



PENNSYLVANIA HUMAN RELATIONS COMMISSION

**1997-1998
ANNUAL
REPORT**

WORK AT A GLANCE
(July 1, 1997 – June 30, 1998)

Cases pending on 7/1/97	9,044
Cases docketed in 1997-1998	6,720
Total Caseload.....	15,764
Cases closed in 1997-1998	5,738
• Employment.....	5,038
• Housing/Commercial Property.....	383
• Public Accommodation*	277
• Education (Post Secondary)*	40
Cases pending on 6/30/98	10,026

IMPACT

Number of Persons Benefitted	95,477
Financial Impact (In Dollars)	\$13,640,817

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

PHRC Expenditures (State and Federal)

	Dollars	% of Total
Personnel	\$9,640,000.....	90.27
Operating.....	956,000.....	8.95
Fixed Assets	83,000.....	.78
Total	\$10,679,000.....	100.00

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.

1997-1998

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HUMAN RELATIONS COMMISSION

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MESSAGE FROM THE CHAIRPERSON

The Honorable Tom Ridge
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly
Commonwealth of Pennsylvania

Dear Governor Ridge and
Members of the General Assembly:

We are pleased to submit to you the Annual Report of the Pennsylvania Human Relations Commission for Fiscal Year 1997-1998, pursuant to Section 7(k) of the Pennsylvania Human Relations Act.

Unlawful discrimination remains a serious problem in Pennsylvania. As this report shows, the Commission is seeing large increases in the number of complaints filed, as well as increases in civil tension, hate crimes and activity of organized hate groups.

During the past year, the Commission has worked closely with business, government agencies and private organizations in developing programs to provide equal opportunity and promoting diversity. At the same time, the disturbing trend of public denial of the extent and impact of discrimination, restricted resources for enforcement and reduction in the availability of effective remedies for victims of discrimination has continued.

In establishing the PA Human Relations Commission in 1955, the Legislature declared that discrimination threatens "the peace, health, safety and general welfare of the Commonwealth and its inhabitants." This finding remains true today.

The Commission and its staff remain dedicated and steadfast in achieving our mandated mission to prevent and eliminate unlawful discrimination and to promote goodwill among the people of the Commonwealth. The information in this annual report demonstrates the Commission's achievements in carrying out this mandate, including securing over \$13 million in remedies for victims of discrimination.

We earnestly solicit your continued support and leadership in this effort, including the provision of necessary funding and support of appropriate remedies for victims of discrimination.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert Johnson Smith".

Dr. Robert Johnson Smith
Chairperson

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COMMISSION HIGHLIGHTS

The Pennsylvania Human Relations Commission (PHRC) is mandated to enforce the Commonwealth's laws 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. The PHRC's jurisdiction covers employment, housing and commercial property, public accommodation, education and monitoring of community tension situations.

There are two main approaches utilized by the PHRC to seek compliance with the law: (1) the receipt, investigation, resolution, conciliation and litigation of formal complaints of discrimination filed by aggrieved persons, the Attorney General or the PHRC; and (2) the publication of regulations and guidelines as well as the provision of technical assistance to organizations or individuals in order to promote and encourage voluntary compliance with the law and to foster positive intergroup relations.

The PHRC promotes compliance with the law through programs in employment, housing and commercial property, public accommodation, education and community services. In each of these areas, unlawful discrimination poses serious problems for the Commonwealth as a whole. PHRC programs are designed to meet the needs these problems create.

In the 1997-98 fiscal year, 6,720 new complaints were filed; added to the 9,044 pending cases carried over from the previous fiscal year, this brought the total caseload to 15,764. The closing of 5,738 cases was achieved through the dedication and hard work of staff. The Commission closed the fiscal year with 10,026 pending cases.

Additionally, 41,550 informal complaints were processed by staff without the need for a formal complaint.

Thirty-one percent of the cases were closed as unlawful practice found and adjusted or adjusted without a formal finding. The total dollar amount awarded alleged victims of discrimination, after a finding of discrimination or through settlement before a formal finding, was \$13,640,817.

There were 95,477 individuals who secured jobs, promotions, reinstatements, financing or housing units, or benefitted from training or policy changes.

Complaints dismissed on the basis that no probable cause was found to credit the allegations constituted 47 percent of the closings and 22 percent were closed for lack of jurisdiction, administratively or for other reasons. Detailed compliance activity statistics begin on page three.

PHRC actively addressed its mission of preventing and monitoring racial tension situations and community conflict related to bigotry or intolerance. PHRC staff provided intervention and technical assistance and coordination with local and state police and community leaders. Across the Commonwealth during this fiscal year, 366 intergroup tension incidents were reported to PHRC, an increase of 26 percent over last year's 289 reported incidents. These 366 incidents occurred in 42 of our 67 counties.

Additional tension statistics and analysis are given in the Community Services Section on pages 26-27.

Equal opportunity is a vital element of our basic civil rights. It is a commitment illustrated with the creation of the PHRC in 1955 and the commitment is carried out today.

COMPLIANCE

This section of the Annual Report analyzes the Commission's compliance statistics for the fiscal year. The analysis examines the cases filed, the cases closed and the type of allegations made.

A total of 6,720 newly-filed complaints were docketed by the Commission in Fiscal Year 1997-98. When these newly-docketed complaints were added to the 9,044 pending cases carried over from the last fiscal year, the total caseload reached 15,764. During this same time period, PHRC closed 5,738 cases, leaving 10,026 cases pending at the end of the fiscal year.

PROJECTS AND INITIATIVES

During the 1997-98 fiscal year, PHRC began several initiatives to improve the efficiency of case processing.

The intake process was reviewed in each regional office to streamline the process, improve record systems and improve the monitoring of work flow.

Part of the streamlined process and improved monitoring came from the amendments of Act 34 of 1997. This fiscal year marked the first full year of operation since its enactment. These changes included:

- discretionary refusal to accept a complaint for filing if non-jurisdictional, untimely or frivolous;
- dismissal of cases based on an offer by the respondent for appropriate remedy that is refused by the complainant; and
- guidelines for dismissing frivolous complaints already docketed.

CASES DOCKETED

The Harrisburg Regional Office docketed 1,854 cases, the Philadelphia Regional Office docketed 1,566 cases, the Pittsburgh Regional Office docketed 1,217 and 2,083 complaints were docketed in the Headquarters Office.

Ninety-two percent of the complaints docketed by the Commission (6,203 cases) were employment-related complaints, followed by public accommodation complaints at four percent (261 cases), housing-related complaints (238 cases) at three percent and education complaints (18 cases) at one percent.

Out of the 6,720 complaints docketed in 1997-98, 2,386 cases (36 percent) alleged a multiple basis (*i.e.*, race and sex or age and disability), followed by 1,210 cases (18 percent) alleged race/color discrimination, 926 cases (14 percent) alleged sex discrimination, 889 cases (13 percent) alleged disability discrimination and 819 cases (12 percent) alleged age discrimination.

A chart on page eight, included in the compliance statistics, details the total number of times each protected class is named in complaints of discrimination.

Of these protected classes, allegations based on sex discrimination were made in 33 percent of occurrences docketed by region, followed by race/color and age, both at 32 percent. Disability accounted for 29 percent and retaliation 20 percent.

Allegheny County accounted for the majority of employment cases with 1,155, followed by Philadelphia County with 963, Montgomery County with 485 and Dauphin County with 435. Of those cases docketed in employment, 13 percent involved the field of manufacturing as a respondent, 12 percent involved the retail industry and 11 percent involved some form of medical service. Additionally, a combined 10 percent included various levels of government.

Allegheny County (53 cases), Philadelphia County (41 cases), Dauphin County (33 cases), Montgomery (16 cases), Delaware (11 cases) and Cambria (10 cases) accounted for 63 percent of the public accommodation complaints. Secondary schools and school districts were the largest group of public accommodation respondents at 26 percent, followed by restaurants/bars at 15 percent and retail stores comprised 13 percent of the respondents.

Eight counties combined for 65 percent of all housing discrimination complaints which were docketed: Philadelphia County (42); Allegheny County (37); Montgomery County (25); York County (14); Dauphin County (12); and Bucks, Chester and Delaware Counties combined for 24 cases (eight for each county). Owners of individual housing accounted for 34 percent of housing respondents, specific places to live accounted for 23 percent and real estate companies and agents were 13 percent.

This fiscal year, the Commission examined the gender, racial and national origin profile of each of its 6,720 complainants who had complaints docketed with the Commission. The chart on page five shows the statistical make-up for the state and also the profile for each of the Commission's regional offices.

CASES CLOSED

Of the 5,738 cases that were closed by the Commission, 1,755 cases (or 31 percent) were closed as settled after a finding of probable cause or adjusted prior to a formal finding. In financial impact, \$13,640,817 was secured for victims of discrimination. Over 95,477 individuals secured jobs, promotions, reinstatements, financing or housing units or benefitted from training or policy changes.

Forty-seven percent (2,716 cases) were closed as no probable cause and the remaining 22 percent (1,267 cases) were closed administratively.

This fiscal year, 56 percent of the Commission's cases were closed within one year; this figure is up from 52 percent last fiscal year.

COMPLIANCE STATISTICS

BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION
 JULY 1, 1997 – JUNE 30, 1998

	EMPLOYMENT		HOUSING/ COMMERCIAL PROPERTY		PUBLIC ACCOMMO- DATIONS*		EDUCATION**		STATE TOTAL	
	NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Race or Color	1,009	16	90	38	102	39	9	50	1,210	18
Religion	45	1	4	2	1	0	0	0	50	1
National Origin	124	2	9	4	10	4	0	0	143	2
Age	818	13	1	0	0	0	0	0	819	12
Abortion	0	0	0	0	0	0	0	0	0	0
G.E.D.	0	0	0	0	0	0	0	0	0	0
Sex	894	14	8	3	23	9	1	1	926	14
Disability	788	13	39	16	60	23	2	11	889	13
Association w/person(s) with Disability	25	1	0	0	3	1	0	0	28	0
Guide or Support Use Animals	0	0	0	0	5	2	0	0	5	0
Multiple***	2,264	36	62	26	54	21	6	38	2,386	36
Retaliation	229	4	4	2	3	1	0	0	236	4
Familial Status	1	0	21	9	0	0	0	0	22	0
Lack of Jurisdiction	2	0	0	0	0	0	0	0	2	0
Other	4	0	0	0	0	0	0	0	4	0
	TOTAL		6,203	100	238	100	261	100	18	100

* Includes elementary and secondary schools.

** Includes secondary education only.

*** Cases in this category include all those in which the basis of the charge of discrimination is two or more of any of the above charges.

COMPLIANCE STATISTICS

GEOGRAPHICAL DISTRIBUTION OF CASES BY REGION JULY 1, 1997 – JUNE 30, 1998

AREA OF JURISDICTION	NUMBER OF COMPLAINTS DOCKETED				
	REGION I	REGION II	REGION III	HEADQUARTERS	STATE TOTAL
Employment	1,080	1,669	1,371	2,083	6,203
Housing/Commercial Property	58	86	94	0	238
Public Accommodations*	76	98	87	0	261
Education**	3	1	14	0	18
ALL AREAS	1,217	1,854	1,566	2,083	6,720

Region I includes 23 contiguous counties in western Pennsylvania, with its office located in Pittsburgh.

Region II includes 39 contiguous counties in central and northeastern Pennsylvania, with its office located in Harrisburg.

Region III includes 5 contiguous counties located in southeastern Pennsylvania, with its office located in Philadelphia.

* Includes elementary and secondary schools

** Includes secondary education only

INFORMAL INQUIRIES JULY 1, 1997 – JUNE 30, 1998

INQUIRIES	REGION I	REGION II	REGION III	STATE TOTAL
Telephone	11,427	11,994	11,828	35,249
Letters	312	809	1,415	2,536
Walk In	399	757	2,609	3,765
TOTAL	12,138	13,560	15,852	41,550

COMPLIANCE STATISTICS

**RACE/NATIONAL ORIGIN AND GENDER OF COMPLAINANTS
JULY 1, 1997 – JUNE 30, 1998**

RACE/ GENDER PROFILE	REGION I	REGION II	REGION III	HEADQUARTERS	STATE TOTAL
Black Males	194	267	372	268	1,101
Black Females	216	232	398	179	1,025
White Males	280	430	219	26	955
White Females	447	639	270	17	1,373
Asian/Pacific Islander Males	0	5	7	0	12
Asian/Pacific Islander Females	1	5	10	0	16
Indian/Alaskan Native Males	3	1	0	0	4
Indian/Alaskan Native Females	0	0	0	0	0
Undeclared or Other Race Males	15	102	110	713	940
Undeclared or Other Race Females	27	146	174	818	1,165
Undeclared Gender	34	27	6	62	129
TOTAL	1,217	1,854	1,566	2,083	6,720

NATIONAL ORIGIN/ GENDER PROFILE	REGION I	REGION II	REGION III	HEADQUARTERS	STATE TOTAL
East Indian Males	0	1	3	0	4
East Indian Females	0	0	6	0	6
Hispanic Males	7	38	40	15	100
Hispanic Females	4	44	20	9	77
Mexican Males	0	0	0	0	0
Mexican Females	0	0	0	0	0
Undeclared or Other National Origin Males	485	766	665	992	2,908
Undeclared or Other National Origin Females	687	978	826	1,005	3,496
Undeclared Gender	34	27	6	62	129
TOTAL	1,217	1,854	1,566	2,083	6,720

COMPLIANCE STATISTICS

DISTRIBUTION OF DOCKETED CASES BY COUNTY
 JULY 1, 1997 – JUNE 30, 1998

COUNTY	NUMBER OF CASES DOCKETED				
	EMPLOYMENT	HOUSING/ COMMERCIAL PROPERTY	PUBLIC ACCOMMODATIONS	EDUCATION	TOTAL
Adams	17	0	1	0	18
Allegheny	1,155	37	53	3	1,248
Armstrong	20	0	0	0	20
Beaver	67	4	4	0	75
Bedford	12	1	0	0	13
Berks	121	7	4	0	132
Blair	47	1	4	0	52
Bradford	7	0	0	0	7
Bucks	250	8	4	0	262
Butler	61	2	1	0	64
Cambria	64	3	10	0	77
Cameron	4	0	0	0	4
Carbon	13	1	0	0	14
Centre	37	3	1	1	42
Chester	287	8	7	2	304
Clarion	15	2	0	0	17
Clearfield	34	0	1	0	35
Clinton	11	0	1	0	12
Columbia	18	2	0	0	20
Crawford	27	0	0	0	27
Cumberland	170	3	7	0	180
Dauphin	435	12	33	0	480
Delaware	257	8	11	3	279
Elk	16	0	0	0	16
Erie	99	3	4	0	106
Fayette	43	2	3	0	48
Forest	0	0	0	0	0
Franklin	35	0	0	0	35
Fulton	3	0	0	0	3
Greene	8	1	2	0	11
Huntingdon	16	0	0	0	16
Indiana	26	1	2	0	29
Jefferson	12	0	0	0	12
Juniata	2	0	0	0	2
Lackawanna	72	2	1	0	75

COMPLIANCE STATISTICS

**DISTRIBUTION OF DOCKETED CASES BY COUNTY
JULY 1, 1997 – JUNE 30, 1998**

COUNTY	NUMBER OF CASES DOCKETED				
	EMPLOYMENT	HOUSING/ COMMERCIAL PROPERTY	PUBLIC ACCOMMODATIONS	EDUCATION	TOTAL
Lancaster	165	4	3	0	172
Lawrence	32	0	0	0	32
Lebanon	34	4	3	0	41
Lehigh	149	7	7	0	163
Luzerne	118	2	6	0	126
Lycoming	40	1	3	0	44
McKean	16	0	0	0	16
Mercer	38	0	0	0	38
Mifflin	8	2	0	0	10
Monroe	45	4	2	0	51
Montgomery	485	25	16	0	526
Montour	13	0	1	0	14
Northampton	111	5	4	2	122
Northumberland	20	0	0	0	20
Perry	11	0	0	0	11
Philadelphia	963	42	41	7	1,053
Pike	8	1	1	0	10
Potter	4	0	0	0	4
Schuylkill	22	2	1	0	25
Snyder	11	0	1	0	12
Somerset	11	2	0	0	13
Sullivan	3	0	0	0	3
Susquehanna	2	0	0	0	2
Tioga	9	0	0	0	9
Union	8	2	1	0	11
Venango	13	1	2	0	16
Warren	10	0	0	0	10
Washington	85	2	2	0	89
Wayne	15	1	1	0	17
Westmoreland	158	6	5	0	169
Wyoming	8	0	1	0	9
York	125	14	6	0	145
Out of State	2	0	0	0	2
ALL COUNTIES	6,203	238	261	18	6,720

* Includes elementary and secondary schools.

COMPLIANCE STATISTICS

TOTAL OCCURRENCES OF ALLEGATIONS BY REGION*
 JULY 1, 1997 – JUNE 30, 1998

TOTAL NUMBER OF COMPLAINTS DOCKETED	REGION I		REGION II		REGION III		HEADQUARTERS		STATE TOTAL	
	1,217		1,854		1,566		2,083		6,720	
ALLEGATIONS	NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Race/Color	471	39	539	29	594	38	571	27	2,175	32
Religion	16	1	55	3	41	3	30	1	142	2
National Origin	34	3	132	7	107	7	90	4	363	5
Age	570	47	602	32	367	23	609	29	2,148	32
Sex	425	35	692	37	435	28	659	32	2,211	33
Disability	339	28	666	36	428	27	529	25	1,962	29
Retaliation	234	19	337	18	352	22	417	20	1,340	20
Familial Status	16	1	14	1	13	1	0	0	44	1
GED	0	0	1	0	0	0	0	0	1	0

* Because many complaints allege a multiple basis such as race and sex or disability, race and age, etc., the total number of occurrences will be greater than the total number of cases docketed. This chart details the total number of times each protected class is named in complaints of discrimination.

COMPLIANCE STATISTICS

CLASSIFICATION OF RESPONDENTS IN DOCKETED CASES
JULY 1, 1997 – JUNE 30, 1998

RESPONDENT CATEGORY	CASES	
	NUMBER	%
EMPLOYMENT CASES (TOTAL)	6,203	100
Amusement and Recreation Places	57	1
Banks/Financial Institutions/Lenders/Mortgagors	246	4
Construction and Skilled Trades	144	2
Drinking and Eating Places	253	4
Colleges/Universities/Vocational/Trade Schools (Public and Private)	184	3
Police/Fire/Ambulance (State/City/Township/Sheriff)	79	1
Hotels/Motels/Resorts	114	2
Insurance Companies	128	2
Housing/Apartment Complexes/Condos/Real Estate Agents and Companies	77	1
Employment Agencies	81	1
Manufacturing Companies (Food Products/Clothes/Furniture/Appliances)	806	13
Media (Newspapers/TV/Radio/Book Companies/Magazines/Marketing/Advertising)	137	2
Forestry/Fishing/Trapping/Mining	33	0
Personal Services	238	4
Medical Services (Doctors/Dentists/Hospitals/Clinics/Pharmacies)	702	11
Retail Stores	728	12
Secondary Schools and School Districts (Public and Private)	250	4
Public Transportation/Public Utilities	407	7
Unions	107	2
Business and Repair Services	189	3
Membership Organizations	111	2
Attorneys and Legal Organizations	66	1
State Government	229	4
County Government	160	3
City and Municipal Government	162	3
Township Government	23	0
Miscellaneous	492	8

COMPLIANCE STATISTICS

CLASSIFICATION OF RESPONDENTS IN DOCKETED CASES
 JULY 1, 1997 – JUNE 30, 1998

RESPONDENT CATEGORY	CASES	
	NUMBER	%
HOUSING/COMMERCIAL PROPERTY CASES (TOTAL)	238	100
Owners and Individuals	80	34
Real Estate Companies/Agents	31	13
Banks/Mortgagors and Credit Unions	5	2
Government (City/County/State)	10	4
Development Corporations	8	3
Housing Authorities	22	9
Management Companies/Condos/Homeowner Associations	23	10
Specific Apartments/Condos/Trailer Parks	54	23
Miscellaneous	5	2
PUBLIC ACCOMMODATIONS CASES (TOTAL)	261	100
Hotels/Motels/Resorts	3	1
Eating/Drinking Places	39	15
Recreation/Amusement Places	20	8
Retail Stores	35	13
Personal Services (Beauty/Health)	9	3
Secondary Schools/School Districts	68	26
Police/Fire/Ambulance (State/City/Township/Sheriff)	3	1
Doctor's Office/Medical Services	19	7
Public Transportation/Public Utilities (Gas/Phone/Cab)	12	5
Banks/Financial Services	15	6
Government (City/County/State)	23	9
Newspapers	2	1
Miscellaneous	13	5
EDUCATION CASES (TOTAL)	18	100
Colleges/Universities, Private	6	33
Colleges/Universities, Public	6	33
Vocational Business/Technical/Trade	5	28
Public Schools, Secondary	1	6

COMPLIANCE STATISTICS

CASES CLOSED BY REGION
JULY 1, 1997 – JUNE 30, 1998

REGION	TYPE	EMPLOYMENT		HOUSING		PUBLIC ACCOMMODATIONS		EDUCATION		TOTAL	
		NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Pittsburgh (Region I)	ADJ	266	29	57	52	44	41	9	53	283	25
	NPC	439	48	36	33	21	20	6	35	502	43
	ADM	216	23	16	15	42	39	2	12	369	32
	Total	921	100	109	100	107	100	17	100	1,154	100
Harrisburg (Region II)	ADJ	610	43	18	15	34	38	6	86	668	41
	NPC	536	38	81	67	32	36	0	0	649	40
	ADM	272	19	22	18	24	26	1	14	319	19
	Total	1,418	100	121	100	90	100	7	100	1,636	100
Philadelphia (Region III)	ADJ	424	36	70	63	26	34	1	6	521	38
	NPC	470	40	25	22	30	39	8	50	533	39
	ADM	277	24	17	15	21	27	7	44	322	23
	Total	1,171	100	112	100	77	100	16	100	1,376	100
Headquarters	ADJ	182	12	15	36	0	0	0	0	197	12*
	NPC	1,008	66	22	54	2	67	0	0	1,032	66
	ADM	338	22	4	10	1	33	0	0	343	22
	Total	1,528	100	41	100	3	100	0	0	1,572	100
Total	ADJ	1,482	29	160	42	104	37	9	22	1,755	31
	NPC	2,453	49	164	43	85	31	14	35	2,716	47
	ADM	1,103	22	59	15	88	32	17	43	1,267	22
	Total	5,038	100	383	100	277	100	40	100	5,738	100

ADJ – Settled after a finding of Probable Cause or Adjusted prior to a formal finding.

NPC – No Probable Cause

ADM – Administrative (Cases closed as withdrawn, untimely, lacking jurisdiction, docketed in error, failure to locate, failure to cooperate, moot, referred to EEOC and cases that have gone to state or federal court.)

* Cases assigned to Headquarters are generally those which are dual filed with the federal Equal Employment Opportunity Commission (EEOC) for which EEOC has the responsibility to investigate and PHRC holds its complaint in abeyance pending EEOC’s decision.

COMPLIANCE STATISTICS

LENGTH OF TIME FROM DOCKETING TO COMMISSION'S FINAL RESOLUTION JULY 1, 1997 – JUNE 30, 1998

TOTAL DAYS DOCKETING TO RESOLUTION	NUMBER OF CASES CLOSED	PERCENTAGE OF TOTAL	CUMULATIVE PERCENTAGE
60 days or less	345	6	6
61 to 90 days	427	7	13
91 to 120 days	428	7	20
121 to 300 days	1,619	28	48
301 to 365 days	446	8	56
366 to 730 days	1,426	26	82
731 days plus	1,047	8	100
TOTAL CASES	5,738	100	100

TOTAL IMPACT FIGURES JULY 1, 1997 – JUNE 30, 1998

AREA OF JURISDICTION	NUMBER OF COMPLAINTS DOCKETED				
	REGION I	REGION II	REGION III	HEADQUARTERS	STATE TOTAL
Employment	\$1,140,051	\$4,305,996	\$5,101,704	\$2,814,411	\$13,362,162
Housing/Commercial Property	44,378	12,987	163,452	5,501	226,318
Public Accommodations	12,528	7,012	30,120	0	49,660
Education	0	927	1,750	0	2,677
TOTAL	\$1,196,957	\$4,326,922	\$5,297,026	\$2,819,912	\$13,640,817

COMPLIANCE STATISTICS

TOTAL MONETARY RESOLUTIONS WITH BENEFITS SUMMARY
JULY 1, 1997 – JUNE 30, 1998

CATEGORY	AMOUNT IN DOLLARS				
	REGION I	REGION II	REGION III	HEADQUARTERS	STATE TOTAL
RESTORED PAY: Backpay or frontpay	\$39,840	\$203,650	\$134,290	\$108,493	\$ 486,273
NEW HIRE: 1 year wage/salary	90,207	98,661	135,783	57,855	382,506
PROMOTION: 1 year wage differential	20,151	43,538	179,524	10,750	253,963
FRINGE BENEFITS: Pension payments, medical insurance, reimbursement of insurance premiums, life insurance, etc.	22,938	139,648	232,590	4,000	399,176
REINSTATEMENT/RECALL: 1 year wage/salary	256,034	808,354	316,369	0	1,380,757
PROJECTED MONETARY: Future insurance contributions, pension contributions for the next year, etc.	65,737	547,489	927,154	321,249	1,861,629
ACTUAL MONETARY: One-time cash settlement, attorney fees, training, tuition cost, etc.	695,123	2,482,057	3,359,955	2,312,393	8,849,528
OTHER DAMAGES: Out-of-pocket expenses, filing expenses, additional expenses incurred by complainant because of the act of harm (i.e. additional travel, parking, uniforms, etc.)	4,948	3,124	9,861	5,172	23,105
PUNITIVE DAMAGES: Court-ordered damages	1,979	401	1,500	0	3,880
TOTAL	\$1,196,957	\$4,326,922	\$5,297,026	\$2,819,912	\$13,640,817

COMPLIANCE STATISTICS

**CASES CLOSED WITH TOTAL NON-MONETARY RESOLUTIONS
JULY 1, 1997 – JUNE 30, 1998**

CATEGORY	NUMBER OF COMPLAINTS				
	REGION I	REGION II	REGION III	HEADQUARTERS	STATE TOTAL
POLICY CHANGES*	23	31	15	2	71
TRAINING/APPRENTICESHIPS	15	11	8	0	34
RELIGIOUS ACCOMMODATIONS	0	0	0	0	0
SENIORITY	3	3	1	1	8
JOB REFERRALS	2	0	0	0	2
UNION MEMBERSHIP	0	0	0	0	0
REASONABLE ACCOMMODATIONS*	7	10	13	0	30
EEOC/HUD/PHRC POSTINGS*	41	11	32	0	84
OTHER: Employment reference, apology, purge personnel file, improved communications, admittance to public accommodation or membership, punitive action (example: harasser transferred to another area, etc.)	113	299	179	35	626
TOTAL	204	365	248	38	855

* Please note that policy changes, accommodations or postings can impact a larger number of people in addition to the complainant.

SELECTED CASE EXAMPLES BASIS AND OUTCOME OF COMPLAINTS

The top five categories of allegations in the newly docketed complaints for Fiscal Year 1997-98 were: multiple basis (*i.e.*, race and sex or age and disability) (36 percent), followed by race/color discrimination (18 percent), sex discrimination (14 percent), disability discrimination (13 percent) and age discrimination (12 percent).

The following scenarios were actual docketed cases, investigated and resolved by the Commission in the fiscal year; they are illustrations of only a part of the Commission's entire 15,797 caseload.

RACE/COLOR DISCRIMINATION COMPLAINTS

AGE DISCRIMINATION COMPLAINTS

SEX DISCRIMINATION COMPLAINTS

DISABILITY DISCRIMINATION COMPLAINTS

MULTIPLE DISCRIMINATION COMPLAINTS

SELECTED CASE EXAMPLES BASIS AND OUTCOME OF COMPLAINTS

RACE/COLOR DISCRIMINATION COMPLAINTS

Aaron had the ability to finance a house; however, he contended, when he went to a financial institution for the financing of the home, the institution withheld information, provided incorrect information, was uncooperative and generally impeded the ability to buy the property. Aaron charges that because he is African-American, the institution's refusal to do business in a timely and cooperative manner resulted in additional costs and an escalation of the sales price of the house by \$16,700. The case was resolved when the financial institution agreed to finance 90 percent of the mortgage at \$125,700 at 6.8 percent interest and agreed to allow 60 days for Aaron to obtain additional funding. Additionally, \$7,200 from penalty fees was applied toward the total \$132,900 impact.

Anthony was a laborer at a construction company, the only Black employee the company ever had. Anthony charged that from the first day of his two years with the company, he was subject to constant racial harassment, including: comments by his supervisor that they checked with other employees before hiring a Black person, that the supervisor resented his Black superiors in the Army and would take it out on Anthony; various racial comments; and sexual innuendos about Anthony's interracial marriage. Anthony also charged that his supervisor refused to allow him to work overtime or train him to operate equipment which would enable him to earn more money. Anthony received a \$97,500 settlement.

Marshall had just finished working as a pilot on a government contract outside of the United States. When he returned to the U.S., he applied to a private airline company for a job as a full-time co-pilot. He was hired to fill in

assignments as a part-time co-pilot. After working for the company for several months, Marshall learned that two, less-senior and less-experienced part-time co-pilots had been promoted to full-time. When Marshall questioned the chief pilot (**Carl**) about the lack of promotion for him, Carl told Marshall he did not realize that Marshall wanted to go full-time and that some of the other pilots did not like him or had problems with his personality, which was the main reason he did not promote him. At the time Marshall filed his complaint with the Commission, Marshall was the only Black pilot employed by the airline, and had heard that Carl had been making derogatory remarks about Blacks. In settlement, Marshall received \$30,000.

Nick was the only Black on-air personality at a radio station. Nick charged that from the time he began working for the station, he was denied opportunities to perform during more favorable time slots during the day and evening; he was not paid the same as white on-air personalities with the same years of service and experience; was denied the morning "drive-time" show by the station's management, even though the lead on-air personality recommended him for the position and lobbied for him to get in on the air; the station repeatedly told Nick to avoid discussing any racial issues while he was on the air by saying "if you don't distance yourself from them, you will not appeal to the broader audience;" he was told he spoke in "Black brogue" by station management, yet when Nick questioned management about other hosts and their distinctive accents or drawls, Nick was told that was what made them special and unique; he was excluded from doing live advertisement reads even when the advertising clients asked for Nick to do them; and, despite being a former professional football player, Nick was not allowed to have the special reporting assignment to the city's professional football because Nick "did not

know how to operate a hand-held tape recorder." Lastly, Nick was the only full-time air personality with his years of experience who had not been promoted to more important time slots or had his compensation increased. After filing his race-based unequal pay and non-promotion case with the Commission, Nick received a three-year written contract on TV along with a 50 percent increase in salary to \$140,000.

Ken worked as an engineer for a utility company for 13 years and received a promotion to supervisor. Soon after his promotion, the employees, the majority of whom were white, began to spread rumors around the plant about Ken that were untrue. The group of employees who were doing the verbal damage had a known reputation that they did not like Blacks, especially as a supervisor. Ken spoke with his immediate supervisor and asked for help in dealing with the group turmoil that was growing in his area. Ken's supervisor provided no help in finding any type of a solution for the problems. Instead, Ken was given a performance improvement plan that was a form of discipline because it made him ineligible to collect any bonuses. A month later, Ken was told that he was being terminated because he had failed to fulfill all of his expectations in his performance plan. When Ken filed his race-based, unlawful discharge complaint, other white supervisors who had problems with employees were transferred or given special assignments, but were not discharged. Ken received a \$13,375 settlement.

AGE DISCRIMINATION COMPLAINTS

For six years, 66 year old **Mark** had been a sales vice president for a printing company. In his third year as a vice president, Mark signed an employment agreement for a six year period commencing on January 1, 1995 through December 31, 2000. The agreement

SELECTED CASE EXAMPLES BASIS AND OUTCOME OF COMPLAINTS

included a maximum \$150,000 salary, a car allowance of \$650 per month and other benefits. In 1996, his company was bought out by another company. As part of the acquisition, the new owners acquired everything, including Mark's employment agreement. In the months that followed, Mark's new employers began a campaign to force him to resign. In 1997, he received a letter that his employment agreement was being unilaterally amended, which resulted in Mark being demoted from his current position and the bulk of his assignments were assigned to a younger employee. After filing his age discrimination complaint with the Commission, Mark received a one-time cash settlement of \$106,000 in addition to a \$356,000 settlement for insurance and pension contributions for one year, making his combined settlement total \$462,000.

When **Edward** joined a new law firm, he brought with him a wealth of experience in bankruptcy and creditors' rights litigation. During his negotiation with the law firm's partners, it was explained to Edward that the firm had a custom of expecting its partners to begin at age 62 to turn over their billings to younger partners and to assist them in taking over responsibility for the partner's practice. When Edward pointed out that he was almost 62, the partners agreed that since Edward was expected to build their bankruptcy practice, he should have guaranteed employment for a minimum of five years with the possibility of additional years. Four years into his employment with the firm during a meeting with the firm's chief operating officer, Edward accepted a proposal for an additional year and a half at his current compensation rate with no requirements regarding time and billing. Three months later, Edward received a written draft which was far less favorable for him than the verbal agreement that was reached. When Edward proposed a compromise, he was notified that he would be terminated in six months, and

ultimately was. After filing his age discrimination complaint, Edward received a \$60,000 settlement from the firm.

With no prior warning or any type of disciplinary actions, **William** was terminated from his position as a Vice President of Sales for a manufacturing company that he had been employed by for 36 years. He was 66. Two months after William was let go, all of his job assignments and sales territories were divided up and assigned to three, younger employees. After filing his age discrimination complaint with the Commission, William received a \$193,139 settlement from the company.

Janice worked as a mail clerk for a small college. Over her ten-year employment with the college, she also performed the mail services supervisory duties when the supervisor was absent. Throughout her employment, the college denied her benefits because she worked less than full time hours. The college's employment handbook stated that any employee who works more than 1,000 hours per year is considered to be full time. Janice averaged 1,350 to 1,500 hours per year. Younger employees who worked similar hours received benefits. When her supervisor **Ralph** announced his retirement, Janice, at age 60, applied for the job. She was interviewed, but despite a history of above-average evaluations and Ralph's recommendation that she be promoted, the job was given to a 28-year-old female with no mail room experience. Janice received a \$60,000 settlement of her age discrimination complaint.

John was hired as a mechanic in the maintenance shop for a large bakery. After working for seven years, the director of human resources told John that cost reduction and corporate downsizing were causing his permanent layoff. The bakery laid off 27 of 86 mechanics at six locations. Approximately 74 percent of those on permanent lay off were over 40; all of the employees laid off at

the plant where John worked were over 46. Out of all the mechanics who were retained at John's plant, 90 percent were less than 40 years old. In his age complaint, John stated that the policy of honoring seniority was not followed with regard to the permanent lay offs. John received a \$20,000 settlement.

SEX DISCRIMINATION COMPLAINTS

Soon after **Natalie** was promoted to an assistant vice president position in billing and records for a health insurance group, she began to work with **Doctor X**. While examining his billing procedures, she discovered many discrepancies and alerted her superiors that an internal audit should be conducted on him. Additionally, when Natalie was in close contact with him, Doctor X would consistently use sexist, obscene and sexually explicit language. Natalie informed Dr. X that she found his language to be offensive and unprofessional, but he continued to speak in that manner. Natalie reported Dr. X to her Human Resources Department after Dr. X kissed her. Soon afterwards she asked about the progress of the internal audit on Dr. X. She was informed a short time later that her position was being terminated because it had been redefined and would now require a certified public accountant (CPA). However, there were peers carrying out similar functions who were not CPA's. When Natalie's attorney contacted the company they said that Natalie would be offered a position at another location. When Natalie inquired about that position, she was told it no longer existed. After filing her sex and retaliation-based discharge complaint, Natalie received a \$175,000 one-time settlement.

Allison had been consistently passed over for promotions during her six-year employment with a flower and craft store. As an assistant manager, she watched as males that she had trained

SELECTED CASE EXAMPLES BASIS AND OUTCOME OF COMPLAINTS

on company policies and procedure were promoted before her, including one male colleague who had been with the company for six weeks before being promoted to store manager. Soon after filing a grievance with the company about unequal promotional opportunities, Allison was offered a store manager position at a location that had a reputation of being the worst to manage. During her time with the store, Allison worked with 15 different male managers, all of whom were promoted to manager from assistant manager. In her sex discrimination complaint, Allison also alleged that the company paid male managers more than females with the same responsibilities. Several weeks after Allison filed her complaint, she was transferred to a different store, which was the farthest from her home. Although Allison gave a two week resignation, she was constructively discharged a week prior to that date. In settlement, Allison received \$7,000.

Joan is a single female who wanted her current bank to help her refinance her existing mortgage loan. As part of the refinancing process, Joan's bank required that a title insurance policy be issued insuring the bank's mortgage. Because a judgement had been entered against Joan's son after he transferred the title to Joan, a title insurance company refused to insure the title. The title insurance company suggested that rather than re-finance, the bank could modify the existing mortgage as long as the modification agreement did not disburse any new funds, did not raise the interest rate or made Joan's ability to repay the debt more difficult than it had been originally. Joan's bank refused to do the modification, even though it had recently been advertising low interest rate loans. After filing a gender-based lending discrimination complaint with PHRC, Joan received a new mortgage loan of \$86,300, at a lower interest rate.

Four women filed separate sexual harassment complaints against an officer (**George**) of a membership lodge. Although each of the women held different positions of bartender, host, banquet manager or worked as part of the wait staff in the lodge, each of them experienced some form of sexual harassment from George. George made it almost a daily occurrence to make sexually suggestive and lewd gestures to the women; he exhibited unwanted and uninvited physical contact; he offered regular invitations to join him for dinner, nights out and even weekend get-a-ways; he made early morning phone calls to their homes; he was the source of rumors about extramarital affairs between the four women and club members; and, as his offers were constantly being refused, George began to delay the delivery of their paychecks. Although each of the women reported George's behavior to the lodge senior officials and George was made aware of the lodge's sexual harassment policy, the sexual harassment continued. In settlement, each of the women received \$25,000, totalling \$100,000 that the lodge had to pay.

After working for a hospital as a clinical department administrator for 11 years, **Renee** developed pregnancy-related medical problems. During her medical leave, her supervisor **Richard** said he was going to get rid of her, and when she returned to work, he subjected her to unjustified criticism and shouted at her. After a second pregnancy-related medical leave, Richard put Renee on probation, and then terminated her. Renee received a \$116,981 settlement, after filing a sex discrimination complaint.

DISABILITY DISCRIMINATION COMPLAINTS

Andrew was a truck driver for a large trucking company. After working for the company for five and a half years,

Andrew had an accident on the job in which he suffered injuries to both of his shoulders and his lower back. Although he had two corrective surgeries, plus physical therapy, his physician released him to return to work with restrictions of no driving a truck unless it had power steering and no lifting over 10 pounds. During his first month back to work, Andrew was ordered to drive a truck without power steering. In his second month back to work, Andrew was assigned paperwork and clerk functions. While performing these new duties, Andrew never received any negative criticisms or warnings. He also was told by his physician that he now had a permanent restriction of no lifting anything over 35 pounds. When Andrew told the company of his physician's orders, the company's safety director told him that the company would not retain an employee who had permanent restrictions and Andrew was discharged. After filing his disability based complaint with the Commission, Andrew received a one-time Worker's Compensation settlement of \$100,000.

Stacey needed a full-time day care center for her two year old son. She contacted a day care center in her area and was informed by the center that there was an opening for a toddler. Later, Stacey inspected the facility, found it acceptable and began to enroll her son. The center director, **Rose** asked Stacey if her son required medicine administered and Stacey said yes and informed Rose that her son is HIV positive. Upon learning this information, Rose became extremely agitated and expressed many common concerns about the illness. Stacey answered all of the common concern questions that Rose had and explained that she needed child care immediately and that they had an opening. Stacey also told Rose that her son had no special needs and pointed out that all child care centers are required to adopt Universal Precautions and that was all that was

SELECTED CASE EXAMPLES

BASIS AND OUTCOME OF COMPLAINTS

needed for her son. Rose informed Stacey that she would have to check with the corporate office before she could admit her son. Four days later, Rose called Stacey and informed her that they had denied her application for enrollment. After filing her disability-based public accommodation case, Stacey received an \$872 settlement for filing expenses and travel and her son was enrolled in the day care center.

After reviewing **Juan's** resume, a company asked him to come in to complete a formal application for a mechanic's position. Juan arrived walking with a cane. "Fred", who took the application asked Juan why he had a cane. Juan said he had a knee injury from a prior job, but could do the job. Fred asked for details about the injury. The company never contacted Juan again. In settlement of his complaint, the company acknowledged asking inappropriate questions, adopted a non-discrimination policy and paid Juan a sum of \$1,750.

Herb is a visually-impaired wheelchair user. After finishing his medical visit at the hospital, he called for a taxi to take him home. The taxi cab company told Herb a taxi would be there to pick him up in 20 minutes; Herb told the dispatcher he would be waiting in the lobby. Four hours later, the cab driver approached Herb and asked him if he was the one who had requested a taxi. When Herb said yes, the cab driver asked him to wait a while longer and said he would be right back. The cab driver then picked up another passenger, left Herb waiting and never returned. After filing his disability-based refusal of service complaint, Herb received an apology, \$100 in free cab coupons for future use and all drivers for the taxi company received mandatory sensitivity training.

Julie had been working as a full-time nurse in a nursing home for four years. She was diagnosed with a thyroid disorder and needed some time off to attend

doctors appointments periodically. A month after her diagnosis, Julie was told she was being demoted from full time to part time because of absenteeism and her inability to get along with her co-workers. In her disability complaint, Julie stated that there were other nurses still working full time who had missed more time from work than she had because of her doctors appointments; additionally, there were other nurses who did not get along well with others, but were also still in full time status. In settlement, Julie was reinstated to her full time status at an annual salary of \$20,800.

MULTIPLE DISCRIMINATION COMPLAINTS

Jeff had complained to his agency's top management that his work environment had become hostile because of the ongoing romantic relationship between his immediate supervisor, **Michael**, and the office secretary. Michael then began to retaliate against Jeff with verbal abuse by telling him he "could pull the plug on him," "watch his back," and "to sleep with one eye open." Michael also denied Jeff overtime, withheld his pay checks for weeks, accused him of misrepresentation of his travel expense vouchers and time sheets. After working for the agency for almost 14 years, Jeff was discharged for "failure to follow instructions." After filing his age, sex and retaliation complaint with the Commission, Jeff was reinstated, had his records changed to remove any negative remarks about the incident and his sick leave was restored for a financial impact of \$83,378.

Kay worked for a large food manufacturer as a packer. In October, she was injured on the job and was placed on light duty work because of her injury. A short while later, she was diagnosed with another illness that started her disability leave. While on leave, Kay needed arthroscopic surgery for her injury.

Kay informed her employer that her doctor had released her for work with only one job limitation, that she could not lift above her shoulders, Kay was discharged. Kay filed a complaint with the Commission because she maintained that there were jobs that she could perform. She alleged that the company returned two male coworkers after their surgeries and put them on light duty work until they could do their jobs. After filing her gender and disability complaint with the Commission, Kay received a \$100,000 settlement from her employer.

Dr. Madeline Smith was a 67-year-old medical doctor with a PhD who had been working as the director of clinical research for a company for 17 years and had received consistent, outstanding evaluations. After **Dr. Jeffrey Thompson** was appointed as the company's new executive director, Dr. Smith charged he systematically began to take away her responsibilities and gave them to younger males with less or no experience. She also alleged that Dr. Thompson refused to give her new products to work on. Younger males with less experience began to get promoted around her, while Dr. Smith received no promotions. Her work evaluations, given by Dr. Thompson, began to slide. Dr. Smith was told to report to a younger male with less experience than she had. Finally, he said her work performance was unsatisfactory and she was put on a work improvement plan and told that if she did not accept the plan, she would be terminated. In filing her sex and age complaint, Dr. Smith further alleged that the lower ratings and denied promotions had reduced her ability to capitalize on stock options, incentives and affected her pension benefits. In settlement, Dr. Smith received a one-time payment of \$210,000.

Sheila was a school teacher for 12 years before being promoted to the

SELECTED CASE EXAMPLES

BASIS AND OUTCOME OF COMPLAINTS

position of principal for a middle school. After her promotion, Sheila learned that she was being paid a lesser wage than other principals and she began to make inquiries about the school district's reasons for the wage disparity. Some time later, she was notified by the school board president that an ad hoc committee was studying the possible readjustment of all persons with salary concerns which were to be addressed in the following school year. After the committee had concluded its research, Sheila's salary received an adjustment, but not on an equitable basis. Sheila contacted the school superintendent about her concerns and she was informed that he had no power to change salaries outside the agreement between the management group and the school district, yet he and the school board had adjusted the salaries of three similarly situated male employees to a higher wage. Sheila filed a complaint charging pay discrimination based on her race, Black and sex, female. At the time of her complaint, the annual salary difference between White male principals and Black female principals was \$7,954; difference between Black male principals and Black female principals was \$5,667; and the difference between White female principals and Black female principals was \$2,814. In settlement, Sheila received \$9,245 for insurance and pen-

sion contributions and \$65,755 in one payment for a combined \$75,000 settlement.

After working for a manufacturing company for 12 years, **David** had been promoted several times until he reached the position of controller. Without any prior warnings or notice, David was informed by the plant manager and human resource manager that he was being discharged for a number of reasons including not following company procedures and being late in processing certain payments. When David was faced with the reasons behind the termination, he offered explanations backed up with documentation for the particular situations. The company never followed up on David's explanations. As he was packing to leave, a subordinate informed David that she had been instructed to "dig up dirt on him" because company officials wanted to replace him with a younger female (**Carmen**). Prior to his dismissal, David was told he would have to accept a transfer in order to become a plant controller because of an unwritten policy of the company which prohibited promotion of an assistant controller to controller in the same plant. After his departure, Carmen, who was an assistant controller at David's plant, was promoted to plant controller in the same plant. After

David filed his age and sex discrimination complaint, he received a settlement of \$39,900.

During the two years that **Stephanie** was working for a large firm, she was sexually harassed and faced retaliation from the controlling partners because she reported the harassment to the firm's owners. Her initial supervisor at the firm had her transferred to another department because he said he was tired of her reporting him all the time. Her second supervisor, **Matthew**, informed her that she was being assigned to his unit because she was "hot" and "sex sells." He advised her to wear short skirts when meeting with certain clients. Soon after her reassignment, Matthew began calling Stephanie at home and began asking her intimate details about her personal life. In addition to Matthew's behavior, Stephanie had to endure a constant barrage of sexual comments in the workplace. Although Stephanie repeatedly informed the firm's owners, no action was taken to stop the sexual harassment and Stephanie left her job, suffering wage loss, lost employment benefits, physical illness and injury to her professional reputation. As a result of her gender and retaliation complaint with PHRC, Stephanie received a one-time settlement of \$100,000.

LEGAL ACTIVITIES

The Pennsylvania Human Relations Commission’s Legal Division is charged with fulfilling the Commission’s litigation duties and obligations. It also provides a variety of other legal services to PHRC, as necessary to fulfill its legal mandates. During the 1997-98 fiscal year, Commission attorneys participated in prehearing investigations and confer-

ences, conciliation and settlement activities, formal discovery, preliminary and public hearings before the Commission, court appeals from final orders, enforcement actions, subpoenas and numerous other activities involving PHRC’s legal interests.

The following chart summarizes the 1997-98 court litigation activity for the

Commission’s Legal Division. Appeals from Commission decisions, subpoena enforcement actions, original actions in Commonwealth Court under Section 9(d.1) of the Pennsylvania Human Relations Act and other collateral court actions are included:

COURT	COURT ACTIVITY			
	PENDING 7/1/97	CASES FILED	DECISIONS/ WITHDRAWALS	PENDING 6/30/98
Common Pleas	0	0	0	0
Commonwealth	6	4	3	7
PA Supreme	3	3	3*	3

* Includes denials of petitions for appeal.

Some examples of the Legal Division’s court activity during the past fiscal year are set forth below:

In *Pitt Ohio Express, Inc. v. Pennsylvania Human Relations Commission*, No. 702 C.D. 1997 (Cmwlth. Ct. 1997) (opinion not reported), the Commonwealth Court considered an appeal from a Commission order finding that Pitt Ohio Express had unlawfully discriminated against the Complainant by refusing to hire him as a truck driver because of his non-job related disability. The Court found that substantial evidence (which it defined as that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion) existed to support the Commission’s findings. It then upheld the Commission’s order that Pitt Ohio Express cease and desist from discriminating on the basis of disability, offer the Complainant a job, provide him with retroactive placement in its pension and profit plan if he accepts the job, and pay him lost wages of \$128,093, plus interest.

In *Burkhart v. Pennsylvania Human Relations Commission*, No. 0053 M.D.

Misc. Dkt. 1998 (Pa. 1998), William Burkhart filed a Petition for Writ of Mandamus with the Pennsylvania Supreme Court. The Commission had dismissed three complaints that Burkhart had filed and he was seeking to compel the Commission to hold preliminary hearings to let him contest the dismissals. The Commission, citing *Baker v. Pennsylvania Human Relations Commission*, 507 Pa. 325, 489 A.2d 760 (1985), defended on the grounds that a complainant’s right to a preliminary hearing is discretionary and that the Commission had followed all of the procedural steps required by its regulations in denying Burkhart’s request. The Supreme Court agreed with the Commission and denied the Petition for Writ of Mandamus.

In *Pennsylvania Human Relations Commission v. Cupani and Tomanlonis*, 731 M.D. 97 (Cmwlth. Ct. 1998), the Commission went to Commonwealth Court seeking enforcement of a Commission final order. The Commission had granted a Rule to Show Cause against Cupani and Tomanlonis when they failed to answer

a complaint alleging that they had discriminated against Complainant by refusing to rent to him because of his race and color. When Cupani and Tomanlonis still failed to file an answer, the Commission entered judgement for Complainant on the issue of liability, held a hearing on the issue of damages and ordered them to pay the Complainant \$2,500 for embarrassment and humiliation, to pay the Commonwealth \$1,500 in civil penalties and to pay the Complainant’s private attorney such attorney’s fees as could be adequately demonstrated were due. The Commission later issued a supplemental order directing Cupani and Tomanlonis to pay \$3,509 in attorney’s fees and out-of-pocket costs.

When Cupani and Tomanlonis failed to pay the amounts due under the Commission’s orders, the Commission exercised its statutory authority to go into Commonwealth Court to enforce them. The Commission obtained enforcement of the orders, had them reduced to judgement and transferred the judgement to Berks County, where

LEGAL ACTIVITIES

Cupani and Tomanlonis reside, for execution on their assets.

The Legal Division complied with hundreds of requests for documents and subpoenas for information, in both open and closed Commission cases. It provided legal education to the public, concerning civil rights in general and the requirements of the Pennsylvania Human Relations Act in specific, through answers to individual requests and by providing speakers at seminars, Continuing Legal Education programs for attorneys and other appropriate forums.

The Legal Division continued to provide area paralegal and law students the opportunity to participate in its internship program. This program, which runs

year round, provides interested students with the opportunity to obtain experience in the field of civil rights, often while earning school credit toward their degrees.

Housing Division legal staff was instrumental in complying with the Commission's recently enacted statutory mandate to develop and publish "a list of words, phrases, symbols and the like" which are unlawful under the Pennsylvania Human Relations Act when used in housing advertisements, together with specific examples of such illegal advertisements. The Commission published Guidelines, containing this list and the examples, in the October 17, 1997 issue of the *Pennsylvania Bulletin*. Housing Division legal staff is presently involved in the extensive legal proceed-

ings required to turn these Guidelines into binding Regulations.

Housing Division legal staff also continued its participation in the HELPP (Hearing, Elections, Litigation and Procedures Project) program, which was reported on in the Commission's 1996-97 Annual Report. The program is being funded by the U.S. Department of Housing and Urban Development and is designed to allow the Housing Division to decrease the large number of cases on its public hearing docket. As a result of this program, the Housing Division was able to resolve 71 cases in its litigation caseload during the past fiscal year, while continuing to actively move 23 cases toward public hearing and seven cases toward trial in Commonwealth Court.

TECHNICAL ASSISTANCE

Outreach to the general public remained a priority with the Commission as it consumed a large portion of staff time. Staff also provided technical assistance in housing, employment, education and community tension and intergroup relations.

A closer look at PHRC's technical assistance for the fiscal year is as follows:

EMPLOYMENT

Last fiscal year, employment-related complaints comprised 92 percent of the caseload that the Commission received. As investigative staff was working with numerous employers as they investigated cases, they also worked to ensure that these employers were made aware of the various training programs the Commission had to offer, as well as the proper posting requirements, informational materials and other resources that the Commission has to offer.

In response to this outreach effort, these employers, as well as others, contacted the Commission to utilize its resources. The regional offices played a key role with this effort.

In the Philadelphia Regional Office, training workshops for the identification, prevention and elimination of sexual harassment in the workplace were presented to private and public employers in the region. A regional social service agency with a staff of 100 persons received training in three sessions and two training sessions were conducted for a total of 40 persons for a regional organization specializing in training.

Continuing legal education was provided by regional office counsel for approximately 100 attorneys regarding practice before the Commission in cooperation with the Pennsylvania Bar Association. Additionally, training regarding the Commission was provided to 150 members of a professional association of court administrators.

"Plans for Progress" was the focus of a working group of individuals representing various agencies. In the Pittsburgh region, the focus of the plan was the eradication of discrimination in the business world in an effort to bring private and governmental agencies and other foundations together for that purpose. Discussion also focused on contract compliance and business development for the region.

HOUSING

Fiscal Year 1997-98 was the first, full year the significant changes to the housing provisions and case processing procedures in the PHRAAct went into effect after the passage of Act 34 of 1997.

The key areas amended in the PHRAAct were:

- limitations on occupancy standards;
- citations and penalties, not exceeding \$500, for advertising violations and other related costs;
- procedures for addressing housing advertisements including the requirement that the Commission create a list of unacceptable words, phrases and symbols in housing ads; and
- exempting advertisers from penalties if they prove a good faith attempt to comply with the list or PHRC's interpretations and creating an appeals process for violators.

One of the first amendments addressed by staff was housing and commercial property advertisements, as many advertisers were uncertain about what federal and state fair housing laws hold as permissible and impermissible language. In October 1997, the Commission published guidelines on this advertising language. Together with a statement of policy, the purpose of these guidelines is to advise the public of words, phrases and symbols which are impermissible under the PHRAAct when used in housing and commercial property advertisements.

As part of the guideline process, two housing staff were designated to respond to advertising language inquiries. During the 1997-98 fiscal year, 85 advisories were received and assistance was provided.

Additionally, various internal changes were put into place to address the amended case processing procedures that were enacted in Act 34.

During the fiscal year, one federally-funded project came to an end, while another continued to make an impact on housing cases on the public hearing docket.

The Financial Institution Lending Targeting, Enforcement and Research Project, or FILTER, came to an end on July 3, 1997, as the final report on this project was submitted to the U.S. Department of Housing and Urban Development (HUD).

FILTER focused on two approaches for possible in-depth complaint investigation of financial institutions. The project provided the opportunity for developing techniques for PHRC use in individual complaints in the future, as well as the development of software that can analyze mortgage lending practices and identify possible discrimination. This software has become a model for use nationwide.

Last fiscal year, the housing staff closed more cases than it docketed. Much of the impetus for this effort came from the Hearing, Election, Litigation and Procedures Project (HELPP), the second federally-funded project.

Election cases, which originated in Act 51 of 1991 amendments and are one of the Commission's newest techniques, are an option for complainants or respondents to "elect" to have their case heard in Commonwealth Court instead of a public hearing before the Commission. This fiscal year marks the first year that such elections took place; seven cases are presently in

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Commonwealth Court by election of the respondents.

On June 25, 65 representatives of 21 agencies and PHRC were briefed on the final HELPP report as well as "Lessons Learned," via video conference at five locations. One of the key topics in the video conference was how to prosecute litigation-worthy cases, especially those containing hate crime elements.

Additionally, staff continued to provide technical assistance to many organizations, local commissions and the real estate industry. These programs included: a seminar for the planning and zoning officers regarding accessibility and group homes; assistance to local commissions in responding to various problems including securing HUD recognition as substantially equivalent agencies; legal reviews and endorsements of proposed amendments to the York County Human Relations Commission's existing ordinance, as well as proposed ordinances for Berks County.

Housing staff conducted approximately 70 seminars and presentations to over 2,000 participants in the housing industry, government and communities.

In addition to its enforcement activities, the PHRC provides customer service through extensive outreach and technical assistance to business, government and community groups and the general public.

The Governor's Housing Disabilities Work Group conducted a series of eight statewide forums on accessible housing mandated by the Governor. These public hearing forums were held to ascertain the housing concerns of the disabled community. Discussions are in progress with the Pennsylvania Association of Realtors for a possible statewide survey of real estate office accessibility. Philadelphia Regional Office personnel participated in forums in Philadelphia, attended by approximately 25 persons and Chester County,

where there were 80 to 100 persons in attendance.

There has been a continued increase in demands for educational materials and training and technical assistance designed to meet the emphasis voluntary compliance.

Philadelphia staff made fair housing presentations and discussions regarding the housing and commercial property provisions of the PHRA to a Fair Housing Enforcement Workshop in Chester County. A presentation by the Philadelphia Board of Realtors for the Equal Opportunity Committee discussed the issue of panic selling. Approximately 75 persons attended.

Additionally, a local public housing authority received training for over 40 management, staff and security personnel.

In an effort to be accessible to the residents of Chester county, the Philadelphia Regional Office resumed satellite services for the acceptance of complaints in West Chester, in cooperation with Chester County Legal Aide.

In an ongoing alliance with PHRC, a leading mortgage lender in the Harrisburg region has fostered an expanding and diversified number of multi-ethnic events by governmental, nonprofit and neighborhood groups. Additionally, minority census tracts have benefited by the monetary reinvestment example of this lender.

EDUCATION AND COMMUNITY SERVICES

A new Director for the Division of Education and Community Services was selected to replace Richard B. Anliot, who retired from the position after 40 years of service. Daniel M. Welliver assumed the leadership duties for the division in late January 1998.

EDUCATION

The Commission continued its focus on equal educational opportunity by reformulating the Educational Equity Project. Through this project, the Commission works with 10 selected school districts on a voluntary basis in order to identify and address issues such as racial and ethnic disparities in academic achievement, discipline, assignment to Special Education or Mentally Gifted programs, Limited English Proficiency challenges and personnel. A revised approach for the project was developed in continuing consultation and collaboration with the Mid-Atlantic Equity Center.

Meetings were held and data was reviewed with superintendents and their staff from several school districts.

Four school districts in one northeastern county were experiencing racial problems because African American and language minority students were moving into the area from nearby states. Harrisburg Regional Office staff, with assistance from the Mid-Atlantic Equity Center, worked with six community leaders and the four school superintendents. Two meetings were held.

The first meeting was divided into two phases. Phase one included challenges identified for the county school districts that were: recruiting people of color for teaching and administrative positions; ensuring that African American, Latino and Asian students were put into college track courses; cultivating stronger ties with the community and parents around issues of cultural diversity; and addressing the increase of gangs on a short and long term basis. Phase two involved identifying the priorities each of the four school districts had for addressing cultural diversity.

The second meeting focused on tracking student performance, dedicating financial and personnel resources and implementing a cultural diversity program. With this information, the school dis-

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districts worked on creating a plan of action to address the needs of the students in each of the four districts.

At the start of the fiscal year, the Harrisburg Regional Office focused its attention on education with a customer service approach to increase outreach services in basic education. Forms were distributed to 285 school districts, including area vocational technical schools, announcing available training for K-12 students for the academic year. The four areas of training included: sexual harassment and other forms of harassment; the importance of diversity and a multicultural education; understanding people with disabilities; and hate groups and how they recruit young people.

The volume of training services provided increased significantly this fiscal year. During Fiscal Year 1996-97, training by the Harrisburg Regional Office was presented 11 times for a total of 1,041 training participants. During the Fiscal Year 1997-98, training activity jumped to 142 presentations for 21,420 total participants.

Headquarters Staff worked with the Center for Schools and Communities in planning and presenting four regional conferences in Williamsport, Altoona, Johnstown and Cambridge Springs in Crawford County. These training sessions were held in April and were designed to address the multi-faceted problems of bias crimes, hate groups and intergroup civil tension situations. Nearly 500 people attended, including representatives from school districts, police departments, community organizations and social service providers. Staff continues to collaborate with the Center for Schools and Communities to provide additional training for school districts dealing with increasing intergroup tensions.

Harrisburg Regional Office staff spent a significant amount of time responding to

racial tension situations at two different high schools:

- During halftime in a football game between two rival high schools, the visiting team went into the locker room and found racial slurs written on the blackboard. Regional office staff received a request for assistance from the local NAACP chapter. During a meeting with concerned officials, assistance and resources were provided on dealing with tension situations.
- After several White students at a high school distributed a racist flier throughout the school, regional office staff provided technical assistance to school officials in response to this tension situation.

Harrisburg Regional Office staff also attended various "Diversity Days" at several schools and meetings for education-based boards and commissions.

In an example of intervention to promote the development of community, the Philadelphia Regional Office facilitated a sensitivity workshop at a university where 50 African American, Asian and White students and faculty members engaged in dialogue to resolve an issue of racial tension on the campus, that had been precipitated by a racist advertisement.

As part of the Pennsylvania Association of School Business Officials conference, staff from the Pittsburgh Regional Office provided instruction for the seminar "Your Role in Maintaining a Nondiscriminatory Work Environment."

As part of a local school district program and in conjunction with the Chiefs of Police Association, Pittsburgh staff provided an overview of the Commission, as well as a discussion on hate and tension in the Commonwealth.

COMMUNITY TENSION AND INTERGROUP RELATIONS

The most significant work of PHRC with respect to its mandate to prevent and respond to civil tension and the activities of organized hate groups has been through its leadership and coordination of the Inter-Agency Task Force on Civil Tension.

A process was initiated this year to reaffirm and clarify the purpose, structure and objectives of the task force. Input was first gathered from all members and key constituencies with a stake in the work of the task force as to how the group could best be strengthened, and both short-term and long-term objectives are being established. One key objective concerns the need to enhance the system of collecting and reporting of civil tension incidents, so that the information is more useful in designing specific prevention initiatives.

The Inter-Agency Task Force on Civil Tension was fortified by the addition of nine new participants, including such key partners as the PA Department of Education's Division of Student and School Services; the PA Commission on Crime and Delinquency's Crime Prevention Program; and the PA National Guard.

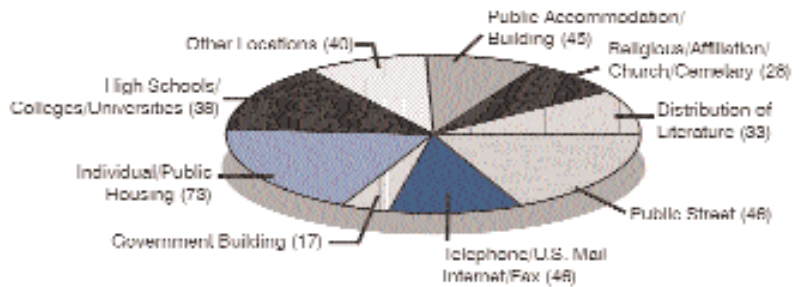
Intergroup tension incidents include hate crimes motivated by hatred of the victims' race, color, religion or national origin as well as non-criminal activity, such as the distribution of hate literature and rallies by hate groups. The Commission saw a 26 percent increase in tension and hate activity as, overall, 366 racial tension situations were reported this fiscal year compared with last year's 289 total.

Also reported this year was an increasing number of public activities of white supremacist organized hate groups. In fiscal year 1996-97, 99 such incidents were reported to the Commission. In fiscal year 1997-98, this number rose to

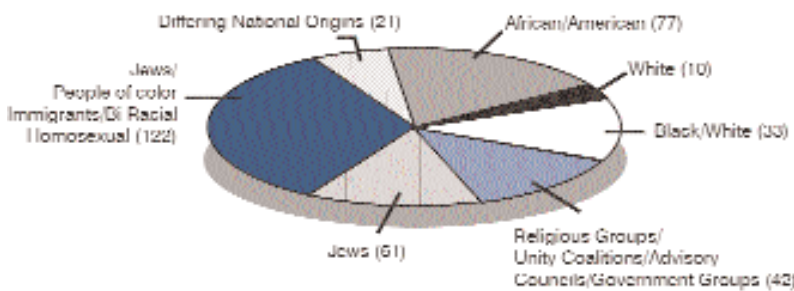
TECHNICAL ASSISTANCE

Of the total incidents, the following is the statistical breakdown of tension situations by location, targeted groups, race/ethnicity/identity of alleged offenders and the criminal offenses.

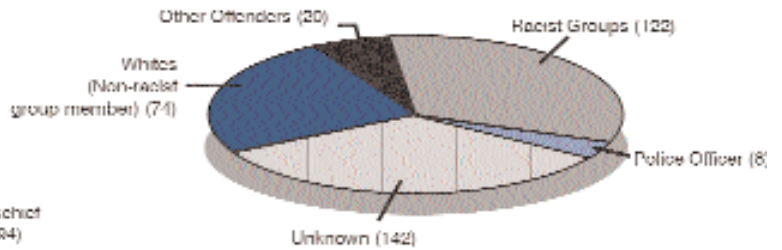
Location of Tension Incidents



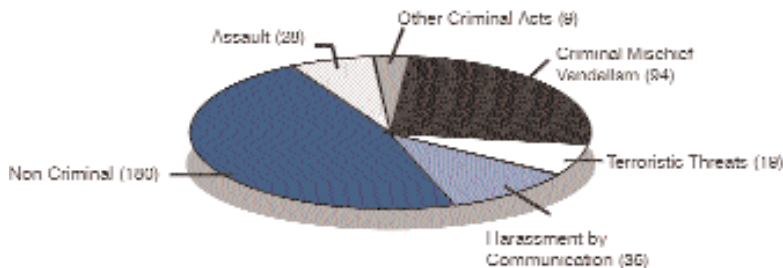
Target Group in Tension Incidents



Race/Ethnicity/Identity of Alleged Offenders in Tension Incidents



Offense in Tension Incidents



Specific examples of tension incidents that occurred in Fiscal Year 1997-98 to which staff responded were:

- More incidents of white supremacist organized hate group activity were reported in Westmoreland County (35) during the year than in any other county. Early in the summer of 1997, with the consent of the owner who was near bankruptcy, a KKK group moved onto a farm in the small com-

munity of Yukon. The group called itself the "Environmentalist Ku Klux Klan" and claimed to be there to defend the town against toxic waste. Large, boisterous White supremacist rallies with cross burnings were held almost weekly throughout the summer and fall. Hate literature and racist graffiti were regularly found throughout the county around homes, churches, grocery stores and at public events. Staff assisted the for-

mation and activities of volunteer citizen unity coalitions in Yukon, West Newton and Greensburg. The unity coalitions focused their energy on responding to every act of hate with an act that affirmed equality, non-violence and diversity. By the end of the fall, with the constant support of the unity coalition, the Yukon farm owner decided to evict his KKK tenants. By late spring of 1998, there were constant reports of unity activities and no

TECHNICAL ASSISTANCE

more reports of KKK recruitment activities in Westmoreland County.

- Almost monthly throughout this same twelve-month period, another Klan group in Berks County, while not disrupting traffic or business, quietly distributed hate and recruitment literature in hoods and robes on the downtown sidewalks of Boyertown. While many citizens simply ignored and tolerated the Klan's regular recruitment efforts, the Boyertown Unity Coalition decided to act on the saying that if someone gives you lemons, make lemonade. "Project Lemonade" is a fund raising project through which people pledge money for every minute the Klan is on Boyertown's streets. The funds are used for multicultural materials for the local library and are donated to national peace and justice organizations.
- Thirteen additional KKK public demonstrations were reported during the fiscal year including rallies on the county courthouse steps of Cambria, Butler and Westmoreland Counties. All of these rallies drew sizable numbers of protestors, required considerable local government funds for police coverage and other emergency precautions, and also increased statewide awareness of the increasing frequency of organized hate group activity.
- The distribution of literature by White supremacist organized hate groups was reported almost weekly throughout the year. A variety of KKK groups, Skinheads and other neo-Nazi groups distributed hate and

recruitment literature on front porches, in residential and business mail slots, under car windshield wipers, rolled up and delivered with local newspapers and in a multitude of internet web sites. Hatred based on sexual orientation, along with hatred based on skin color, religion and national origin, were increasingly evident through their literature and public speeches.

- Staff received six reports of situations in which citizens at public meetings voiced racially hostile objections to the opening of low income housing or residential-care facilities in their neighborhoods. Staff will be working in conjunction with the Inter-Agency Task Force in Civil Tension in coming years to develop specific strategies to assist communities in seeing and welcoming the advantages of the diversity they are now experiencing.
- Staff worked with elected and government officials, police and community leaders to advise them how and why they should organize alternative community harmony events on the day of the KKK rallies and to assist them in forming permanent local unity coalitions to address the root causes of hate and civil tension. Throughout the year, the PA Network of Unity Coalitions (PNUC) has been a key part of the unity organizing that has happened across the state. Since the early 1990's, PHRC staff have been assisting communities in organizing local unity coalitions. These local groups formed a statewide body, acquired grant money and were able to hire their own statewide coordinator. The PNUC works closely

with PHRC staff to assist communities in community tension crisis situations and in long-term community organizing aimed at the prevention of civil tension. PNUC worked closely with staff and provided pivotal support to communities in crisis by connecting them with other towns that have faced similar tensions and by providing them with ideas for immediate and ongoing unity activities.

Race relations and advocacy was the topic of a staff presentation to a newly organized advocacy organization in Bucks County. Approximately 20 persons were in attendance. The topic of racism was also discussed with a middle school audience of 27 students.

Regional office personnel participated in the formulation of a Study Circles Steering Committee with the Community Relations Service Division of the United State Justice Department to promote the study circle methodology as a mechanism to resolve community conflict and promote harmonious community relations.

In conjunction with various police departments in western Pennsylvania, staff from the Pittsburgh Regional Office participated in several training programs. One such training was a class on cultural diversity for a local police department's eight-week "Civilian Police Academy."

As part of the outreach to each of these programs, 1,381 informational mailings were sent to employers, the real estate industry, government agencies, schools and colleges, the media as well as potential complainants.

THE COMMISSIONERS

The Pennsylvania Human Relations Act requires that the Commission be non-partisan and that no more than six of the 11 Commissioners be from the same political party. By historical custom, the Commission's composition reflects a varied geographic representation; a diverse racial, religious and ethnic mix; a representation of both sexes; a variety of professional backgrounds; and a demonstrated interest in civil rights.

Commissioners are appointed by the Governor and are confirmed by the state Senate. They 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. Each of these functions is complex, sensitive and critical to the success of the Commission's mission: to eliminate, prevent and remedy the effects of unlawful discrimination throughout the Commonwealth.

In Fiscal Year 1997-98, the Commission was chaired by Rev. Dr. Robert Johnson Smith of Elkins Park. The Vice Chairperson was Raquel Otero de Yiengst of Sinking Spring. The Secretary was Gregory J. Celia Jr. of Lancaster and the Assistant Secretary was Russell S. Howell of Lititz.

The remaining Commissioners included: Joseph J. Borgia of Erie; W.D. Chrisner III of Pittsburgh; Carl E. Denson of Bethel Park; Alvin E. Echols Jr., Esquire of Philadelphia; Elizabeth C. Umstatt of Villanova; Sylvia A. Waters of Oberlin; and Dr. Daniel D. Yun of Huntingdon Valley.

During 1997-98 the Commission held 21 public hearings and pre-hearing conferences. An additional 10 cases that were approved for public hearing reached settlement prior to the conducting a public hearing.

Commission findings and orders after public hearings resulted in the following findings:

Andrea Ramirez and Christina Didion v. Patrick Rutkowski, Docket Nos. H6045 and H6059

After holding a public hearing in a race-based constructive eviction complaint, the Pennsylvania Human Relations Commission (PHRC) ruled unanimously in a Final Order to award two women in Erie County a combined \$13,014.94 in compensatory damages for humiliation they suffered plus expenses they incurred when their new landlord openly discriminated against them because of their African American boyfriends.

The landlord was also assessed a \$10,000 civil penalty payable to the general fund of the Commonwealth of Pennsylvania.

The penalties are a result of two separate housing complaints filed by Andrea Ramirez, a Mexican-American female, and Christina Didion, a white female, who filed against their new landlord, Patrick Rutkowski, a white male. The women charged that Mr. Rutkowski had a "no niggers allowed" sign that was posted at the pool on the property and told them that their African American boyfriends were not allowed on the property. The women agreed to rent the two-bedroom apartment at 448 East 14th Street in Erie, which was owned by Mr. Rutkowski. In the process of moving in, Ms. Didion's friend, a black male, visited the apartment. When Mr. Rutkowski discovered that the boyfriend was looking for Ms. Didion, Mr. Rutkowski slammed the door and walked away. The next day, Ms. Ramirez was carrying groceries into the new apartment and was accompanied by her father. When they arrived at the apartment, they were approached by Mr. Rutkowski, who told them that they already had problems. Mr. Rutkowski told the Ramirez' to tell Ms. Didion that

"No niggers are allowed", "It is bad for the other tenants to have them around" and that "I don't like Black people." At the time Ms. Ramirez and Ms. Didion filed their complaints, Mr. Rutkowski had a sign posted at the property by the pool which read, "No glass objects, diving and niggers."

In determining the remedy, the PHRC Commissioners ordered Mr. Rutkowski to pay each woman \$6,000 in compensatory damages for the humiliation they suffered. Mr. Rutkowski was also ordered to pay Ms. Ramirez an additional \$929.47 and Ms. Didion an additional \$85.47 for reimbursements of expenses they had incurred. Mr. Rutkowski was also ordered to cease and desist order from race-based discrimination with regard to rentals, housing conditions, eliciting information and publishing statements. He was also ordered to remove all signs, pictures, notices and/or posters containing racial or ethnic slurs.

Valentia Pipkin v. Joseph and Barbara Allison, Docket No. H7003

Valentia Pipkin, a Black woman, was awarded \$8,000 for humiliation, after proving that Barbara and Joseph Allison, the joint owners of an apartment building, had discouraged Pipkin from renting an apartment. While Pipkin was making an inquiry about an apartment, Barbara Allison asked her if she and her husband were of the same race. Pipkin advised her that she and her husband were both Black and asked if that would be a problem. When Barbara Allison indicated "it could be", the PHRA Act was violated. In addition to the \$8,000 award to Pipkin, the Allisons were also assessed a \$2,000 civil penalty payable to the general fund of the Commonwealth of Pennsylvania.

The following cases were dismissed after a finding that unlawful discrimination had not been proven:

THE COMMISSIONERS

Gerald Barber, James L. Haley, Jr., the Estate of Julius Harper, Richard Hill and James Y. Ali v. Mt. Airy Bethesda Manor, Inc., Docket Nos. E55783, E55785, E55786, E55787 and E55789

These consolidated cases involved the staffing of a homeless shelter. Mt. Airy Bethesda Manor took over the operations of this shelter and, in doing so, hired staff to run the facility. All five complainants sought employment with Mt. Airy and alleged they were denied employment because of their religion, Muslim. However, the Commission found that none of the five complainants were able to prove their case.

Four of the five complainants failed to prove that Mt. Airy Bethesda Manor knew their religion was Muslim at the time Mt. Airy selected employees to staff the homeless shelter. The fifth complainant failed to prove he was at least as qualified as those selected.

Jim Cook v. Scranton Housing Authority, and Mary Ann Kochanski, Manager, Valley View Terrace Projects, PA 301, Docket No. H5199

In his action against the Scranton Housing Authority and Mary Kochanski, Jim Cook was unable to prove discrimination. Cook alleged a race-based

notice of eviction and harassment by Kochanski. Cook’s credibility was found to be less than Kochanski’s regarding the alleged harassment. With respect to the Authority’s alleged race-based notice of eviction, the Authority was found to have had a legitimate reason for the eviction of Cook. Cook had been violating his lease for over a year and a half before the Authority took eviction action. After having been advised that he was not allowed to have his companion living in his apartment, Cook, nevertheless, permitted his companion to reside with him. A grievance panel composed of three tenants and two Authority employees had also unanimously recommended Cook’s eviction for the lease violations.

**THE COMMISSIONERS’ WORKLOAD
JULY 1, 1997 – JUNE 30, 1998**

Commission Meetings.....12

Compliance Sessions.....12

Consent Orders/Decrees and Conciliation Agreements Approved12

Review of Staff Action in Making Disposition of Complaints.....5,738

Review and Determination of Petitions for Reconsideration of
Complaint Disposition and Requests for Public Hearing201

Cases Closed on Motion20

Motions232

Cases Placed on Public Hearing Docket.....25

Cases Settled After Public Hearing Approval10

Final Orders Approved after Public Hearing.....4

*Pre-Hearing Conferences and Public Hearings Conducted21

* Includes those Pre-Hearing Conferences and Public Hearings conducted by Commission Hearing Panels and Hearing Examiners.

CONTINUING ISSUES

In past annual reports, the Commission has supplied information in this section on issues of continuing interest such as sexual harassment, disability allegations and the employment issues of each fiscal year's docketed cases.

SEXUAL HARASSMENT

In the past fiscal year, 631 complaints of sexual harassment were filed with the Commission, which represents an 18 percent decrease compared to 772 cases filed in the 1996-97 fiscal year. Of

the cases that were docketed, 560 were filed by women and 71 by men. Employment cases accounted for the most sexual harassment allegations with 623 cases, followed by public accommodations with four, housing with three and education with one.

As defined by the Commission's Guidelines: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individuals' work performance or creating an intimidating, hostile, or offensive working environment.

SEXUAL HARASSMENT FILINGS BY COUNTY* JULY 1, 1997 – JUNE 30, 1998

COUNTY	TOTAL
Allegheny	110
Philadelphia	87
Montgomery	51
Dauphin	32
Delaware	30
Westmoreland	27
Bucks	26
Lancaster	23
Chester	21
Luzerne	18
Cumberland	17
Lehigh, Northumberland (16 cases each)	32
Berks, York (14 cases each)	28

COUNTY	TOTAL
Lackawanna	13
Erie	11
Monroe, Washington (7 cases each)	14
Cambria	6
Beaver, Clearfield, Fayette, Lawrence, Lycoming, Mercer, Snyder (4 cases each)	28
Adams, Carbon, Centre, Elk, Franklin, Indiana, Lebanon, Northumberland, Wayne (3 cases each)	27
Armstrong, Bedford, Blair, Butler, Clarion, Columbia, Crawford, Jefferson, Schuylkill, Tioga, Wyoming (2 cases each)	22
Fulton, Greene, Huntingdon, Mifflin, Montour, Perry, Potter, Somerset (1 case each)	8
TOTAL	631

* If a county is not listed, there were no sexual harassment cases docketed during this fiscal year.

CONTINUING ISSUES

DISABILITY ALLEGATIONS

In recent years, allegations made on the basis of disability in PHRC’s complaints has risen steadily. This fiscal year, disability ranked third behind multiple-based complaints and race only complaints.

When examining the “multiple” classification further, an allegation of disability discrimination was made in 29 percent of PHRC’s cases statewide. Regionally, the Harrisburg Regional Office accounted for the highest total of 666 occurrences (36 percent) in its caseload; this essentially meant that one in every three

complaints the Harrisburg Regional Office docketed, an allegation of disability discrimination was made.

The following chart indicates the types of disabilities alleged to have been the basis for discrimination, based on federal reporting categories.

DISABILITY ALLEGATIONS JULY 1, 1997 – JUNE 30, 1998

TYPE OF DISABILITY	NUMBER OF OCCURENCES
Allergies	12
Cerebral Palsy	16
Asthma	21
Epilepsy	16
Back Impairment	148
Learning Disabilities	40
Chemical Sensitivities	10
Multiple Sclerosis	16
HIV/Blood Disorders	25
Paralysis	17
Cancer	21
Respiratory/Pulmonary Impairment	14
Diabetes	40
Speech Impairment	4

TYPE OF DISABILITY	NUMBER OF OCCURENCES
Disfigurement	23
Past Alcoholism/Drug Addiction*	27
Emotional Impairment	175
Vision Impairment	47
Nonparalytic Orthopedic Impairment	182
Record of a Disability	51
Gastrointestinal/Kidney Impairment	38
Regarded as Disabled	94
Hearing Impairment	30
Association with Person with a Disability	36
Heart/Cardiovascular Impairment	56
Uncategorized Impairments	717
Neurological Impairment	81
TOTAL	1,957**

* Current users of illegal drugs are not protected under the PHRAct.

** The total of occurrences is higher than the cases docketed under the disability basis category. These figures also include cases filed in the multiple basis category.

ADMINISTRATION

Management of Commission staff was guided by Executive Director Homer C. Floyd, who was responsible for the case processing system, technical assistance, information, outreach and assistance to the public, media, federal/state/local agencies and government, speaking engagements and general administrative actions.

Assisting Mr. Floyd in the Executive Office were Special Assistant to the Executive Director Louise Oncley, Personnel Director Iris H. Cooley, Administrative Officer Peter J. O'Neill, Director of Public Information Laura J. Treaster and EDP Systems Administrator Arthur A. Wagner.

Managers of program units were Director of Compliance Thomas Myers, Chief Counsel Elisabeth S. Shuster, Esquire and Housing Director Raymond W. Cartwright. Carl H. Summerson, Esquire served as Permanent Hearing Examiner and Phillip A. Ayers, Esquire served as Permanent Hearing Examiner/Panel Advisor. Daniel M. Welliver assumed the Director of

Education/Community Services position on January 26, 1998.

Pennsylvania residents who filed complaints of discrimination had their cases processed in one of the Commission's three regional offices.

In the Pittsburgh Regional Office, George A. Simmons served as regional director of the case processing and activities in 23 western Pennsylvania counties. Compliance supervisors were Terrance McDaniel and Joseph Retort. David Dorsey was the Education/

Community Services supervisor; Leon Grant was the Housing supervisor and Robert Fulton was the Intake supervisor. Katherine Fein, Esquire was the supervising attorney.

In the Harrisburg Regional Office, Kaaba Brunson served as regional director of the case processing and activities in 39 central and northeastern Pennsylvania counties. Compliance supervisors were D. Monica Powell, Edward Zook and Mary Nancarrow. Arberdella White-Davis was the Housing and Compliance supervisor. In June, because of a grow-

ing complaint caseload, Assistant to the Director of Housing Randall R. Smedley assumed the Housing supervisor role and Ms. White-Davis was solely a Compliance supervisor. James Andrews was the Education/Community Services supervisor; Marva Gaymon was the Intake supervisor and Francine Ostrovsky, Esquire was the supervising attorney.

In the Philadelphia Regional Office, Sandra Holman Bacote served as regional director of the case processing and activities in the five southeastern Pennsylvania counties. Compliance supervisors were Arlene Adlin, Gary Martin and Craig Winn. Juan Xu served as Intake supervisor. Carlene Neal was Education/Community Services supervisor; Traxsene Martinez was Housing supervisor and Michael Hardiman, Esquire was the supervising attorney.

Personnel actions during the 1997-98 fiscal year included 14 resignations, 12 appointments, nine promotions, four retirements, three reinstatements, two terminations and one transfer.

LEGISLATION

Under Section 7(k) of the Pennsylvania Human Relations Act (PHRAAct), the Commission is mandated to make legislative recommendations to the state General Assembly. During the 1997-98 fiscal year, the Commission addressed nine bills.

Legislative issues the Commission supported were diverse:

An amendment to the municipalities law (**House Bill 2620, Printer's Number 3598**) which would require instruction to law enforcement officers to enhance an officers' ability to recognize various disabilities for the purpose of affording people with disabilities the same access, services and protection provided to all was supported by the Commission. The bill provides that the Commission would work with various disability-related organizations in creating the curriculum for the training. PHRC testified in support of this legislation.

Establishing a uniform building code was the intention behind **House Bill 1173, Printer's Number 1329**. PHRC expressed concern with the language of the bill which would repeal provisions of the Pennsylvania Human Relations Act requiring accessibility for people with disabilities and providing for enforcement and remedies under the PHRAAct. Since the PHRAAct provisions are similar to those of federal law, the bill's language would not reduce the federal requirements, but would affect PHRC's status as substantially equivalent to federal law, and therefore could result in a loss of federal funds.

Legislation, **House Bill 2617, Printer's Number 3596**, is designed to collect data on routine traffic stops by police including number of individuals stopped; characteristics of the individual (race, ethnicity, age, etc.); alleged traffic infraction that led to the stop; was a search done, how it was carried out and what was uncovered; the rationale for the search; was a warning/citation issued as a result; was an arrest made;

and identification of the benefits of traffic stops with regard to drug trafficking. The Commission supported this legislation as a method for providing documentation to address allegations that racial and ethnic minorities are subject to discriminatory treatment by police in connection with traffic stops.

The Commission examined **House Bill 1880, Printer's Number 2374**, which was dubbed the "anti-mask" bill, which stipulated various circumstances when a mask or hood could not be worn. After extensive analysis, the Commission expressed support of the basic premise of the legislation because of the Commission's mission to reduce and eliminate racism. However, the Commission did see a number of possible amendments that needed to be made to the language to address the following concerns: wearing a hood as part of religious garb, such as Muslim women, and those who would need a mask for medical reasons. Additional language was also proposed that focused on the issue of "intent to intimidate," which would be designed to address the hoods and masks that are worn by the Ku Klux Klan. The Commission also recognized that any amendments that were made to the legislation needed to protect First Amendment Rights.

The Commission supported **Senate Bill 1034, Printer's No. 1220** which would provide additional, one-time financing of \$1,000,000 appropriated to the Commission for assistance and training to combat hate activities through the Prevention of Hate Activity Fund.

The Commission also supported legislation, **Senate Resolution 135, Printer's Number 1683**, that promoted March 1998 as Women's History Month and **House Resolution 347, Printer's Number 2977**, which designated April 23, 1998 as "Take Our Daughters To Work Day" in the state. Additionally, the Commission supported **Senate Resolution 199, Printer's Number**

2010, which asks the President of the United States to support and the U.S. Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

The Commission opposed a number of legislative initiatives that dealt with education, housing and the Human Relations Act.

The Commission opposed **House Bill 1661, Printer's Number 2079**, which would require school districts to assign pupils to the school closest to their homes. Not only would school districts be prohibited from implementing voluntary desegregation programs but the language would also preclude reassignment to address school overcrowding.

In recent years, initiatives were put in place to have federal Section 8 housing scattered throughout neighborhoods. While this initiative accounted for racial balance in the neighborhood, what has begun to occur on a repeated basis, is the reaction from neighbors when persons who have qualified for Section 8 housing have moved into that neighborhood. These people, often minorities, have been harassed, their housing has been damaged and they have done nothing to warrant this type of treatment. The Commission recognized, however, that some other people have brought problems into the neighborhoods such as drugs and crime. A housing proposal, **House Resolution 254, Printer's Number 2294**, was introduced that encouraged the U.S. Congress to eliminate Section 8 housing in its entirety. The Commission opposed the resolution because the legislation is essentially blaming the victim for the problem. Section 8 provides for affordable housing that would not have been available otherwise.

An amendment, **House Bill 2648, Printer's Number 3637**, to the PHRAAct was introduced that would add a new protected class: motorcycle owner/oper-

ators and/or individuals who wear the clothing associated with owning/operating a motorcycle. The Commission opposed this legislation.

The Commission continues to seek legislation which would provide

remedies for employment, public accommodations and education discrimination similar to those provided by state and federal law for housing discrimination, and comparable with federal civil rights law in employment and

other discrimination. The absence of these remedies is forcing increasing numbers of complainants to seek relief in federal court, at great inconvenience to them and respondents.

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.

Some of the activities that PHRC advisory councils participated in were:

Blair County Advisory Council referred complaints to PHRC relevant to employment and housing as well as reporting hate group activity in the county. As in past years, they continue to coordinate and assist with efforts on the Interfaith Committee of Altoona, Community Resource Board, Altoona/Blair County Human Relations Commission and the Blair County Unity Coalition in eliminating discrimination and bigotry in the county.

Centre County Advisory Council referred complaints to PHRC relevant to employment and housing, as well as reporting hate activity in the county.

Johnstown Advisory Council referred complaints to PHRC relevant to employment and housing, as well as reporting hate activity in Johnstown and Cambria County.

Montgomery County Advisory Council continued programming initiatives previously established with the Montgomery County School Superintendents' Association regarding the identification of special education and gifted student placement; faculty recruitment; school discipline and curriculum. The Council programming also included a dialogue with the Police Chief's Association of Montgomery County regarding motorist

stops, minority recruitment, hate crimes and community-police partnerships.

Northampton County Advisory Council referred complaints to PHRC relevant to employment and housing, as well as reporting hate activity in the county.

York County Advisory Council referred complaints to PHRC relevant to employment and housing, as well as reporting hate activity in the county.

The Advisory Councils and their members are as follows:

ALLEGHENY COUNTY ADVISORY COUNCIL

Chairperson: Marion S. Damick

George L. Adams
Burrell A. Brown, Esq.
Gerrie Caldwell
Dr. Joseph W. Carroll, Jr.
Sarah Dixon
Dr. Helen S. Faison
Howard Gross
Jean L. Harchelroad, Ph.D
Peggy Harris
Rev. Toussaint K. Hill, Jr.
Nancy Israel
Adrienne Lloyd-Shedrick
Sr. Rita C. Murrillo
Betty Pickett
Clifton Pitts
Sherman G. Shrager
Judge Alberta Thompson
Hattie Thoms

BLAIR COUNTY ADVISORY COUNCIL

Chairperson: Ronald V. Miller

Virginia H. Day
Tammy Jo Dell
Donna D. Gority
Jeannie Green
Gerald J. Gutshall
Dr. Susan Hill
Sandy Johnson
Kurtis R. June
Joel Kormanski, Esquire
Debra Latterner

Joan Pine
Thomas Rile
Debbie Schaffer
Susan Van Scoyoc
Frank X. Simmons

CENTRE COUNTY ADVISORY COUNCIL

Chairperson: Dr. Terrell Jones

Tineke Cuning
Jolley Harris
Huey Jones
James Locker
Lynn Myers
David Peery
Ronald V. Pifer
Thelma Price
Dr. Joanne Tosti-Vasey

JOHNSTOWN ADVISORY COUNCIL

Chairperson: Bruce G. Haselrig

Antoinette A. Berry
Verna Carter
Clayton Dovey, III, Esquire
Tracy Harris
Dr. Ellen Hoffman
Joan Kosmac
James E. Porcher
Thomas C. Slater
Georgia Stenger, Esquire
Dr. Merrily K. Swoboda

MONTGOMERY COUNTY ADVISORY COUNCIL

Chairperson: Rev. Robert Johnson Smith, II

Dr. Bernadine Ahonkhai
Dr. Clair Brown
Rev. Msgr. Michael J. Carroll
Deanne Comer
Mattie Dixon
Dorothy Freedman
Thomas Garrett
Barton Hertzbach, Esquire
Jeung Hi Kim
Harriett Luker
Dorothy McCabe
Rabbi Gregory Marx

ADVISORY COUNCILS

Rev. James Pollard, Sr.
 Harvey Portner
 Rev. Rock Schuler
 Evelyn Slade
 Rabbi Harold B. Waintrup
 Evelyn Warner
 Judith White, Esquire

**NORTHAMPTON COUNTY
 ADVISORY COUNCIL**

Chairperson: Esther M. Lee
 Clarine Boyer
 Vivian W. Butts
 Nick DiVietro
 William L. Lee, Sr.
 Dr. Eric Jozef Ziolkowski

**YORK COUNTY
 ADVISORY COUNCIL**

Chairperson: Stanley Sexton
 Cathy L. Ash
 Cynthia Bair
 James Booth
 Stephen Busch
 Frances Courtright
 Ruthe E. Craley
 Leafos Grant
 Allyn Hankin
 Morris Ramsey
 Rayda Rivera

Toni Smith
 Maxine Thumser
 James Tompkins
 M. Baba Whisler
 Jerri Zimmerman

People who believe that they have been the victim of unlawful discrimination in employment, public accommodation, housing, commercial real estate, contracting as an independent contractor regulated by the Bureau of Professional and Occupational Affairs or education because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job related disability, relationship or association with a person with a disability, possession of a general education development diploma (GED) as compared to a high school diploma, willingness or refusal to participate in abortion or sterilization or familial status (families with children under age 18) may contact one of the three Pennsylvania Human Relations Commission regional offices to file a complaint of discrimination. (A detailed county map of the Commonwealth is located on the inside, back cover to indicate which regional office serves each county.) People with disabilities may request reasonable accommodations to assist them during

the processing of these complaints.

PITTSBURGH

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

HARRISBURG

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

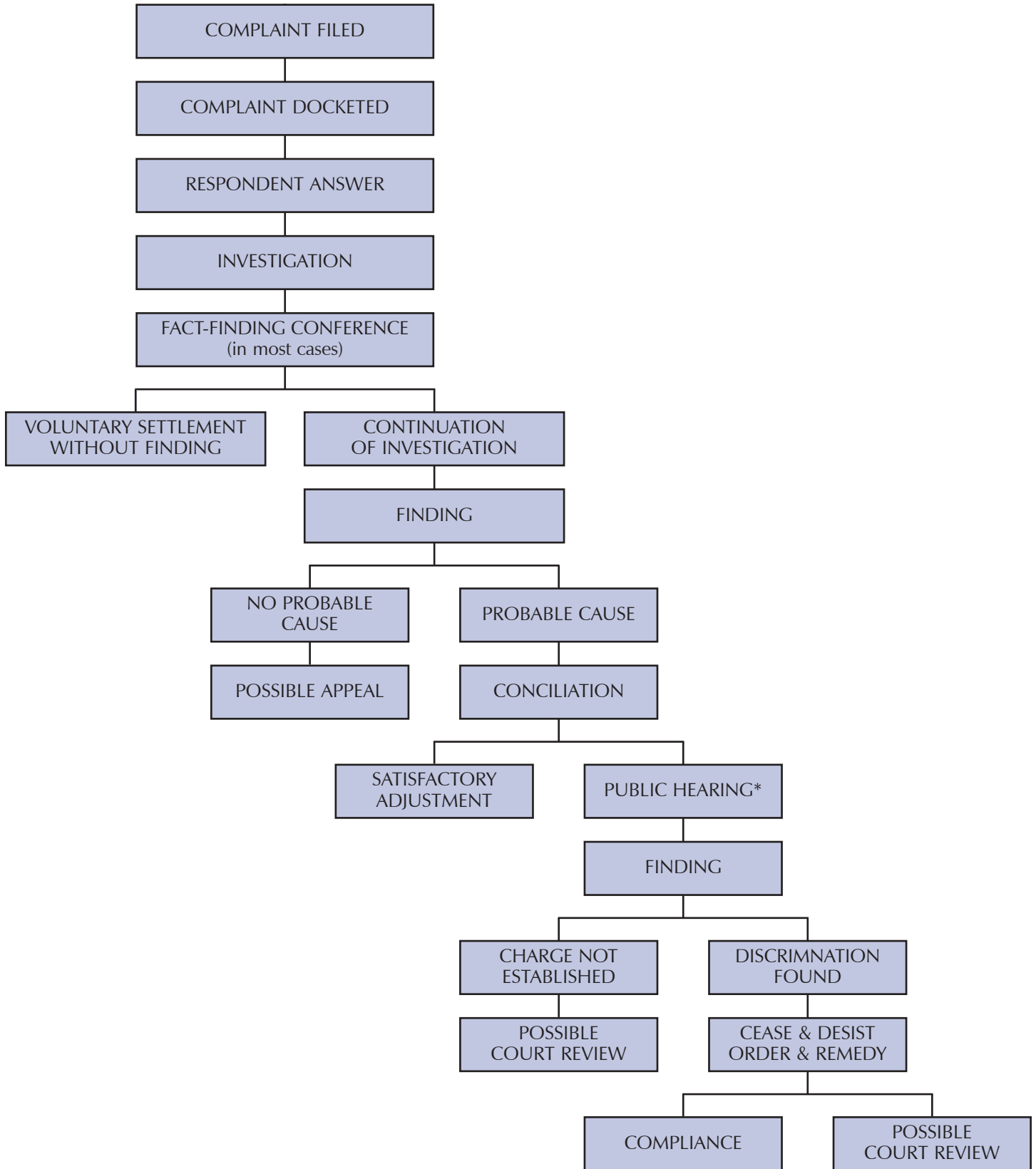
PHILADELPHIA

711 State Office Building
 Broad & Spring Garden Streets
 Philadelphia, PA 19130-4088
 (215) 560-2496 (VOICE)
 (215) 560-3599 (TT)*
 Sandra Holman Bacote
 Regional Director

THE PENNSYLVANIA HUMAN RELATIONS COMMISSION IS A STATE AGENCY. THERE IS NO CHARGE FOR ITS SERVICES.

* The Text Telephone (TT) number is for individuals with a hearing impairment.

The following chart reveals how a “typical” case of unlawful discrimination with the Pennsylvania Human Relations Commission may flow through the processing procedures.



* In certain housing cases, parties will be permitted to elect court action.



S COMMISSION
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101 SOUTH SECOND STREET, SUITE 300
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