

NAACP PA State Conference
Testimony Concerning the Pennsylvania Human Relations Commission

June 7, 2016

The National Association for the Advancement of Colored People (NAACP) is the largest and oldest civil rights organization in the country. Established in 1909, we have a nationwide membership of over 500,000. As a statewide, nonpartisan organization, the NAACP Pennsylvania State Conference (NAACP PA) through over 40 local Units is comprised of nearly 10, 000 members.

As a part of its long and storied history in the fight for social justice in this Commonwealth, NAACP PA has an ongoing investment in the role, stability, and success of the Pennsylvania Human Relations Commission (PHRC).

The PHRC traces its very origins, structure and mission to the vision and work of attorney Homer Brown, president of the Pittsburg NAACP during the early 1930s. Following his election to the PA House in 1934, then State Representative Brown, along with other advocacy groups, continued to press for a statewide fair labor law. In 1945, based on the findings of a number of commissions investigating the conditions faced by African Americans in Pennsylvania, State Representative Brown introduced HB 354 which, as proposed would have:

established an independent and salaried commission; (2) granted the Commission authority to conduct educational programs and to initiate and investigate allegations of employment discrimination; (3) defined as unlawful discrimination by reason of race, color, creed, national origin, or ancestry in hiring, discharge, and conditions of employment, in rights and privilege of union memberships, and in advertisements and application forms, and; (4) prohibited discrimination on the part of labor organizations, governmental agencies, employment agencies, and employers (Smith, Eric L. & Wolensky, Kenneth C.. p. 499).

Although HB 354 did not pass, its basic components were later included in P.L.744.

PHRC is the present day iteration of P.L. 744, the Pennsylvania Fair Employment Act of 1955, signed into law by Governor George M. Leader, that resulted from 20 years of work by statewide coalitions which included the NAACP PA.

The role of the FEPC was to investigate allegations of racial, color, religious, national origin, and ancestry based employment discrimination and to arbitrate related disputes between workers and employers. Judge Homer Brown was appointed to the nine members Commission whose

duties began on March 2, 1956. The Commission developed regulations specifying how it would handle complaints, hire staff, and undertake an education campaign aimed at both the employers and the general public concerning the new law.

A review of the PHRC's enforcement history will yield precedent setting cases that advanced the Commonwealth's interest to expand the Commission's responsibility to enforce state laws regarding equal opportunity in housing, public accommodation, and education. When this was done in 1961, legislation was also passed which renamed FEPC to the Pennsylvania Human Relations Commission. The act was further amended in 1969 to include sex and in 1974 to include disabilities.

The NAACP has historically supported strong civil rights law enforcement and the efforts of the PHRC, which over the years has established itself as one of the most respected agencies in the country for its principle centered leadership, internally; and for its application of the laws that it administers externally. For those reasons, since its creation, NAACP PA has been the number one civil rights organization to refer labor, housing and education complaints to the agency.

We continue to believe that there is still a need for the PHRC and that it should be adequately funded to carry out an expanding mandate to eradicate unlawful discrimination in the Commonwealth of Pennsylvania through the investigation of complaints, proactive outreach, and education.

In recent years, there have been several issues that have affected PHRC's ability to effectively enforce the PHR Act. Most importantly is the lack of staff to adequately carry out the thorough investigation of cases of alleged discrimination. Indeed the important function of proactive community outreach and training has been virtually eliminated.

We are also concerned that the selection process used by the current leadership at the staff and Commissioner levels has resulted in the selection of key decision making staff that lacks the background, experience and institutional knowledge necessary to pursue the intended purpose of the PHR Act.

It is a matter of public record that our last two State Conference Presidents Jerry Mondesire and Dwayne Jackson voiced their strong opposition to the manner in which the executive level selection process was conducted.

We have also heard of the deluge of complaints from current staff regarding the de-emphasis by current decision makers on the history of the civil rights movement and other related

knowledge that would facilitate the recognition and elimination of the now established, more subtle forms of discrimination based on protected class status.

We have heard reports from staff that PHRC, the agency established to police discrimination on behalf of the Commonwealth, maintains a day to day biased atmosphere where the agency's top leadership expresses open hostility towards protected classes and that internal complaints to management on this issue remain unaddressed.

NAACP PA shares the following recommendations:

We believe that the most pressing issue for the survival of the PHRC is the provision of additional funds for training and the hiring of staff. The staff reductions made in recent years have significantly affected the PHRC's delivery of service to the citizens of our Commonwealth. Without adequate funding, PHRC cannot fulfill the purpose for which it was intended.

We also believe that the concerns expressed by staff regarding the current selection process and the lack of response to internal practice of agency based bias needs to be thoroughly addressed.

We suggest that staff should be provided an opportunity to have their concerns addressed and evaluated on their merit without fear of retaliation.

At this time, we are happy to address any questions. As well, we remain available for further discussions on this and offer the help of the NAACP PA as you work to resolve this matter.

Respectfully,

NAACP PA

President, Joan Duvall-Flynn, Ed.D.

Legal Redress Chair, Gregg Zeff

Consulting Member, Homer Floyd

References:

Smith, Eric L. & Wolensky, Kenneth C.. "A Novel Public Policy: Pennsylvania's Fair Employment Practices Act of 1955". *Pennsylvania Historical and Museum Commission*

Courtesy of Pennsylvania State Archives