

PITTSBURGH COMMISSION ON HUMAN RELATIONS
A G E N D A
October 7, 1996

I. CALL TO ORDER

II. ADOPTION OF MINUTES

III. COMPLIANCE UPDATE

IV. STAFF & COMMITTEE REPORTS

A. Nominations Committee

Election of Officers

B. Director's Report

C. Community Relations Committee

V. NEW BUSINESS

A. Proposed Legislation / Civilian Review Board

B. Open Discussion

cmz

PITTSBURGH COMMISSION ON HUMAN RELATIONS

MINUTES October 7, 1996

Attendance: Dr. George Board, Chair

Elizabeth Pittinger

Rev. William Morgan

Curtis Smith

Robert McClenahan

Christine Williams

Harry Kunselman

Pamela Golden

Charles Honse

Sandra Glass

B.J. Samson

Staff: Charles Morrison, Director

Connie Miskis Zatek

James Pulford

George Monroe

Yancy Miles

Christina Jumba

Kevin Trower, Legal Counsel

I. CALL TO ORDER

The meeting was called to order at 3:50 p.m. by the Chairperson, Dr. George Board.

II. ADOPTION OF MINUTES

The Minutes of the September 9, 1996 meeting were unanimously adopted as circulated upon motion by Commissioner Golden and second by Commissioner Samson.

III. COMPLIANCE UPDATE

George Monroe reported that the EEOC contract has been upgraded by seven (7) cases, for a total of 122 cases (\$61,000). This represents a \$3,500 increase. The Director noted, however, that he had requested an upgrade of 45 cases. He is hopeful that the 1997 contract amount will be higher, based on production for 1996.

IV. STAFF & COMMITTEE REPORTS

A. Nominating Committee

Commissioner Golden, committee chair, distributed the proposed slate/ballot for voting. She reported that she had not received petitions to add other candidates to the ballot. The candidates were accepted by unanimous vote.

The new officers of the Commission are:

Harry Kunselman, Chair
Charles Honse, Vice Chair
Christine Williams, Vice Chair
Elizabeth Pittinger, Treasurer
Reverend William Morgan, Secretary

At this point, Dr. Board turned the meeting over to the new Chair, Commissioner Kunselman.

Commissioner Golden reported that the Nominating Committee also recommends that the By-Laws be amended to allow for elections in June. The committee felt that June elections would coincide with the City's fiscal process, which begins in July. In addition, a majority of Commissioner terms are scheduled to end in April and August 1998.

The motion to accept this amendment to the By-Laws was put forth by Commissioner Golden and seconded by Commissioner Williams. The motion carried unanimously.

All officers are aware that the the 1996/97 term of office will end with the June 1997 elections.

B. Director's Report

1. The 1996 EEOC/FEPA Director's Conference was held in Washington, DC, September 8 - 11. The proposed worksharing agreement was reviewed; there are no major changes. The 1997 contract will not contain a backlog eradication plan as it had in prior years. Contract credit will be given to cases filed after October 1, 1991 only. The Director did not believe this would impact the Commission.
2. All City department heads took part in a one week integrated emergency management training program sponsored by the Federal Emergency Management Agency in Emmettsburg, Maryland.
3. Commissioners and staff are invited to attend the Police Citizens Academy, which is sponsoring a 12-week program held each Wednesday evening for three hours. Further information and applications for registration are available in the Director's office.
4. The Director recently met with Dave Kwait, the new manager of the Office of Municipal Investigations. A meeting is also scheduled for October 8 with the new Chief of Police. The purpose of these meetings is to educate these individuals on the work of the Commission and establish a good working relationship.

The Director reported that Kwait is new to Pittsburgh. He is a retired FBI agent and is open to working with the Commission.

5. The Pennsylvania Human Relations Commission met in Pittsburgh on September 30, at which time the Director had an opportunity to address the Commission. He reported that he communicated that this Commission faces potential problems with regard to its operating budget. As a result, the Pennsylvania Commission passed a resolution in support of the Pittsburgh Commission and agreed to issue a letter of support from its executive director in Harrisburg.
6. The Disparities Study Commission met on September 24 and is chaired by City Councilman Sala Udin. The City is required to conduct a study to determine the availability of, and whether or not minorities and women are under-utilized in city-awarded contracts in order to insure the legality of the City's MBE/WBE program. They are also trying to identify a non-profit organization which can serve as a conduit in the administration. Criteria for consideration include financial management capabilities, such as the Urban League.
7. The Coalition to Counter Hate Groups met on September 26, 1996. The Commission has agreed to assist in compiling data for a directory of human rights resources.
8. The Director attended the Religion and Politics Public Forum, which was held in City Council Chambers on September 27. Reverend Morgan was also one of the organizers of the event.
9. On Thursday, October 10, Director Morrison will be a presenter at the Fair Housing Access Conference, which is targeted to realtors and housing providers.
10. Christina Jumba has tendered her resignation, effective October 11, 1996. She has accepted employment with the Commonwealth of Pennsylvania.

Also, Helen Robinson, a 23-year employee, will retire at the end of October. Both employees have indicated their plans to leave at this time were prompted by the uncertainty of the budget situation.

11. There is one vacancy on the Commission. The Director has spoken with Deputy Mayor, Sal Sirabella, who has asked for recommendations. Commissioners are asked to forward the names and resumes of possible candidates to the Director.

Commissioner Kunselman thanked both Christina and Helen for their years of dedicated service to the Commission and wished them well in their future endeavors.

C. Community Relations Committee

No report.

Discussion RE: Civilian Rights Amendment to the city code

The Director distributed copies of proposed legislation currently before City Council. He reported that these items will be discussed at Wednesday's session and felt that City Council members may ask him to relay the Commission's position on the legislation. Solicitor Brown has been apprised of the proposed legislation and has promised to respond by October 8.

The Director stated that the Mayor has publicly opposed the creation of a Civilian Review Board, but feels "the police will be better with the Commission." The Mayor is not opposed to the legislation as proposed, and the budget office has indicated that proposed cuts to the Commission's budget would be reconsidered if this authority was given to the Commission.

The Director stated that the proposed legislation fits into the Commission's enforcement powers along with that of employment, housing and public accommodation; investigations can be conducted, hearings held, findings made and orders issued. He did not believe, however, that the Commission could impose discipline, although it could make recommendations for discipline. Monetary relief and attorney fees could also be awarded. A potential problem is that the Commission would not be able to investigate a case until the Office of Municipal Investigations (OMI) had completed its investigation.

Some Commissioners were concerned that passage of this legislation would essentially end the call for a Civilian Review Board, and that the Commission's responsibilities under the legislation are not clearly outlined. The Director responded that the Commission's enforcement powers under the City Code are stronger than that of an advisory board, such as a Civilian Review Board. These added responsibilities could also entail tremendous amount of work for the Commission.

The Commissioners were in agreement for the need to have the positions vacated by Christina Jumba and Helen Robinson filled, as well as the need for at least one additional investigator, especially in light of responsibilities added under the juvenile curfew legislation.

The Commissioners were also in agreement that responsibilities under the proposed legislation could be acceptable, provided the necessary personnel, equipment, supplies and finances were available to carry out the tasks efficiently and fairly for all parties. (The additional funding would be in addition to that necessary under the juvenile curfew legislation.) They also asked that City Council provide guidance for remedies available to complainants.

Commissioner Board moved that the Commission support the proposed legislation, with the provisions outlined above:

- a. Sufficient funding
- b. Clarification of responsibilities, overlapping jurisdiction of CHR and OMI and time frames, including what happens to the statute of limitation while OMI is investigating the case.

Initial discussion had also mentioned that paragraph (a) of the proposed legislation was overly broad in the kinds of discrimination it allowed. However, after further discussion, Commissioners agreed that section should not be changed. Dr. Board accepted this as a friendly amendment to his original motion.

The above motion was seconded by Commissioner Williams and carried unanimously.

Commissioner Kunselman asked that a draft of the ordinance and copy of the Commission's resolution be forwarded to City Council as soon as possible.

The Commissioners agreed that support for this legislation would not change their position in support of a Civilian Review Board.

Attorney Kevin Trower noted that persons who may be subjected to police misconduct, which is not related to discriminatory reasons, will not have recourse under the proposed legislation. There was no discussion on this point.

V. OPEN DISCUSSION

1. Commissioner Kunselman suggested that the Commission consider naming a Commission member as a liaison to City Council. This person would attend Council meetings and when issues are discussed in which the Commission has an interest, that Commissioner could be prepared to provide the necessary information. This would also allow City Council members to become familiar with more of the Commissioners, as well as seeing what issues are of interest to the Commission.

2. Commissioner Kunselman stated that he plans to appoint a sub-committee at the November Commission meeting which will be charged with the responsibility of contacting other human relations commissions to determine their levels and sources of funding, jurisdiction, etc. Once this information is compiled and reviewed, this Commission may be able to lobby the Mayor and City Council more effectively.

3. Commissioner Kunselman also suggested the possibility of designing a Web site page as a way of getting in contact with other commissions as well as citizens. Commissioner Pittinger noted that the City of Pittsburgh is already listed on the Web and suggested contacting the Department of General Services to create an additional page for the Commission.

4. Attorney Trower suggested that the Commission contact one of the major networks to prepare a public service announcement which can then be forwarded to other networks. According to Attorney Trower, this PSA can be written and produced by the network itself at no cost to the Commission. He also suggested that the Commission make the necessary contacts to "get on the talk show circuit" to talk about the Commission's responsibilities, jurisdiction, etc.

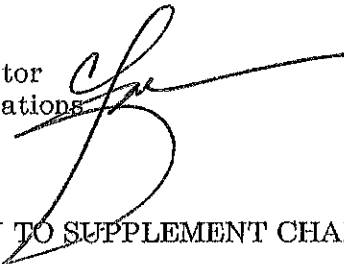
Attorney Trower stated a student at the Art Institute may be interested in designing copy for printed PSA's for newspapers. This could then be made part of a total media package. This would effectively put the Commission on the list of "experts" that media personnel contact when various issues develop.

As there was no further information to discuss, the meeting was adjourned at 5:31 p.m.

/cmz

MEMORANDUM

TO: Members of City Council

FROM: Charles F. Morrison, Director
Commission on Human Relations 

DATE: October 11, 1996

SUBJECT: PROPOSED LEGISLATION TO SUPPLEMENT CHAPTER 659 OF
THE CITY CODE

Attached is a Resolution passed by the Commission on Human Relations during its meeting of October 7, 1996, with regard to the proposed legislation which will supplement Chapter 659 of the City Code.

If you have any questions regarding this Resolution, please feel free to call me at extension 2600.

/cmz

Attachment

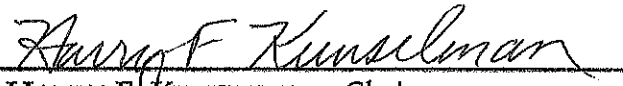
Resolution
of the
Pittsburgh Commission on Human Relations
October 7, 1996

Being duly moved and seconded, it is resolved by the Pittsburgh Commission on Human Relations that

"the Commission supports the proposed legislation supplementing the Pittsburgh City Code, Title Six - Conduct, Article V: Discrimination, Chapter 659: Unlawful Practices, by adding section 659.07 Unlawful Civil Rights Practices, attached as Exhibit "A" to this Resolution, PROVIDED THAT:

- "♦ The ambiguities of Chapter 659.07 section (b) of the proposed legislation be cleared up by specifically defining the phrase 'while a complaint is filed, investigated and otherwise processed by the bureau, division . . . ' so that the Commission will know exactly when its jurisdiction begins and when the jurisdiction of the bureau ends;
- "♦ Chapter 659.07 section (c) of the proposed legislation clearly set forth what happens to the statute of limitation during the period in which the Office of Municipal Investigation, or other subdivision, is investigating and processing the complaint; and
- "♦ That the Commission on Human Relations be provided the necessary tools, financial resources and personnel to carry out its responsibilities under this proposed legislation. (*Note: This is above and beyond the tools, financial resources and personnel which are already needed to properly perform the responsibilities with which the Commission is charged under the recent "juvenile curfew" legislation.*)"

Done by unanimous vote of those in attendance at a duly constituted meeting of the Commission:


HARRY F. KUNSELMAN, Chair
Dated: October 7, 1996

AN ORDINANCE

Supplementing the Pittsburgh Code, Title Six - Conduct, Article V: Discrimination, Chapter 659: Unlawful Practices, by adding Section 659.07 Unlawful Civil Rights Practices.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Six - Conduct Article V: Discrimination, Chapter 659: Unlawful Practices is hereby supplemented as follows:

659.07. Unlawful Civil Rights Practices.

(a) It shall be an unlawful civil rights practice for any City of Pittsburgh employee, including City of Pittsburgh Police, while acting as an employee, to discriminate in the treatment of any person. In the case of the Police, such unlawful discriminatory treatment includes, but is not limited to interviews, confrontations, investigations, interrogations, pat-downs, searches, seizures, or arrests conducted because of the person's race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of guide dogs.

(b) There shall be no Commission actions taken under this section while a complaint is filed, investigated and otherwise processed by the bureau, division or office (now known as the Office of Municipal Investigation) in charge of internal affairs.

(c) If a complaint has been filed with the bureau, division or office in charge of internal affairs, once it has been disposed of, the bureau, division or office in charge of internal affairs shall cooperate with the Commission and provide all information necessary for the Commission's proceedings.

MEMORANDUM

TO: Commission Members

FROM: Connie Miskis Zatek
Secretary

DATE: September 30, 1996

SUBJECT: MEETING NOTICE

The next meeting of the full Commission is scheduled for 3:30 p.m., Monday, October 7, 1996 in the Commission Conference Room.

Enclosed you will find a copy of September 9, 1996 Minutes.

Please note that during this meeting, election of officers will also take place.

If you need anything in preparation for this meeting, or if you are unable to attend, please call me at 255-2600.

/cmz

Enclosures