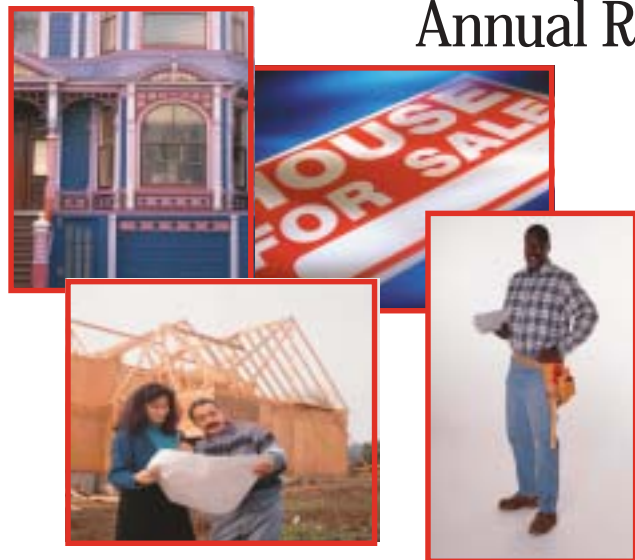




# PHRC

## PA Human Relations Commission

2004-2005  
Annual Report



## Mission Statement

The mission of the Pennsylvania Human Relations Commission is to administer and enforce the Pennsylvania Human Relations Act and the Fair Educational Opportunities Act of the Commonwealth of Pennsylvania through investigation, identification and elimination of unlawful discrimination and the promotion of equal opportunity for all persons.

It is agreed that it is Commission policy that staff should carry out the mission in a courteous, responsive and professional manner.

## Contents

ii	Message from the Executive Director
iii	Work At A Glance
iv	Message from the Chairperson
v	Customer Service Survey
1	Introduction
2	The Commission's Workload
10	Outreach and Initiatives
10	Legal Activities
13	Information Technology
14	Housing and Commercial Property
15	Education and Community Services
15	Outreach and Training
16	Civil Tension Prevention and Response
17	Bias-related Incidents
20	Equal Educational Opportunity
22	The Commissioners
27	Legislation
28	Protected Class Statistics
35	Advisory Councils

# The Commissioners



Stephen A. Glassman  
Chairperson  
New Oxford  
Adams County



Raquel Otero de Yiengst  
Vice Chairperson  
Sinking Spring  
Berks County



Sylvia A. Waters\*  
Secretary  
Oberlin  
Dauphin County



Daniel D. Yun\*  
Assistant Secretary  
Huntingdon Valley  
Montgomery County



David A. Alexander  
Pittsburgh  
Allegheny County



M. Joel Bolstein  
Philadelphia  
Philadelphia County



Theotis W. Braddy  
Camp Hill  
Cumberland County



Timothy Cuevas  
Bethlehem  
Northampton County



Rev. James  
Earl Garmon, Sr.  
Pittsburgh  
Allegheny  
County



Toni Gilhooley\*  
Harrisburg  
Dauphin County



J. Wyatt  
Mondesire  
Philadelphia  
Philadelphia  
County

\*In December 2004, Commissioner Waters resigned her position. After her resignation, Commissioner Yun became Secretary and Commissioner Gilhooley became Assistant Secretary for the Commission.

## MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Governor Rendell and  
Members of the General Assembly:

On October 27, 1955, Gov. George M. Leader signed into law an enforceable fair employment practice law in Pennsylvania. It prohibited employment discrimination based on race, religious creed, age or national origin. At the end of the 2004-2005 fiscal year, the PA Human Relations Commission (PHRC) was just four months away from its 50<sup>th</sup> anniversary.

Fifty years after PHRC's inception, discrimination and its consequences continue to exist and negatively impact on the lives of many of our citizens. Certainly, the form such a denial of opportunity takes is not the same as it was in 1955 when unapologetic discrimination against minorities and women went unchallenged. Discrimination was overt. Total exclusion in employment, housing and public accommodations was commonplace. In the 1960's and 70's PHRC had a great deal of success establishing that blatant discrimination was a violation of the PA Human Relations Act (PHRA). Many of these practices were so repugnant that they were hard to defend in a free and democratic society. Because of this, the Courts tended to be supportive of many of our findings.

Fast forward to 2004 - 2005. This annual report reflects the continuing problems of discrimination in the Commonwealth. Race based complaints continue to rank first in the number filed, followed by allegations of discrimination based upon sex, disability, age and retaliation. While minorities and women have negotiated the barriers to the many of the entry-level positions and middle level management positions, this report reflects the reality that equal treatment in evaluations, discipline and promotional opportunities remain a problem. Because total exclusion from the workplace is generally not the issue, finding and proving discrimination requires far greater time and sophistication. Because of this PHRC has, over the past year, increased the quality and frequency of training we provide our staff.

Staff has shown considerable progress in achieving our goals of reducing the case backlog, reducing case processing time, increasing the quality of our investigations and increasing community outreach activity. At the beginning of the fiscal year, PHRC had 6,060 cases pending, 3,918 Lukus cases pending and received 4,144 new complaints for a total working caseload of 14,122. Staff closed 4,817 cases that resulted in securing over \$11.9 million in lost wages and other benefits to nearly 42,000 individuals.

Pursuant to Section 7(k) of the PHRA, I am proud to submit to you the 2004-2005 Annual Report of the Pennsylvania Human Relations Commission. The Commission continues its commitment to our unique mission of ensuring equal opportunity. We ask you to join us in commemorating our 50<sup>th</sup> anniversary this year.



*Homer C. Floyd*

Homer C. Floyd  
Executive Director

## WORK AT A GLANCE

July 1, 2004 - June 30, 2005

<b>PHRC cases pending on 7/1/2004</b>	<b>6,060</b>
Lukus cases pending on 7/1/2004	3,918
<b>Total cases pending on 7/1/2004</b>	<b>9,978</b>
Cases docketed in 2004-2005	4,144
<b>Total Caseload</b>	<b>14,122</b>
2004-2005 Lukus filings	2,965
<b>TOTAL CASELOAD ACTIVITY BY PHRC</b>	<b>17,087</b>
<b>PHRC cases closed in 2004-2005</b>	<b>4,817</b>
•Employment	4,245
•Housing	336
•Commercial Property	3
•Public Accommodation*	189
•Education (Post Secondary)*	44
Lukus filings closed in 2004-2005	2,965
<b>Total cases pending on 6/30/2005</b>	<b>9,305</b>
<b>Number of PHRC Inquiries</b>	<b>37,195</b>
<b>IMPACT</b>	
Total Number of Persons Benefited	41,942
Monetary	13,144
Non-Monetary	28,798
Total Financial Impact (in dollars)	\$11,930,166.98
Monetary	\$11,722,960.18
Non-Monetary	\$207,206.80

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

**Pennsylvania is proud to be an equal opportunity employer supporting workforce diversity.**

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.

## MESSAGE FROM THE CHAIRPERSON

Dear Governor Rendell and  
Members of the General Assembly:

As we witness the ongoing recovery from the country's recent natural disasters, we are more aware than ever of the wide-ranging inequities that face minorities and the poor every day in America. It reminds us of the profoundly serious nature of the Commission's mission to eradicate discrimination and bias in the Commonwealth in employment, housing and commercial property, public accommodations, and education. Whether visitors to the Commonwealth, immigrants from other lands, citizens, or other equally valuable members of our community, every individual deserves an equal opportunity in Pennsylvania. It is our job to see that this happens and to address unfair practices wherever they occur.

Our population is diversifying significantly in the Commonwealth. These changing demographics are bringing Hispanics and Asians, Africans and Eastern Europeans, South Asians and those from the Middle East, among them Moslems, Christians, Jews, Hindus, Sikhs, Buddhists, and members of other faiths to our state, all of whom must be fairly and sensitively integrated into our communities. When this doesn't happen as smoothly as we would like, there is civil tension that undermines the social fabric of our state in painful and damaging ways. We hear far too many complaints of unequal educational opportunity, police abuse or neglect, bullying and harassment in schools, predatory lending, housing discrimination and inaccessibility, retaliation, and, more than anything else, cases of unequal treatment in the workplace.

We partner with community leaders, federal, state and local elected and appointed officials, police chiefs and district attorneys and, where necessary, hold town meetings across the state to address these concerns. We follow up on every complaint as fairly and objectively as we can, and we try to do this in a timely fashion. When cases cannot be settled or conciliated we determine whether or not there is probable cause to proceed to a public hearing where Commissioners sit as adjudicators and render decisions. When required, we pursue these cases through the entire court system in our obligation to protect the rights of those who have been discriminated against. This year, among many important cases, we established the highest damage award against a mortgage broker in the history of the country, thus continuing a 50-year legacy of precedent setting findings and litigation here in Pennsylvania with far reaching affects beyond our borders.

None of this could be done without a very talented, dedicated, and hard working staff of investigators, IT personnel and clerical workers, supervisors and attorneys, divisional directors and regional directors in our Philadelphia, Harrisburg, and Pittsburgh offices as well as our executive staff in our Central office led by Homer C. Floyd. The proof of their commitment is the number of civil rights workers who have remained with this agency for more than 30 years. This year we have had an unusual number of retirees who take with them not only their institutional memory but also our affection and heartfelt thanks for a job well done. Thank you for your years of exceptional service.



*Stephen A. Glassman*

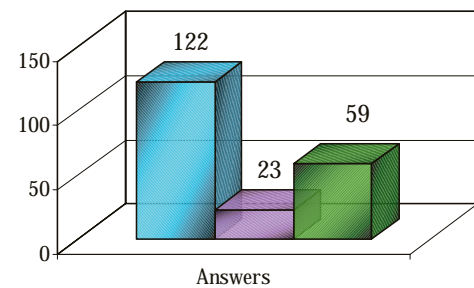
*Stephen A. Glassman*  
Stephen A. Glassman, AIA  
Chairperson

The Governor has clearly stated that the improvement of service to the citizens of the Commonwealth is a top priority for the Administration. The Commission shares this view. With this in mind, and with the belief that improving customers service begins with customer feedback, the Commission launched a Customer Service Survey in April of 2005. While early agency results charted below clearly weigh in favor of Outstanding and Commendable performance; there is significant evidence that suggests improvement would be tangibly recognized by customers if the agency increased its capacity to process cases to conclusion with greater speed and efficiency.

■ Outstanding/Commendable   
 ■ Satisfactory   
 ■ Needs Improvement/Unsatisfactory   
 ■ No Response

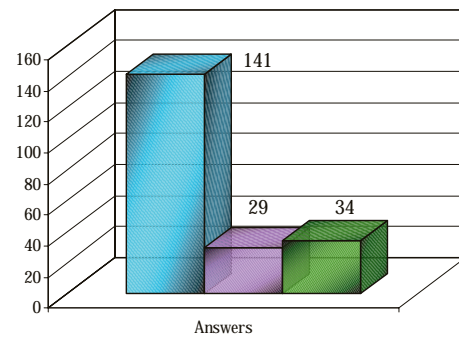
## Question 1

How would you rate the overall quality of service provided by the PA Human Relations Commission (PHRC) staff and or investigator assigned to the matter in which you were a party?



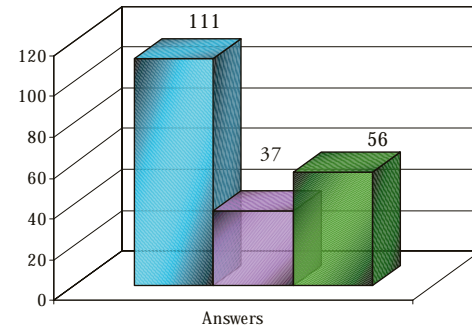
## Question 2

How would you rate the level of courtesy you received from the PHRC staff?



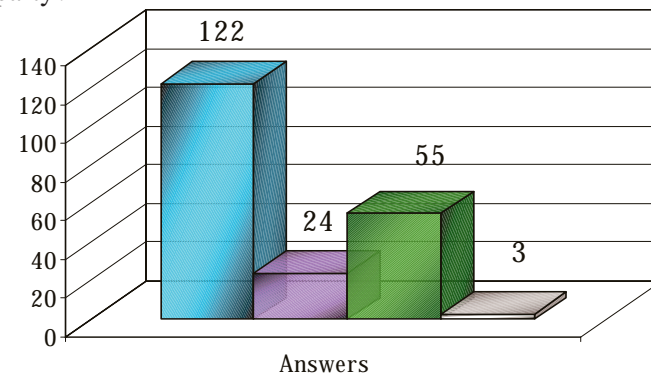
## Question 3

How would you rate the promptness of service the PHRC staff provided you?



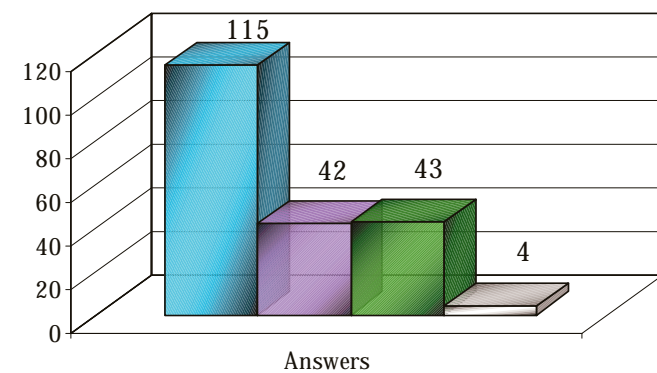
## Question 5

How well did the staff understand the issues raised in the matter in which you were a party?



## Question 4

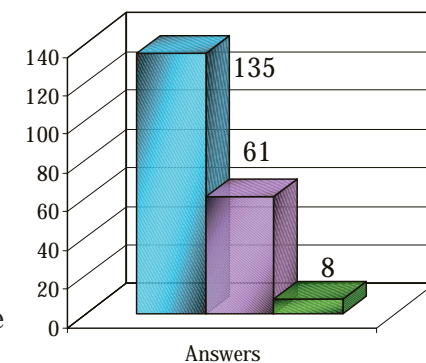
How would you rate the clarity and quality of our formal letters and documents, as well as our communication in person and on the telephone?



## Question 6

Did you feel the Commission conducted a fair and impartial investigation?

■ Yes   
 ■ No   
 ■ No Response



The PA Human Relations Commission (PHRC) is required to enforce two Pennsylvania laws (Pennsylvania 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.*

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 caseload 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 and community outreach and technical assistance completed during the fiscal year that dates July 1, 2004 to June 30, 2005.

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 provision of 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.



In fiscal year 2004-2005, the Commission continued to perform a valued service to the citizens of Pennsylvania and the Commission's workload continues to be focused on the investigation of unlawful complaints of discrimination filed by citizens of the Commonwealth.

Case processing and management for each case is labor intensive. In fiscal year 2002, PHRC implemented a new case management system (CMS) and the Commission is experiencing the benefits of CMS. CMS provided a tool for more effective case management and case tracking. Great emphasis was placed on managing the workload and this effort has paid off with a consistently declining average age of the pending inventory. The Commission developed a strategy to reduce the number of cases that were two years old and PHRC reduced the number of pending cases that are two years or older.

In fiscal year 2004-2005, 75 percent of the cases closed were pending with the Commission for two years or less. Timeliness and quality are not mutually exclusive but interdependent and this is evidenced by the fact that Commission compares very favorably to EEOC and other state civil rights agencies in both quality and quantity of case investigations. The Commission continues to excel in the quantity and quality of the settlements secured for complainants and far exceeds both EEOC and other state agencies in this category. Overall, fiscal year 2004-2005 was a year filled with challenges, but the Commission met these challenges and the followings pages indicate the volume of the work accomplished by the Commission.

## Inquiries

Throughout the fiscal year, each of the four Commission offices are contacted either by phone, by an in-office visit, by mail or by Email. Pennsylvania citizens who need to file a complaint with PHRC make many of the contacts. Others are citizens in need of services that are not within PHRC's jurisdiction, while others are simply calling with questions about their civil rights. PHRC refers to these types of contacts as Inquiries.

INQUIRIES					
July 1, 2004 - June 30, 2005					
Type	Pittsburgh	Harrisburg	Philadelphia	Central	Total
In Office	369	1,315	2,237	1	3,922
Mail	359	871	1,214	1	2,445
Other	123	70	12	4	209
Telephone	13,769	8,458	7,162	1,230	30,619
<b>Total</b>	<b>14,620</b>	<b>10,714</b>	<b>10,625</b>	<b>1,236</b>	<b>37,195</b>

## Cases vs. Counts

Commission staff must file and docket the complaints related to unlawful discrimination it receives. A complaint is filed on the date a verified complaint is received. A complaint is docketed with PHRC when it is placed into active investigation.

In CMS, one complaint is referred to as a case – each 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, disability, etc.). CMS complaints are still distinguished by jurisdictional area: employment, education, housing, commercial property and public accommodations.



For every one complaint that is received by the Commission, over 54 percent of those complaints involve two or more individual counts of discrimination. This adds to the complexity of the case investigation as each individual count must be investigated.

Complex cases require a large volume of staff time and extraordinary resources to complete. For example, a woman alleges she was sexually harassed and then terminated because of her gender (female) and age (47). In order to conduct a thorough investigation, each individual allegation or count must be investigated. This means the Commission's investigator must examine both counts. S/he must examine the issue of sexual harassment and whether the age of the woman played a factor in her discharge. The woman may not be able to substantiate an age-based discharge, but evidence may exist to support her claim of sexual harassment. Either way, both elements in this one case must be investigated, documented and analyzed in order to complete the investigation to determine if one – or both – counts have value in the case.

Cases and Counts by Jurisdiction										
July 1, 2004 - June 30, 2005										
Jurisdiction	Pittsburgh		Harrisburg		Philadelphia		Central		Total	
	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts	Cases	Counts
Commercial Property	1	1	2	3	3	3	0	0	6	7
Education	7	12	24	51	27	44	1	6	59	113
Employment	880	1,451	1,343	3,002	1,231	1,948	3	7	3,457	6,408
Housing	119	173	212	252	106	136	3	4	440	565
Public Accommodation	67	87	46	79	68	80	1	2	182	248
<b>Total</b>	<b>1,074</b>	<b>1,724</b>	<b>1,627</b>	<b>3,387</b>	<b>1,435</b>	<b>2,211</b>	<b>8</b>	<b>19</b>	<b>4,144</b>	<b>7,341</b>

## Lukus Filings

On an annual basis, the Commission maintains a federal government contract with the federal Equal Employment Opportunity Commission (EEOC). Each fiscal year, the Commission must process and track all paperwork on the cases where EEOC is conducting the active investigation, but the Commission has a supporting role. These types of cases are referred to as Lukus cases. PHRC does not investigate the complaint, however, staff time is required to oversee these complaints. PHRC must reserve the right to docket, serve and require an answer if necessary. This chart details the Commission's Lukus complaints that were processed and monitored during the fiscal year.

Lukus Activity	
July 1, 2004 - June 30, 2005	
Activity	Total
Filings	2,965
Closings	2,967
<b>Total</b>	<b>5,932</b>

## Protected Class Types in Alleged Complaints

With the improved reporting capabilities that CMS has, the Commission is able to provide many more details about the types of allegations that are made in the individual complaints PHRC receives during the fiscal year. Because of the many areas of jurisdiction that PHRC has, the volume of statistics is also large as well. To review the detailed protected class statistics for fiscal year 2004-2005, they are located on pages 28 to 34 of this annual report.

# The Commission's Caseload

Protected Class of Complaints by Jurisdiction							
July 1, 2004 - June 30, 2005							
Jurisdiction	Protected Class	Pittsburgh	Harrisburg	Philadelphia	Central	Total	
<b>Commercial Property</b>	Ancestry		1			<b>1</b>	
	Race			3		<b>3</b>	
	Retaliation		1			<b>1</b>	
	Sex	1	1			<b>2</b>	
<b>Education</b>	Age			6		<b>6</b>	
	Ancestry		2	1		<b>3</b>	
	Color		1			<b>1</b>	
	Disability - Has	2	9	10	1	<b>22</b>	
	Disability - Regarded as		2			<b>2</b>	
	Multiple Class	2		1		<b>3</b>	
	National Origin	1	4	6		<b>11</b>	
	Race	2	7	10	1	<b>20</b>	
	Religious Creed		1	2		<b>3</b>	
	Retaliation		2	2		<b>4</b>	
	Sex	1	8	6	1	<b>16</b>	
	<b>Employment</b>	Age	245	318	243	1	<b>807</b>
		Ancestry	6	131	61		<b>198</b>
Color		3	20	1		<b>24</b>	
Disability - Has		128	237	178		<b>543</b>	
Disability - Record of		10	24	12		<b>46</b>	
Disability - Regarded as		8	35	12		<b>55</b>	
Disability - Related to		2	15	5		<b>22</b>	
Disability - Related to, Record of				1		<b>1</b>	
Disability - Related to, Regarded as			1			<b>1</b>	
Multiple Class		54		14		<b>68</b>	
National Origin		15	69	64		<b>148</b>	
Other		1	2			<b>3</b>	
Race		259	372	415		<b>1,046</b>	
Religious Creed		17	39	45	1	<b>102</b>	
Retaliation		161	293	313	1	<b>768</b>	
Sex		238	418	340	1	<b>997</b>	
<b>Housing</b>		Age	1	11	1		<b>13</b>
	Ancestry	4	46	3		<b>53</b>	
	Disability - Has	30	33	32		<b>95</b>	
	Disability - Record of	2	8	1		<b>11</b>	
	Disability - Regarded as			2		<b>2</b>	
	Disability - Related to			2		<b>2</b>	
	Familial Status	13	16	7	2	<b>38</b>	
	Multiple Class			1		<b>1</b>	
	National Origin	1	1	5		<b>7</b>	

# The Commission's Caseload

Protected Class of Complaints by Jurisdiction						
July 1, 2004 - June 30, 2005						
Jurisdiction	Protected Class	Pittsburgh	Harrisburg	Philadelphia	Central	Total
<b>Housing</b>	Race	63	109	47		<b>219</b>
	Religious Creed	1	3	2		<b>6</b>
	Retaliation	11	4	8		<b>23</b>
	Sex	13	8	19	1	<b>41</b>
	Use of Guide/Support Animal		2			<b>2</b>
<b>Public Accommodation</b>	Age	1				<b>1</b>
	Ancestry	1	4	2		<b>7</b>
	Color		3			<b>3</b>
	Disability - Has	27	11	12	1	<b>51</b>
	Disability - Related to	2				<b>2</b>
	Multiple Class	3		1		<b>4</b>
	National Origin	1	1	10		<b>12</b>
	Race	33	27	34	1	<b>95</b>
	Religious Creed	1	1	4		<b>6</b>
	Retaliation	8	8	5		<b>21</b>
Sex	6	2	9		<b>17</b>	

## Sexual Harassment Complaints

After the 1991 Hill v. Thomas sexual harassment allegations received national attention, the Commission consistently receives requests for the number of complaints each fiscal year involving sexual harassment. Like last fiscal year, the number of docketed caes dropped again down from 223 last year to 200 this fiscal year.

Sexual Harrassment Complaints Docketed			
July 1, 2004 - June 30, 2005			
County	Total	County	Total
Philadelphia	30	Bucks, Cumberland, Erie, Monroe	24 (6 each)
Montgomery	21	Allegheny, Luzerne	10 (5 each)
Dauphin	20	Lackawanna	4
Lancaster, York	24 (12 each)	Blair, Westmoreland	6 (3 each)
Delaware	9	Adams, Franklin, Lawrence, Northampton, Northumberland, Union	12 (2 each)
Berks	8	Bradford, Butler, Cambria, Carbon, Crawford, Elk, Fayette, Indiana, Lebanon, Lycoming, McKean, Mercer, Montour, Pike, Snyder, Somerset, Warren, Wyoming	18 (1 each)
Chester, Lehigh	14 (7 each)	<b>TOTAL</b>	<b>200</b>

## Cases Docketed by County

During the fiscal year, Commission staff also document how many complaints are filed in each Pennsylvania county and in what areas of jurisdiction the complaints are made.

# The Commission's Caseload

Docketed Cases by County						
July 1, 2004 - June 30, 2005						
County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Adams	10	1		2		13
Allegheny	449	75	1	43	5	573
Armstrong	7					7
Beaver	26			1	1	28
Bedford	3			7		10
Berks	85	6			2	93
Blair	30	1		1	2	34
Bradford	8					8
Bucks	127	11		9		147
Butler	24	3				27
Cambria	27					27
Carbon	2	1				3
Centre	19			1		20
Chester	80	9		3	6	98
Clarion	4					4
Clearfield	13			4		17
Clinton	8					8
Columbia	10					10
Crawford	11	1				12
Cumberland	109	8		8	3	128
Dauphin	311	16	1	13	5	346
Delaware	159	24	1	7		191
Elk	9					9
Erie	69	8		5	2	84
Fayette	20	1		1		22
Forest	1					1
Franklin	18	6				24
Fulton	1					1
Greene	2			3		5
Huntingdon	2					2
Indiana	13	2				15
Jefferson	1					1
Juniata	3					3
Lackawanna	41	3		1	1	46
Lancaster	226	12		3	4	245
Lawrence	20	1		1		22
Lebanon	27	3			1	31
Lehigh	50	6			1	57
Luzerne	70	5				75

# The Commission's Caseload

Docketed Cases by County						
July 1, 2004 - June 30, 2005						
County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Lycoming	33	2		1		36
McKean	6					6
Mercer	67	3				70
Mifflin	5	1		1		7
Monroe	25	72			1	98
Montgomery	276	26	1	13	5	321
Montour	6			1		7
Northampton	32	1		1	1	35
Northumberland	22	2				24
Perry	3	3				6
Philadelphia	576	31	2	38	16	663
Pike	5	6				11
Potter	1					1
Schuylkill	13	4				17
Snyder	5					5
Somerset	10	1				11
Sullivan	1					1
Susquehanna	2			1		3
Tioga	6				1	7
Union	8					8
Venango	5					5
Warren	16			2		18
Washington	32	2		3	1	38
Wayne	8	2				10
Westmoreland	51	12		1		64
Wyoming	2	1				3
York	87	5		6		98
Out-of-State*	59	63		1	1	124
<b>Total**</b>	<b>3,457</b>	<b>440</b>	<b>6</b>	<b>182</b>	<b>59</b>	<b>4,144</b>

\*Indicates respondents with parent company/address outside of Pennsylvania

\*\*If a county is not listed, no cases were reported for the fiscal year.

## Cases Closed

The Commission closes cases in a number of different ways. The case can be closed after a voluntary settlement is reached between the complainant and respondent. The case can be closed as no 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.

Case Closures by Jurisdiction and Type						
July 1, 2004 - June 30, 2005						
Closure Type	Jurisdiction	Pittsburgh	Harrisburg	Philadelphia	Central	Total
Settled After a Probable Cause Finding	Employment	5	9	19	2	35
	Housing	5	6	5	6	22
	Public Accommodation	0	1	2	1	4
<b>SUB-TOTAL</b>		<b>10</b>	<b>16</b>	<b>26</b>	<b>9</b>	<b>61</b>
Settled Before a Probable Cause Finding	Education	1	1	3	0	5
	Employment	225	420	511	6	1162
	Housing	28	27	40	0	95
Public Accommodation	18	18	27	1	64	
<b>SUB-TOTAL</b>		<b>272</b>	<b>466</b>	<b>581</b>	<b>7</b>	<b>1,326</b>
Administrative	Commercial Property	1	0	0	0	1
	Education	3	4	4	0	11
	Employment	188	199	305	9	701
	Housing	21	10	27	13	71
	Public Accommodation	16	8	13	0	37
<b>SUB-TOTAL</b>		<b>229</b>	<b>221</b>	<b>349</b>	<b>22</b>	<b>821</b>
No Probable Cause	Commercial Property	0	1	1	0	2
	Education	7	8	13	0	28
	Employment	633	827	877	10	2,347
	Housing	55	41	50	2	148
	Public Accommodation	27	22	35	0	84
<b>SUB-TOTAL</b>		<b>722</b>	<b>899</b>	<b>976</b>	<b>12</b>	<b>2,609</b>
<b>TOTAL CASE CLOSURES</b>		<b>1,233</b>	<b>1,602</b>	<b>1,932</b>	<b>50</b>	<b>4,817</b>

## Case Age

Through the use of CMS, staff has seen a reduction in the time it takes to file a complaint with PHRC as well as a reduction in the age of PHRC's overall caseload. The following statistics show the age of cases closed during the fiscal year and include the time period from when the complaint was docketed to the final resolution of the complaint.

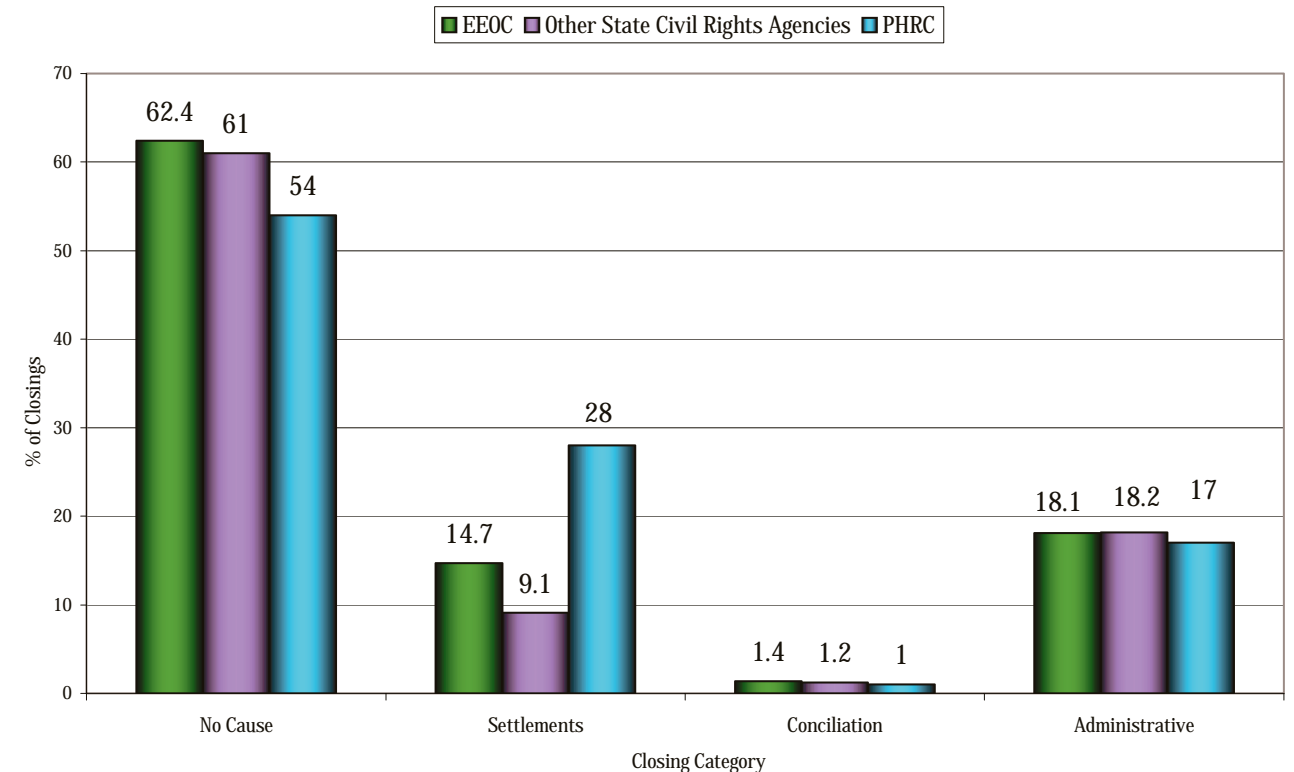
Age of Cases Closed from the Beginning of a Complaint to Final Resolution			
July 1, 2004 - June 30, 2005			
Time Period	Cases Closed	Percentage of Total	Cumulative Percentage
0 to 90 days (3 months)	416	9	9
91 to 182 days (4-6 months)	887	18	27
183 to 365 days (6 months to 1 year)	1,073	22	49
366 to 730 days (2 years)	1,243	26	75
731 to 1,096 days (3 years)	666	14	89
1,097 days to ??? (4 years+)	532	11	100
<b>Total</b>	<b>4,817</b>	<b>100</b>	

## Financial Impact of Case Investigation

At any time during a case investigation by the Commission, a settlement can be reached between the complainant and the respondent. There are two basic types of settlement: those with a monetary impact – or actual dollar amount – that the complainant receives and non-monetary impact, which covers any benefits that are gained, but are not received directly by the complainant. Examples of a monetary impact are: lost wages, insurance contributions or a cash settlement that is received directly by the complainant. An example of non-monetary impact is a building that is remodeled to be accessible to wheel chair users. The Commission prides itself on its outstanding settlement rate each year.

PHRC has Work-Sharing Agreements with the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). PHRC's settlement rate far exceeds the national average of state and local, as well as federal agencies. Over the past three years, PHRC has maintained an average settlement rate of 31 percent.

Total Monetary and Non-Monetary Impact			
July 1, 2003 - June 30, 2004			
Office	Type	Amount	People Benefitted
Pittsburgh	Monetary	<b>\$1,821,926.74</b>	<b>10,713</b>
	Non-Monetary	\$18,683.00	15,192
Harrisburg	Monetary	<b>\$3,314,152.80</b>	<b>1,487</b>
	Non-Monetary	\$140,500.00	11,518
Philadelphia	Monetary	<b>\$6,408,153.64</b>	<b>820</b>
	Non-Monetary	\$46,324.80	579
Central	Monetary	<b>\$178,727.00</b>	<b>124</b>
	Non-Monetary	\$1,699.00	1,509
Total	Monetary	<b>\$11,722,960.18</b>	<b>13,144</b>
	Non-Monetary	\$207,206.80	28,798
<b>Grand Total</b>		<b>\$11,930,166.98</b>	<b>41,942</b>



## LEGAL

The Commission's Legal Division is the branch that provides the attorneys and legal expertise necessary for the agency to fulfill its duties under the Pennsylvania Human Relations Act ("PHRA") and the Pennsylvania Fair Educational Opportunities Act ("PFEOA"). The main functions of the Legal Division are to provide legal assistance during the investigation of complaints, prosecute complaints that go to public hearing and to trial before Commonwealth Court (certain housing cases only) and to uphold the Commission's interests in state and federal courts.

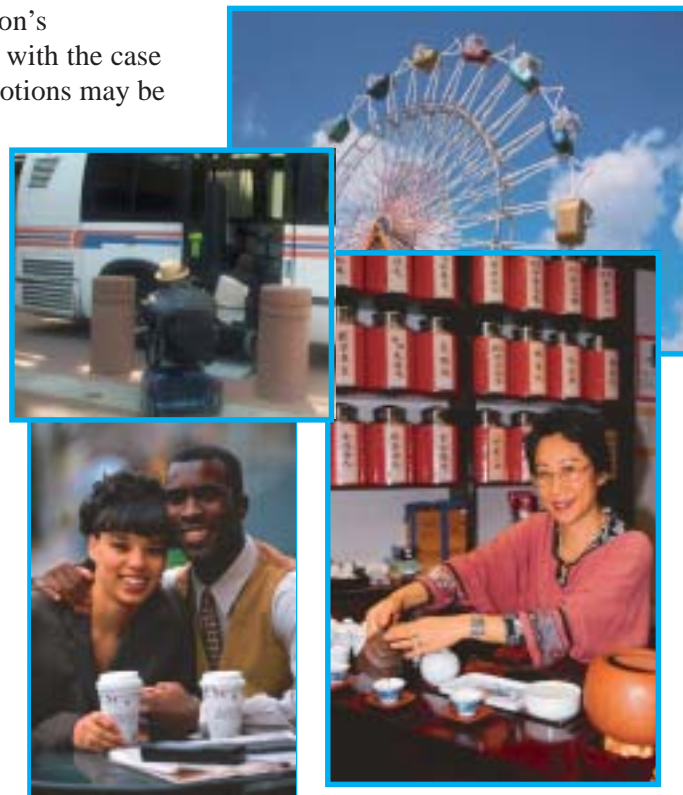
The Legal Division also provides general legal advice and assistance to the Commissioners and Commission staff. Legal Division attorneys routinely analyze relevant state and federal cases that may impact the Commission, either directly or indirectly. Similarly, legal analyses are provided for any proposed legislation which would either amend the Pennsylvania Human Relations Act or which could have an effect on the Commission's operations. These analyses include any appropriate recommendations for Commission action. The Legal Division also drafts proposed amendments to the PHRA, regulations, policy statements and guidelines as requested by the Commissioners and staff. For example, the Legal Division provided significant input concerning the current legislation to amend the PHRA and the PFEOA to include sexual orientation as a protected class and to expand the remedies that are available under these Acts. The

Legal Division also was instrumental in creating the Commission's predatory lending guidelines, which are explained in more detail below.

The Legal Division provides legal support for the Commission during all phases of complaint investigation and adjudication. The PHRA requires that a respondent file an answer to any complaint that is filed against it. If a timely answer is not filed, the Commission's regulations allow a Rule to Show Cause to be issued. This Rule requires a respondent to either file an answer or risk having a finding of liability made against the respondent. Legal Division attorneys provided legal support for Commission staff in 107 Rule to Show Cause proceedings. These proceedings –were all resolved in such a way that no Rule to Show Cause hearings were required during the past fiscal year. A respondent has the right to file a motion to dismiss, in which it contests the Commission's jurisdiction to proceed with the case investigation. These motions may be filed at any point in the proceedings. Legal Division attorneys responded to 163 motions to dismiss. In keeping with the Commission's statutory duty to liberally interpret the PHRA, and consistent with applicable Commission regulations, the responses provided the Commissioners with all good faith legal arguments in

favor of maintaining the Commission's jurisdiction over the complaints.

If, at any point during the investigation, a Commission investigator is unable to voluntarily obtain necessary information, from a respondent or other source, the investigator may request that a subpoena be issued for the information. The investigator provides the request to a Legal Division attorney for appropriate action. During the past fiscal year, Legal Division attorneys handled 92 of these requests. In 87 of these cases, Commission attorneys were able to secure the information without having to go to court. In five of these cases, Commission attorneys had to file subpoena enforcement actions in Commonwealth Court, due to noncompliance with the underlying subpoena. The Legal Division obtained successful results in all of these actions.



If an investigation results in a proposed finding of probable cause, the proposed finding will be reviewed by a Legal Division attorney for legal sufficiency. In fiscal year 2004-2005, Commission attorneys approved 101 findings of probable cause, returned 76 for additional investigation and denied 58.

When the Commission completes its investigation and it determines that the evidence gathered is not sufficient to support a finding of probable cause, the Commission dismisses the complaint. A complainant whose complaint had been dismissed has the right to request that the Commission reconsider the dismissal of the case. In cases that have settled, a party may request that the Commission determine if the settlement agreement has been breached. These requests are reviewed by a Legal Division attorney, who recommends that the Commission either grant or deny the request. The Legal Division provided recommendations for 320 of these requests during the past fiscal year. Of these, nine were granted and 311 were denied. In ruling on these requests,

the Commission may hold a preliminary hearing to determine whether probable cause exists in the case or whether a settlement agreement has been breached. The Commission held one such hearing during the past fiscal year.

The Commission is statutorily required to achieve voluntary, reasonable settlements of complaints after service of the complaint. Occasionally, settlement agreements are expressly approved by the Commission as a consent order. This normally occurs after a finding of probable cause has been made. These orders have the force of a Commission final order. During the past fiscal year, Legal Division attorneys were involved in finalizing 27 consent orders.

Should settlement efforts fail, the case is placed on the Commission's public hearing docket. The case is then assigned to a Legal Division attorney for prosecution. This often requires additional discovery efforts by the attorney in order to prepare the case for a public hearing. A pre-hearing conference is normally held prior to a public hearing. Legal Division attorneys participated in 33 pre-hearing conferences and 14 public hearings during the past fiscal year. In addition to handling subpoena requests from investigators, as discussed above,

the Legal Division is responsible for complying with any subpoenas for documents that are served on the Commission. These subpoenas are normally served in connection with a case that has been taken into court by the complainant, either before or after the Commission issued a finding. During the past fiscal year, Legal Division attorneys responded to 536 of these subpoenas.

Legal Division attorneys also provide the legal expertise necessary to assure that the Commission is in compliance with the Pennsylvania Right to Know Law. This is the law that regulates the release of public documents. The Commission received four formal appeals from a refusal to release documents during the past fiscal year. Two of these refusals were upheld on appeal to the duly designated Exceptions Official for the Commission. The third was settled by a release of the requested documents, prior to a determination on the appeal, and the fourth was still pending as of June 30, 2005. None were appealed further to Commonwealth Court, under the appeal rights provided by the Right to Know Law.

As always, the Legal Division represented the Commission in a variety of court proceedings. The Commission began the past fiscal year with 12 cases pending in Commonwealth Court. There were 27 cases filed in Commonwealth Court during the fiscal year. These included petitions for review of Commission public hearing decisions, housing discrimination cases filed by the Commission under the removal provisions of Section 9(d.1) of the PHRA (which allows either party to choose a trial



in Commonwealth Court instead of a Commission public hearing), subpoena enforcement actions and various miscellaneous actions. Of the 39 pending cases, 20 were resolved and 19 remained on the Commonwealth Court docket as of June 30, 2005.

There was one appeal pending in the Pennsylvania Supreme Court at the beginning of the fiscal year. Seven new appeals were filed and five appeals were resolved. One appeal was still pending at the end of the fiscal year.

In *New Corey Creek Apartments v. PHRC*, Commonwealth Court upheld the Commission's award of \$39,513 in damages for unlawful housing discrimination. This case is important for its holding that a victim of discrimination does not have to exhibit actual physical symptoms before an award of damages for humiliation and embarrassment may be granted. The Court reasoned that each the appropriateness of such damages is "extremely fact-specific" and credited the Commission's determination that this evidence justified an award of \$25,000 for the victim's humiliation and embarrassment.

In another case, *The Salvation Army v. PHRC*, Commonwealth Court considered the Salvation Army's claim that the Commission had no jurisdiction over the underlying complaint of discrimination filed against the Salvation Army. The Salvation Army filed this claim in Commonwealth Court prior to the Commission's final ruling on the matter. Commonwealth Court, as it has numerous times in the past, upheld the Commission's authority

to decide its own jurisdiction, in the first instance, and remanded the case to the Commission.

The Commission's ongoing litigation involving school desegregation and educational equity within the School District of Philadelphia entered a new monitoring and reporting phase as a result of the Memorandum of Understanding ("MOU") executed by the Commission and the School District and approved by Commonwealth Court in March 2004. Pursuant to the terms of the MOU, the School District is required to submit annual status reporting regarding its efforts to demonstrate compliance with the law.

On December 15, 2004, the School District submitted its first annual Status Report as required by the MOU. Upon receipt of the report the Commission, pursuant to the MOU, undertook an assessment of the report. There followed a series of meetings between the parties to the litigation that included specific requests from the Commission for additional information and/or for clarification with respect to materials submitted.

On May 5, 2005, the Commission submitted its Assessment of the School District's December 2004 Status Report. While the Commission articulated various areas of concern to the School District, the Commission was of the ultimate opinion that the School District's Status Report, as supplemented, satisfied the School District's reporting requirement in the MOU.

The School District's second annual status report is due in December 2005.

The Commission continued with its innovative efforts in the field of predatory lending. For the past several years, the Commission has engaged in a Predatory Lending and Mortgage Lending Discrimination Initiative. In particular, the Initiative's objective is to investigate and, if necessary, engage in enforcement actions against any mortgage lender, mortgage broker, home improvement company, and/or other relevant entity that is involved in predatory lending practices, which violate the PHRA. In addition, the Initiative contains an educational component designed to educate the general public in order to prevent future incidents of predatory lending.

The Initiative has involved extensive participation of the Commission's Legal Division. During the past fiscal year, the Legal Division has conducted the following pre-litigation activities: assistance in drafting complaints, responding to motions to dismiss, conducting probable cause reviews and approvals, authorizing subpoenas during investigation, enforcing subpoenas in Commonwealth Court, and producing necessary legal opinions.

The Legal Division has also been active in prosecuting predatory lending cases. Of particular note is the case of *Taylor v. McGlawn and McGlawn*, which the Commission decided during the past fiscal year. In this case, which was prosecuted by the Legal Division, the Commission found a mortgage broker liable for unlawful discriminatory predatory lending in violation of the PHRA and awarded ten homeowners over \$910,000. This case is currently on

appeal to Commonwealth Court. The Commission currently has fifteen additional cases containing allegations of unlawful predatory lending on its public hearing docket.

As an additional part of the Initiative, Legal Division attorneys were instrumental in the development of the Commission's Unlawful Discriminatory Predatory Lending and Reverse Redlining Guidelines in Housing and Commercial Property. These Guidelines set forth the factors that the Commission considers to be important in determining whether, in any give case, a party has engaged in unlawful predatory lending and or reverse redlining in violation of the PHRA. The Guidelines were developed after extensive outreach to, and input from, all interested parties. They were finally approved by the Commission on June 27, 2005. They are available on the Commission's official website, at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

Attorneys made 36 presentations to both Commission staff and the general public on a variety of legal topics. Legal staff participated in the basic training of new Commission investigators and provided specific, multiple training presentations to all appropriate staff concerning the legal standards in racial harassment cases and concerning the various remedies available under the PHRA and the PFOEA. Legal staff also made presentations to a variety of interested public groups and organizations. Included were a general presentation on the PHRA, given at a PBI employment law Continuing Legal Education Seminar, and specific presentations on the Commission's Predatory Lending Initiative to the Massachusetts Commission Against Discrimination, on bullying to the

Lincoln Intermediate Unit, the Pennsylvania Bullying Prevention Network through the Center for Schools and Communities, and St. Vincent College's Winter Thematic Workshop, and on the damages available for housing discrimination under the PHRA to a number of different housing advocacy groups.

The Legal Division participated in several "town hall" meetings held by the Commission during the fiscal year. These included a town hall meeting that occurred in Hazelton that focused on community tension and intergroup relationships in the face of a changing population demographic; and a town hall meeting held at the Bristol Township School District that focused on issues of racial tension and educational environment in the aftermath of the School District's decision to bring police dogs into Truman High School after rumors of a possible racial conflict spread within the school.

## INFORMATION TECHNOLOGY

The following enhancements were implemented within CMS and user training was conducted: rework the Preliminary Intake Questions to improve efficiency and collect additional data for reporting; remove the Statutes screens, display statutes information to each count on the Counts List, add and modify statute information as part of count information; allow concurrent viewing of two cases; improve data integrity during the docketing process; rework the Inbox to display all entries in the Past Due list; improve the response time for returning the results of an Advanced Search; allow Add Event

Across Cases to work with EEOC numbers; improve data collection for abeyance cases.

Tested, installed, and implemented, in all four offices, an upgrade of the document capture software (Ascent Capture 6.1), changing it from workstation-based to server-based and improving the efficiency of document capture operations. The upgrade also allowed the development of the documents enhancements.

The following enhancements associated with CMS documents were undergoing testing at the end of the fiscal year with implementation to follow early in the new fiscal year: improve the display and efficiency of the data entry screens; allow releasing documents across cases; allowing DOCS Save As across cases; create a Case Analysis Electronic Document Reference Library; develop a new software interface and eliminate the need for the existing proprietary software interface and annual maintenance fees of nearly \$22,000.

Other projects, required by the Office of Administration - Office for Information Technology, were also completed: OU migrations from an agency domain to the cwopa domain; implementation of the Systems Management Server; implementation of the ePolicy Orchestrator.

During the course of the year, information was shared about CMS (documentation and, in some cases, computer code) with commissions in Virginia, Tennessee, Indiana, and Delaware.

## HOUSING AND COMMERCIAL PROPERTY

### Predatory Lending

For the past several years, the Commission has implemented a Predatory Lending and Mortgage Lending Discrimination Initiative. In particular, the Initiative's objective is to investigate and, if necessary, engage in enforcement actions against any mortgage lender, mortgage broker, home improvement company, and/or

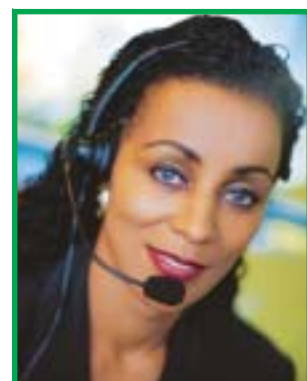
other relevant entity that is involved in predatory lending practices, which violate the Pennsylvania Human Relations Act (PHRA). In addition, the Initiative has contained an educational component designed to educate the general public in order to prevent future incidents of predatory lending.

The Commission has received, prepared, and investigated approximately 225 complaints against financial institutions, mortgage brokers, and home improvement companies containing allegations of unlawful discriminatory practices related to predatory lending practices. Of those complaints, 27 have been satisfactory adjusted by the parties. The total impact of the adjustments is approximately \$250,000. The adjustments obtained by the Commission, on behalf of the complainants, are designed to cure the mortgage loans of their predatory aspects. As a result, the adjustments have contained a wide range of remedies, including: refund of fees; lower interest rates; removal of balloons and pre-payment penalties; loan forgiveness; and principal and debt reduction. Further, the Commission has approximately 170 cases that remain under active investigation at the present time.

The Initiative has also involved extensive participation of the Commission's Legal Division in its investigative and prosecutorial functions. In the investigative capacity, the Legal Division has conducted the following activities: motions to dismiss, probable cause reviews and approvals, subpoenas, subpoena enforcement actions in Commonwealth Court, and legal opinions. In addition, the Commission has exercised its prosecutorial functions. In particular, following a public hearing, the Commission recently found a mortgage broker liable for unlawful discriminatory predatory lending in violation of the PHRA and awarded 10 homeowners over \$910,000. In addition, the Commission has fifteen additional cases containing allegations of predatory lending as unlawful discrimination on its public hearing docket.

The Initiative has also engaged in educational and outreach efforts to staff, industry groups, and residents of the Commonwealth of Pennsylvania. Most significantly, the Commission developed Guidelines to set forth the factors that it considers to be important in determining whether, in any give case, a party has engaged in unlawful predatory lending and or reverse redlining in violation of the PHRA. Following a public comment period, the Commission adopted the Guidelines entitled: "Unlawful Discriminatory Predatory Lending And Reverse Redlining Guidelines In Housing and Commercial Property."

The Commission has also established cooperative relationships with a number of federal, state, and local agencies to combat predatory lending, including: the PA Department of Banking, PA Office of Attorney



General, United States Attorney's Office, Community Housing Resource Board of Erie, United States Department of Housing and Urban Development, Philadelphia Office of Housing and Community Development, the Reading Human Relations Commission, and the York Human Relations Commission. Such relationships have led to inter-agency cooperation in a number of predatory lending matters including: referrals and joint enforcement efforts.

Finally, the Commission has been involved in The Philadelphia Predatory Lending Task Force; The Reinvestment Fund Predatory Lending Strategy Team; South Central Assembly for Effective Governance, Predatory Lending Task Force; and the City of Philadelphia Anti-Predatory Lending Coordinating Committee. Each group meets regularly to discuss issues associated with predatory lending and, if necessary, referral possibilities for possible incidents of unlawful discrimination.

### Accessibility Website

On April 1<sup>st</sup>, the Commission officially launched its new Internet Accessibility/Disability Laws website during ceremonies held at the Morrison Gallery at Penn State Harrisburg's library. The launch was held at Penn State Harrisburg to showcase the work of the college's Institute of State and Regional Affairs, which was responsible for developing the web site.

The website identifies the level of legally mandated accessibility of a building or commercial property in the Commonwealth. It is designed for use by architects, builders, real estate industry personnel, building owners,

developers and the general public in order to ensure voluntary compliance.

The heart and soul of the website is a series of approximately 25 questions that require the user to input data specific to the building itself in order to determine what disability accessibility laws may or may not apply. The site also asks for specific site-related information about the location of the property in order to determine if there are any local laws or ordinances that may apply. There are also other features such as a Frequently Asked Questions section and the text of the actual laws that are discussed throughout the website along with other informational components.

In 1990, disability and accessibility laws received an extreme make-over with the passage of the federal American With Disabilities Act (ADA). Amendments to the PA Human Relations Act followed in 1991 that made it unlawful to construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible in Pennsylvania. The ADA set forth acceptable time frames for the housing and commercial property industries to be in compliance – and those compliance time frames have come and gone. This website gives the general public the opportunity to find out what laws apply and follow them immediately – hopefully, without the need for intervention by this Commission.

From July 2002, the Commission has investigated 760 allegations involving inaccessibility in housing, commercial property, places open to the public as well as employment and education. These allegations includes

such issues as constructing inaccessible housing/commercial property, operating housing/commercial property that is not accessible and the refusal to permit reasonable modifications of existing premises.

This project was funded in part by a grant from the federal U.S. Department of Housing and Urban Development. To access the website, go to either [www.accessdoctors.com](http://www.accessdoctors.com) or [www.accessibilitypa.com](http://www.accessibilitypa.com).

## EDUCATION AND COMMUNITY SERVICES

### Informational Outreach and Training

The Division of Education and Community Services continues to provide presentations, media interviews and training sessions on a variety of topics in order to fulfill that part of PHRC's mission which directs the agency to "promote equal opportunity for all persons." These services are tailored to meet the needs and requests of a variety of audiences throughout the Commonwealth.

This year, staff in the Division of Education and Community Services conducted 79 presentations, interviews and training sessions, exceeding the agency goal that had been set. These outreach activities reached a total of 5,025 Pennsylvanians directly, and thousands more through media interviews.

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 intergroup tension. Other topics most frequently addressed included responding to demographic change; diversity and cultural competency; maintaining unbiased and harassment-free work and educational environments; police/community relations; and equal educational opportunity.

One significant training initiative involved conducting eight, two-hour training sessions on “Creating and Maintaining an Unbiased Work Environment” for over 300 county employees in Monroe County. Monroe County is in the heart of one of the fastest growing regions of Pennsylvania.

The demographics of the county’s population are changing rapidly. Many families from the New York City area are moving to Monroe County. In addition to new forms of diversity based on race, ethnicity and language, cultural differences between small town Pennsylvanians and new residents

from metropolitan New York City are creating human relations challenges in schools, health care institutions, human service agencies, and community settings.

The invitation to train a large proportion of the county workforce gave PHRC the opportunity to minimize the potential for discrimination and tension among county workers. The training also stressed the importance of cultural competency for public service professionals serving a rapidly changing community.

Another excellent training opportunity came when PHRC was invited to co-present a workshop with the Civil Rights Enforcement Section of the PA Office of Attorney General at the 2004 Statewide Crime Prevention Conference of the Pennsylvania Commission on Crime and Delinquency. The workshop outlined the 2002 changes in the definition of Ethnic Intimidation (Pennsylvania’s “Hate Crime” offense) and the implications of these changes for law enforcement professionals and communities.

This year, the Education and Community Services attorney developed a new presentation titled “Bullying: A Legal Perspective.”

The presentation provides a comprehensive review of discrimination law, criminal law, case law and constitutional considerations relating to bullying and harassment in educational settings. The newly offered presentation’s high quality and comprehensive

nature quickly resulted in a flurry of requests.

Educational presentations and outreach continues to be part of the mission of the six , active, local PHRC Advisory Councils throughout Pennsylvania. Education and Community Services Supervisors in PHRC’s Harrisburg and Philadelphia Regional Offices support the Advisory Councils in their respective regions in the education and outreach work that they do in their local communities.

## Civil Tension Prevention and Response

### PA Inter-Agency Task Force on Civil Tension

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

This year, PHRC staff convened and facilitated 12 meetings of the Tension Task Force. In order to strengthen relationships among participating member agencies, the hosting of monthly meetings continues to be rotated among the agencies. While PHRC and the PA Office of Attorney General hosted the majority of meetings, other hosting agencies this year included the PA Department of Education; the Lancaster County Human Relations Commission; The Center for Schools and Communities; “The Caring Place” (Cumberland County); and the City of Harrisburg Human Relations Commission.



## SPiRiT School Intervention

The “SPiRiT” program continued to be a significant initiative of the Tension Task Force for the year. The acronym stands for “Student Problem Identification and Resolution of Issues Together,” and the model involves an intensive, two-day process in which students identify problems and fashion potential, realistic solutions. A student advisory group is formed to work with school administrators to implement some of the solutions proposed by the students. These student advisory groups receive ongoing support from participating Tension Task Force agencies and from local community members. SPiRiT is a school intervention model originally designed by the Community Relations Service of the U. S. Justice Department.

SPiRiT was introduced at Truman High School of the Bristol Township School District in Bucks County and at Carlisle High School in the Carlisle Area School District in Cumberland County. Rather than introducing SPiRiT to a large number of new school settings, the emphasis this year was on follow-up with the thirteen schools that had instituted SPiRiT since May of 2002. The Tension Task Force also conducted some program evaluation on SPiRiT, conducting an evaluation and planning session involving all of those who have provided leadership, logistical support and small group facilitation, and also conducting survey data collection from school administrators and students.

## Support for Local Task Forces

PHRC staff and others from the Tension Task Force continued to encourage, support and facilitate the ongoing development of several

regional task forces modeled after the statewide Tension Task Force. Central Office staff assisted staff from PHRC’s Pittsburgh Regional Office who provided leadership for the continuing development of a Western PA Task Force. A York County Task Force on Civil Tension continues to grow and strengthen, and the Reading/Berks Conflict Resolution Task Force received some intensive attention in a time of transition as it sought a new host organization to convene the group and attend to meeting logistics.

## Coordinating Response to Bias-Related Incidents

Education and Community Services Division staff continued to coordinate the core work of the Tension Task Force in preventing, monitoring and responding to bias-related incidents and escalating civil tension situations throughout Pennsylvania. A few of the most notable incidents for the year included continued picketing activity by the virulently anti-gay “Westboro Baptist Church” in the Carlisle area; a concert and rally organized by the “National Socialist Movement” in the Valley Forge National Park; a series of incidents in the Gilbertsville and Boyertown area (Berks and Montgomery Counties), including a cross burning in a residential neighborhood and related, threatening graffiti in a school building; and the initiation of a thorough review of a local police department involving issues of recruitment, selection, terms of employment and police/community relations.

A series of incidents at the Truman High School of the Bristol Township School District (Bucks County) escalated racial tensions in the school, and when police dog K-9

units were brought to the school, tensions escalated in the school and in the community. Staff from PHRC’s Philadelphia Regional Office provided direct assistance on site and PHRC Chairperson Glassman and other Commissioners led a “Town Meeting” in Bristol Township in order to assess the situation and provide a public forum for community-wide dialogue and problem-solving to begin.

**Detailed bias-related incidents follow on pages 17-18.**

## Developmental Activities

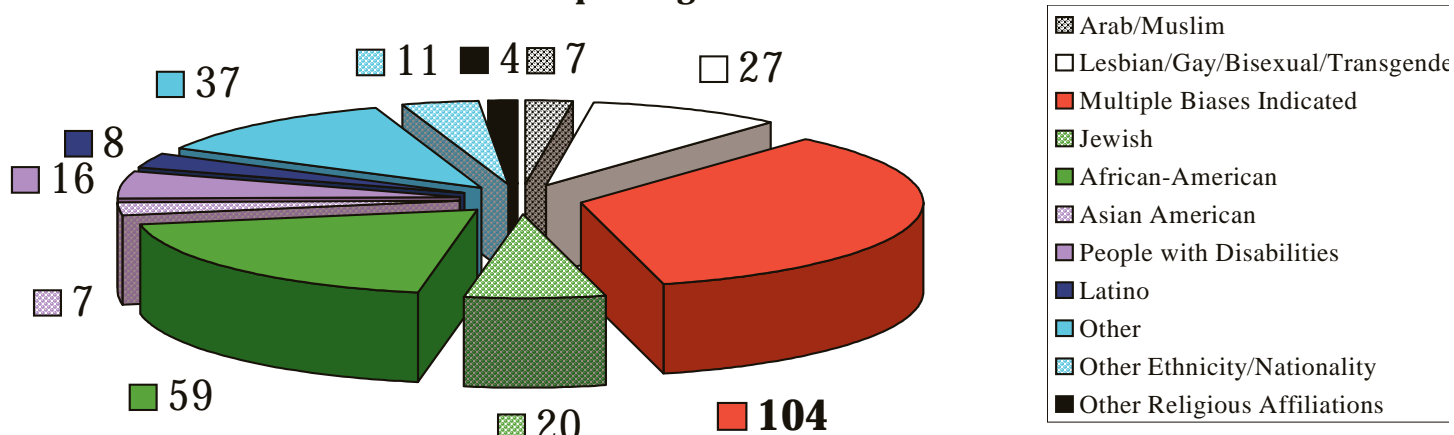
PHRC staff provided leadership for two strategic planning sessions for the PA Inter-Agency Task Force on Civil Tension. At these sessions, Tension Task Force members generated ideas for strengthening the work and structure of the Task Force, prioritized the ideas, and began to generate a comprehensive action plan. Some of the ideas were immediately implemented. A comprehensive action plan will be completed and implemented in full in the coming year. Some of its major components will focus on increasing the visibility of the Task Force’s work, expanding membership and participation to include stakeholder groups not currently represented, and making a concentrated effort to connect with rural communities and issues.

## Comprehensive Community Interventions

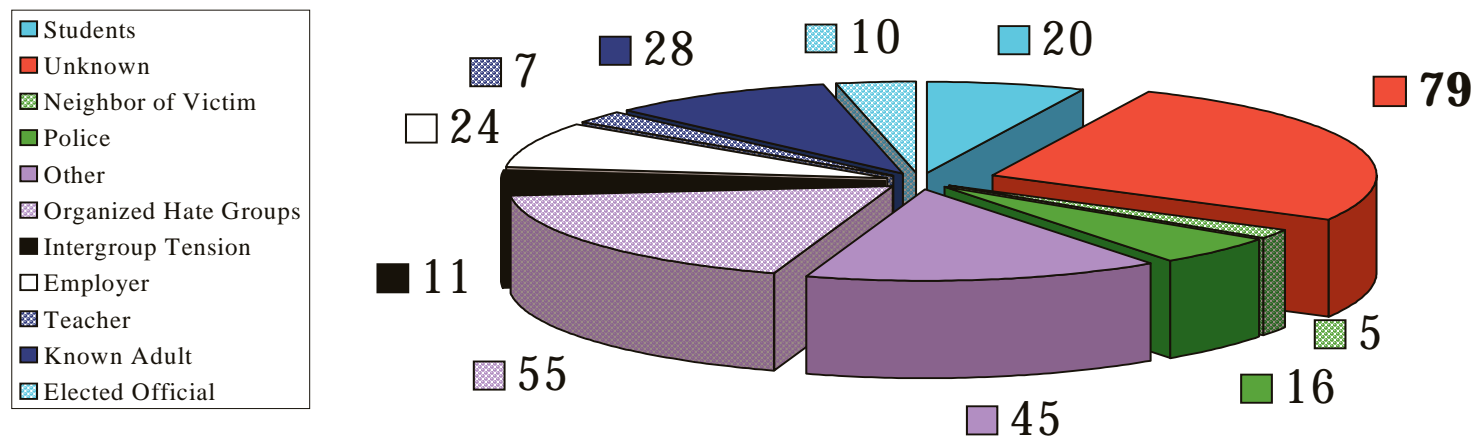
Staff of the Education and Community Services Division have piloted a more comprehensive intervention approach with communities that are experiencing rapid and significant demographic

# Outreach and Initiatives

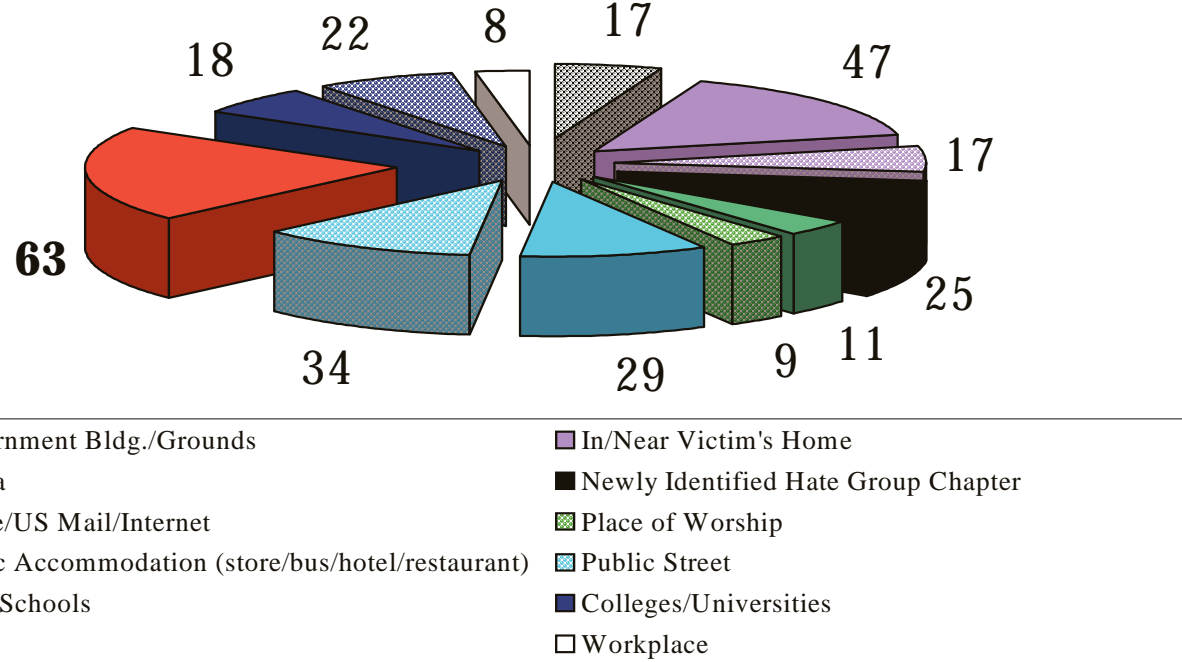
**Characteristics of People Targeted in Bias-Related Incidents**



**Identity of Alleged Offenders in Bias-Related Incidents**



**Location of Bias-Related Incidents**



# Outreach and Initiatives

change. When such change takes place, major human relations challenges present themselves in schools, neighborhoods, health care institutions, and human services agencies. Community relationships with law enforcement and government officials often become strained. Rather than respond to individual incidents in these communities, PHRC facilitates processes of community-wide dialogue and planning with broad and inclusive participation. Challenges are identified and prioritized, solutions are crafted, and action plans developed and initiated. PHRC staff acts in a facilitative role, working intensely with these communities to support a long-term, continuous process of dialogue, planning and action.

This more comprehensive approach has been successfully piloted this year in Clinton County, where tensions were

developing in reaction to a growing Latino population in the Lock Haven area. In northeastern Pennsylvania, intensive work has been done in Monroe County, and work will begin in Wayne County in the coming year.

## The Hazleton "Civil Rights Town Meeting" Experience

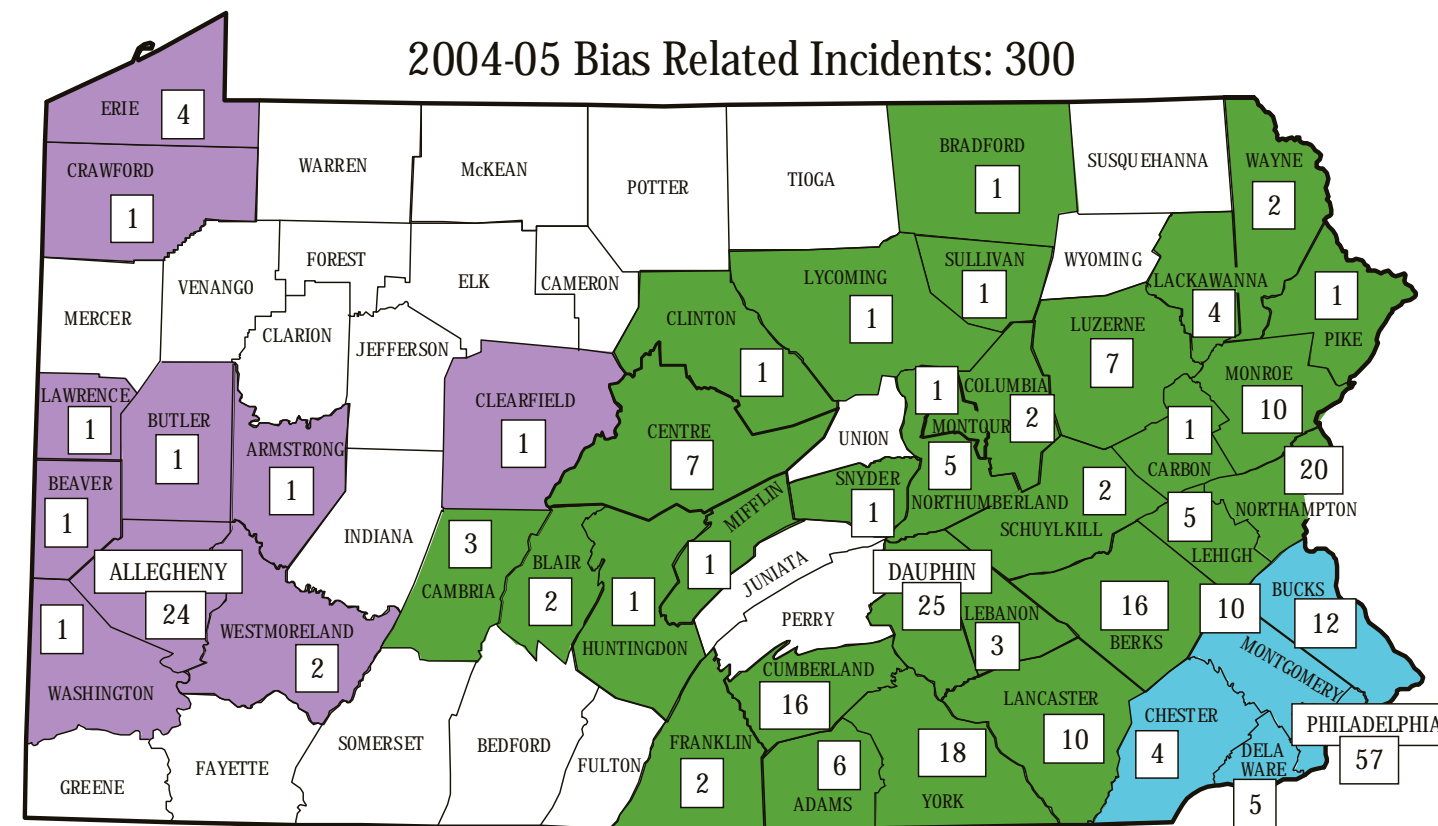
PHRC Commissioners provided leadership for a comprehensive community intervention in Hazleton, Luzerne County. Hazleton's Latino community is growing rapidly. Commission staff and several partner agencies of the Tension Task Force were receiving regular reports and requests for assistance from every sector of the community. In many cases, tensions escalated due to language barriers and/or differing perceptions based, in part, on

culturally influenced perspectives. Incidents were reported involving the schools, health care institutions, policing, human services, and the business community.

At first, PHRC and the Tension Task Force responded to individual incidents with the needed resources or assistance. The SPIRIT program was provided in the schools. Tension Task Force members facilitated information sharing and offered technical assistance in a number of incidents involving police and youth. Recognizing the intensity of the need and the community-wide nature of the challenges facing Hazleton, a delegation of Commissioners met with Hazleton's mayor, police chief,

## PA Human Relations Commission

2004-05 Bias Related Incidents: 300



and a highly respected community leader to inform them of PHRC's interest and plans to assist the community.

On December 2, 2004, PHRC conducted a daytime "Mini-Conference," providing informational workshops on Latino culture and on discrimination in employment, housing, education. In the evening, a very well-attended "Civil Rights Town Meeting" was held. PHRC Commissioners and executive staff, together with invited leaders from a number of other state and federal agencies, listened carefully to civil rights issues and concerns raised by community members. Some of the concerns required individualized follow-up or referral. Others involved larger issues or patterns that would require community-based solutions and long-term engagement.

Two weeks later, PHRC staff returned to Hazleton to conduct an "Action Planning Day." Over 65 participants from every sector of the Hazleton community participated in small group sessions. Starting with issues that had been raised at the Town Meeting two weeks before, participants identified challenges and began to propose workable solutions in areas such as health care/human services; housing; education; faith communities; and law enforcement. By the end of the day, commitments were being made for very specific action steps to initiate some of the best ideas for short term and long term solutions.

While the Action Planning Day processes were underway, PHRC

compliance and legal personnel also staffed a drop-in "Civil Rights Clinic" that had been publicized. People came to the clinic for consultation on situations that they believed involved unlawful discrimination and, in some cases, formal PHRC complaint-drafting processes were initiated on site.

Many new relationships were developed in Hazleton as a result of this intensive effort. Existing relationships were strengthened. PHRC continues to support ongoing community planning and action in Hazleton. New incident reports of various kinds and new requests for assistance are frequent. Plans are in place for a series of presentations in the schools when the new school year begins in September of 2005. PHRC is now viewed by many in Hazleton as a very concrete and helpful resource. PHRC will continue to have strong engagement in Hazleton in the coming years.

## Equal Educational Opportunity

### Basic Education Policy Developments

The Basic Education policy arena at federal, state, and local levels continues to be fluid and complex. Impact of the federal "No Child Left Behind" legislation is apparent at all levels, not only with respect to test score data and accountability to Adequate Yearly Progress (AYP) targets, but also in areas such as regulatory definitions for "highly qualified teacher" requirements.

PHRC's Education and Community Services staff have continued to monitor developments in education policy more closely over this past year. We regularly attend meetings of the PA State Board of Education and perform policy analysis on emerging issues related to PHRC's areas of jurisdiction.

We are particularly interested in the State Board of Education's "Pennsylvania's First Achievement Gap Effort" (PAGE1) initiative which is attempting to address "achievement gap" disparities in 16 pilot schools throughout the Commonwealth.

### Education Discrimination Compliance Activities

This year, the Central Office Education and Community Services Division restructured one of its personnel positions to include education discrimination case investigation duties. This, together with the presence of an attorney in the Division that is dedicated to education discrimination legal work, has positioned the Division for significant, direct involvement in education discrimination complaints. Plans are being made to visit each of the three PHRC regional offices to examine the inventory of education discrimination cases under investigation, and to become more directly involved with regional staff in moving these cases forward, either through offering investigative or legal assistance or, at the discretion of the regional directors, actually transferring case investigation responsibilities to the Central Office.

PHRC's Central Office Education and Community Services Division staff completed assigned work on the "Triage Project," an effort to resolve some of the oldest compliance cases in the agency's inventory. The Division had

been assigned cases that involved allegations of unlawful discrimination in educational settings.

### Other Basic Education Activity

Staff continue to produce "Equal Educational Opportunity Profiles" on request, including statistical charts that monitor trends over time at the school district level with respect to various equal educational opportunity indicators, such as test score, dropout, graduation and personnel data. This task has been facilitated by the increasing availability of PA Department of Education data via the Internet, including PSSA reading, math and writing test score data. This data is now readily available in a form that is disaggregated by race/ethnicity, limited English proficiency status, and special education status.

Division staff continue to be in great demand for professional development training for instructional staff in many school districts, and as presenters at significant, statewide conferences for educational professionals. In an effort to strengthen the working partnership between PHRC and the Pennsylvania Department of Education (PDE), a series of meetings were initiated by PHRC leadership. PHRC Executive Staff met on two occasions with the Secretary of Education to explore mutual priorities and to

facilitate more direct, interagency cooperation. Meetings were subsequently held with key PDE executives, and a presentation was made on PHRC jurisdiction and education initiatives at a meeting of all PDE Bureau Directors in the Office of Elementary and Secondary Education.

### PHRC Regional Office Activity in Education and Community Services

Each of PHRC's three regional offices remains active with respect to the agenda for the Education and Community Services. Pittsburgh Regional Director and staff continue to participate actively the FBI's "Adopt-a-School" school safety initiative, working collaboratively with many agencies on addressing factors relating to establishing a safe, respectful learning environment within schools. There is broad participation involving many governmental and non-governmental agencies and organizations. The Pittsburgh Regional Office also continues to maintain a strong position of leadership with respect to law enforcement and community relations in Western Pennsylvania. The Harrisburg Regional Office continues to facilitate involvement

of a number of Central Pennsylvania school districts in a national program developed by the NAACP called the Afro-Academic Cultural Technological Scientific Olympics (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. The program aims to alter peer attitudes and to showcase and reward students of excellence in numerous academic fields and disciplines. The Harrisburg Regional Office also supports the work of five local PHRC Advisory Councils in its region.

PHRC's Montgomery County Advisory Council continues to provide leadership in a number of education-related initiatives, with support from the staff of PHRC's Philadelphia Regional Office. Strong advisory relationships have been established with the School District Superintendents in the county. The Advisory Council has also built strong relationships with law enforcement leadership throughout the county.

PHRC Commissioners 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.

Commissioner Sylvia A. Waters of Oberlin (Dauphin County) resigned her position as Secretary. Commissioner Waters had served as a Commissioner since June 24, 1996. After her resignation, Dr. Daniel D. Yun of Huntingdon Valley, Montgomery County became Secretary and Commissioner Toni Gilhooley of Harrisburg, Dauphin County became Assistant Secretary for the Commission.

Chairperson Stephen A. Glassman of New Oxford, Adams County and Vice Chairperson Raquel Otero de Yienst of Sinking Spring, Berks County, held the remaining officer positions for the Commission.

Completing the remainder of the Commissioner panel was: David A. Alexander and Rev. James Earl Garmon, Sr. of Pittsburgh, Allegheny County; M. Joel Bolstein and J. Whyatt Mondesire of Philadelphia, Philadelphia County; Theotis W. Braddy of Camp Hill, Cumberland County; and, Timothy Cuevas of Bethlehem, Northampton County.

**Lucrecia L. Taylor, Lynn Poindexter, Individually and on behalf of all others similarly situated v. McGlawn & McGlawn and Reginald McGlawn, 200027668 and 200201787**  
McGlawn & McGlawn, a licensed mortgage broker in the Philadelphia area and Reginald McGlawn were ordered by the Commission to pay 10 Pennsylvania homeowners \$885,349.15. An additional \$25,000 civil penalty was also assessed against McGlawn & McGlawn and Mr. McGlawn.

The Commission’s decision followed a public hearing focused on two consolidated complaints filed by Lucrecia Taylor and Lynn Poindexter against McGlawn & McGlawn, the licensed mortgage broker. Ms. Taylor and Ms. Poindexter alleged that McGlawn & McGlawn targeted them for predatory loans because of their race, African American and/or racial composition of their neighborhood, African American in violation of the PA Human Relations Act. Both Ms. Taylor and Ms. Poindexter filed their complaints on behalf of themselves and all other similarly situated persons. As a result, the case was investigated on a pattern and practice basis.

The Commission pursued the case based upon a claim of reverse redlining. In contrast to redlining, which is the practice of denying the extension of credit to specific geographic areas due to the race of its residents; reverse redlining is the practice of extending credit on

unfair terms to those same communities. Courts have held that reverse redlining is a violation of the federal Fair Housing Act.

The complainants established that the respondent’s lending practices or loan terms were unfair and/or predatory and that the respondent intentionally targeted on the basis of race or that their policies and practices had a disparate impact on the basis of race. The application of this theory to a mortgage broker appears to be a case of first impression in the Commonwealth and the United States.

The Commission determined that each of the 10 homeowners was subjected to a wide range of predatory lending practices. These predatory lending practices included: unreasonable mortgage broker fees, undisclosed fees, high interest rates, high points and padded closing costs, falsification of information on documents, failure to disclose information, prepayment penalties, balloon payments, and high pressure sales tactics.

The Commission also concluded that McGlawn & McGlawn and Mr. McGlawn’s entire marketing package was based upon race and it utilized African American media outlets to intentionally target African Americans and their neighborhoods for predatory mortgage loans. The Commission decision explained “[t]hese individuals had a tremendous amount of trust and faith in McGlawn & McGlawn because it was an African American company. That faith was not rewarded by McGlawn & McGlawn but rather was used to further their own interests through predatory and unfair loans.”

The Commission rejected the defenses raised by McGlawn & McGlawn and Mr. McGlawn finding them “totally without any merit whatsoever.”

**Shawn Brooks v. VIACOM, Inc., Infinity Broadcasting Corp., Joseph Zurzolo, Peter Kleiner & Ken Stevens c/o VIACOM, Inc., d/b/a Infinity Broadcasting Corporation, 200027223**

In May 2001, Shawn Brooks alleged his immediate supervisor at Infinity Broadcasting Corporation, which is a subsidiary of Viacom, Inc., distributed a book entitled, *New Dress for Success* at a meeting and told the account executives, “per human resources, use it.”

Mr. Brooks stated that after reading through the book’s content, he was offended by the racist and stereotypical language it contained. After voicing his objections to officials at Infinity, Mr. Brooks alleged that the company condoned the distribution of racially offensive statements and stereotypes to its

employees, overheard frequent racial and ethnic slurs, tolerated racially offensive gestures made towards Mr. Brooks and that Infinity’s ambivalence about his concerns created a hostile work environment which led to his involuntary resignation.

During the public hearing, Viacom, Inc. and Infinity Broadcasting Corp., et al., asserted that Mr. Brooks did not properly complain to them and that the contents of the book did not rise to the level of a hostile work environment. In the ruling for Mr. Brooks, the Commission’s Final Order states:

“... a review of the record shows that the Respondent’s (Viacom/ Infinity) assertions are without merit. The Complainant (Brooks) did complain to Sandy Shields. Ms. Shields admitted having several conversations with the Complainant. She told Peter

Kleiner, ‘I think we have a problem here.’ Ms. Shields did not communicate with the corporate office that the Complainant felt the book was offensive. It is clear that the Complainant’s concerns were never taken seriously by Ms. Shields or anyone else at the office. Furthermore, it is interesting to note that (Brooks’ immediate supervisor Joseph) Zurzolo was never formally disciplined in any manner. He was not required to attend any training or counseling sessions. The Complainant’s concerns were simply ignored. Accordingly, the evidence before the Commission clearly shows that the Respondent racially harassed the Complainant and created a hostile work environment, which resulted in the constructive discharge of the Complainant.”

The Commission’s order awarded Mr. Brooks \$286,262 in back pay

## THE COMMISSIONERS' WORKLOAD JULY 1, 2004 - JUNE 30, 2005

Commission Meetings .....	12
Compliance Sessions .....	12
Consent Orders/Decrees and Conciliation Agreements Approved.....	19
Review of Staff Action in Making Disposition of Complaints.....	5,040
Review and Determination of Petitions for .....	287
Reconsideration of Complaint Disposition and Requests for Public Hearing Motions .....	189
Cases Closed on Motion .....	1
Cases Placed on Public Hearing Docket.....	97
Cases Settled After Public Hearing Approval .....	28
Final Orders Approved after Public Hearing .....	26
Total Rules to Show Cause Resulting in Liability and Subsequently Settled .....	12
* Pre-Hearing Conferences and Public Hearings Conducted .....	36
* Includes those Pre-Hearing Conferences and Public Hearings conducted by Commission Hearing Panels and Hearing Examiners	
Number of Days of Pre-Hearing Conferences and Public Hearings.....	37

and \$328,000 in front pay for the combined \$614,262 award. The Commission also ordered Viacom and Infinity officials to:

- Cease and desist from discriminating against individuals because of their race, African American;
- Fashion and implement internal policies and procedures to effectively accept and resolve employee complaints of discriminatory treatment, which are subject to review by the Commission. Further, the policies and procedures must include an effective grievance procedure calculated to resolve claims of discrimination and to encourage employees who feel they have been victimized to come forward with their complaints; and,
- Conduct training on work-place harassment, acceptable work-place behavior and various federal and state anti-discrimination laws to all employees.

### **James A. Cressman v. Associated Rubber, Inc., 200027235**

Mr. Cressman alleged that the Respondent terminated him from his position as foreman of the Associated Rubber's Finishing Department because of his age. Cressman had been employed by the Respondent since 1948 and had been an excellent employee. Only when the long time company President retired and the President's stepson was made President did Mr. Cressman experience problems. PHRC found that Mr. Cressman had been terminated because of his

age and awarded him \$176,085.27 in back pay and front pay in the amount of \$4,697.83, until such time as Mr. Cressman is offered reinstatement. Interest was also awarded on the back pay award. In addition, the PHRC awarded Cressman \$17,076.76 in lost bonuses.

The amount of \$258,894.72 was ordered as an amount Mr. Cressman lost from a Profit Sharing Trust Fund and Salaried Pension Plan. Also, the PHRC awarded the amount of \$13,122.02 to cover the Cressman's costs for medical benefit coverage and \$238.71 per month until Mr. Cressman is offered reinstatement for this expense that would continue until reinstatement occurs. Finally, Mr. Cressman was awarded \$325.25 in certifiable travel expenses.

### **Johnnie V. Lassiter, Jr. v. Wordsworth Academy, 200207153**

On April 1, 2004, a public hearing was held on the limited question of what are the appropriate damages after Wordsworth Academy was found liable for failing to answer the Complainant's complaint. In his complaint, Mr. Lassiter alleged that he had been terminated from his

position as a Behavior Technician because of his sex, male and his race, Black. After deducting Mr. Lassiter's interim earnings between February 1, 2003 and April 1, 2004, he was awarded \$15,328.16 in back pay plus 9% interest.

### **David Borden v. Motherswork, Inc., 200205129**

A public hearing was held on the limited question of appropriate damages due to Motherswork, Inc.'s failure to answer Mr. Borden's complaint. In his complaint, Mr. Borden alleged that he had been harassed because of his religion and then discharged because of his sex, his age, and his religion. Mr. Borden was not awarded any damages because after his termination, he signed a Confidential Severance Agreement and General Release. Since Mr. Borden signed this agreement, he was precluded from recovering damages. Motherswork Inc. was ordered to cease and desist from failing to file an answer in any



future instance when a PHRC complaint is brought against it and to cease and desist from permitting religious harassment.

### **Cynthia Erickson v. United States Steel Corp., E82330DH**

Ms. Erickson alleged that she had been terminated because of her sex, female and not rehired in retaliation for having filed a PHRC complaint and also because of her sex, female. PHRC found for Ms. Erickson on both allegations and ordered US Steel to pay her \$255,784.05 in lost back pay, \$7,000 in lost bonuses, and \$10,851.55 for health care costs Ms. Erickson had after her termination. PHRC also ordered that the Ms. Erickson be instated into the next available entry-level position.

PHRC found that when U.S. Steel terminated Ms. Erickson, U.S. Steel had not treated her the same as others not in her protected class had been treated. U.S. Steel had argued that it terminated Ms. Erickson because she had a fear of heights and part of the job for which she was hired involved operating overhead cranes in the U.S. Steel's plant.

PHRC found that others who were also afraid of heights were either given a chance to overcome their fears or other jobs in the plant were found for them. Clearly, Ms. Erickson was well equipped to operate tractors, which were an integral part of the plant's operations. Despite this, Ms. Erickson was terminated rather than afforded a chance to overcome her fear of heights. Ms. Erickson was also not given the chance to transfer into another area of the plant.

With respect to the alleged failure to recall Ms. Erickson, although she was more than qualified for later openings,

PHRC found that Ms. Erickson was not rehired because she had filed a PHRC complaint. After Ms. Erickson's interim wages were deducted, a significant difference existed between what she earned and what she would have earned had she not been terminated and denied rehire. This difference was awarded to Ms. Erickson.

### **Mary Ann Remick v. Wilkins & Associates Real Estate, Inc., E91253H**

Ms. Remick alleged that Wilkins & Associates refused to accommodate her non-job related disability, alcoholism. Further, Ms. Remick alleged that Wilkins & Associates terminated her for the same reason. Feeling herself on the verge of relapsing into alcoholism, Ms. Remick requested time off to attend a rehabilitation program but rather than afford her time to attend this program, Wilkins & Associates terminated her. PHRC found for Ms. Remick and awarded her \$109,070.37 in lost back pay plus interest.

### **Edward McFadden v. Natalie Christy, 200027608**

Mr. McFadden alleged that Ms. Christy harassed, intimidated and coerced him in an effort to force him not to rent to an African American. During the public hearing, there was uncontroverted testimony that Ms. Christy did threaten Mr. McFadden directly if he rented to an African American. Ms. Christy not only attempted to accomplish her purpose by threats and intimidation, but she also resorted to a threat of arson. Ms. Christy chose not to attend the public hearing.

Mr. McFadden proved that he was discriminated against in violation of

the PHRAAct. The Commission issued a cease and desist order, awarded actual damages in the amount of \$1,485, and awarded \$25,000 for embarrassment and humiliation to Mr. McFadden. The Commission assessed a civil penalty of \$3,000 against Ms. Christy.

### **Rochelle Detter v. Richard Sharp and Sharp's Village Home Park, H7404**

Ms. Detter alleged that she was unlawfully discriminated against because of her familial status. She alleged that she was charged an extra fee because she had children. The Commission found that Mr. Sharp and Sharp's Village Home Park did charge households with children an extra fee. The Commission issued a cease and desist order and \$760 in actual damages that represents the extra fee paid during the 19-month period that was at issue in the complaint.

### **Tanika Vallati and Marilyn Noto v. Lamar Yoder, 200302403, 200302412**

Ms. Vallati and Ms. Noto alleged that soon after they rented an apartment from Mr. Yoder, he engaged in acts of sexual harassment so severe that they suffered medical complications, lost their jobs due to missing work, and were forced to move out. Mr. Yoder retaliated by refusing to return their security deposit and delaying their access to a dryer they had rented. Mr. Yoder failed to respond to both complaints, and the Commission found default liability against him. A cease and desist order was entered against Mr. Yoder. Ms. Vallati and Ms. Noto

shared awards of \$350 for the security deposit, \$85 for moving expenses, \$45 for additional dryer rental and \$10,000 for humiliation and embarrassment. Ms. Vallati was awarded \$630 in lost wages, and Ms. Noto was awarded \$5,184 in lost wages associated with her job loss and \$104 in wages lost while attending the public hearing. A \$1,500 civil penalty payable to the Commonwealth was assessed against Mr. Yoder.

### **Charles E. Dean II v. Larry McCrae, Inc., 200209681**

Mr. Dean filed a complaint against Larry McCrae, Inc., alleging that McCrae laid him off in retaliation for having previously filed PHRC complaints. McCrae failed to respond to the complaint and a subsequent rule to show cause order resulted in a finding of default liability against McCrae. A public hearing was held to determine appropriate damages to be awarded to Dean. A cease and desist order was entered against McCrae and Dean was awarded \$30,530.70 in lost wages.

### **Debra L. Wurst v. Weisser Mobile Homes, Inc., 200300049**

Ms. Wurst alleged that Weisser Mobile Homes, Inc. discharged her from her position as a bookkeeper because of her pregnancy. Ms. Wurst was hired and within a week learned that she was pregnant. Although her pregnancy had not hindered her in any way, the owners of Weisser Mobile Homes, Inc., called Ms. Wurst into a meeting and placed Ms. Wurst on a “voluntary” leave of absence. When she was ready to return to work, Ms. Wurst called Mr. Weisser and he told her they were

hiring someone else, her services were no longer needed and she should stay home with her child.

The evidence in this case revealed that Weisser Mobile Homes, Inc. often allowed males to return after being out temporarily for medical reasons. This disparity of treatment led to the finding of sex-based discrimination in the termination of Ms. Wurst. PHRC awarded Ms. Wurst \$49,422.75 in back pay. PHRC awarded Ms. Wurst \$192.80 in certifiable travel expenses.

### **Wilmer J. Baker v. The Frog Switch & Manufacturing Co., 199800386**

Mr. Baker alleged that Frog Switch & Manufacturing Company (FSMC) terminated his employment in retaliation for opposing discrimination in the past in his workplace and for assisting individuals with bringing claims before PHRC.

Mr. Baker established four essential elements: he was engaged in a protected activity; FSMC was aware of this protected activity; following his participation in the protected activity, Mr. Baker was subjected to an adverse employment action by FSMC; and there is an underlying connection between Mr. Baker’s participation in the protected activity and the adverse employment action. FSMC asserted that Mr. Baker was discharged for insubordination.

The Commission found that FSMC’s reason attempted to justify its actions, found in favor of Mr. Baker and ordered FSMC to pay \$24,316.76, which is the regular pay he lost during an 11-month period, \$7,585.20 in

overtime pay lost during the same time period, \$17,386.59 in lost interest on various parts of the award and his employment, for a total \$49,288.55 award for Mr. Baker. FSMC was ordered to cease and desist from retaliating against persons who have participated in PHRC cases or who have opposed unlawful discrimination.

### **Omar Bronson v. Masso Detective Agency, 200200713**

Mr. Bronson alleged that the Masso Detective Agency (MDA) unlawfully discriminated against him because of his race, African American, subjected him to racial harassment and constructively discharged him.

Mr. Bronson presented credible evidence during the public hearing that showed that employees of the MDA used racially derogatory terms on a regular basis and had physically threatened him and his family. The Commission ruled that race was a motivating factor in creating the hostile work environment that led to Mr. Bronson’s constructive discharge. The Commission ordered the MDA to pay Mr. Bronson \$29,988.00 in back pay for an 18-month period plus \$3,669.12 in interest; \$1,638.00 in front pay; and \$120.00 to replace costs Mr. Bronson incurred in connection with filing his complaint.

MDA was also ordered to cease and desist from discriminating against individuals because of their race, African American; implement internal policies and procedures for effectively accepting and resolving employee complaints of discriminatory treatment; conduct appropriate sensitivity training on work-place harassment and acceptable work-place behavior.

Each of these decisions is available on the Commission’s web site under the Legal section at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

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

The Commissioners unanimously opposed **House Bill 204, P.N. 206** which would amend the state’s Ethnic Intimidation Act to remove the “actual or perceived” language covering all of the protected classes and would remove from protection the classes of ancestry, mental or physical disability, sexual orientation, gender or gender identity.

The PHRC, as the state agency charged with protecting persons in the Commonwealth of Pennsylvania against unlawful discrimination, and as an active member of the Governor’s Tension Task Force, has a special interest in the preservation of the Ethnic Intimidation Act. The Commission deplores the use of violence against anyone and condemns the use of hate threats against individuals simply because they are members of a particular group or are perceived to be.

The Commission supported **House Bill**



**352, P.N. 373** and **Senate Bill, P.N. 440**. These bills would amend the PHRA to make it unlawful to discriminate on the basis of marital status or familial status in employment. Marital status would be defined as “whether a person is single, married, divorced, separated or widowed.” Familial status would remain defined as it is currently in Section 4(t) of the PHRA.

A package of bills – **House Bill 662, P.N. 755; House Bill 663, P.N. 756; House Bill 664, P.N. 757; House Bill 665, P.N. 758; and House Bill 667, P.N. 760** – deals with the issue of racial profiling in the Commonwealth. Each of these bills would be beneficial in the prevention of racial profiling by police officers in Pennsylvania. Racial profiling by police officers is a practice the Commission has routinely condemned. The Commission strongly supports House Bill 663 because of the enforcement provisions included in it. It is a strong backbone piece in the package of bills to accompany the educational enlightenment contained in the other bills.

PHRC supported **House Bill 1309, P.N. 1557**, which amends the Ethnic Intimidation Act to provide for sensitivity training. If enacted H.B. 1309 would specifically amend 18 Pa. C.S. §2710 to

add a new subsection (b.1): *Sensitivity training. — A person convicted of violating this section shall be required to complete a class on racial or ethnic sensitivity or other similar training in the area of civil rights.*

The Commission felt this legislation is directly related to the offense; it is designed to educate and rehabilitate, rather than simply to punish.

**House Bill 782, P.N. 944** would add additional members to the State Board of Real Estate appraisers and making a violation of the Real Estate Appraisers Certification Act (REACA), 63 P.S. §457.1 *et seq.*, a violation of the Unfair Trade Practice and Consumer Protection Law (UTPCPL). Mr. Floyd noted that this legislation would give added emphasis to issues such as predatory lending cases. Violations of REACA include those actions, which entail the appraisal aspects of predatory lending as well as other violations of the law, which can violate the housing provisions of the PHRA. Enactment of this legislation would give individuals an additional avenue of redress against appraisers who utilize predatory practices as well as those whose services are used in other discriminatory housing practices, such as redlining.

The Commission also supported **House Bill 160, P.N. 160**, which would establish the Prevention of Hate Activity Fund and make an appropriation to the Commission for \$1 million to combat hate activities in the Commonwealth.

# Protected Class Statistics

July 1, 2004 to June 30, 2005

Age-based Cases					
Age	E	H	PA	ED	Total
40-42	74			1	75
43-45	57				57
46-48	85				85
49-51	105	3			108
52-54	131			5	136
55-57	120	1			121
58-60	104	1			105
61-63	65	3			68
64-66	30	2			32
67-69	23	1			24
70-72	17				17
73-75	12				12
76-78	3	2	1		6
82-84		1			1
85-87	1				1
<b>TOTAL</b>	<b>827</b>	<b>14</b>	<b>1</b>	<b>6</b>	<b>848</b>

Familial Status-based Cases	
Familial Status	H
Designee Of Such Parent Or Other Person Having Custody	25
Domiciled With	3
Individual Not Yet 18 Living With Parents Or Guardian	2
Parent Or Other Person Having Legal Custody	9

Combined Classes* Cases				
Various Protected Classes	E	H	PA	Total
Other	5			5
Use of Guide/Support Animal		2	2	4

\*A number of protected classes have only one sub-category. These protected classes have been grouped together in one chart.

Race-based Cases						
Race	E	H	CP	PA	ED	Total
African American	836	200	2	78	16	1,132
African American Female*	40	1		2	2	45
African American Male*	28			2	1	31
Alaska Native						0
American Indian	1				1	2
Arabic or Middle Eastern	1					1
Asian	8	2			2	12
Bi-Racial	10				1	11
Black	130	4	1	6		141
Caucasian	71	4		3		78
Complainants race and the known association with another person	10	10		3		23
Israelite	2					2
Pacific Islander	1					1

\*This category is called Multiple Class. The category definition occurs when discrimination is not solely because of race Black or sex female, but a combination of race and sex.

Color-based Cases			
Color	E	PA	ED
Black	21		1
Brown	1		
Dark Brown	2		
Yellow		1	

**JURISDICTION KEY**  
 E = Employment  
 H = Housing  
 CP = Commercial Property  
 PA = Public Accommodation  
 ED = Education

# Protected Class Statistics

July 1, 2004 to June 30, 2005

Religion-based Cases					
Religion	E	H	PA	ED	Total
7th Day Adventist	5				5
Agnosticism		1			1
Baptist	4		1		5
Christianity	23	1			24
C's religion, known assn. w/ another person	1				1
Hinduism	1				1
Islam	28	2	3		33
Israelite	2				2
Jehovah Witness	4				4
Judaism	21	1	1	2	25
Non-Jewish	1				1
Paganism				1	1
Pentecostal	2				2
Protestantism	2				2
Rastafarian	1				1
Roman Catholicism	3	1			4
Sikh	1				1
Strongly-held Belief	3				3
Wiccan	1				1
Non-Catholic	1				1

Ancestry-based Cases						
Ancestry	E	H	CP	PA	ED	Total
Acadian/Cajun	1					1
African	5					5
American /United States	5	2				7
Arab	2	1				3
Asian	2					2
Bangladeshi	1					1
Chinese	1	3				4
Cuban	1					1
Egyptian		1		1		2
English					1	1
Filipino	2	1				3
German	1					1
Haitian	3					3
Hispanic	102	42	1	3	3	151
Indian		1				1
Israeli	1					1
Italian	6					6
Jamaican	2					2
Latino	27			1		28
Lebanese	2					2
Mexican	4					4
Puerto Rican	27	1				28
Spanish	3					3
Trinidadian/Tobagonian	1					1
Ukranian		1				1

Retaliation-based Cases						
Retaliation	E	H	CP	PA	ED	Total
Assisted	67	3		1		71
Filed a PHRC Complaint	181	15	1	4	1	202
Otherwise Opposed						
Unlawful Activity	526	5		15	3	549
Provided Information	7			1		8
Testified	10					10

Sex-based Cases						
Sex	E	H	CP	PA	ED	Total
Female	669	29	2	10	9	719
Female Pregnant	111				1	112
Male	225	12		7	6	250

**JURISDICTION KEY**  
 E = Employment  
 H = Housing  
 CP = Commercial Property  
 PA = Public Accommodation  
 ED = Education

July 1, 2004 to June 30, 2005

Disability-based Cases							
Disability	Employment						Total
	D1	D2	D3	D4	D5	D6	
Agent Orange	4		1				5
Aids	1						1
Alcoholism	5	3	1				9
Allergies	3			1			4
Alzheimers	1		1	1	1		4
Anemia	1						1
Anxiety Disorder	28						28
Arthritis	15	2	1				18
Asthma	16			2			18
Attention Deficit Disorder	8		1	2			11
Autism				5			5
Back	48	6	4			1	59
Bi-Polar	19	1					20
Brain/Head Injury	6	2	2				10
Brain/Head Injury (Traumatic)	1	1					2
Cancer	28	2	1	1			32
Carpel Tunnel Syndrome	7		2				9
Cerebal Palsy	5			1			6
Cervical Discogenic Injury	1						1
Chemical Sensitivities	1						1
Colitis	3		2				5
Crohn's Disease	2						2
Cystic Fibrosis	1						1
Depression	54	3	2	1			60
Diabetes	37		3				40
Downes Syndrome	1						1
Drug Addiction		2	1				3
Dyslexia	3						3
Dysthymia	1						1
Emphysema	1						1
Epilepsy	13	1	1				15
Extremities Impairment	13	1	1				15
Fibromialgia	2						2
Gastrointestinal	4	1					5
Graves Disease	1						1
Hand Injury	8	1					9
Hearing	10			1			11
Heart/Cardiovascular	25	7	4	1			37
Hepatitis	9						9
Hernia	2	1					3
HIV	11		1	1			13

## KEY

D1 - Has a disability.

D2 - Has a record of a disability.

D3 - Is regarded as having a disability.

D4 - Is related to someone who has a disability.

D5 - Is related to someone who has a record of a disability.

D6 - Is related to someone who is regarded as having a disability.

July 1, 2004 to June 30, 2005

Disability-based Cases							
Disability	Employment						Total
	D1	D2	D3	D4	D5	D6	
Hip Replacement	4		1				5
Hyperlipidemia	2						2
Immune System Impairment	2						2
Kidney	4	1	2				7
Learning Disability	11						11
Lupus	2						2
Lyme Disease	1						1
Menieres Disease			1				1
Mental - Other	3		2	2			7
Mental Retardation	1			2			3
Migraine	7						7
Missing Digits/Limbs	3						3
Multiple Sclerosis	12		1				13
Muscular Dystrophy	1						1
Myofascia	2						2
Narcolepsy	1						1
Nonparalytic Orthopedic	26		2				28
Obesity			1				1
Obsessive Compulsive Disorder	3						3
Obstructive Lung Disease	1						1
Osteochondritis Dissecans				1			1
Other	51	9	8	2			70
Other Blood Disorder	4		1				5
Other Emotional/Psychiatric	1						1
Other Neurological	4						4
Other Respiratory/Pulmonary	1		1	1			3
Panic Disorder	5						5
Polio	1						1
Post Traumatic Stress	4			1			5
Respiratory Pulmonary Disorder	1						1
Saroidosis	2						2
Seizure Disorder	7	1	1				9
Shoulder Impairment	5	1	1				7
Sleep Apnea	2						2
Sleep Disorder	5						5
Speech	5						5
Spinal Stenosis	4						4
Stroke	3	1	2				6
Tendinitis	5		1				6
Tourettes Syndrome	1						1

## KEY

D1 - Has a disability.

D2 - Has a record of a disability.

D3 - Is regarded as having a disability.

D4 - Is related to someone who has a disability.

D5 - Is related to someone who has a record of a disability.

D6 - Is related to someone who is regarded as having a disability.

July 1, 2004 to June 30, 2005

Disability-based Cases							
Disability	Employment						Total
	D1	D2	D3	D4	D5	D6	
Tuberculosis	1						1
Vertigo	1						1
Vision	19		1				20
<b>Total</b>	<b>475</b>	<b>32</b>	<b>37</b>	<b>22</b>	<b>1</b>	<b>1</b>	<b>747</b>

Disability-based Cases			
Public Accommodation			
Disability	D1	D2	D4
Agent Orange	1		
Alcoholism	1		
Anxiety Disorder	2		
Arthritis	1		
Asthma	1		
Autism	1		
Back	5		
Bi-Polar	2		
Brain/Head Injury	1		
Cancer	1		
Depression	2		
Diabetes	6		
Dyslexia	1		1
Extremities Impairment	1		
Hearing	4		
Heart/Cardiovascular	1		
Learning Disability	3		
Mental - Other	3		
Nonparalytic Orthopedic	2		
Other	6		
Other Neurological			1
Post Traumatic Stress	2		
Respiratory Pulmonary	2		
Schizophrenia	1		
Seizure Disorder	1		
Speech	2		
Thyroid Disease	1		
Vision	6		

Disability-based Cases		
Education		
Disability	D1	D3
Anxiety Disorder	2	
Autism	7	
Depression	3	
Hyperlipidemia	1	
Learning Disability	4	2
Mental - Other	1	
Mental Retardation	1	
Mononucleosis	1	
Multiple Sclerosis	1	
Thyroid Disease	1	
Vision	1	

## KEY

D1 - Has a disability.

D2 - Has a record of a disability.

D3 - Is regarded as having a disability.

D4 - Is related to someone who has a disability.

D5 - Is related to someone who has a record of a disability.

D6 - Is related to someone who is regarded as having a disability.

July 1, 2004 to June 30, 2005

Disability-based Cases					
Disability	Housing				
	D1	D2	D3	D4	Total
Agent Orange	1	4			5
Aids	2				2
Anxiety Disorder	2				2
Arthritis	6				6
Autism				1	1
Back	2	1			3
Bi-Polar	8			1	9
Brain/Head Injury - Traumatic	3				3
Cancer	4				4
Cerebral Palsy	1				1
Depression	2				2
Diabetes	2				2
Downes Syndrome	2				2
Drug Addiction	1	1			2
Epilepsy					
Fibromialgia		1			1
Heart/Cardiovascular	4				4
Kidney	1				1
Learning Disability	2				2
Lyme Disease	1				1
Mental - Other	4		1		5
Mental Retardation	2				2
Multiple Sclerosis	4				4
Nonparalytic Orthopedic	5				5
Other	23	3			26
Other Neurological		1			1
Paralysis	4	1			5
Parkinsons Disease	2				2
Post Traumatic Stress	1	1			2
Respiratory Pulmonary	1				1
Schizophrenia			1		1
Seizure Disorder		1			1
Sleep Apnea	1				1
Stroke		1			1
Vision	5				5

## KEY

D1 - Has a disability.

D2 - Has a record of a disability.

D3 - Is regarded as having a disability.

D4 - Is related to someone who has a disability.

D5 - Is related to someone who has a record of a disability.

D6 - Is related to someone who is regarded as having a disability.

July 1, 2004 to June 30, 2005

National Origin-based Cases					
National Origin	E	H	PA	ED	Total
Africa	8				8
Albania	2				2
Australia	1				1
Barbados	1				1
Bosnia and Herzegovina	1				1
Brazil	1			2	3
Bulgaria	1				1
China	1		1		2
Costa Rica	1				1
Cuba	1				1
Dominica	1				1
Dominican Republic	4			1	5
Ecuador	2				2
Egypt		1	3		4
El Salvador	1				1
Ethiopia	2				2
Ghana	1				1
Guinea	1				1
Guyana	1				1
Haiti	10				10
Honduras	3	1			4
India	7				7
Iran - Islamic Republic Of	2			2	4
Israel	1				1
Italy	1	1			2
Jamaica	7				7
Japan	1			1	2
Kenya	1				1
Korea - Republic Of	1				1
Korea Democratic People	2				2
Liberia	4			1	5
Mali	1				1
Mauritius	1				1
Mexico	16	2	1		19
Morocco	1				1
Nigeria	7				7
Pakistan	4				4
Panama	1				1
Peru	1				1
Philippines	4				4

National Origin-based Cases					
National Origin	E	H	PA	ED	Total
Puerto Rico	17	1		1	19
Romania	2				2
Russian Federation	4				4
Somalia	1				1
South Africa	1				1
Spain	2				2
Sudan	1				1
Turkey	1		1	1	3
United Kingdom	1				1
United States	1				1
Venezuela	1				1
Vietnam	3	1	1		5
Virgin Islands - U.S.	1				1
Yugoslavia	1				1

**JURISDICTION KEY**

E = Employment  
 H = Housing  
 CP = Commercial Property  
 PA = Public Accommodation  
 ED = Education

# Advisory Councils

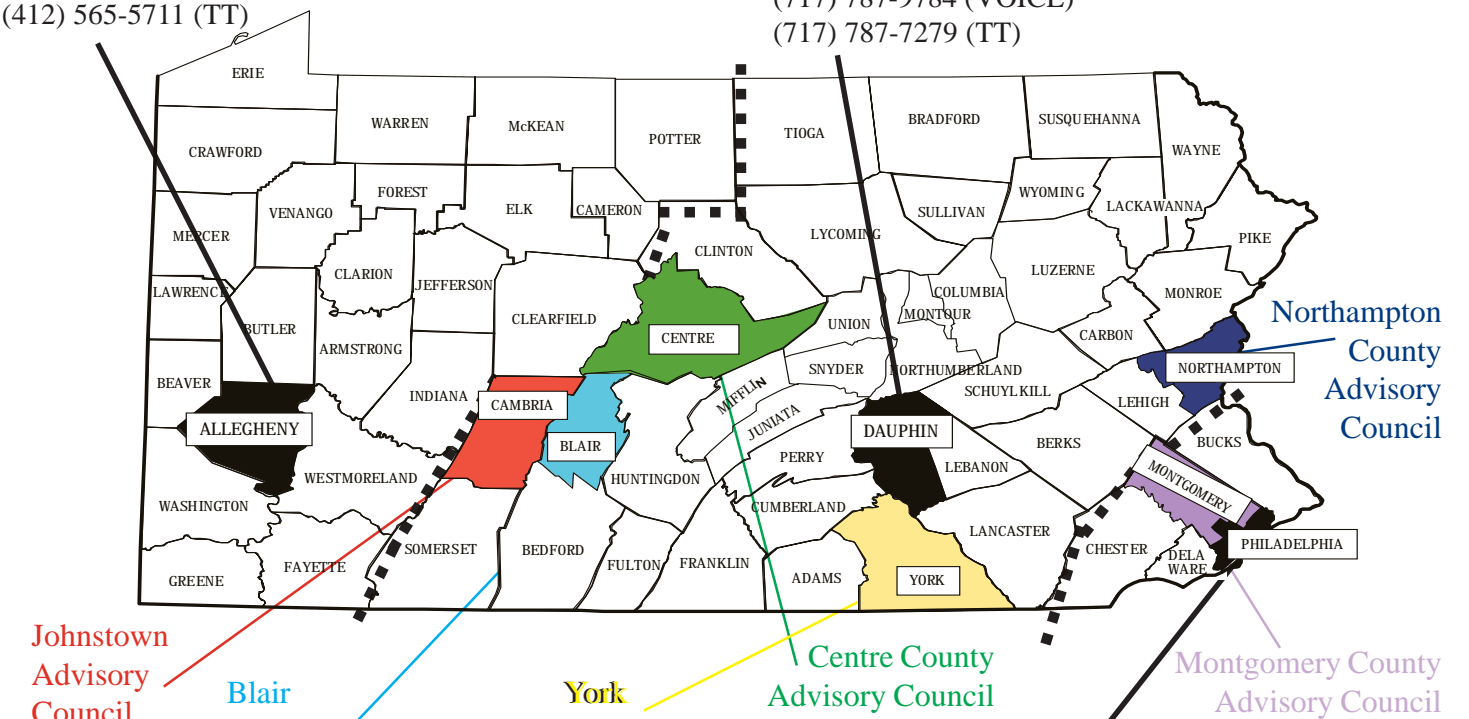
Advisory Councils to the Commission are authorized under Section 7(i) of the Pennsylvania Human Relations Act. PHRC Advisory Councils have been involved in a number of community projects, including working with local school districts on recruitment and cultural awareness programs, sponsoring and conducting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

**Pittsburgh Regional Office**  
 11th Floor State Office Building  
 300 Liberty Avenue  
 Pittsburgh, PA 15222-1210  
 (412) 565-5395 (VOICE)  
 (412) 565-5711 (TT)

**Harrisburg Regional Office**  
 Riverfront Office Center-5th Floor  
 1101-1125 South Front Street  
 Harrisburg, PA 17104-2515  
 (717) 787-9784 (VOICE)  
 (717) 787-7279 (TT)



Johnstown  
 Advisory  
 Council

Blair  
 County  
 Advisory  
 Council

York  
 County  
 Advisory  
 Council

Centre County  
 Advisory Council

Montgomery County  
 Advisory Council

**Central Office**  
 Pennsylvania Place - Suite 300  
 301 Chestnut Street  
 Harrisburg, PA 17101-2702  
 (717) 787-4410 (VOICE)  
 (717) 783-9308 (TT)

**Philadelphia Regional Office**  
 711 State Office Building  
 1400 Spring Garden Street  
 Philadelphia, PA 19130-4088  
 (215) 560-2496 (VOICE)  
 (215) 560-3599 (TT)