



**Testimony from Tom Herman of the Service Employees
International Union, Local 668**

**Presented to Senate State Government Committee on June 7,
2016**

**Public hearing on the Pennsylvania Human Relations
Commission**

Chairman Folmer, Chairman Williams, and members of the Senate State Government Committee, please accept this testimony on behalf of the Service Employees International Union, Local 668. My name is Tom Herman, and I am the President of SEIU Local 668, which represents over 20,000 health and human services workers, including those employed by the Pennsylvania Human Relations Commission (PHRC). As you may know, SEIU is an international union of more than 2 million members, who share a strong vision for a more socially just world. As a labor union, we believe, fundamentally, we cannot achieve economic justice without achieving racial justice. This is not mere rhetoric. Last year, SEIU's President, Mary Kay Henry and our International Executive Board approved a resolution to prioritize dismantling systemic structural racism as part of our overall organizational agenda. Since then, we have engaged in an intensive study of our own organization and external social conditions, as well as a rigorous member education process, and outreach to community partners who can aid us in this work.

SEIU Local 668 has long recognized that in Pennsylvania, PHRC serves as such a partner. The Commission is not only on the frontlines of that fight; it is also the last line of defense for citizens who have been discriminated against, and have no other representative to advocate on their behalf. Therefore, I am here to offer testimony concerning recent media reports about the Commission, not only on behalf of my membership, but because our union places the highest value on the work of the PHRC. I too have read the reports and so I appreciate and share the concerns that this Committee has about the ability of the PHRC to fulfill its mission. I sincerely hope that this hearing is the first step in a process that leads to the agency once again functioning at the highest level, and I hope that my testimony is of some assistance in that regard.

As the elected President of a public sector union representing workers in many State agencies and county agencies, which have faced, or are facing, significant budget deficits, in my experience it is common for morale issues to arise. Prior to my election, I spent 25 years as a Business Agent – a staff representative tasked with assisting union stewards in grievances, arbitrations, and negotiations, for a variety of State, County, and nonprofit employers. At points, each of these employers faced funding shortfalls, and as they did, I witnessed the attendant morale and productivity declines firsthand. As I understand it, many individuals have weighed in concerning the culture of the agency, whether they be current or former employee,

Commissioners, representatives of civic organizations, clients, and even legislators. Some of our own union members may have spoken with you; and while I will not, and cannot, use this forum to address individual complaints from employees, I must voice my concerns about the dire funding situation that the PHRC finds itself in - a situation which has likely given rise to much of what has been reported in the press.

In just under a decade, the PHRC has seen its budget reduced by 30% - from \$14.1 million in 2008-2009 to \$10 million today. Further, its complement has shrunk from 178 caseworkers to 74. Yet, the demand for the Commission's services has not shrunk by half. In fact, it has only grown. SEIU's own self-study, which included a substantial review of academic research, has impressed upon us both the inextricable link between economic justice and racial justice, and the strong correlation between worsening market conditions and the prevalence of indirect and direct discrimination. I would expect that some of the net rise in PHRC cases could be attributed to the uneven economic recovery of recent years, with the highest net increases in areas with the most economic inequality. I'd further expect this correlation to hold during other periods of economic upheaval, past and future. For that reason alone, this is not an agency budget to cut when times get tough.

Moreover, whereas other State and County agencies we represent are able to automate certain casework functions (although usually, not without unintended negative consequences), the PHRC is **not able** to automate casework functions. It relies on real people - skilled and experienced civil rights investigators - for the Commission to work. However, with a complement reduced by more than 50% since FY 2008-2009, it is understandable - albeit unconscionable - that the agency now finds itself with a backlog of 1,356 cases.

When you deal with human services agencies and discuss results in terms of caseloads, it's easy to forget that each "case" is a person in need of assistance. Whether their cases yield a positive outcome or not, each case represents a person's emotional pain and stress, often with physical symptoms and/or financial ramifications. Each day these cases go unaddressed adds to that pain and stress. An agency created to help those who need help the most, should never be put in the position of inadvertently exacerbating that stress. In addition, it is equally unconscionable to put Pennsylvania's vulnerable citizens in the hands of employees who are overworked themselves, and unable to give each case their full attention. That is a shame, because every worker I have

met whom we represent at PHRC is passionate and invested in the fulfillment of the Commission's mission. However, you simply cannot expect the quality or quantity of service to remain the same with fewer resources. This is a State agency, like so many others, that has been cut to the bone, and can no longer do more with less.

SEIU Local 668 envisions a PHRC that not only can serve in a reactive role, addressing discrimination claims as they are filed, but a proactive and preventative role. We see PHRC engaged in every county, supplementing school district education on civil rights and diversity; working with civic organizations to nurture tolerance in our communities; providing training to the business community so that entrepreneurs know not only how to avoid violations, but also how to build inclusive corporate cultures that are recognized far and wide. The PHRC can help us build a better Pennsylvania, if they are empowered to do so.

Fulfilling the mandate of the PHRC is not merely a matter of mission. There is a financial dimension that is inextricably intertwined with the proper fulfillment of its mission that is important for the members of this Committee to understand. Fundamentally, a PHRC properly staffed and funded is able to generate additional outside revenue, making the PHRC less dependent on State support.

A PHRC with a proper staffing and funding would be able to complete a greater amount of field work than resources currently permit. The role of field work, it should be understood, is truly critical here. If caseworkers have a tough case, field work is not only crucial towards making a final determination, it is crucial to making a final determination **quickly**. Closing cases quickly, not only fulfills the PHRC's mandate, **it increases the amount of revenue** the PHRC receives from its EEOC and HUD contracts.

A PHRC with proper staffing and funding would have the resources to do real community outreach, educate the community on the services the agency provides, and ensure that all Pennsylvanians who need the PHRC's services can take full advantage. Communities that understand the services afforded to them by the PHRC are more likely to have their residents take advantage of its services. The cases are more likely to be filed in a timely fashion and can be both investigated and addressed quicker.

Before I continue, I cannot emphasize the role of community outreach enough. As politicians, you all know that true community partnerships are built consistently over time. Moreover, when you begin to build community partnerships, and then stop - for whatever reason - the loss of credibility can be long-lasting, and in some cases, irreparable. The level of community outreach an effective PHRC needs to do to fulfill its mission is considerable, and it cannot be **done with half a staff.**

A PHRC with proper staffing and funding would have the resources to reinstitute a walk-in policy. This is similarly crucial because walk-ins file fresh cases. Fresh cases, investigated quickly, can potentially be closed quickly, **leading to greater revenue. Additionally, fewer walk-ins means more difficult cases. More difficult cases lead to backlogs.**

Moreover, beyond the dollars and numbers, the funding shortfall which led to the elimination of the walk-in policy, fundamentally undercuts the Commission's ability to fulfill its mandate. The value of word of mouth advertising - from filer to potential filer - is enormous. Without walk-ins, it is diminished severely. Further, a lack of community outreach and a lack of a walk-in policy, in fact **discourages the community** from taking advantage of the PHRC's services. A diminishing number of cases filed has ramifications for the Commission's fulfillment of its mandate and its fiscal health. I normally avoid comparisons of business to government because government is not business. Yet I believe this metaphor, which one of our members from the Philadelphia PHRC office shared, is apt: if you have a store with a popular product and high demand, but do not advertise, eventually you'll have to close your doors. It is not because you do not meet a need, it is because you are not connecting to the consumer and fulfilling their need.

Further, a PHRC with a full complement and funding could look at finding other sources of federal funds, and become less fiscally dependent on State funding. The Human Relations Act, as written, as I understand from our General Counsel, allows for that possibility. However, to an agency struggling simply to deal with the cases mounting ever higher on its desk, these items are impossibilities.

The Pennsylvania Human Relations Commission has engaged in many creative solutions to address its resource deficit, which Ms. Edwards can more aptly describe. They include more than \$3+ million in cost savings, the elimination of a \$1.5 million budget deficit in FY2011-2012,

and another \$2 million in savings through a reengineering initiative, an online questionnaire, and other advancements. However, the bottom line is that continuous cuts, coupled with rising demand, can no longer address the civil rights advocacy needs of Pennsylvania.

While our country has made great strides since 1955, continued hate crimes and willful employer violations of the PHRA, among other examples, illustrate the continued need for the PHRC. With deficiencies in existing law, the need for PHRC is clear. The passage of pending legislation, such as the Healthy Workplace Bill (HB 1041), which would strengthen worker protections against workplace harassment (and provide employers' greater protections against meritless lawsuits); and the PA Fairness Act (HB 1510), which would update the Pennsylvania Human Relations Act to ensure fair and equal treatment for lesbian, gay, bisexual and transgender people, would be steps in the right direction. I hope that members of this Committee are working towards their speedy passage. But even were these, and other laws, passed today, hatred still exists in the world. Discrimination still exists. There remains a pressing need for the Commission, but not as it exists today, crippled by underfunding, awash in a nearly insurmountable backlog of cases.

I ask that you look beyond the headlines in your assessment of the Commission, and truly examine its financial ability to operate as a going concern. I ask, that during this budget season, you join us in advocating for a restoration of funding to this essential agency to pre-2009 levels. While the Governor and Ms. Edwards have asked for approximately \$2 million, we are respectfully asking for more because additional funding is what is needed to build the kind of Pennsylvania Human Relations Commission our friends, family members, and neighbors deserve.

On behalf of the workers I represent, and as a leader of a union working towards a more just world, I ask for your support of restoration of funding for the Pennsylvania Human Relations Commission to 2008-2009 levels.

Thank you for your time.