

PITTSBURGH COMMISSION ON HUMAN RELATIONS

MINUTES January 9, 1995

Attendance: George Board, Chair

Barbara Burstin

Denise Hughey

Chuck Honse

Sandra Glass

Sandra Weber

Father Lou Vallone

Harry Kunselman

C. Lu Conser

B.J. Samson

Alma Speed Fox

Robert McClenahan

Elizabeth Pittinger

Ralph Proctor

Staff: Sofronia R. Harris, Director

Charles F. Morrison

Connie Miskis Zatek

George Monroe

Yancy Miles

Quinn Martin, Legal Counsel

Yancy Miles

Lois Newton

Guests: 2 visitors from the Controller's office

I. CALL TO ORDER

The meeting was called to order at 3:38 p.m. by Dr. George Board, Chair.

II. ADOPTION OF MINUTES

The Minutes of the December 5 meeting were unanimously adopted, upon motion by Commissioner McClenahan and second by Commissioner Kunselman. Commissioner McClenahan noted that the minutes had a number of typographical and grammatical errors, however. He asked that a corrected copy be forwarded to Commissioners for their records.

III. COMPLIANCE UPDATE

Commissioner Kunselman reported that the Compliance Review Section had met in mid-December and again earlier this afternoon. Under current Code provisions, a majority of Commissioners must vote for public hearing authorization. By eliminating a separate vote for public hearing authorization, recent revisions to the Rules and Regulations force this same requirement upon cases presented for a probable cause ruling.

The Compliance Review Section currently has ten Commissioners assigned to it; eight are needed for probable cause rulings. Since past experience has shown that it is extremely difficult for eight Commissioners to attend a Compliance Review Section meeting, an internal procedural change was necessary. Therefore, the Section is in agreement that cases will be presented for probable cause determinations, even when a majority of Commissioners is not present. However, staff will make special notations in the file that should the case proceed on a public hearing track, a separate vote for authorization of a public hearing is needed at a later date.

EEOC Contract Update

The EEOC contract for 1995 became effective October 1, 1994 and requires the processing of 121 cases: 108 under Title VII and 13 under ADA. To date, 43 Title VII cases and 15 ADA cases have been submitted for contract credit.

Increase in Cases Filed

Charles Morrison, Compliance Supervisor, presented the following data:

<u>Type</u>	<u>1993</u>	<u>1994</u>	<u>Increase</u>
Employment	157	169	12 cases
Housing	28	38	10 cases
Public Accom.	13	15	2 cases

In the first nine days of 1995, eight cases (3 housing and 5 employment) have already been accepted. Mr. Morrison stated that if the trend continues, the case backlog will grow and the Commission investigators will be "swamped."

IV. DIRECTOR'S REPORT

Mayor's Monthly Meetings

Director Harris reported that meetings are scheduled with the Mayor and City Directors every other week, however, they are sometimes canceled. She attended the last meeting, held December 16, and was placed on the agenda. The Director presented a brief overview of the Commission and its work, and offered training possibilities for department management personnel. Deputy Mayor Sirabella stated that such training will be made available during the first quarter of 1995.

Dave Farley, of the City's Grants Committee, has contacted the Director with regard to the Commission providing a training package which can be "sold" to other vendors. A meeting has been scheduled with the City's Personnel Director to discuss this.

1994 Accomplishments/1995 Goals

The Mayor has asked for a summary of 1994 Accomplishments and 1995 Goals from each department by January 13, 1995. Director Harris circulated a rough draft of her response, and asked Commissioners to relay their comments and input by Wednesday, January 11. Commissioners appeared to be in agreement that accomplishments needed to be prioritized and highlighted, and that certain items under goals should be more specific. The Chair asked the Director to condense the information to one page and FAX it to the Executive Committee and Commissioner Burstin for final review.

Solicitor's Contract for 1995

The Director reported she had received approval from City Council on January 5 to enter into a contract with a solicitor, as yet unnamed. She explained that she did not name a specific attorney or law firm due to the problems experienced last year. However, the Director recommended that the Commission retain the services of the Law Firm of Byrd R. Brown, which has been continuing to render services without benefit of a contract.

Lengthy discussion ensued, in which many Commissioners expressed concern that this topic was being brought to them for decision and vote at the last minute. Some suggested putting the contract out for bid and reviewing other potential providers.

Director Harris stated that she has reviewed the biographies and references of 166 attorneys, which were provided by the Allegheny Bar Association. Of these, only six were interested or had experience in civil rights or a related field. Upon closer examination of the resumes of these six individuals, none actually had experience or background in civil rights or Title VII cases.

Commissioners were also in agreement that a process of evaluating performance must be developed and implemented prior to engaging in new contract negotiations. It was suggested that a temporary or month-to-month contract be framed and pro-rated to cover legal fees until a full contract is executed.

Father Vallone pointed out that Byrd Brown is a respected and valued member of the community and has served the Commission well in the past, and has developed a mutually beneficial long-standing relationship with the Commission. He did not believe that any attorney or law firm would be willing to bear the grief of negotiating a one-year contract with the Commission each year. Requests for proposals must be forwarded to prospective bidders months in advance, evaluated and interviews conducted -- all adding substantially to the burden of the Commission's decreasing budget and staff resources and increasing responsibilities. In addition, Byrd Brown's rate is at least 60% of market value and has not been renegotiated during the last ten years. Commissioners Proctor and Fox agreed, noting that changing for the sake of change would not be profitable or wise, given the complicated issues which come before the Commission.

Commissioner Conser moved that the Commission approve Byrd Brown's contract for 1995 and instruct the Director to develop a process which will include evaluation of other possible firms, which will be invited to bid on a contract for 1996. The motion was seconded by Commissioner Fox.

Commissioner Kunselman amended the motion, stating that the Commission enter into an agreement with Byrd Brown for legal services on a month-to-month basis, and at the same time solicit bids for a 1995 contract, which will be reviewed and decided upon finally within the next few months. Commissioner Conser rejected this as an amendment to her original motion.

Commissioner Fox offered an amendment to the original motion which would require that the process for seeking bidders to be in effect by June 1995. Commissioner Conser accepted this as a friendly amendment.

Commissioner Pittinger noted that any change at this time will mean significant costs. She felt that the Commission should not risk making such a change when legal fees are already being accrued without a contract. In addition, Commissioner Pittinger stated that the Commission is not required to put this contract out for bid since it is under the \$25,000 threshold. If the Commission chooses to do so, and then decides to re-contract with Byrd Brown, fairness would demand that the contract amount be raised to \$25,000.

Quinn Martin, an attorney with Byrd Brown's firm, stated that Byrd has more than 40 years experience in civil rights and is a part of history. His working with the Commission is part of his public service. Mr. Martin also noted that currently there are a number of cases which would be severely impacted if another counsel was brought in at this time. Some may need to be reheard from the beginning. In addition, ethical considerations would obligate current legal counsel to see cases through to completion, whether under contract or not.

The Chair stated that this discussion is in no way meant to criticize Byrd Brown, but is part of setting procedures in place which will permit the selection, evaluation and maintenance of contracts with future solicitors.

Following a question on procedure, it was agreed that the vote would be based on Commissioner Conser's original motion, plus Commissioner Fox's friendly amendment. The vote had the following results:

In favor of motion:

to approve solicitor contract and simultaneously set up procedures
for bidding, selection and evaluation (to be in place by June
1995): 11

Opposed: 3

Motion carried by majority.

Personnel Decision

The Director reported she had suspended a staff member for three days, and as a result of behavior following that suspension, issued a five-day suspension, pending discharge. A letter was forwarded to the employee asking for reasons why he should not be terminated. His response was not acceptable and he was discharged. A full report will be made by the Personnel Committee chair during an executive session.

V. COMMITTEE REPORTS

A. Budget Committee

Commissioner Pittinger indicated that the committee had met with the Director and received requested information. Another meeting will be set to review this information with the Director prior to the February Commission meeting.

B. Community Relations Committee

Commissioner Burstin reported the committee had met on December 14 to discuss the recent police training. The committee strongly feels that better police training for the entire police force should be a priority on the 1995 Commission agenda. Some training options may be:

1. Media and conflict resolution training for all officers;
2. Understanding how to deal with young people;
3. Present forum for getting youth and veteran officers together in non-confrontation settings;
4. Develop system for providing officers with resource directory of services available, so that they become a source of referrals to individuals in need.

The Crisis Intervention Team has not yet scheduled its next meeting. A full report will be made sometime in the future. Commissioner Fox indicated that some changes have been made from the original proposal which need to be discussed with Director Harris.

C. Housing Committee

A written report of activities was distributed. The next meeting is scheduled for February 1 at 3:30 p.m.

D. Public Hearing Section

Father Vallone stated that there are four Commissioners appointed to this Section. Three of these four Commissioners met after the December Commission meeting to discuss impact and procedures. It was determined that at least three of the Section members may be "tainted" for a majority of cases which will be presented during the next 18 months, due to prior service on the Compliance Review Section. Therefore, the norm will probably be only one Commissioner per panel, as there is no practical alternative under the existing Rules & Regulations.

Father Vallone also noted that the last public hearing he sat on covered eight days of testimony over a three-month period, even after his attempts to eliminate redundancy and irrelevance. He has been snowed with paperwork on motions (60-80 pages) and is treated by counsel for the parties as a Common Pleas judge. Commissioner Kunselman suggested setting a 10-page limit for all motions and offered to develop appropriate language to amend the Regulations, noting that amending the Code will eliminate this problem all together. Seven public hearings were authorized last year and have not yet been scheduled.

It must be staff's responsibility to carefully check records to see who can serve on a particular public hearing, and assignments will only be after consultation with staff. Father Vallone encouraged Commissioners to use enormous persuasive powers to settle cases. Complainants need to understand that their case will be a long time in reaching public hearing and that the decision will rest solely on the opinion of one Commissioner, who is neither judge nor attorney.

VI. HOME RULE CHARTER/CITY CODE AMENDMENTS

A method for amending the Code and/or Charter to provide for staggered terms of Commissioners must be identified. Previously, Councilman Ferlo recommended that all amendments to the Code be introduced at one time. Therefore, any changes which will be required by HUD for substantial equivalency must also be checked. The Director agreed to check with HUD regarding the status of the Commission's request for certification. Commissioner Pittinger also agreed to follow up with her contact in Washington, DC. Commissioner Board suggested that if a response from HUD indicates further delay of more than a "couple of months," the Commission will proceed with necessary amendments to the Code in piece meal.

Commissioner Kunselman cautioned that the Commission may not want to shed unnecessary light on the Commission given the current political climate. He suggested seeking a legal opinion from Byrd Brown as to how to achieve staggered terms for Commissioners in the City Code, rather than in the Home Rule Charter. Quinn Martin agreed to relay this to the solicitor.

VII. PITTSBURGH FOUNDATION

The Chair reported that he and Director Harris will meet with representatives of the Pittsburgh Foundation on January 10 regarding the Commission's request for a grant to underwrite two training workshops for Commissioners. He advised Commissioners that the original workshop date of January 21 may need to be rescheduled.

At approximately 4:50 p.m. Commissioners dismissed staff and visitors to discuss personnel matters in executive session.

/cmz

MEMORANDUM

TO: Commissioners
FROM: Housing Committee
DATE: January 5, 1995
SUBJ: TENTATIVE GOALS

The Committee Chair and staff discussed several goals for 1995:

Substantial Equivalency

Through its Solicitor the Commission is still working with HUD to bring Pittsburgh's fair housing law into substantial equivalency with the federal act. The Commission's revised regulations and proposed changes to the city code were submitted to HUD last November. The Commission is still awaiting HUD's response.

Newspaper Advertising

During January the committee and staff will be reviewing housing ads in several local publications for discriminatory content. Instances of such advertising will be presented to the Commission for further action. Commissioners who find suspect housing ads should clip the entire page and forward it to staff.

Fair Housing Month -- April

The federal government designates each April for education and outreach on fair housing. Staff was asked to provide ideas at the next committee meeting for Commission activities. Commissioner Williams suggested education on housing accessibility issues or seminars in other areas.

The next Housing Committee meeting is tentatively scheduled for Wednesday, February 1 at 3:30 p.m. in the Commission's conference room.

Pittsburgh Commission on Human Relations
Summary Report of Activities for 1994

In 1994, the following was accomplished in the area of

COMPLIANCE:

1. 5,314 telephone and 128 walk-in inquiries were received regarding Commission-related activities, for a total of 5,442.
2. 245 complaints were filed in the areas of employment, housing and public accommodations.
3. 201 complaints closed are broken down as follows:

Satisfactorily Adjusted	40
Lack of Probable Cause	99
Withdrawal	16
Withdrawal with Settlement	34
Failure to Locate	1
Failure to Cooperate	5
Lack of Jurisdiction	5
Defer to EEOC	1
4. 14 days of public hearings were conducted on various cases.
5. 19 private meetings and 7 public hearings were authorized.
6. Complainants received \$203,412 in lost wages and benefits.
7. \$10,000 was deposited in the Commission Trust Fund as a result of a Commission-initiated complaint.
8. In the wake of the Supreme Court ruling in Lyness, the Commission elected to bifurcate in order to avoid being perceived as one body involved in both prosecutorial and adjudicative functions.
9. Commission Rules & Regulations were revised and approved November 1994 to comply with bifurcation and the Fair Housing Act.
10. Revised Rules & Regulations submitted to HUD, along with proposed changes to the Code, for substantial equivalency certification.
11. The 1994 contract with EEOC for 124 cases was successfully completed.

COMMUNITY RELATIONS

1. Three separate public hearings were held:
January 14 - Police/Community Relations
January 21 - Alternative Approaches to the War on Drugs
February 11 - Youth Perspectives
2. The Pittsburgh Post Gazette was asked, and agreed, to run a permanent equal opportunity in housing ad for the Commission in its real estate section.
3. Bi-monthly bits of information regarding Commission jurisdiction, statistics, case information, etc. are provided to the media. Since the release began in September, several written community news services have carried this information.

4. Ethnic intimidations posters distributed in Taylor Allderdice High School and the Squirell Hill area.
5. Increased/improved community education and outreach has resulted in intake statistics up 19-30% during the second and third quarters over that of corresponding quarters in 1993.

TRAINING:

1. Two separate three-day orientation sessions were offered to the new Commissioners to acquaint them with the jurisdiction and internal procedures of the Commission.
2. Provided human relations training for 154 new police recruits in five all-day sessions.
3. Sensitivity training, capitalizing on sexual harassment, was provided for 150 city lifeguards in June.
4. Sensitivity training in racial and sexual harassment was provided for EMS Supervisors at the request of the Public Safety Department.

Goals for 1995

1. Work to fill current vacancies immediately, in addition to recouping positions of two full-time investigators, which were removed from the budget in August 1994.
2. Reduce, or at least keep pace, with the growing backlog of compliance cases. Unassigned cases are currently delayed for six months due to decreasing staff. During 1994, the average caseload per investigator has risen from 35 to 60 cases.
3. Continue to aggressively pursue substantial equivalency with HUD.
4. Work to have human relations training integrated at all levels of the police department, including veteran officers and management personnel.
5. Draft a police training manual.
6. Institute a mini-Human Relations Commission in high schools. Taylor Allderdice has expressed an interest to start.
7. Community Relations Committee to work with Taylor Allderdice High School in implementing its "Hands Across The Campus" curriculum.
8. Draft proposal for possible consideration by the Grants Clearinghouse which would provide funding for at least one additional full-time position in community relations and for outreach and educational efforts.

9. Provide human relations training for all City Departments, directors, assistant directors, chiefs and assistant chiefs of uniformed service bureaus, etc.
10. Hold two workshops for Commissioners which will provide opportunities for training, team building and goals assessment.
11. Empower a committee to investigate how staggered terms of Commissioners might best be accomplished.
12. Finalize and distribute Annual Report for 1993/94 by the end of the first quarter of 1995.
13. Investigate possibility of having Commissioner and staff training video-taped for future use.
13. Develop Commission handbook to assist in training new Commissioners.

/cmz

MEMORANDUM

TO: Commission Members

FROM: Connie Miskis Zatek
Secretary

DATE: January 3, 1995

SUBJECT: MEETING NOTICE

The next meeting of the full Commission is scheduled for 3:30 p.m., Monday, January 9, 1995 in the Commission Conference Room. Please note that this is a change from the usual time, for this month only. The Compliance Review Section will meet at 2:00 p.m. on January 9, prior to the full Commission meeting.

In preparation for the full Commission meeting, enclosed are the Minutes of the December 5 Commission meeting.

For members of the Compliance Review Section only, enclosed are copies of the cases to be presented at the 2:00 meeting.

Due to the back-to-back scheduling of the Compliance Review Section and the regular Commission meeting, the Executive Committee will NOT meet in January.

If you need any additional information in preparation for these meetings, please call me by Noon on the meeting date.

/cmz

Enclosures