

York County  
Human Relations Commission  
Feasibility Study

Prepared for:  
York County Community Against Racism



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## Section I. Introduction

Drive along any of the major routes in York County and it is no secret that our community is growing. From Dillsburg to Delta to Hallam to Hanover – new people are moving here everyday and are calling York County home. Amongst this new and growing population are people from a wide array of ethnic and religious backgrounds, from across the United States and from other nations. We are not just a growing community. We are a growing *and more diverse* community.

In 1996 and again in 2002 noted scholar David Rusk came to York County in order to conduct research and identify the key problems confronting this community as we sought to improve our overall quality of life. Perhaps the most troubling of all the problems noted by Rusk was what he identified as intense racial segregation. Rusk stated that if York was to truly see better days ahead, then the issue of breaking down the segregated racial lines in this community must be dealt with in a comprehensive and real way.

With the significant number of discrimination complaints filed by York County residents with the Pennsylvania Human Relations Commission over the past five years, the data in this report shows that these issues are very real. Whether it was for racial, gender, disability or age reasons, there are people within this community who have been discriminated against in the workplace, in attempting to obtain housing or in many other aspects of their daily lives according to findings of the Pennsylvania Human Relations Commission.

During the early stages of the YorkCounts process discrimination within the York County community was again identified as an issue for which there needed to be a comprehensive solution. As one of the 30 Ready Solutions identified in the 2004 YorkCounts Action Plan, the creation of a countywide human relations commission was suggested as a potentially comprehensive way to address these issues.

YorkCounts entered into a compact with the York County Community Against Racism to study the details of how a countywide human relations commission could be created and funded. This report provides a synopsis of issues of discrimination in York County and suggests how these issues can be addressed on a local level within our community.

## Section II. Methodology

The York County Community Against Racism (YCCAR) contracted with York College of Pennsylvania, Center for Community Engagement (CCE), to assess the feasibility and need and determine the cost of establishing a York County Human Relations Commission. The research strategy had three major components 1) needs analysis, 2) organizational model analysis, and 3) cost and revenue analysis.

### Research Components

#### 1. Needs Analysis

##### a) Caseload Review

CCE staff reviewed the Pennsylvania Human Relations Commission (PHRC) caseload for York County from 2000-2005. Caseload data compiled by PHRC staff were classified by category (employment, housing, education, public accommodation, or commercial property), by alleged adverse action (discharge, discipline, hiring, reasonable accommodation, etc.) and by alleged basis (race, religion, family status, sex, ancestry, national origin, etc.) CCE staff also reviewed caseload data from the City of York Human Relations Commission and Bias-Related incident data provided by PHRC.

##### b) Key Informant Interviews

Working with the YCCAR Task Force, CCE staff identified key stakeholders throughout the county to gather input and opinion regarding a County Human Relations Commission. CCE staff spoke with a broad range of key informants and stakeholders about the need for and value of a County Human Relations Commission. In an effort to provide a balanced report that reflects the array of viewpoints across the county, individuals from all sectors of the community were interviewed.

#### 2. Organizational model analysis

With the support of the Pennsylvania Human Relations Commission and Task Force members, CCE staff researched the operating models of several County Human Relations Commissions in Pennsylvania and Maryland. Of the nine established Human Relations Commissions in Pennsylvania only Erie and Lancaster have countywide jurisdiction. CCE used the programmatic and financial experiences of the two Pennsylvania Counties and Frederick and Howard Counties in Maryland to develop models for York County.

#### 3. Cost and revenue analysis

Potential revenue sources were researched and start-up costs and ongoing operational budgets were developed.

### **Section III. What is a Human Relations Commission? What does it do?**

The role of a human relations commission (HRC) is to proactively advance the cause of equal rights, and to eliminate discrimination through citizen action, education and enforcement. Commission activities help communities become more harmonious, respectful and cohesive. An effective commission plays a vital role in promoting community understanding and open communication between differing groups and constituencies.

A human relations commission works to prevent discrimination by offering technical assistance to employers, community groups, local government officials and professional associations by conducting workshops, distributing informational materials and working to promote harmony and good will among groups throughout the community. A HRC promotes compliance with the law through programs in employment, housing, and public accommodation.

A human relations commission is a governmental agency that has enforcement powers to investigate complaints of discrimination and enforce breaches of civil rights laws. At a local level (city or county), a human relations ordinance is the basis for a commission's legal status, enabling the commission to investigate and resolve complaints charging unlawful discriminatory practices.

Finally, a commission responds to community tension incidents by bringing people together from various groups to identify problems and come up with common solutions.

#### **EDUCATION AND OUTREACH**

Community education and outreach is a major component of the work of a human relations commission. Education and outreach programs and services vary between commissions. Many commissions offer programs that are tailored to meet the needs and request of employers, community groups, and a variety of other audiences. Topics and formats also vary. The commission may offer single issue workshops or broader, more comprehensive seminars or conferences. Topics may include effectively responding to demographic changes in the community or workplace, diversity and cultural competency, maintaining an unbiased and harassment-free workplace, or fair housing.

Fair housing education is a focus for commissions that have obtained certification as a Fair Housing Enforcement Agency and/or received funding through the U.S. Department of Housing and Urban Development Fair Housing Assistance Program (FHAP) and/or Fair Housing Initiatives Program (FHIP). Commissions work with both housing providers and home seekers to create awareness of the existence of housing discrimination and greater understanding of the laws that protect against housing discrimination and the actions that are prohibited under the law.

A human relations commission will provide technical assistance to Realtors and landlords offering guidance on how to conduct their business in a non-discriminatory manner. At the same time the HRC may collaborate with housing counseling agencies to offer workshops to first time homebuyers teaching them how to recognize discrimination and the subtle forms it may take and advising them on the remedies provided by law if they are the victim of discrimination.

## **COMMUNITY BUILDING**

Local human relations commissions often partner with other community-based organizations to actively monitor and prevent racial tension situations in the community. Proactive commissions work to establish unity coalitions within the community to combat hate and reduce civil tension. Community centered, non-violent responses to bias-related incidents can serve as a rallying point for diverse groups throughout the community.

## **ENFORCEMENT**

A local human relations commission is authorized under local ordinance to receive, investigate, and resolve complaints of alleged discrimination based on protected classes outlined in Federal, State and local law. If an individual believes she/he has been the victim of unlawful discrimination she/he may file a complaint with the human relations commission. The complaint must be filed within 180 days of the alleged act of discrimination.

The complaint process begins with an interview with a commission staff member. The complainant (the person allegedly discriminated against) must establish that there has been an adverse action against them. When that has been established, commission staff will draft a complaint and prepare it in legal form for the complainant's signature. The complaint is assigned to a staff investigator who proceeds to conduct a fair and impartial investigation of the issues raised in the complaint. A Fact Finding Conference is often scheduled with the complainant and the respondent (the party against whom the complaint of alleged discrimination was filed). The charges set forth in the complaint are discussed with each party given the adequate opportunity to provide information they believe is pertinent. The complainant may reinforce allegations and the respondent may attempt to refute them. The conference is designed to speed up the investigation and to help reach a fair resolution of the complaint.

Should a resolution not be reached during fact finding, the investigator will continue to gather information from both parties in order to recommend a finding. The results of the investigation may find "no probable cause" or "probable cause." A "no probable cause" finding means that in the opinion of the staff, based on information gathered during the investigation, the respondent did not engage in an unlawful discriminatory practice. At this point the case is closed by vote of the commission; however the complainant may appeal the finding.

A "probable cause" finding means in the opinion of the staff the respondent did commit an unlawful discriminatory act against the complainant. If there is mutual resolution to the complaint the case is closed. If a settlement is not reached after a probable cause finding the Commission will hold a public hearing. At the hearing testimony is presented, under oath, from both sides. After considering all arguments and evidence the Commissioners will either find for the complainant and direct the respondent to grant a remedy or they will find for the respondent and dismiss the complaint. The decision is legally enforceable and may be appealed in civil court.

Case processing and management can be labor intensive. One complaint is referred to as a case – each case may contain multiple counts. A count consists of one act of harm (ie. discharge, failure to promote, etc) and one protected class (ie. race, religion, age, etc). At the Pennsylvania

Human Relations Commission, over 54 percent of the complaints filed involve two or more individual counts of discrimination which adds to the complexity of the case investigation. In order to conduct a thorough investigation, each individual allegation or count must be investigated, documented and analyzed to determine if one or more of the counts have value in the case.

Formal regulations and rules for administrative procedure are adopted by the commission. These regulations and procedures guide the work of the staff and the commissioners to ensure fair and equitable treatment for both the complainant and the respondent.

### **COORDINATING WITH THE PENNSYLVANIA HUMAN RELATIONS COMMISSION**

The Pennsylvania Human Relations Act gives the legislative body of any political subdivision within the Commonwealth the authority to establish a local human relations commission. The organizational structure, funding and staffing is determined by the local legislative body. The local entity has the authority to grant local commissions the powers and duties similar to those exercised by the PHRC. The only requirement under the Act is that the local commission shall notify the PHRC of any complaints filed within the local commission's jurisdiction. Likewise the PHRC is required to notify the local commission of complaint received by the PHRC involving persons within the local commission's jurisdiction.

The Act also authorizes the PHRC to enter into "Work-sharing Agreements" with local commissions. Under a work sharing agreement (Appendix K) the PHRC agrees to refer back to the local commission any complaint it receives involving persons within the local commission's jurisdiction. The PHRC can not require the complainant to file his/her complaint with the local commission, if the individual chooses to work through the State agency the PHRC must follow through with the complaint.

The PHRC offers training and technical assistance to all local commissions. The PHRC assists local commissions in responding to bias-related and civil tension incidents. The PHRC is very supportive of the effort to establish a human relations commission in York County.

### **COORDINATING WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

#### *Substantial Equivalency*

Part 115 of the Housing and Urban Development federal regulations authorizes the certification and funding of state and local housing enforcement agencies, also referred to as "substantially equivalent" agencies. The benefit of substantial equivalency is when HUD receives a complaint which alleges violations of the fair housing law within the local commission's jurisdiction HUD will refer the complaint to the local commission and no further action will be taken by HUD. The local commission will investigate and resolve the complaint. Any settlement reached between the complainant and the respondent will be agreed to in writing and will release the respondent of any further responsibility with both the PHRC and HUD (Appendix L: Settlement Agreement).

PHRC is certified as substantially equivalent. HUD refers all Fair Housing complaints to the PHRC. Under a work-sharing agreement PHRC would refer those complaints back to the local commission.

The Assistant Secretary for Fair Housing and Equal Opportunity is authorized to certify local agencies. Certification as substantially equivalent involves a two-phase procedure. The first step is to determine whether the local ordinance, on its face, provides rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the Fair Housing Act. Second, HUD must determine that the current practices and past performance of the local commission demonstrates that, in operation, the law in fact provides rights and remedies which are substantially equivalent to the Fair Housing Act. Under current HUD administration, the certification process takes a minimum of two years.

#### *HUD Funding*

HUD provides funding to substantially equivalent agencies. *Capacity Building* funds are granted over a three year period at approximately \$115,000 each year. The purpose of capacity building funds is to support enforcement activities and activities that build greater awareness of fair housing rights and remedies.

Local commissions that have received capacity building funds for three consecutive years are eligible for *Contributions Funding*. Contributions funding consists of three categories:

- 1) **Complaint Processing Funds:** The level of funding is received based solely on the number of complaints processed by the commission and accepted for payment by HUD,
- 2) **Administrative Costs:** The level of funding is contingent on federal fiscal year appropriations. According to HUD officials, substantially equivalent commissions receive approximately \$10,000 annually for administrative costs.
- 3) **Special Enforcement Effort Funds:** These funds are provided to commissions to enhance enforcement activities of the fair housing.

Training funds are also available to local commissions. Training funds are fixed amounts based on the number of commission employees to be trained. Training funds may be used only for HUD-approved or HUD-sponsored training.

#### **COORDINATING WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

Title VII Section 706(c) of the Civil Rights Act of 1964 allows for the designation of state and local Fair Employment Practice Agencies (FEPA). 29 CFR 1601.70 outlines the procedures for qualifying for a FEPA designation. At a minimum the local commission must have a fair employment practice law that is equivalent to EEOC and have a local authority that is empowered to grant relief from employment practices that are found unlawful. EEOC will reimburse a local FEPA \$500.00 per case processed by the local FEPA and approved for payment by EEOC.

It is the practice of the EEOC to defer complaints to a local FEPA. Should there not be a designated local FEPA EEOC will defer the complaint to the Pennsylvania Human Relations Commission. Under a work-sharing agreement with PHRC the complaint would be referred to the local commission. The local commission will investigate and resolve the complaint. Any

settlement reached between the complainant and the respondent will be agreed to in writing and will release the respondent of any further responsibility with both the PHRC and EEOC.

*Dual Filing*

It is in the best interest of all parties to dual file complaints with HUD or EEOC. It provides the complainant the opportunity for full adjudication of his/her complaint; it protects the respondent from further filings and ensures that once an agreement is reached that it will be accepted by all levels of government. It also provides a track record of performance for the local commission which is needed for substantial equivalency certification with HUD and FEPA designation with EEOC.

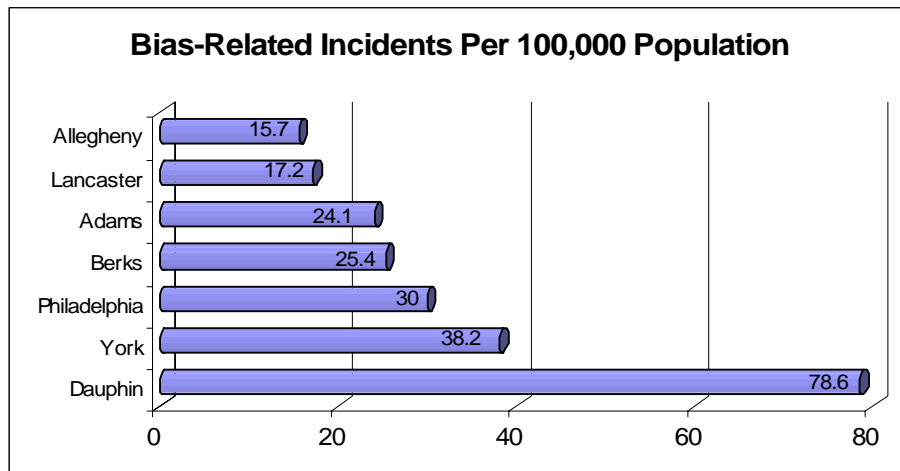
## Section IV. Defining the Need

### BIAS-RELATED INCIDENTS

A "bias-related incident" is any incident in which an action taken by a person or group is perceived to be malicious or discriminatory toward another person or group based on bias or prejudice relating to such characteristics as race, color, religion, national origin, ancestry, age, mental or physical disability, sexual orientation, gender, or gender identity or any situation in which inter-group tensions exist based on such group characteristics. Bias-related incidents may be violations of criminal law, such as hate crime, or violations of civil law, such as unlawful discrimination in employment, housing, education or public accommodations.

Many bias-related incidents are not violations of any law, yet they can create dangerous levels of tension between individuals and groups - tension that can escalate into violence and civil unrest. This is true of the activities of organized hate groups, and other public expressions of bias or hatred. Ethnic or racial jokes or name-calling in a school, workplace or community are bias-related incidents that, if not addressed, create a climate in which people do not feel valued and respected and in which severe forms of inter-group tension can develop.

Through the Inter-Agency Task Force on Civil Tension, the Pennsylvania Human Relations Commission tracks bias-related incidents across the Commonwealth. York County ranked fourth in the state for the total number of reported bias-related incidents with 146 incidents reported between 2000 and 2005. On a per 100,000 population basis York County ranks second in the state with Dauphin County ranking first.



Bias-related incidents were reported in thirty-three (33) different municipalities in York County, from Lower Chanceford Township to Heidelberg Township and Shrewsbury to Manchester. The following examples of bias-related incidents occurred in municipalities outside the City of York including Codorus Township, Newberry Township, Dillsburg, Springettsbury Township, Hanover and Red Lion.

- “KKK” and “kill niggers” painted on an apartment building and the home of a bi-racial resident.

- Swastika and “KKK” painted on the side of a church within a quarter of a mile of the first incident.
- An African American delivery man was told by two white males “we will be hanging a nigger tonight.”
- “Jew” and a swastika painted on the sidewalk of a school and a restaurant.
- An African American truck driver was threatened by the white drivers of two dump trucks including the verbal threat of hanging and efforts to force his vehicle into a traffic barrier.
- Two separate anti-Christian fliers distributed to fair goers.
- Anti-Catholic, anti-Jewish and homophobic articles left in restrooms and pay phones
- A white camp counselor assaulted and rocks thrown at camp because of the presence of a multi-racial group.
- White student threatened a student of Middle Eastern descent saying he would “take his shotgun and blow your head off.”
- African American teacher and her racially diverse group of students subjected to racially derogatory remarks by employees in a restaurant.

## **COMPLAINTS OF ALLEGED DISCRIMINATION**

### *Pennsylvania Human Relations Commission*

The Pennsylvania Human Relations Commission has authority to investigate and resolve acts of alleged discrimination in the areas of employment, housing, public accommodation, commercial property and/or education. In Pennsylvania it is unlawful to discriminate on the basis 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).

The PHRC receives roughly 40,000 inquiries on an annual basis. These inquiries may be from citizens who are in need of services that are not within the jurisdiction of the PHRC or they may simply have a question regarding their civil rights. In 2005 these inquiries resulted in the filing of 4,144 complaints, of which 3,457 complaints alleged discrimination in employment. The Commission closed 4,817 cases in 2005; fifty-four percent (54%) of those cases were closed with a no probable cause finding.

As part of this feasibility study, the Pennsylvania Human Relations Commission undertook a comprehensive review of complaints filed at the PHRC by York County residents over a five year period. From July 2000 through June 2005, 680 complaints were filed by York County residents. Following is a breakdown of the complaints by jurisdiction.

<b>Jurisdiction of Discrimination</b>	<b>Number of Cases</b>
Employment	601
Public Accommodation	37
Housing	35
Commercial Property	4
Education	3

At the Pennsylvania Human Relations Commission, over 54 percent of the complaints filed involve two or more individual counts of discrimination which adds to the complexity of the case investigation. In order to conduct a thorough investigation, each individual allegation or count must be investigated, documented and analyzed to determine if one or more of the counts have value in the case. Of the cases filed by York County residents, race and disability were the most frequently cited basis for the alleged discrimination.

<b>Jurisdiction</b>	<b>Protected Class</b>	<b>Percent of Cases</b>
Employment	Race	31.8%
	Age	19%
	Sex	18.4%
	Disability	14%
	Retaliation	12%
Housing	Race	31%
	Disability	28.6%
	Familial Status	14%
Public Accommodation	Race	65.7%
	Disability	31%

### **Case Closures**

The Pennsylvania Human Relations Commission closes cases in a number of ways. The case can be closed after a voluntary settlement is reached between the complainant and respondent. The case can be closed as a no probable cause, which means that based upon all of the documents and witness testimony collected during an investigation, substantial proof of discrimination was not found. Or the case can be closed administratively, because the complainant withdraws his/her allegations or opts to go into state or federal court. Cases are also closed after a decision is reached after a public hearing.

A review of the closing status for 661 of the 680 complaints filed with the PHRC shows that forty-five percent (45%) of the complaints filed are closed with a finding of no probable cause.

	<b>Employment</b> (589 cases)	<b>Public Accommodation</b> (32 cases)	<b>Housing</b> (35 cases)	<b>Commercial Property</b> (3 cases)	<b>Education</b> (3 cases)
<b>No Probable Cause</b>	45.5%	40.6%	50%		33.3% (1 case)
<b>Settled Before Probable Cause</b>	29.4%	15.6%	23.5%		
<b>Settled After Probable Cause</b>	1.2%	9.4%	8.8%		
<b>Administrative Closing (including cases filed in court)</b>	8.1%	21.9%	5.9%		33.3% (1 case)
<b>Open</b>	15.8%	12.5%	11.8%	100%	33.3% (1 case)

Sixteen percent (16%) of the 661 complaints filed with the PHRC remain open today. Based on all PHRC cases closed in 2005, forty-nine (49%) of the cases filed with PHRC are closed within one year of filing. An additional twenty-six (26%) are closed within two years and the remaining twenty-five (25%) close within three to four years.

City of York Human Relations Commission

The City of York Human Relations Commission has authority to investigate and resolve acts of alleged discrimination in the areas of employment, housing, public accommodation, and/or commercial property. Within the City of York it is unlawful to discriminate on the basis of race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals.

The City of York Human Relations Commission documents 150 – 240 intakes a year. The City HRC actively investigates 10-15 complaints annually. On average 45% of the individuals seeking to file a complaint are referred to the Pennsylvania Human Relations Commission because the alleged act of discrimination took place outside the jurisdictional limits of the City.

## Section V. Key Informant Opinions

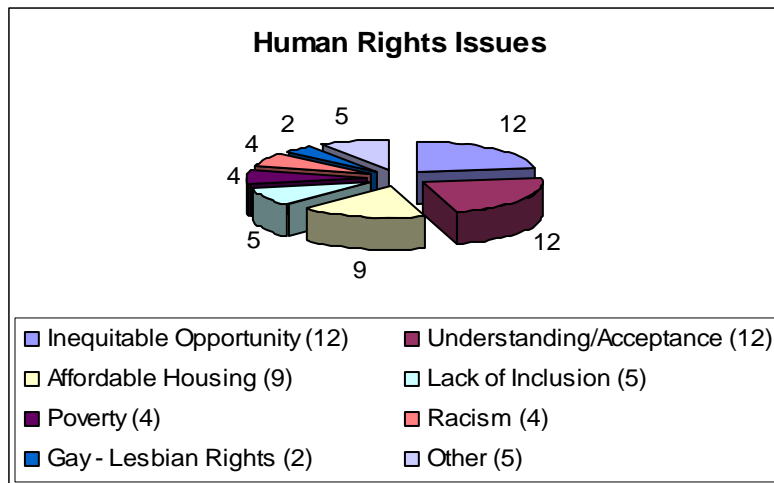
To gather input and opinion regarding a County Human Relations Commission, the CCE staff spoke with a broad range of key informants and stakeholders about the need for and value of a County Human Relations Commission. In an effort to provide a balanced report that reflects the array of viewpoints across the county, individuals from all sectors of the community were interviewed. CCE staff conducted over 50 phone interviews with representatives of the business community, (human resource professionals and CEOs), state, county and municipal government leaders, educators, realtors, ministers, law enforcement, social service providers, and advocates.

Prior to the phone interview individuals received a one page document explaining the purpose of a human relations commission and the services that it could provide. Following is a summary of the information and perspective gained through the phone interviews. *The bulleted items are a sampling of direct quotes from the interviews.*

### Human Rights - Inequities Continue

Individuals painted a picture of a growing York County, growing not only in numbers but also in diversity. Respondents generally agreed that there is a lack of understanding and acceptance of the cultural differences that are part of the fabric of York County. The lack of understanding often times leads to misinterpretation of individual behaviors which may lead to exclusion. Thirty-two percent of the individuals interviewed stated that lack of understanding, acceptance and inclusion are the most significant human rights issues within York County today.

Twenty-four percent of the respondents cited the inequity of opportunity in employment and housing as the most pressing human rights issue. Four individuals cited racism as the most significant human rights issue in York County while four others believe poverty is the most significant. Gay and lesbian rights were identified by two individuals as the most significant issue in the county today.

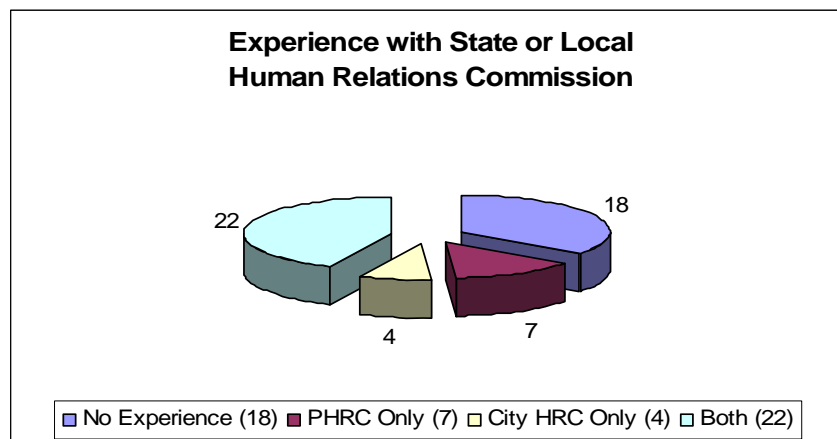


- “There is increasing diversity in our communities and we lack experience in this; the white, Anglo-Saxon does not know how to deal with it.”
- “There is a lot of subtle daily discrimination...hundreds of little actions against anyone who is different.”

- “There are a significant number of racial issues throughout the county. I have seen and heard of a number of methods used by white residents to show dissatisfaction of the growing number of minority residents; their children are often subjected to it in school.”
- “We lose too many young African Americans because of the lack of opportunities; not the same opportunities for training and education as for white people.”
- “Equality. We need more people who are willing to look at the person and decide how they perform in the community on the basis of their character, not their skin color or any other factor.”

### Evaluating State and Local Services

Those interviewed were asked to rate the adequacy of the services of the Pennsylvania Human Relations Commission (PHRC) and the City of York Human Relations Commission. Thirty-six percent of those interviewed had no direct experience with either the PHRC or the City HRC. Forty-two percent of the respondents had experience with both the PHRC and the City HRC. Fourteen percent had experience with the PHRC only and the remaining eight percent with the City HRC only.



The individuals with direct experience with the PHRC generally agreed that the services at the state level are adequate. They have found the staff to be fair and objective. The common complaint heard about the PHRC is that the process takes too long and that the amount of written documentation required is burdensome. Anecdotal reports described the investigation process as inefficient in that the PHRC has no preliminary screening process. Several individuals commented on their experience that the fact finding conference took place after the respondent was required to submit an “exorbitant” amount of documentation in response to the complaint.

The City of York Human Relations Commission received mixed reviews. Individuals more closely associated with the City HRC felt that they do a good job with limited resources. Two individuals complimented the City HRC on their good community outreach and referral activities. Eight individuals rated the services of the City HRC as poor while three individuals said the services were adequate.

## **The Value of a York County Human Relations Commission**

Accessibility of service was cited most often as the greatest benefit of a York County HRC. Several respondents told stories of the difficulties people face when trying to file a complaint with the PHRC. The distance can be burdensome for both parties. The lack of transportation to Harrisburg is a barrier for some individuals.

Other proponents believe that a County HRC would be more responsive and timely. They see a value in having a local investigator conduct on-site fact finding meetings and the ability to mediate and resolve an issue prior to an official complaint being filed. A number of respondents felt that having the opportunity to present both sides of the case prior to compiling exorbitant documentation would be beneficial for both parties.

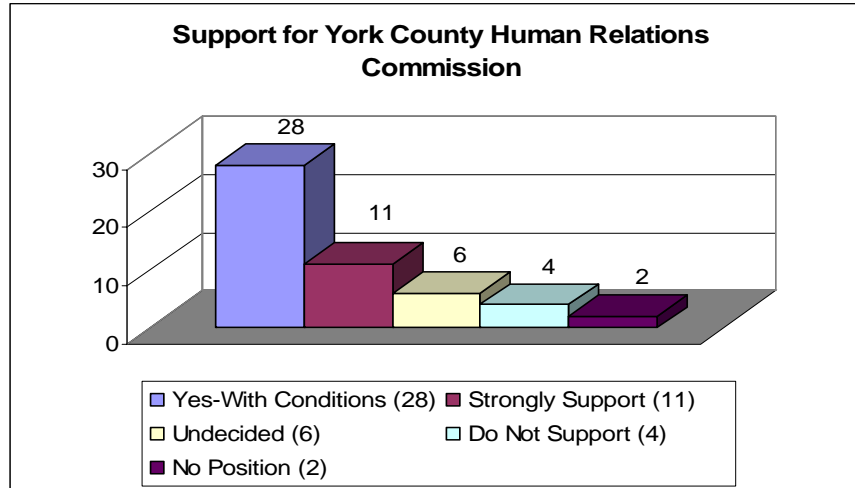
For some individuals having a County HRC is an issue of fairness. They feel that County residents living outside the City of York should have the same level of protection and representation as City residents. They believe that issues of discrimination cross jurisdictional boundaries and are therefore county-wide issues.

Other stakeholders saw the importance of a county-wide organization that would work proactively to promote diversity education and greater understanding and acceptance of each others' differences. They stressed that discrimination is not just a race issue but also a gender issue, disability issue, familial status issue, and a sexual orientation issue.

One individual saw the opportunity for a County HRC to be a coordinating body, bringing together various community groups and organizations to address the issues of discrimination on a county-wide basis.

Others were skeptical that accessibility of service is the big issue others make it out to be. They believe that if someone had a viable complaint they could find a way to file it with the PHRC. These same individuals are not sure that county residents would be better served with a local HRC and questioned the cost of convenience.

- “By bringing expertise and oversight into our own community there will be a greater sense of ownership and concern.”
- Local agency would understand the local population and community issues; could be more responsive and timely. Could have greater impact determining solutions.”
- “Highly valuable. It will ensure that discrimination complaints are resolved, improve education and build value of diversity throughout the county.”
- “Great value...discrimination of any kind does not limit itself to the City; it’s probably more prevalent outside of the City. It would be easier to have a county commission versus having to go to the state commission; too much bureaucracy.”
- “The ongoing process of regionalization is important; we will foster a greater understanding of people across various different lines through regionalization.”
- “The establishment of a County HRC sends a message that we know there are race issues in York County and we are addressing it by creating this entity.”
- “No value; Harrisburg is not that far away for someone who has a complaint that requires judicial review.”



### Priority Services

Twenty-four individuals state that education, training and/or community outreach should be the primary role of a County HRC. A number of respondents spoke of the lack of acceptance of people who are different from the majority and that this lack of acceptance is due in part to not understanding different cultures or ways of life.

Investigation, mediation, and enforcement powers were also seen as necessary component of a County HRC. Several individuals mentioned that enforcement powers were needed when education and training does not work.

Several individuals feel strongly that a County HRC should provide the same level of protection as the City HRC including sexual orientation.

- “First priority – advocacy and education. (A County HRC should) support the business community and other organizations; help them understand the law and embrace the spirit of the law. Second...handle complaints and investigation.”
- “Education rather than strong enforcement agency. Having said this it is important that there be strength behind the education. The agency needs to have enforcement powers.”
- “Awareness and education – promote the concepts of diversity. Oversight and remediation are important; I would like to think we don’t need it but reality is people do discriminate.”
- “Educate and advise employees and employers – be proactive not reactive.”
- “Training must include all levels of employees. Most of our problems are a result of one-on-one employee interaction; people don’t understand the ramifications of their comments or actions. If training doesn’t work then enforce.”
- “It should be a place where mediation could be brokered in the resolution of disputes related to prejudice and other issues; play a positive role in fostering understanding between people within York County.”

## **Questions or Concerns**

Funding, structure, staffing, and authority were the concerns voiced by many of the individuals interviewed. How much will it cost? Where will the funding come from? Will it lead to a tax increase? These were the primary financial concerns.

The structure of the County HRC was also a concern. Several individuals felt strongly that there should be one HRC for the entire county and not a separate agency for the City of York.

Others were concerned about the effectiveness and credibility of the staff. Individuals were concerned about the ability to attract good people, both staff and commissioners.

Still others were concerned that a County HRC would place a greater burden on business by providing easier access for employees to file unfounded complaints.

- “Need information on the economics of the proposal. Need to demonstrate that the value it will bring to the community will be a good return on the financial investment.”
- “I believe that it should be one entity serving the entire county.”
- “Because it would be local there could be some local bias on the Commission.”
- “Adopt a full package as the City does in representing all types of discrimination.”

## **Section VI. Operating Models**

With the support of the Pennsylvania Human Relations Commission and Task Force members, CCE staff researched the operating models of several County Human Relations Commissions in Pennsylvania and Maryland. Of the nine established Human Relations Commissions in Pennsylvania only Erie and Lancaster have countywide jurisdiction. CCE used the programmatic and financial experiences of the two Pennsylvania Counties and Frederick and Howard Counties in Maryland to develop models for York County.

### **Lancaster County, PA**

The Lancaster City-County Human Relations Committee was established in December 1964 through a joint effort of the County Commissioners, the Mayor and City Council. The Lancaster Commission was granted enforcement power by the Lancaster County Board of Commissioners in 1991. At that time the County withdrew from the City-County Commission and established a human relations commission under its own jurisdiction. The City of Lancaster Human Relations Commission is not in operation at this time.

The Lancaster County Human Relations Commission operates with two boards. The Commission board consists of seven (7) members appointed by the Lancaster County Board of Commissioners. These seven individuals are responsible for the enforcement of the County's human relations ordinance including the adjudication of complaints of alleged discrimination. The ordinance gives the Human Relations Commission the authority to recommend the hiring of the Executive Director.

The Board of Directors is a thirteen (13) member board appointed by the Lancaster County Board of Commissioners. The Board of Directors is responsible for the outreach and education programs and services of the Commission. The Board of Directors operates with six program committees, Education, Employment, Public Information, Fair Housing Action, and Police Community Relations.

The Lancaster County HRC was certified as substantially equivalent by HUD in 2002. The Commission operates with nine (9) full time staff; an Executive Director, an Assistant Executive Director, a Senior Housing Specialist, a Housing Specialist, two (2) Human Relations Representatives, an Intake Officer/Human Relations Representative, and two (2) clerical support staff.

The 2006 operating budget for the Lancaster County HRC is \$768,611 of which \$280,319 is funded through HUD. The Housing Specialist positions are completely funded through HUD.

The Lancaster County HRC processed 167 new cases in 2005, down from 259 cases in 2004. The Commission closed 172 cases of which 58.14% were closed with a no probable cause finding, 12.79% through settlement/mediation, and 17.44% were administrative closures and 8.72% were withdrawn.

Case closings are timelier at the Lancaster County HRC than the PHRC. 73.9% of the cases closed in 2005 were less than one year old in comparison to PHRC at 49%. 24.6% of the

Lancaster County case closures were between one and two years old leaving 1.5% over two years old.

### **Erie County, PA**

The Erie County Human Relations Commission was established by ordinance in 1993. The Commission operated with a small staff until 2003 when the Erie County Executive closed the Commission. Prior to its closing the Commission processed over 100 cases a year.

The Erie County HRC reopened in January 2006 with a new Executive Director and part time administrative assistant. Since January 2006 the Commission has docketed 30 cases of alleged discrimination in employment and 3 cases of alleged discrimination in housing.

HUD has determined that the Erie Ordinance is substantially equivalent; the County anticipates receiving HUD Capacity Building funds in the near future. The Erie HRC is operating with a budget of \$84,000 funded through County and City General Fund.

### **Howard County, MD**

The Howard County Human Rights Commission was established in 1969 and is composed of eleven (11) voting members and a non-voting student member appointed by the County Executive and confirmed by the County Council. The Howard County Office of Human Rights (OHR) was established in 1975 and is headed by an Administrator appointed by the County Executive and serves as the Executive Secretary to the HRC.

The Office of Human Rights operates with seven (7) full time and two (2) part time staff; Administrator, Compliance Officer, 2 Investigators, 1.5 Outreach/Education Specialists, PT Intake/Investigator, and 2 clerical support staff.

The 2006 operating budget for the Office of Human Rights is \$567,168 with an additional \$7,600 allocated for the Human Rights Commission. The Office of Human Rights has been an EEOC Fair Employment Practice Agency designee since 1984. Funding from EEOC is based on the number of complaints processed and varies annually; on average Howard County receives approximately \$32,500 per year.

OHR received 61 new complaints in 2005, 48 employment complaints, 11 housing complaints, and 2 public accommodation complaints. OHR closed 80 cases of which 40 closed with a no probable cause finding.

### **Frederick County, MD**

The Frederick County Human Relations Commission and the Frederick County Human Relations Department were established in 1989. The Human Relations Commission is composed of fifteen (15) members appointed by the County Commissioners. The Human Relations Department is staffed by an Executive Director appointed by the County Commissioners and an Administrative Assistant.

The 2006 operating budget for the Human Relations Department is \$159,156 with an additional \$12,789 allocated for the Human Relations Commission. The Human Relations Department focuses its work on education and outreach. Three complaints were processed in 2004.

### Operating Model Comparison

	<b>Lancaster County, PA</b>			<b>Erie County, PA</b>	<b>Frederick County, MD</b>	<b>Howard County, MD</b>
<b>Staffing</b>	9 Full Time			1 Full Time 1 Part Time	2 Full Time	7 Full Time 2 Part Time
<b>Operating Costs</b>	\$768,611			\$84,000	\$171,945	\$567,168
<b>Revenue Source</b>						
<b>County General Fund</b>	\$433,292			\$69,000	\$171,945	\$542,268
<b>City General Fund</b>	\$0			\$15,000		
<b>County CDBG</b>	\$45,000					
<b>City CDBG</b>	\$10,000					
<b>HUD</b>	\$280,319					
<b>EEOC</b>	\$0					\$32,500
<b>Caseload</b>	2005 167	2004 259	2003 158	January – June 2006 33	2004 3	2005 120
<b>Notes</b>				Staff hired January 2006	Agency is focused on education and outreach.	

	<b>City of Reading, PA</b>	<b>City of York, PA</b>
<b>Staffing</b>	4 Full Time	2 Full Time
<b>Operating Costs</b>	\$250,000	\$237,727
<b>Revenue Source</b>		
<b>County General Fund</b>		
<b>City General Fund</b>		\$133,100
<b>County CDBG</b>		
<b>City CDBG</b>		
<b>HUD</b>		\$104,627*
<b>EEOC</b>		
<b>Caseload</b>		2005 11
* \$58,872 in Partnership Initiative Funding for programs sponsored by other nonprofit organizations		

## Protected Classes

	<b>PHRC</b>	<b>Lancaster</b>	<b>Erie</b>	<b>Frederick</b>	<b>Howard</b>	<b>City of York</b>	<b>City of Reading</b>
<b>Race</b>	X	X	X	X	X	X	X
<b>Color</b>	X	X	X	X	X	X	X
<b>Religious Creed</b>	X	X	X	X	X	X	X
<b>Ancestry</b>	X	X	X			X	X
<b>Disability</b>	X	X	X	X	X	X	X
<b>Use of Guide Animals</b>	X	X	X			X	
<b>Age</b>	X	X	X	X	X	X	X
<b>Sex</b>	X	X	X	X	X	X	X
<b>National Origin</b>	X	X	X	X	X	X	X
<b>Marital Status</b>				X	X		
<b>Sexual Orientation</b>			X		X	X	
<b>GED Certification</b>	X	X					
<b>Familial Status</b>	X*	X*	X*		X	X*	X*
<b>Retaliation</b>	X	X	X			X	X
<b>Occupation</b>					X		
<b>Personal Appearance</b>					X		
<b>Political Opinion</b>					X		
<b>Source of Income</b>					X		

\*Housing and commercial property only.

## **Options for Organizing and Structuring a York County Human Relations Commission**

CCE staff and task force members considered four options for how to organize structure and fund county-wide programs and services that would proactively advance the cause of equal rights for all York County residents and eliminate discrimination throughout the county. The task force recommends that options one and two be given further investigation. The task force does not recommend options three and four.

### **Option 1 (Recommended for further investigation)**

The York County Commissioners create a new County Human Relations Commission.

The York County Board of Commissioners enact an ordinance that provides York County residents protection against discriminatory practices at a level no less than that afforded to the residents of the City of York. The ordinance will make it unlawful to discriminate in employment, housing, education, and public accommodations. Where discrimination is found, attempts will be made to seek voluntary agreement on compliance with the law. When an agreement can not be made the Human Relations Commission will have authority to seek legal enforcement.

- (a) Commission Membership: The Commission would consist of seven (7) York County residents appointed by the York County Board of Commissioners. The members should reflect the cultural, racial, economic, religious, gender groups of the county. The Commission would be responsible for the implementation and enforcement of the Human Relations Ordinance including the final adjudication of complaints of alleged discrimination.
- (b) Board of Directors: The York County Board of Commissioners would also appoint a Board of Directors composed of nine (9) members broadly representative of the residents of York County. The Board of Directors would be responsible for the development and implementation of programs, materials, workshops, seminars, and other educational activities that will promote good human relations among the diverse individuals and groups throughout York County. The Board of Directors would have no power to administer, implement, or enforce the Human Relations Ordinance.
- (c) Name of Commission: The York County Human Relations Commission
- (d) Staffing: As proposed, the York County Human Relations Commission would be fully staffed with four full time employees; an Executive Director, two (2) Investigator/Education and Outreach Specialists, and Administrative Assistant/Intake Clerk. One (1) Investigator/Outreach Specialist is recommended for the start-up phase.

Members of the Human Relations Commission and Board of Directors would assist the York County Board of Commissioners on the appointment of an Executive Director. The Executive Director would be responsible for the hiring of all other staff. The Executive Director would report to the Chair of the Board of Directors on administrative issues and to the Chair of the Commission on enforcement related issues.

- (e) Funding: Until such time that the County Human Relations Commission can obtain “Substantial Equivalency” certification with the U.S Department of Housing and Urban Development (HUD) and/or “Fair Employment Practices Agency” status with the Equal Employment Opportunity Commission (EEOC), ongoing operations would be funded through the County’s General Fund. Community Development Block Grant program funds could be allocated for fair housing activities undertaken by the Commission. Fair housing activities are eligible under 24 CFR Part 570.201(e) Public Services and 570.206(4)(c), Program Administration Costs...Fair Housing Activities.

Fair Housing Education and Outreach funds are available through HUD’s Fair Housing Initiatives Program (FHIP). These funds are awarded on an annual basis through a competitive grant application process. Eligible recipients must comply with the 24 CFR Part 125, Fair Housing Initiatives Program, and the annual Notice of Funds Available (NFOA) issued by HUD detailing eligible activities and funding timelines.

**Option 2 (Recommended for further investigation)**

The County Commissioners choose to affiliate with the City of York HRC per section 185.15 “Additional Coverage” of the York City Code.

*County government or other governmental subdivisions of York County may elect to be affiliated with the Commission (city) in accordance with the following procedures:*

- (a) A statement of intent and a record of the proceedings shall be certified to the City Solicitor by a representative of the governmental unit seeking affiliation.*
- (b) Amendments to this article shall be drafted by the representatives of Council, the Commission and the governmental unit electing to affiliate, in order to resolve problems of affiliation relating to financial support, representation, reporting, changes in name and other relationships.*
- (c) The governmental unit electing to affiliate shall, after the conditions of participation have been agreed upon by their representatives as provided in subsection (b) hereof, transmit to the City Solicitor the resolutions and proceedings of the governmental subdivision, stating the conditions of affiliation.*
- (d) Upon acceptance of such affiliation by Council, by resolution duly adopted by it which includes the conditions of affiliation, the provisions of this article shall be applicable to such governmental unit, in accordance with the conditions of affiliation.*

Conditions of Affiliations could include:

- (a) Commission Membership: The Commission would consist of eleven members. All members would be residents of York County. Seven (7) of the members would be live outside the City of York and four (4) members would live within the City of York. The four seats reserved for City residents would be nominated by the Mayor and approved by City Council. County seats would be appointed by the County Commissioners.

- (b) Name of Commission: Renamed “The York Commission on Human Rights”

- (c) Staffing and Funding: The staff would be employees of the City of York. Members of the Commission would be responsible for hiring and evaluating the Executive Director. The Executive Director would be responsible for the hiring of all other staff. Three scenarios were investigated under this option.

Scenario #1:

The County reimburses the City of York on a per case basis for those cases involving complaints outside the City of York. Funding would be allocated through the County's General Fund. Community Development Block Grant funds could be used for eligible fair housing activities.

Scenario #2:

The County funds two-thirds (2/3) of the expenditures minus any funding received from HUD or EEOC. Funding would be allocated through the County's General Fund and/or Community Development Block Grant Program. Community Development Block Grant funds could be used for eligible fair housing activities.

Scenario #3:

A separate "County" division is established for County cases only. County would pay for salary and benefit costs of the County Investigator/Education and Outreach Specialist plus an administrative fee and education and outreach services. Community Development Block Grant funds could be used for eligible fair housing activities.

**Option 3 (Not Recommended)**

The County Commissioners create a new County Human Relations Commission for adjudication purposes only. The County contracts with the City HRC (through formal agreement) for complaint investigation. The City is paid on a per case basis.

- (a) Commission Membership: The Commission would consist of seven (7) members appointed by the County Commissioners. The members would reflect the cultural, racial, economic, religious, gender groups of the county.
- (b) Name of Commission: The York County Human Relations Commission
- (c) Staffing: Staffing would remain the responsibility of the City of York Human Relations Commission.
- (d) Funding: Funding would be allocated through the County's General Fund.

**Option 4 (Not Recommended)**

The County Commissioners do not create a County Human Relations Commission; county residents continue to rely on services of the Pennsylvania Human Relations Commission.

## ESTIMATED EXPENSE BUDGET - OPTION 1

### *Start-up Costs*

Copier	\$5,000.00
Telephone	\$ 900.00
Furniture	\$3,750.00
Computer/Printers	\$4,000.00
TOTAL	\$13,650.00

### *First Year Operating Costs*

<b>Personnel</b>	
Executive Director	\$50,000.00
Investigator/Outreach Specialist	\$35,000.00
Admin Assistant/Intake Clerk	\$28,000.00
Benefits (32%)	\$36,200.00
Rent	\$15,000.00
Legal Fees	\$ 8,000.00
Training	\$ 6,000.00
Printing/Materials	\$ 7,000.00
Postage	\$ 1,200.00
Supplies	\$ 1,000.00
Travel	\$ 1,500.00
Telephone	\$ 1,200.00
Contracted Services	\$ 5,000.00
TOTAL	\$195,100.00

### *Second Year Operating*

<b>Personnel</b>	
Executive Director	\$51,500.00
Investigator/Outreach Specialist	\$36,050.00
Investigator/Outreach Specialist	\$35,000.00
Admin Assistant/Intake Clerk	\$28,840.00
Benefits (32%)	\$48,450.00
Rent	\$15,000.00
Legal Fees	\$ 8,160.00
Training	\$ 6,120.00
Printing/Materials	\$ 7,140.00
Postage	\$ 1,300.00
Supplies	\$ 1,200.00
Travel	\$ 1,600.00
Telephone	\$ 1,300.00
Contracted Services	\$ 5,000.00
TOTAL	\$246,660.00

## **VII. Implementation Issues**

Each of the recommended models outlined in Section VI raises significant administrative issues that will need to be addressed prior to establishing a York County Human Relations Commission. These implementation issues fall into four categories:

1. Funding
2. Staffing
3. City/County Jurisdiction
4. Protected Classes

### **Funding**

While funding is available from both the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission the eligibility requirements are numerous and approval process lengthy. Both agencies require performance assessments to make certain that current policy and practice ensure compliance with the local human relations ordinance.

The first two or three years of operation plus start up costs will need to be funded with local resources. General Fund dollars and Community Development Block Grant funds are the primary local funding sources. Competing funding priorities may make it difficult to allocate funds at the recommended level.

### **Staffing**

Of great concern for many of those involved will be how the County Human Relations Commission is staffed. Who will be responsible for hiring and evaluating the Executive Director? Will funding be at a level necessary to attract experienced professional investigators and other support staff?

### **City/County Jurisdiction**

The creation of a County Human Relations Commission in a county in which there is an existing Human Relations Commission in the City of York presents several jurisdictional challenges. The City of York Administration and the York County Commissioners appear to have a solid collaborative relationship which will be valuable in moving forward with establishing a County HRC. Jurisdictional issues that will need to be considered include:

- Continuation of the City Human Relations Commission
- Composition of County Human Relations Commission
- Operating agreements between the City of York, York County and PHRC
- Shared resources

### **Protected Classes**

At a minimum a York County Human Relations ordinance must provide protection equal to that of Federal and State law. Many local ordinances extend the level of protection beyond those requirements. The York County Board of Commissioners will need to seriously consider the benefits and burdens of expanding the list of protected classes.