practices and procedures. This year the Commission approved the Legal Division's recommendations for a complete updating and restructuring of the Commission's Policy Manual. The Legal Division was also instrumental in the development of detailed proof formulas for use in Commission case investigations.

The majority of the attorneys' time is spent dealing with the investigation and prosecution of complaints. In the course of the investigation and handling of complaints, Legal staff was involved in handling 141 Rule to Show Cause

proceedings in cases where the respondent failed to comply with the statutory requirement to file an answer to the complaint. Much of the information obtained in the course of investigation is provided voluntarily. When that fails, the investigators turn to the attorneys for subpoenas and, if necessary, subpoena enforcement in Commonwealth Court or the appropriate court of common pleas. This year the Legal Division dealt with investigator's subpoena requests in 146 cases. The attorneys also responded to 153 motions filed by respondents, two of which required a hearing. In cases where the complainants challenged a finding of no probable cause to credit the allegations of the complaint, the Legal Division reviewed 161 requests for preliminary hearings. The Legal Division complied with 543 subpoenas for documents in both open and closed Commission cases.

If a case does not settle after a finding of probable cause to credit the allegations of the complaint, it is placed on the Commission's public hearing docket. The next step is the pre-hearing conference. Commission attorneys participated in 39 pre-hearing conferences that involved 49 cases. A single complaint may contain allegations of discrimination based on more than one protected class. Many cases settle after being placed on the public hearing docket before they actually go to hearing. This past year PHRC attorneys handled five public hearing cases involving six complaints.

The PHRC started the fiscal year with two cases in the Pennsylvania Supreme Court, both of which were decided. There was also significant movement of Commission cases in Commonwealth Court, both under the Court's original jurisdiction and its appellate

jurisdiction. The fiscal year started with seven cases in Commonwealth Court, five cases were added during the year and seven of the 12 were resolved.

Under Section 9(d.1) of the Pennsylvania Human Relations Act, the Commission must provide the opportunity for either party in housing discrimination cases, which have reached the public hearing stage, to elect to have the Commission bring the case in Commonwealth Court. In *PHRC on behalf of Moore v. Cooper Associates a/k/a Cooper Court Apartments, et al.*, Cooper Associates elected to have the Commission file the case in Commonwealth Court. This resulted in the first trial of such a case in Commonwealth Court since the election procedure was added to the Act. The trial resulted in a judgment for the Commission on behalf of Ms. Moore. Ms. Moore was awarded damages and the Commonwealth received civil penalties. The Legal Division was also forced to obtain a judgment and file it as a lien against the Respondent's property. This resulted in payment of both the damages to the Complainant and the civil penalties to the Commonwealth.

In *Solid Waste Services, Inc., d/b/a J/P. Mascaro & Sons v. PHRC, Solid Waste Services, Inc.* appealed a final order of the Commission that held that it had unlawfully discriminated against the Complainant by refusing to hire her because she is a woman. The Legal Division defended the Commission's final order in Commonwealth Court. Prior to a decision on the appeal, Solid Waste Services chose to withdraw the appeal and comply with the Commission's final order.

An *amicus* brief was filed in the Third Circuit on behalf of the

plaintiff in *Diane Blair v. Scott Specialty Gases, et al.* The issue for the Commission is that a mandatory arbitration provision that places part of the cost on the employee places a financial burden on the person alleging discrimination that does not exist when the person is free to exercise her or his right to file a discrimination complaint with the Pennsylvania Human Relations Commission. Neither party is charged for the services of the Commission's Hearing Panel or Hearing Examiner.

Commission attorneys are active participants in the PHRC's ongoing commitment to educate the public about civil rights, in general, and the Pennsylvania Human Relations Act, in particular. They routinely answer telephone and written inquiries from attorneys and members of the general public, alike. Attorneys in the Central Office and all three Regional Offices gave numerous presentations before legal and non-legal organizations.

Commission counsel spoke on a variety of topics before diverse non-lawyer groups that included presentations on sexual harassment, predatory lending, federal, state and local discrimination laws and the interaction and application of those laws to several personnel associations.

A frequently requested topic is *The Seven Keys to Avoiding Discrimination Suits*. The Seven Keys are:

- Have a policy;
- Use it;
- Train staff and remember to train subsequent new staff;
- Keep contemporaneous records —a paper trail;
- Cooperate with the investigator;
- Give the real reason for your action from the very beginning, no matter how foolish it sounds —credibility suffers when you try to make a foolish non-discriminatory reason sound more businesslike; and,

- Don't forget the follow-through —if an employee (lessee, etc.) complains about another employee acting in a discriminatory manner and you investigate, find the complaint to be true and impose appropriate discipline, remember to tell the aggrieved person that the situation was dealt with; otherwise, you may face a discrimination suit.

PHRC attorneys also served as speakers and faculty before various legal organizations, from a program on the Commission's procedures presented to the City of Philadelphia Law Department, to a Pennsylvania Bar Institute seminar on "Representing Residential Tenants and Landlords" to a speech before the Dauphin County Bar Association entitled "Fair Housing Law," to a seminar before the Middle District Chapter of the Federal Bar Association providing an update on federal and state employment discrimination law.

THE COMMISSIONERS

On Monday, July 17, 2000, former Governor Tom Ridge named Commissioner Carl E. Denson as the current Chair of the Pennsylvania Human Relations Commission. Chairperson Denson is the seventh Chair of PHRC; he takes over for former Chair Rev. Dr. Robert Johnson Smith of Elkins Park who resigned his position in May 2000 after 35 years of service to the Commission.

Chairperson Denson, who resides in Bethel Park just outside of Pittsburgh, is the first person from western Pennsylvania to serve as Chair for the Commission. He is preceded in office by Harry Boyer of Reading (1955-1969); E.E. Smith of Wyomissing (1970-1974); Joseph X. Yaffee of Wyncote (1974-1986); Thomas L. McGill of Philadelphia (1986-1990); and Rev. Dr. Smith (1990-2000).

During the Fiscal Year, Raquel Otero de Yiengst of Sinking Spring served as Vice Chairperson. The Secretary was Gregory J. Celia Jr. of Lancaster and the Assistant Secretary was Russell S. Howell of Lititz. The remaining Commissioners included M. Joel Bolstein of Philadelphia; Theotis W. Braddy of Camp Hill; Joseph J. Borgia of Erie; Elizabeth C. Umstatted of Villanova; Sylvia A. Waters of Oberlin; and Dr. Daniel D. Yun of Huntingdon Valley.

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 appointed by the Governor and are confirmed by the state Senate. They 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 2000-01 the Commission held 57 public hearings and pre-hearing conferences. An additional 30 cases that were approved for public hearing reached settlement prior to the conducting a public hearing.

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

Samuel Zaslow, himself and as executor of his wife's estate v. Doral II Condominium, Docket No. H7599

The Zaslows lived in a second-floor unit in their condominium that they had owned for 15 years. In March 1997, Murial Zaslow suffered a stroke that required the use of a wheel chair on a permanent basis. There were no elevators in the building, only stairs from the Zaslow unit to the outside.

In June 1997, Samuel Zaslow asked his immediate neighbors if they would mind if he installed a chairlift for his wife to enable her to get out of their unit other than when an ambulance team came three times a week to take her for dialysis. His neighbors

told Mr. Zaslow that they had no problem with his intention. However, before Mr. Zaslow could even ask for permission to install a chair lift in the common area stairway, the Doral II Condominium Board of Directors heard of Samuel Zaslow's inquiry and wrote him a letter that stated he would not be allowed to put a chairlift in the stairway.

By letter dated June 10, 1997, the Zaslows' made a formal request to the Board to be allowed to install a chair lift. The request was rejected. On October 6, 1997 at a unit owner meeting the Board again refused the Zaslows' request to install a chairlift. On October 7, 1997, Murial Zaslow died.

Initially, the Board's reason for the refusal to grant permission to install a chair lift in the common area hallway was simply that it was common area. After the complaint was filed, Doral II Condominium defended the allegations by stating that: the Zaslows failed to present the Board with sufficient information about the type of chair lift being contemplated; the Zaslows failed to advise the Board that they would bear the cost of installation; and finally, that a chair lift on the common area stairs would have violated the applicable building code and presented a demonstrable threat to the health and safety of others.

The PHRC Commissioners found that Doral II Condominium had an obligation to the Zaslows to engage them in an interactive process where a good faith effort to understand and give consideration to the accommodation being requested. The Commission found that Doral II Condominium did not take reasonable steps to engage in the required interactive process. On the question of whether

common areas are subject to modification to meet reasonable requests for accommodation, such areas are the very places where accommodations should be allowed.

Commissioners also found that the Zaslows had not failed to inform the Board in any way and that although a chair lift would have technically been a violation of the building code, there was a variance process which, if used, would have likely resulted in the granting of a variance. Finally, if a chair lift had been installed, it would not have posed a threat to the health or safety of others.

Samuel Zaslow and Murial Zaslow's estate were each awarded \$10,000 for the humiliation and embarrassment they endured as a result of their attempt to get permission to install what clearly would have been a reasonable accommodation. Additionally, Samuel Zaslow was awarded his out-of-pocket expenses and a civil penalty of \$2,000 was imposed on Doral II Condominium.

Doral II Condominium appealed the Commission's decision and by Order dated June 25, 2001, the Commonwealth Court reversed the PHRC's order. The Commonwealth Court indicated that the Zaslows would not be able to install a chair lift without violating the local building code and that there was a substantial threat to the health and safety of persons using the stairway.

The PHRC has appealed this decision to the State Supreme Court.

John H. Hudock v. Commonwealth of Pennsylvania, Department of Military Affairs, Docket No. E37727

The PHRC Commissioners voted unanimously to dismiss this com-

plaint because of lack of jurisdiction. In this case, Mr. Hudock alleged that the Department of Military Affairs terminated him because of his non-job-related disability, heart by-pass surgery. The facts addressed at the public hearing showed that Mr. Hudock, a military technician with the Pennsylvania Army National Guard, was clearly not a state employee. Therefore, Mr. Hudock's complaint was dismissed.

Ronald Bigger Sr. v. Kimberly-Clark, Docket No. E68573D

Mr. Bigger, an African-American, has been an employee of Kimberly-Clark and its predecessor company for over 30 years. At relevant times, Mr. Bigger worked in Kimberly-Clark's facilities maintenance department. Of all the workers in the facilities maintenance department, only Mr. Bigger and one other employee were not Caucasians.

When the supervisor of the facilities maintenance department was out or unavailable, an employee from the department was selected as a "move-up supervisor." Historically, the move-up supervisor selected was the most senior person in the department. However, when Mr. Bigger became the senior employee in the department Kimberly-Clark changed the process of selection of move-up supervisor, effectively excluding Mr. Bigger on the majority of selections.

The PHRC found that Kimberly-Clark had failed to select Mr. Bigger to be a move-up supervisor because of his race and ordered Kimberly Clark to: 1) cease and desist from discrimination because of race; 2) pay Mr. Bigger \$8,784.63 which represented the pay differential he would have received had he been properly selected for the temporary posi-

tion of move-up supervisor, plus interest; 3) pay Mr. Bigger \$4,438.00 which represents the difference between what Mr. Bigger received on workers' compensation for 16 weeks and the amount he would have earned had he continued working, plus interest; 4) pay Mr. Bigger an additional \$195.80 which was Mr. Bigger's certifiable travel expenses.

Ronald J. McNeil v. Fuller Company, Docket Nos. E90572D and E92059D

Two complaints were consolidated for the purpose of determining appropriate damages after Fuller Company failed to file answers to Mr. McNeil's complaints. Fuller Company was found liable for violating the PHRA on Mr. McNeil's complaints in default due to Fuller Company's failure to file answers.

After a consolidated Public Hearing on the issue of damages, the PHRC ordered Fuller Company to pay Mr. McNeil's certifiable travel expenses of \$96.20 and \$510.40 for lost work.

The PHRC also enjoined Fuller Company from causing, encouraging, condoning or permitting racial harassment of Mr. McNeil. Additionally, Fuller Company was enjoined from any act of retaliation against either Mr. McNeil or a company employee who testified at the Public Hearing.

Fuller Company was also ordered to take steps to insure that several supervisors at Fuller Company not have direct contact with Mr. McNeil unless necessary. Fuller Company was ordered to purge Mr. McNeil's files of any negative documentation relating to Mr. McNeil's complaints.

Additionally, Fuller Company was ordered to fashion and implement policies and procedures to effectively accept and resolve com-

plaints of discriminatory treatment and conduct training about work-place harassment.

Tara Thompson v. MAC Management Company and Norma Kleiman, Docket No. H7079

Ms. Thompson alleged that she was denied the opportunity to sublet property because she is Black. MAC Management Company and Norma Kleiman stated that there was no subletting allowed in Ms. Thompson's apartment build-

ing and that all residents must sign a lease with them. At the public hearing, Ms. Thompson gave credible testimony that on numerous occasions, both MAC Management Company and Norma Kleiman permitted a White female to sublet her apartment. Additionally, White females were also allowed to live in the apartment building without signing a lease or even filling out an application. After the public hearing, the Commission

found in favor of Ms. Thompson and ordered MAC Management Company and Norma Kleiman to cease and desist from race-based discrimination and awarded Ms. Thompson \$13,593 (\$3,593 in reasonable out-of-pocket expenses and \$10,000 for the embarrassment and humiliation suffered by her). The Commission further ordered MAC Management Company and Norma Kleiman to pay a \$5,000 civil penalty.

**THE COMMISSIONERS' WORKLOAD
July 1, 2000 - June 30, 2001**

Commission Meetings	12
Compliance Sessions	12
Consent Orders/Decrees and Conciliation Agreements Approved	35
Review of Staff Action in Making Disposition of Complaints	6,809
Review and Determination of Petitions for Reconsideration of Complaint Disposition and Requests for Public Hearing (denied)	245
Motions	171
Cases Closed on Motion	6
Cases Placed on Public Hearing Docket	67
Cases Settled After Public Hearing Approval	30
Final Orders Approved after Public Hearing	6
Total Rules to Show Cause Resulting in Liability and Subsequently Settled	7
* Pre-Hearing Conferences and Public Hearings Conducted	57
* Includes those Pre-Hearing Conferences and Public Hearings conducted by Commission Hearing Panels and Hearing Examiners.	

LEGISLATION

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

As the 1999-2000 Legislative Session was coming to an end, the Commission voted to oppose **Senate Bill 1333, Printer's Number 1733**, or the "Access to Public Records Act." If passed, this legislation would replace Pennsylvania's existing Right to Know law. The Commission opposed the legislation because, as written, the legislation would make almost everything available, including the Commission's case files even while they are under investigation, to anyone in the general public. This bill required an extremely quick turnaround time of 24 hours to provide the information and would have created a tremendous burden of time and effort on staff. There were no provisions in the legislation for any extra money that would be needed not only by PHRC, or by any other state agency, in order to comply with the reproduction timeframes.

Lastly, the Commission opposed the bill because it felt the legislation did not consider privacy issues. For example, the Commission case files contain very personal information about individuals who are not even a party to a complaint, but can be a part of the case file for any number of reasons such as disciplinary actions, salary or promotions. Under **Senate Bill 1333**, the privacy rights of these people who are not even involved in the complaint could have the media examining personal information because they would now be entitled to it. This legislation would have created the opportunity for a great deal of

"mischief" not only with discrimination complaints, but with the Commission's tension incidents reports as well. This legislation would allow the Ku Klux Klan to legally ask for everything the Commission has that names the Ku Klux Klan, what the Commission has been working on and what staff person has been doing the work.

When the 1999-2000 Legislative Session ended on December 31, 2000, this bill died in committee.

After the 2000-2001 Legislative Session was underway, the Commission voted to support **House Bill 14, Printer's No. 446** and **House Bill 15, Printer's No. 447** which were a combined bill package. House Bill 14 would amend the state's Ethnic Intimidation Act to include "other bias-related offenses" and would add actual or perceived disability, ancestry and sexual orientation to the prior list of four protected classes of race, color, religion and national origin. House Bill 15 would provide for the collection of statistical data or information by the state police that relate to the crimes and incidents of ethnic intimidation on actual or perceived disability, ancestry and sexual orientation.

The Commission voted to oppose **House Bill 676, P.N. 749**, which encourages prayer in school. As charged in the laws it enforces, the Commission has jurisdiction over religious discrimination in public accommodations, which include public schools. As written, House Bill 676 would be subject to serious Constitutional challenge under the Establishment Clause of the First Amendment. Requiring public school students to participate in, or even listen to, official school-sanctioned prayers, spiritual readings and other religious

invocations, the Commission felt this legislation would not pass Constitutional muster. Public schools must refrain from indicating a preference for one religion over another. While the bill is written as a voluntary school practice and allows spiritual readings from a number of different religions, the reality is that in most, if not all, school districts, the majority of students will be Christian. As a result, the majority of the prayers and readings in schools will be Christian. This could lead to an atmosphere of being unaccepted and "left out" by students who are not Christians.

The Commission voted to support **House Bill 191, P.N. 171**, which would add "genetic information" to the list of protected classes under the Pennsylvania Human Relations Act. Advances in technology are providing easier and less expensive methods of deriving genetic information. This type of information could be used to discriminate in order to lessen the perceived risk of an individual developing a certain undesirable condition. This could result in many people being discriminated against on the basis of potential physical illnesses and other conditions, which are not currently protected under the disability section of the PHRAAct because they have not yet come into existence. The Commission supported this legislation because it clearly falls within the Commission's jurisdiction to prevent discrimination on the basis of disability.

The Commission also supported **Senate Bill 542, P.N. 562**, which is the proposed Genetic Information Nondiscrimination in Health Insurance Act. The language in the bill would prohibit the use of genetic information by

any health insurance company in certain situations such as denial or cancellation of insurance coverage, requiring the disclosure of genetic information and the disclosure of

any genetic information about anyone covered by the health insurance policy.

The Commission continues to seek

legislation that would provide compensatory damages, punitive damages, attorney fees and the right for the complainant to choose to have a jury trial.

ADVISORY COUNCILS

Advisory Councils to the Commission are authorized under Section 7(i) of the Pennsylvania Human Relations Act. PHRC Advisory Councils have been involved in a number of community projects, including working with local school districts on recruitment and cultural awareness programs, sponsoring and conducting a variety of

community awareness programs, addressing tension situations, holding employment workshops, participating in training programs and referring complaints and other issues to Commission staff for investigation and resolution.

The Commission currently has six active Advisory Councils: Blair

County Advisory Council; Centre County Advisory Council; Johnstown Advisory Council; Montgomery County Advisory Council; Northampton County Advisory Council; and the York County Advisory Council.

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

HAVE I BEEN THE VICTIM OF DISCRIMINATION?

People who believe that they have been the victim of unlawful discrimination in employment, public accommodation, housing, commercial real estate, contracting as an independent contractor regulated by the Bureau of Professional and Occupational Affairs or education because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job-related disability, relationship or association with a person with a disability, possession of a general education development diploma (GED) as compared to a high school diploma, willingness or refusal to participate in abortion or sterilization or

familial status (families with children under age 18) may contact one of the three Pennsylvania Human Relations Commission regional offices to file a complaint of discrimination. People with disabilities may request reasonable accommodations to assist them during the processing of these complaints.

PITTSBURGH

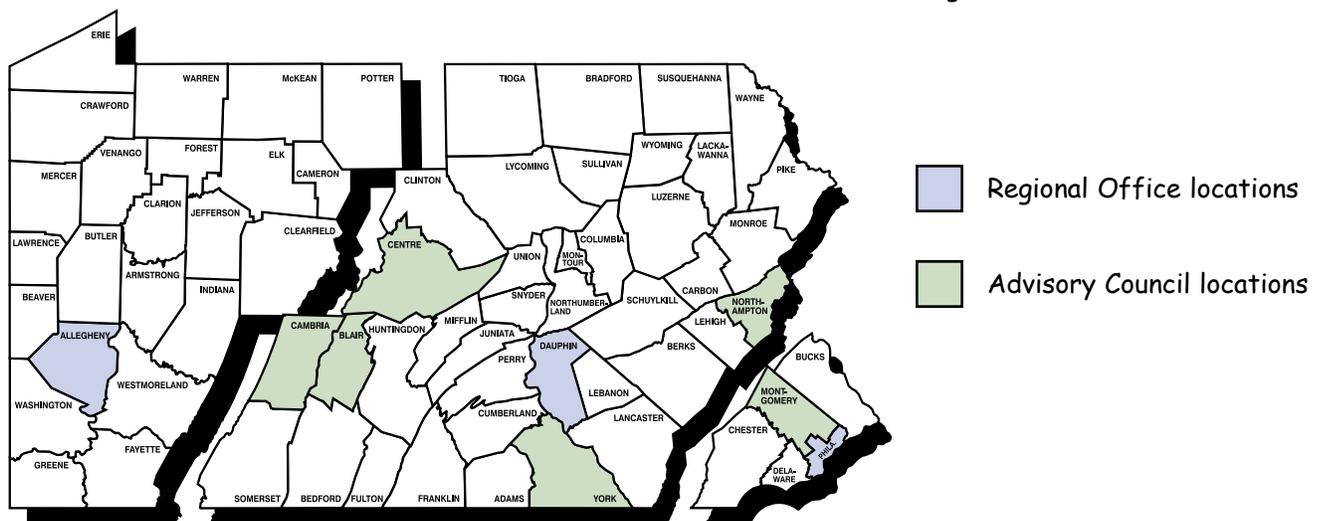
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THE PENNSYLVANIA HUMAN RELATIONS COMMISSION IS A STATE AGENCY.
THERE IS NO CHARGE FOR ITS SERVICES.

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

