GOVERNOR –ELECT TRANSITION –TIER 2

AGENCY IDENTIFICATION

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ORGANIZATION & BUDGET

Agency's Management Team (all report directly to the Executive Director)

- **Marc Brenman**, Executive Director, appointed by the Commissioners in March 2004. Mr. Brenman's career includes extensive experience at the federal level in civil rights, equal opportunity and diversity. He served as senior policy advisor for civil rights at the U.S. Department of Transportation from 1995 to 2004. Prior positions included division chief, external policy and program development with DOT and many years of increasing responsibility with the U.S. Department of Education, Office for Civil Rights. He received his B.A. in history from Windham College in Vermont, and did graduate study in American history at the University of Vermont, and in public administration at Golden Gate University in San Francisco. His published works include chapters on women's issues in transportation, and on transportation equity and environmental justice.

- **Tanya Calahan**, Commission Clerk, is the confidential assistant and advisor to the Commissioners. She coordinates and schedules their monthly meetings, arranges for public forums and guest speakers, and is the Public Disclosure Officer for the agency. She has worked in various administrative positions in Washington State government since 1988 and joined the Commission in 1995.

- **Cheryl Strobert**, Program Manager. Ms. Strobert was hired in 2000 by this agency and has worked thirteen years with the State. She handles some of the deputy director functions (there is no deputy director on board) of oversight of the post finding processes and procedures for our agency and all labor/management issues including grievances. Prior to joining our agency she worked for the Washington State Attorney General's Office, the Department of Labor and Industries Personnel Office, and the Department of Transportation's Office of Equal Opportunity. She holds a BA from Mount Holyoke College, an M.A. in Policy and Planning and a J.D. from Gonzaga School of Law.

- Four Operations Managers supervise investigative, intake, and outreach staff and oversee office operations. These include:
    - **Regina Hook,** Operations Manager for the Olympia Office. Regina received her B.A. in Public Administration and has 12 years experience in civil rights. She began at the HRC in 1992 as a civil rights investigator . She has earned promotions through the investigator ranks. She currently supervises nine investigators and two administrative staff.

    - **Berneta Walraven,** Operations Manager for the Seattle Office. Ms. Walraven has over 14 years of civil rights experience in fair employment and fair housing issues. She has investigated and litigated housing and employment complaints before administrative agencies. Prior to moving to Washington, Ms. Walraven worked 6 years for the Massachusetts Commission Against Discrimination and a year as a civil rights consultant. She is a Smith College graduate with a B.A. and earned her J.D. from Northeastern University School of Law.

- **Jerry Lee,** Operations Manager for the Yakima Office. Mr. Lee has a law degree from the University Of Puget Sound School Of Law. Prior to joining our agency, Mr. Lee supervised and managed professional staff at the Thurston County Prosecutor's Office. Mr. Lee has demonstrated experience in conducting training for employers, housing providers and others on the Law Against Discrimination.

- **Sharon Ortiz,** Operations Manager for the Spokane Office. Ms. Ortiz is the former Assistant Director for the Northwest Fair Housing Alliance. She began working for this agency in 2001 as a civil rights investigator and later promoted to her current position. She graduated from Whitworth College. She is very active in her community and currently serves on the board of the Washington Alliance of Immigrant and Refugee Justice and a member United Farm Worker's Union and the NAACP.

- **Idolina Reta**, Special Assistant, handles strategic planning, grants, Commission-initiated investigations and in-house consultation for controversial and sensitive cases and policy. Ms. Reta is a 26-year employee with the Commission. Originally hired as a civil rights investigator, she has over ten years experience in management, demonstrated expertise in conciliation of reasonable cause cases and training skills.

- **Jean Ciallella,** Human Resources Manager, responsible for all personnel issues and change agent for HR 2005. Ms. Ciallella joined the Human Rights Commission in 1995 as the Commission Clerk. Prior to joining our agency, she worked in the public sector as an analyst for an environmental consulting firm. She has also worked for several non-profit and community-based organizations, as a grant writer, office administrator and meeting planner. She graduated from Kinman Business University in Spokane, Washington where she majored in business administration.

- **Renee Knight**, Administrative Services Manager, budget and OFM liaison. Renee has been with the HRC since 1989. She attended South Puget Sound Community College and majored in Accounting. Her contributions have earned her several promotions before taking her current WMS position as an Administrative Services Manager.

- **Tim Reynolds**, Information Technology Systems Supervisor, responsible for installation, upgrade and maintenance of hardware and software, database and website. Tim was hired in 1999 by the Department of Health as an Information Technology Systems Specialist. He joined the HRC in 2001 as the Systems Administrator. Tim graduated from Washington State University with a B.A. in Liberal Arts.

Authorizing Environment and Environmental Scan

Major Statutory Authorities

The Washington State Human Rights Commission enforces RCW 49.60, Law Against Discrimination. The attached chart summarizes the Commission's authority.

	Race – Color	Creed	National Origin	Sex	Disability, HIV, and the Use of a Dog Guide or Service Animal	Marital Status	Age (40+)	Affirmative Action – RCW 49.74	Families with Children
Employment: RCW 49.60.180,190,200,205	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Real Estate: RCW 49.60.222,223,2235, 224,225	Yes	Yes	Yes	Yes	Yes	Yes			Yes
Public Accommodation RCW 49.60.215	Yes	Yes	Yes	Yes	Yes				
Credit: RCW 49.60.175,276	Yes	Yes	Yes	Yes	Yes	Yes			
Insurance: RCW 49.60.178	Yes	Yes	Yes	Yes	Yes	Yes			
Whistleblower / Retaliation: RCW 49.60.210									
Health Care Whistleblower: RCW 43.70,70.124,74.34									

Major Partner, Supplier and Customer Groups and their Expectations

Equal Employment Opportunity Commission
WSHRC has a long-standing partnership with the federal Equal Employment Opportunity Commission (EEOC). Under a worksharing agreement, WSHRC investigates and receives reimbursement for complaints that would otherwise be filed with EEOC under federal law.

Each year WSHRC negotiates a new contract with the EEOC. Contract levels fluctuate in response to federal funding availability and the agency's internal capacity. The EEOC contract comprises almost 26% of the HRC's annual revenues. EEOC dual-filed complaints represent about 75% of all cases closed by the HRC and 95% of all employment cases resolved by it.

U.S. Department of Housing and Urban Development (HUD)
WSHRC has a similar worksharing agreement with HUD to receive and conduct housing complaints that would otherwise be filed with HUD under federal law. HUD contract cases represent about 11% of all cases closed and 95% of all housing cases closed. The HUD contract represents 16% of WSHRC's revenues.

WSHRC has conducted several joint activities with HUD and other local civil rights groups. Each quarter we, HUD, the Seattle Office for Civil Rights, and the Tacoma Human Rights Department conduct joint training on Fair Housing Law for housing providers, attorneys, and other interested parties.

Partnership with Community Service Organizations
In 2003 the HRC developed and began worksharing partnerships with two community service organizations to reach new immigrants and refugees who struggle with language and cultural barriers. WSHRC partnered with the Washington State Migrant Council, which provides a variety of services to farmworker families, mostly Hispanic, in 11 rural counties. WSHRC also entered into a worksharing agreement with the Jewish Family Services Multi-Ethnic Center to provide services to new immigrants in King and Snohomish counties.

The purpose of these partnerships was to provide easier access to information on the Law Against Discrimination to Hispanic farmworkers and Russian immigrants. WSHRC staff offered training on the law to partnership agency employees that provide direct services to their clients.

The WSHRC and staff have developed and maintained partnerships with several other human rights organizations throughout the State. These include the Whatcom Human Rights Task Force, the Thurston Council on Cultural Diversity and Human Rights, and the Kitsap County Council on Human Rights.

With the troubled economy and the focus on the war against terrorism, there are indications that less federal funding will be available for civil rights.

Recap of External Environment Scan

Economy

The high unemployment rate in Washington State has had significant impacts on the agency's workload. When there are major reductions in the workforce, there is an increase in the number of complaints filed with our agency. The State unemployment rate as of March 2004 was 6.2%, compared to the national rate of 5.7%.

Historically, Hispanics, African-Americans, and people with disabilities have had the highest unemployment rates. This correlates with our caseload: 25% of complaints filed allege national origin or race employment discrimination and 29% allege disability discrimination. Further, employment discrimination charges comprised 82% of all charges filed with the agency in FY 2002-03.

Without a job it is difficult for families to maintain and/or obtain housing. The fact that discrimination disproportionately affects minority groups, people with disabilities, new immigrants and farmworkers in housing, has a direct impact on the workload of this agency. There is domino affect in our society due to discrimination. When an employee is terminated due to discrimination, he/she many times is not able to pay the rent. We receive desperate calls from some customers who are being evicted from their homes and have nowhere to go. It's even more difficult for new immigrants and farmworkers because of their limited English deficiency.

Technology

Recent surveys of our customers indicated that 95% of businesses and 60% of complainants have access to email and the Internet. Even in rural and economically disadvantaged areas, access to new technology through public libraries and community centers has improved. This creates opportunities for WSHRC to develop distance learning programs that will be faster, more cost effective, and able to reach a much broader customer base than present methods.

Other Considerations

Other major variables in the external environment, while difficult to predict, have significant impacts on WSHRC's staffing and caseloads. For example, news media and community events related to discrimination raise awareness among victims of discrimination and result in increased requests for services. After the 9-11 tragedy, the number of calls relating to discrimination based on national origin and/or religion increased. Similarly, cross-burning incidents in Washington and the subsequent media coverage amplified the issue of discrimination.

Trends in Customer Characteristics

2003 Civil Legal Needs Study

In September 2003 the Washington State Supreme Court issued a groundbreaking study on the civil legal needs of low income and vulnerable people in Washington. It showed that more than a quarter of all legal problems experienced by low-income people were related to discrimination. Discrimination disproportionately affected most ethnic minorities, people with disabilities, immigrants and farm migrant workers. The report revealed that nearly half of all low-income people with legal problems do not seek legal assistance because they do not know there are laws to protect them. It showed that others believed they could not afford legal help or had difficulty seeking help due to language barriers.

Ethnic Communities Face Different Issues Of Discrimination

In Washington State, between 1980 and 2000, the Hispanic population more than tripled. Currently the Hispanic population makes up 7.5% of the state's total. In the nation, Hispanic and Asian populations are projected to triple over the next half century.

Census 2000 showed that the State's percentage of population, age 5 and above, where the households had limited English proficiency, rose from 3.7% in 1990 to 6.4% in 2000.

In many communities, discrimination hurts those with low income, especially those with language barriers. For example, North Central Washington attracts hundreds of low income Hispanics, many with limited English proficiency, to work in the orchards and packing sheds. The communities want the benefit of the low wage workers but often lack the social services and other infrastructure to meet their housing and employment needs. Many farmers lack bilingual management personnel, resulting in communication problems and leading to the possibility of alleged civil rights violations due to cultural misunderstandings.

Census 2000 reported that 3000 people live within Seattle's International District boundaries; of these, 70% live on less that $25,000/year and 67% have a primary language that is not English. These residents often face discriminatory practices that hurt their entire community due to language barriers, socio-economic status and lack of political awareness.

People with Disabilities

According to the latest Lou Harris poll, 73% of working age people with disabilities are unemployed. In Washington State over 18% of the population are people with disabilities.

In FY 2002-03, 29% of all complaints filed with WSHRC alleged disability discrimination. Disability issues were the largest segment of complaints in employment, housing and in public accommodations. There is a steady increase in disability discrimination complaints. This can be attributed to three factors: employers, housing providers, businesses, state agencies, and others need training on disability discrimination because of its complexity and relative newness; as the working population ages so does the incidence of poor health and disabling conditions; and modern technology offers more opportunities for persons with disabilities to continue in or join the workforce.

According to Census 2000, there will be a significant increase in the number of older persons in the workplace. Nationally, by 2030 the population is expected to get older because the baby boomers, born between 1946 and 1964, will begin to turn 65 in 2011. By 2030, about one in five people will be 65 or over. As the population ages, health and disability problems increase. More people are working past retirement age, so there will be more people with disabilities in the workforce.

These trends provide resource challenges for the HRC. We recognize a need to modify service delivery to meet the needs of our customers by updating our technology and improve efficiency. On-line training on the law will enable our agency to reach more businesses. Similarly, on-line early dispute resolution will support our efforts to increase access to all parties for prompt and equitable resolution of complaints. WSHRC is working to provide customers an accessible on-line system to file discrimination complaints. This will help eliminate the paperwork that is generated when a complaint is filed, and will help reduce waiting time for customers.

Without adequate technology and funding, it will be difficult for WSHRC to meet the increasing demands and changing needs of our customers and State law.

WSHRC's 2006-2011 Strategic Plan Highlights

Mission Statement:
The mission of the Washington State Human Rights Commission (WSHRC) is to eliminate and prevent discrimination through the fair application of the Law, the efficient use of resources, and the establishment of productive partnerships in the community.

Goal #1: Increase Public Awareness on the Law Against Discrimination.

Vision: The Commission will have updated technology to provide wider visibility on the Law Against Discrimination throughout the state for all persons regardless of their socio-economic status, national origin, creed, or disability. WSHRC will create productive partnerships with other organizations to maximize resources in carrying out the law. An updated technology system will allow the Commission to educate small business and other potential respondents statewide on the law.

Objective: Increase access to information about the Law Against Discrimination to those who have rights under the law and those who need to comply with it.

Strategy A: Provide education on the Law Against Discrimination to individuals with disabilities and persons with limited English proficiency.

Strategy B: Conduct statewide training that is accessible and available to those who need to comply with the Law Against Discrimination.

Goal # 2: Increase agency's visibility and credibility by being recognized as the leading experts on civil rights issues.

Vision: Legislators and other stakeholders will have a better understanding of the critical work of this agency and support the WSHRC as it endeavors to prevent and eliminate discrimination. Employers, housing providers, businesses, state agencies, and others covered by it will respect the law.

Objective: Increase opportunities to educate legislators, employers, housing providers and businesses on the Law Against Discrimination.

Strategy A: Conduct a well-organized campaign to educate legislators to help bring about excellence in constituent service.

Strategy B: Initiate agency complaints to enforce the Law Against Discrimination with wider scope and greater effectiveness.

Goal # 3: Create a positive and productive work environment for employees.

Vision: Commission employees have a clear understanding of their individual roles and responsibilities. All employees are accountable for their work and feel empowered to perform and excel to meet individual and agency goals.

Objective: Increase customer satisfaction rating from HRC employees.

Strategy A: Encourage, support and recognize employees for their contributions.

Strategy B: Increase opportunities for staff growth and development.

Goal #4: Complete high quality investigations with timely decisions.

Vision: The Commission will exceed customer expectations in the quality of our work and prompt service, using state of the art technology support. The Commission will maintain high production that results in increased federal contract funding, and reduces peaks and valleys of effort.

Objective 1: Reduce the number of aging cases over 180 days old and successfully resolve those that remain.

Strategy: Monitor aging cases on a weekly basis through an improved database.

Objective 2: Increase customer satisfaction ratings.

Strategy A: Be more responsive and accessible to our customers.

Strategy B: Improve case processing to be more prompt, efficient and consistent.

SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis

Strengths-

- Commission's History: In 1949 this agency was the first civil rights agency created west of the Mississippi and seventh in the nation. We take pride in our history and the service that we provide to our customers. The State Law is progressive and on the cutting edge of many civil rights issues. For example, our State's disability discrimination laws were 20 years ahead of the American's with Disabilities Act (ADA), and still provides great protections. In 2004 the Commissioners held forums throughout the State to discuss current issues; Washington State's Civil Legal Needs Study, Housing and Domestic Violence Issues, Equity and Education and Hate Crimes.

- Good Law: Our State agency has a very good law that has been supported and tested in the courts. These court cases have strengthened our Law and our ability to enforce it. Our Law has a positive impact on the lives of our customers.

- Enforcement Power: The HRC, by statute, exercises its police power for the protection of the public welfare, health, and peace of the people of the State, and in fulfillment of the provisions of the Constitution of this State concerning civil rights.

- Diversity in our Dedicated Staff: We are proud that our agency mirrors the workforce of the State in many ways.

- Expertise in Civil Rights Issues: The public has access to our civil rights expertise. Our professional enforcement staff has knowledge that is not taught in any college or university.

Weaknesses

- Insufficient Staff: This has had an adverse impact on our ability to enforce the Law Against Discrimination. Without adequate funding, we cannot hire sufficient staff to carry out our mission efficiently and effectively.

- Lack of an Effective Database: The agency's first database was created about a year and a half ago. This database helps managers monitor case investigation activities for hundreds of cases in our inventory. It helps us monitor case closures and ensure that federal funding contracts are met. The first phase was completed by developing a foundation which limited access to the database to Olympia Office staff. However, due to budget cuts, the agency did not have the funds for the second phase which called for expanding the database to allow access to the agency's three district offices.

- Lack of Collaboration with other State Agencies: There are many known and unknown opportunities where State agencies and educational institutions may be able to work together to minimize or share resources, eliminate duplication, and increase savings to taxpayers. We also need better support from other State agencies, such as the Attorney General's Office. The current funding system for obtaining legal advice is counter-productive. Services received from the Office of Financial Management are not conducive to pay for performance and market-based solutions.

- Lack of Critical Tools: Many of our agency's computer workstations are over three years old. As office productivity software improves, and demands increase, the agency needs to continue to have computer workstations that are able to handle the needs of our workforce. Like many other State agencies, reliable computer workstations are a critical tool to effectively and efficiently conduct the work for the State.

- Lack of Credibility**:** Due to past difficulties, the HRC lacks credibility across the State.

- Lack of Legislative Liaison: The HRC lacks the funds to fill a half time legislative liaison/constituent services position.

- Overemphasis on investigations: The HRC is required to accept for investigation all complaints that meet a very low threshold; it has no prosecutorial discretion. We need to use alternative dispute resolution on more cases, and quickly dispose of frivolous ones and ones that do not meet the priority needs of the State.

- Staff are spread thin: Educational equity issues cry out for attention, but OSPI does not have an investigative unit outside of special education. The HRC has jurisdiction, but cannot afford the use of resources for what is essentially another State agency's responsibility.

Opportunities

- New Leadership: Our agency has turned over a new leaf with the recent hire of an executive director, Marc Brenman. He brings a wealth of leadership experience, knowledge, and commitment to the mission of this agency.

- Re-establishing our role as a Civil Rights Leader: In December 2004 the Commission and the Governor's office are sponsoring Washington's first statewide civil rights strategic planning conference. This historic event brings leaders from federal, state, county and city governments, civil rights organizations, state unions, businesses, advocacy groups and others to develop a state-wide civil rights strategic plan for 2005-2011. Our agency will monitor the implementation of this strategic plan and work in partnership with key stakeholders to implement the identified goals.

- Creating Partnerships: The scheduled Civil Rights Conference will help our agency identify opportunities where we can work together with federal, city, state, and county governments to maximize or share resources, eliminate duplication, and/or increase savings to taxpayers.

- Personnel Reform 2005: Our agency looks forward to building and sustaining a performance-based culture for our staff. This new human resource system will assist managers create conditions and consequences that support and sustain strong performance to support the needs of our customers.

- Proactive efforts regarding hate incidents**:** We are forming partnerships to address unfortunately common hate incidents in the State.

- Training: We are moving toward providing increased professional training to our staff.

- Rulemaking: In 2005, the HRC plans to begin vigorous rulemaking, to make clear our interpretation of our statutes.

Threats

- Budget Challenges: Without appropriate funding, it will be very difficult for our staff to adequately meet the needs of our customers and effectively and efficiently carry out the Law Against Discrimination. Unfortunately, those customers most impacted would be the low-income, limited English proficient, and persons with disabilities.

- Troubled Economy: The poor economy plays a major factor in the fluctuation of our case inventory. A troubled economy results in employee layoffs, which in turn increase the number of new complaints filed with our agency. We need to have adequate staff and tools to be able to handle the increase in volume.

- Amendments to the Law Against Discrimination,without Adequate Funding: In the past legislators have entertained various bills to amend the Law Against Discrimination. With our current budget, amendments without additional funding would create an adverse impact on our limited staff resources.

- Court decisions: In recent years, the federal judiciary has undercut civil rights protections for members of protected classes.

Emergent or Hot Issues
Most Pressing Issues or Challenges Facing Our Agency

- ✓ **Budgetary constraints that prevent HRC from fulfilling all its statutory duties and many discretionary and critical tasks.** In spring 2003, we suffered a $790,000 cut in our revenues. This has prevented fulfilling many required activities, such as technology updates, services to limited English proficient persons, studies, policies, and filling necessary positions. It hurt our ability to fill vacant positions that are critical to our operations and adequate implementation of our strategic plan.

- ✓ **Changing demographics in the State.** The number and percentage of people with disabilities, Latinos, Asian-Americans, and people who are limited English proficient are growing in Washington. Complaints filed on race, national origin and disability make up over 50% of the agency's workload. Employment disability cases are about 30%.

- ✓ **Organizational Culture Challenges and Opportunities.** Over the last several years the HRC has been challenged with union and employee grievances reflecting dissatisfaction, management turnover, and poor publicity. This resulted in low production and morale. In March 2004 the HRC appointed a new director, who is swiftly addressing and responding to low production, employee concerns, and credibility issues.

- ✓ **Visibility and Credibility with Public and Stakeholders.** The HRC needs to establish itself as a civil rights leader. Stakeholders include the Governor, employers, housing providers, businesses, community interest groups, legislators, complainants and the general public. Customers want prompt and equitable complaint processing. In general, there needs to be more creativity and flexibility among State government executives on implementing performance-based solutions. Otherwise, the transition to a more market-based civil service will fail.

- ✓ **Refinement of Effective Case Management Techniques** (start to finish) to maximize accurate, speedy investigations of cases while ensuring a high level of customer satisfaction for feedback and professionalism.

- ✓ **Staff Training:** Up-to-date training for all agency personnel on all aspects of civil rights law and other human rights issues.

- ✓ **Productive and Healthy Work Environment**: Ensuring an internal work environment that manifests the best practices of professional and humane conditions and results.

- ✓ **Funds to implement an aggressive education and outreach program** to meet the needs of the new immigrants, refugee, and farm worker communities.

- ✓ **Meeting the Needs of Customers**: New immigrant, farm worker and undocumented workers discrimination. Very high unemployment rate of people with disabilities.

- ✓ **State Disability Law is Broader**: Increasing divergence of State and federal disability law.

- ✓ **State of Washington Equity in Education:** Eliminate prejudice, bigotry and discrimination in school districts; improve achievement for all students; address racial integration and recognize diversity; address racial imbalance policy; address the language needs of all students, ensure equitable distribution of resources to meet student needs; recruitment and hiring of staff to reflect our diverse society.

- ✓ **Executive State Leadership Support:** Lack of equity and nondiscrimination issues in Priorities of Government II. Seven percent of discrimination complaints filed with this agency are against other State agencies. Respondent agencies' resources to defend these complaints are paid by tax dollars. State agencies should be model employers. There is an urgent need to educate and align other Washington State agencies on RCW 49.60.

10-29-04