



Testimony
JoAnn Edwards Executive Director
Pennsylvania Human Relations Commission

Senate State Government Hearing
June 7, 2016

OVERVIEW

Chairman Folmer, Chairman Williams and committee members: thank you for the opportunity to present testimony on behalf of the Pennsylvania Human Relations Commission (PHRC).

My name is JoAnn Edwards and for five years I've served as the PHRC's Executive Director. Pennsylvanians need you to support a sustainable budget for the PHRC. With a sustainable budget PHRC will efficiently and effectively address unlawful discrimination in the commonwealth.

Imagine the following:

- You are an African American man who reported to work today at a manufacturing company and found a noose hanging near your work station. You complain and your employer does nothing.
- You want to join your friends at a popular restaurant in downtown Harrisburg, but because you use a wheelchair the only way you can enter the restaurant is through the kitchen in the back of the building¹.
- You are working at a job you love; when you become pregnant, your doctor says you can continue to work, but when you tell your boss, your boss says he thinks you cannot perform your job duties while pregnant and fires you.

These are recent situations which prompted Pennsylvanians to file discrimination cases with PHRC. Every year PHRC receives thousands of discrimination claims like these. Presently, there are another 3,200 Pennsylvanians who are waiting to receive services from the PHRC.

The PHRC enforces two laws; the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Education Opportunities Act (PFEOA).² These laws require PHRC to investigate and resolve allegations of unlawful discrimination with respect to employment, housing and commercial property, public accommodations and education.

¹ People who use wheelchairs must routinely enter restaurants through back doors, freight entries, etc., because the public entry of the restaurants are not accessible

² The PA Fair Education Opportunities Act provides protections from discrimination for persons participating in post-secondary education. The General Assembly has broadened this Act, which is a companion to the PHRA, four times.

Further, these laws prohibit discrimination based on:

- 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 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
- Refusal or willingness to participate in abortion procedures

PHRC is also tasked with preventing discrimination from occurring in the first place by providing education and outreach to Pennsylvanians about the law and their civil rights. In addition, the PHRC monitors and attempts to resolve civil tensions in local communities across Pennsylvania. This is especially important because Pennsylvania is home to the fifth largest number of hate groups in the United States³.

The General Assembly has amended the PHRA 33 times and the PFEOA four times, as recently as 1997 and 1992 respectively⁴. The PHRC's state fiscal year (SFY) budget in 1997/98 was \$8,549,000. Adjusted for inflation, today that amounts to \$12,744,188.72, **approximately \$2.75 million more** than our current budget. While the General Assembly has broadened the mandate of PHRC through amendments, it has not ensured that funding is commensurate with PHRC's increased responsibilities.

I am urging you, as members of the Senate State Government Committee, to reach out to your colleagues and ask them to pass the Governor's SFY 2016/17 budget request of \$12 million for the PHRC. This amount (\$12 million) would restore our filled staff complement of 76 to 101; and add three additional persons for a total staff complement of 104⁵.

It is only after achieving significant work place efficiencies that I ask you for an additional \$2 million dollars to fund the PHRC⁶.

³ See these February 2016 news articles discussing hate groups in Pennsylvania:
http://www.pennlive.com/news/2016/02/the_hateful_state_pennsylvania.html
http://articles.philly.com/2016-02-22/news/70815987_1_hate-group-southern-poverty-law-center-american-muslim-group referencing "Active Hate Groups in the U.S. in 2015," Intelligence Report, Southern Poverty Law Center, Spring 2016, Issue 160.

⁴ For more information about PHRA and PFEOA amendments, see the listing of amendments in the hearing packet.

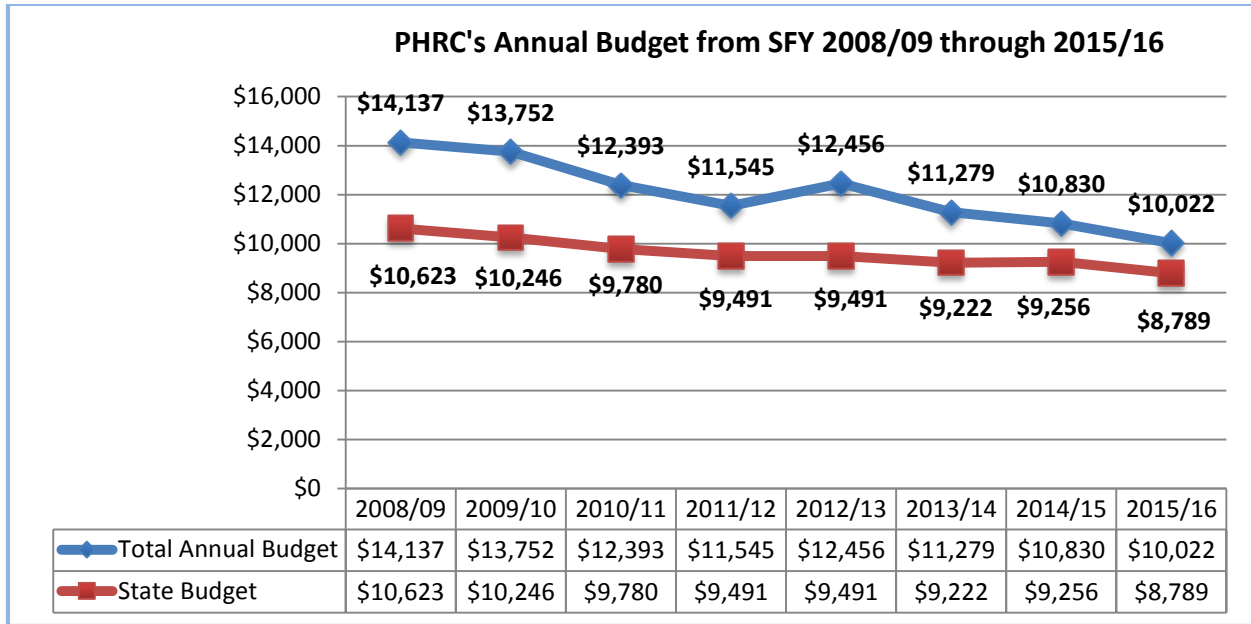
⁵ Due to PHRC's current budget deficit, we are only able to fill 76 of our 84 staff complement.

⁶ For more information about fiscal accomplishments, see Financial Accomplishments outlined below and in the listing of PHRC Accomplishments in the hearing packet.

BUDGET OVERVIEW

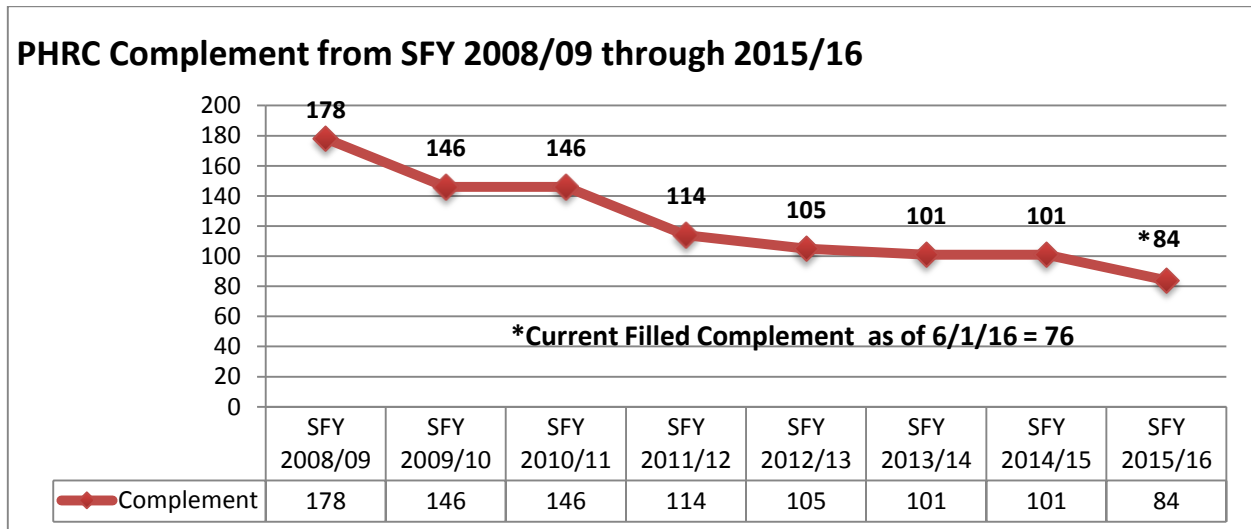
Here is some historical information about the PHRC’s budget and staffing levels for your review:

Over the past eight SFYs the PHRC’s budget has decreased from \$ 14.1 million in SFY 2008/09 to \$10.0 million this year. Overall, this is a decrease of 30 percent! The current \$10.0 million provided to the PHRC is not sufficient to cover its personnel and operating costs.



STAFF COMPLEMENT

Due to the PHRC’s continuous budget decline, staffing has been significantly reduced. This has negatively impacted the number of staff available to perform timely and effective investigations. Since SFY 2008/09, the commission has lost 94 positions or 53 percent of its staff complement.



Given our statutory responsibilities, the PHRC is a staff-driven agency that is immediately and significantly impacted by budgetary changes. The commission has been doing “more with less” and “doing things differently” so that every possible efficiency can be realized, however, with only 76 staff members there is not much more that can be done to sustain our current level of service to the public⁷.

FINANCIAL ACCOMPLISHMENTS SINCE 2012

Since SFY 2011/12, the commissioners, staff and I have left no stone unturned with respect to realizing cost savings, avoiding expenses and going the extra mile to obtain additional revenue for this agency. Our team has:

- Eliminated an inherited **\$1.5 million dollar** budget deficit during the Executive Director’s first year of employment;
- Saved over **\$3 million dollars** through cost savings measures⁸;
- Avoided more than **\$2 million dollars** in additional expenses as a result of creating a mediation program which helps resolve disputes without lengthy investigations, establishing an on-line questionnaire process for submitting employment discrimination complaints and consolidating our Human Relations, IT and Budget services under the Governor’s Office of Administrative services;
- Obtained three grants totaling **\$539,817** from the US Department of Housing and Urban Development (HUD) that help promote a better understanding of housing discrimination and driving inquiries to the PHRC Housing Hotline.

PUBLIC SERVICE ACCOMPLISHMENTS SINCE 2012

Since SFY 2011/12 the PHRC has improved existing services as well as provided new services to Pennsylvanians. Our team has:

- Developed and implemented a pilot mediation program in 2012 that was established as a permanent program in 2014⁹.
- Created and published videos in Spanish and English on what unlawful discrimination is and how to file a discrimination complaint.
- Established a Fair Housing Hotline a multimedia Fair Housing Campaign.
- Broadened PHRC’s focus on investigations to consider and pursue systemic relief where possible¹⁰

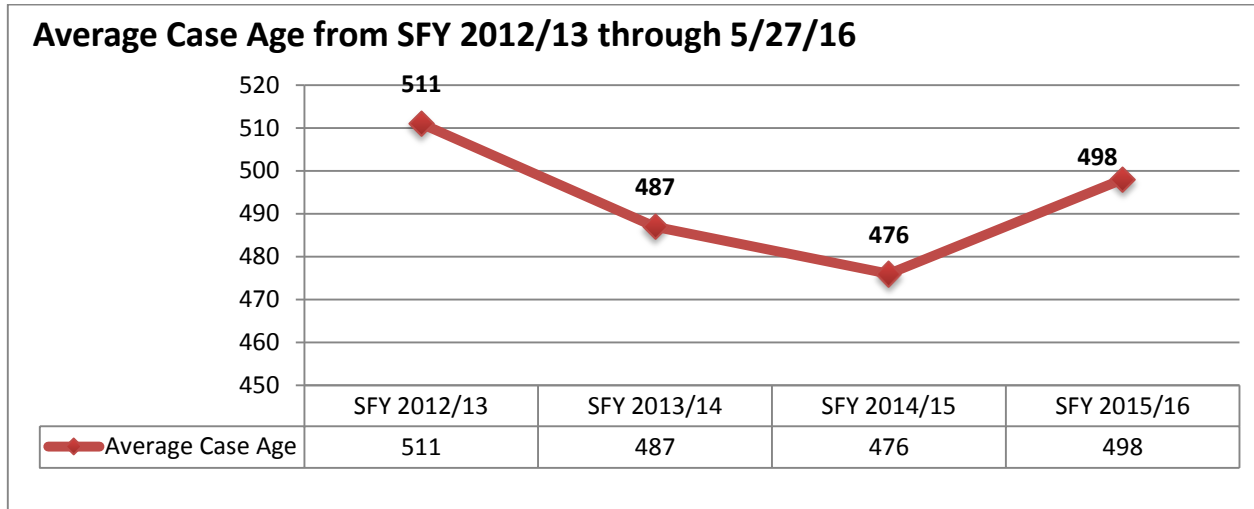
⁷ The exception is that PHRC would save another \$462,000 by relocating its Pittsburgh and Philadelphia Regional Offices from private leased space to commonwealth owned space. We continue to work with the Department of General Services to address this matter.

⁸ One efficiency we are most proud of is the \$487,000 annual cost savings realized when the commission relocated two of its offices from private to commonwealth owned space in 2013.

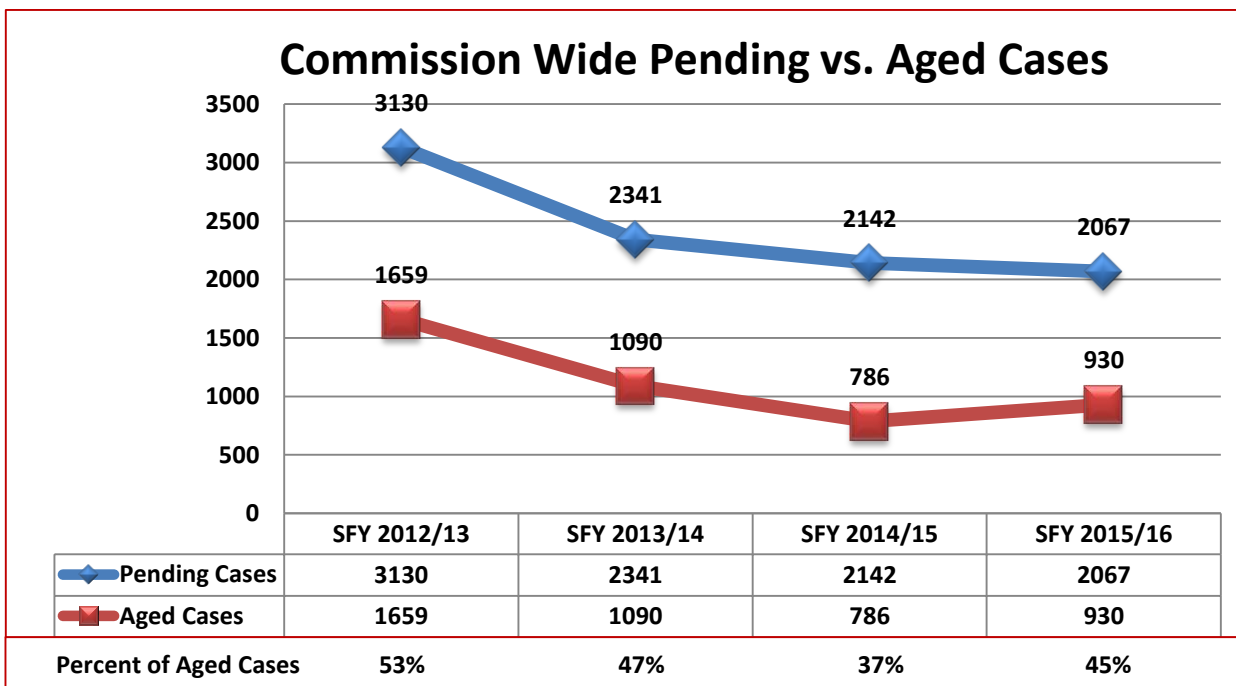
⁹ PHRC’s mediations are voluntary, confidential and free. Satisfaction surveys reveal that participants give the PHRC’s Mediation Program very high marks – 98 percent of PHRC complainants would use mediation again if it were available and 99 percent of PHRC respondents would use mediation again if it were available.

¹⁰ Following a probable cause disability discrimination finding by the PHRC, the PHRC negotiated a conciliation agreement and consent order containing broad based system relief and compliance by a large public transportation provider. The consent order requires website changes, policy changes, fair practice notice postings at every location, training for all drivers and a compliance reporting period for three years. It is estimated that this relief will impact over 3,500 employees and 2.3 million riders

The commission is committed to providing the public with timely and quality investigations. The reengineering efforts that began in October 2013 started to show positive results. However the budget cuts of SFY 2015/16 and the resulting loss of staff prevent PHRC from continuing in a positive direction.



Prior to the reengineering effort of SFY 2011/12 some Pennsylvanians had to wait more than five years for their cases to be fully investigated and addressed. As a result, the PHRC deemed aged cases “a priority” requiring staff to resolve aged cases first. Although the aged cases have diminished from 53 percent to 37 percent; this downward trend is no longer continuing. In less than a year, (SFY 2015/16) the percentage of aged cases has now risen to 45 percent of the pending cases, which we believe is a direct result of our staffing reductions.



WHAT IS AT RISK

Despite the great work of the PHRC, declining funding and staff complement levels are putting protections for Pennsylvanians at risk.

- Wait times to complete mediations and investigations are growing;
- Fewer and fewer federal dollars are coming to Pennsylvania due to the PHRC not having the staff to meet federal contract requirements¹¹;
- The PHRC electronic Case Management System, containing thousands of cases is antiquated; and the technology is no longer supported; and
- Civil rights education and outreach efforts are lagging behind in Pennsylvania.

WE NEED THE SUPPORT OF THE GENERAL ASSEMBLY

For the reasons outlined above, I again urge you to pass the Governor's SFY 2016/17 for \$12 million dollars for PHRC. If PHRC were given more than the requested \$2 million dollars in additional state funds, we could do even greater work for Pennsylvania, such as;

- Expand our award winning mediation program by placing a mediator in each of the PHRC's three regional offices; this would diminish the wait time,
- Re-establish its fair housing testing program, which helps to uncover evidence of "subtle discrimination" that plagues the housing industry,
- Increase support to Pennsylvania school districts by offering diversity and anti-bullying programs such as the SPIRIT Program¹² and teacher training.

Thank you again for the opportunity to share information about the PHRC.

¹¹ The PHRC has work sharing agreements to investigate dual filed (state and federal) housing and employment discrimination complaints with the US Department of Housing and Urban Development and the US Equal Employment Opportunity Commission. As a result of the loss of staffing the PHRC has lost over \$1.3 million in federal funds. See page 3 of the White Paper in the hearing packet for details.

¹² The PHRC conducts an evidence based training program called "Student Problem Identification and Resolution of Issues Together."