

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 7, 2022
Action Required:	CY2021 Human Rights Commission & Office of Human Rights Annual Report review and consideration of staffing recommendations.
Presenter:	Jessica Harris, Chair, Human Rights Commission Todd Niemeier, Director, Human Rights Commission
Staff Contacts:	Todd Niemeier, Director, Human Rights Commission
Title:	Human Rights Commission & Office of Human Rights CY2021 Annual Report

Background:

The Charlottesville Human Rights Commission, in partnership with the Office of Human Rights, acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville), outlines the roles, duties, and responsibilities of the Human Rights Commission (HRC) and the Office of Human Rights (OHR). Per Sec. 2-433. of the Charlottesville Human Rights Ordinance, following the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- (a) *Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.*
- (b) *Collaborate with the public and private sectors for the purpose of providing awareness, education, and guidance on methods to prevent and eliminate discrimination citywide.*
- (c) *Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.*
- (d) *Seek work share agreements with the Equal Employment Opportunity Commission (“FEPA”) and the Department of Housing and Urban Development (“HUD-FHAP”) to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.*
- (e) *Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.*
- (f) *Prepare recommendations to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications or operating procedures approved by City Council.*

As required by Sec. 2-441. of the Charlottesville Human Rights Ordinance, the attached report provides an overview of the work of the HRC and OHR during calendar year 2021 as it relates to the roles listed above.

Discussion:

In previous annual reports, the work of the HRC and OHR has been summarized separately. While reporting in this manner is helpful for distinguishing the specific accomplishments of each body, it makes it more difficult to understand how the work of the HRC and OHR overlap to fulfill the roles set forth in Sec. 2-433. of the Charlottesville Human Rights Ordinance. This report provides a summary of the work done to fulfill each role outlined in Sec. 2-433. and highlights both the combined and independent work done by the HRC and OHR. By organizing the report in this fashion, it is easier to see how the actions of both bodies interrelate and tie directly back into City code and City Council's Vision and Strategic Plan.

The data and information presented in this report is collected throughout the year through a variety of means. The work completed by the HRC is documented in meeting minutes and recordings, as well as in the written work products of the HRC itself, which include resolutions and letters to Council and other community organizations. Data related to services provided to individuals by the OHR is entered into a Microsoft Excel-based database and is then reported in aggregate. Aggregating service data maintains the confidentiality of individuals seeking support and reveals trends in service provision as it relates to the activities and classes protected by the Charlottesville Human Rights Ordinance. Complaints that are approved for further action are recorded in an additional Excel-based database which facilitates tracking cases that remain active for more than one year. Data reflecting community outreach and engagement work done by both the HRC and OHR is also entered into an Excel-based database, allowing for data aggregation and presentation that shows alignment with the Charlottesville Human Rights Ordinance.

In 2018, per the initiative encouraged across all City Departments, the OHR created a Department Scorecard. To maximize reporting efficiency and clarity between the Department Scorecard and the Annual Report, the Objectives and Measures in the Department Scorecard have been refined to match the sections in the Annual Report. Some of the charts, graphs, and other visual representations of the data found in the Annual Report were generated using the ClearPoint interface, which is used to create the Department Scorecard. For some datasets, Excel proved more effective than the ClearPoint interface for creating charts and graphs. In those situations, the Excel-based charts and graphs were used in both the Departmental Scorecard and the Annual Report.

The HRC and OHR present the CY2021 Annual Report in conjunction with the recommended amendments to the Charlottesville Human Rights Ordinance. The recommended amendments reflect the work of the HRC and OHR to pursue a Fair Housing Assistance Program (FHAP) workshare with the Housing and Urban Development (HUD) Fair Housing Office per Sec. 2-433. (d) of the Charlottesville Human Rights Ordinance. Presenting these two documents simultaneously provides City Council with the information necessary to make strategic decisions about the future organizational structure and mission of the HRC and OHR.

Alignment with City Council's Vision and Strategic Plan:

The work done by the HRC and OHR aligns with City Council's vision of Charlottesville as a "leader in social and economic justice, and healthy race relations" that is "flexible and

progressive in anticipating and responding to the needs of our citizens” and is a “united community that treasures diversity.” Adopting the recommendations proposed below helps ensure that Charlottesville moves toward becoming a “Community of Mutual Respect” with a “Smart, Citizen-Focused Government” that supports and protects “Quality Housing Opportunities for All,” as well as “Economic Sustainability.”

Community Engagement:

The table below shows planned dates, events, and engagement opportunities for the community to review and provide feedback on the CY2021 HRC & OHR Annual Report.

Date	Event	Engagement Opportunity
August 18, 2022	HRC Regular Meeting	<p>This memo and the annual report were included in the HRC Regular Meeting agenda packet, which was publicly posted on the City website.</p> <p>Commissioners were asked to provide feedback on the memo and report on or before September 5, 2022.</p> <p>Members of the public provided no feedback regarding the memo or report during the two public comment periods in this meeting.</p>
September 15, 2022	HRC Regular Meeting	<p>Commissioners recommended no additional revisions to the memo and report.</p> <p>This memo and the annual report were included again in the HRC Regular Meeting agenda packet, which was be publicly posted on the City website.</p> <p>During the meeting Commissioners voted to approve the report for presentation to City Council.</p> <p>Members of the public provided no feedback regarding the memo or report during the two public comment periods in this meeting.</p>

Budgetary Impact:

At its meeting on August 15, 2022, City Council approved the use of \$176,000 in American Rescue Plan Act Fund Allocations for the purpose of hiring a “Human Rights Commission Investigator and Administrative Support.” Below is a breakdown of potential costs for the hiring of a Human Rights Intake Counselor and a Human Rights Investigator.

Within the City’s current position descriptions, the position most similar to a Human Rights

Intake Counselor may be the Senior Social Services Assistant, a Non-Exempt, Technical, Zone 3, Hiring Level II position. If hired at a starting wage of \$23.10 per hour, a civilian position with a defined benefits plan would cost an estimated \$74,116.50 per year. This position will also require one-time funding for a laptop computer and computer software. The additional cost for these items is estimated to be approximately \$2,000.00 or less.

Within the City's current position descriptions, the position most similar to a Human Rights Investigator may be the DSS Senior Benefit Program Specialist and Fraud Investigator, a Non-Exempt, Professional, Zone 2, Hiring Level II position. If hired at a starting wage of \$32.70 per hour, a civilian position with a defined benefits plan would cost an estimated \$101,147.98 per year. This position will also require one-time funding for a laptop computer, computer software, and a cell phone. The additional cost for these items is estimated to be \$2,500.00 or less.

The combined personnel cost for these two positions is estimated to be \$175,264.48, which can be covered for the remainder of FY23 and part of FY24 with the \$176,000.00 in American Rescue Plan Act Fund Allocations. Continuing these positions beyond the mid-point of FY24 will require additional funding, some of which may come through the FHAP workshare, if the City is awarded interim certification, but will likely need to be covered by the City's general budget in the long term.

The combined office equipment cost for these two positions is \$4,500 and can be covered by the OHR's existing budget.

The current Community Outreach and Administration Specialist in the OHR is also a Non-Exempt, Professional, Zone 2, Hiring Level II position, with the same salary range as the DSS Senior Benefit Program Specialist and Fraud Investigator. The FY22 personnel budget for the OHR was insufficient to offer the individual hired for this position the midpoint wage. Considering class and compensation equity between the Intake and Administrative Specialist, Outreach and Administrative Specialist, and Investigator positions will be an essential step in the process of building this team.

Recommendation:

To maintain efficient and effective service provision to the community, the HRC and OHR recommend that City Council consider appropriating funding for two additional full-time OHR staff positions, as follows:

Human Rights Intake Counselor

- The person in this position would be responsible for receiving and screening incoming phone, email, and walk-in contacts.
- This individual would be responsible for entering service provision data into the OHR service provision database and may assist with preparing minutes for publicly noticed meetings of the HRC, and other clerical duties as needed. These duties are currently held by two part-time Interns.
- This individual would also assume the daily intake and referral duties. These responsibilities are currently held by the Community Outreach and Administrative Specialist and the Director, in addition to the specific duties required of those positions.
- Upon successful interim certification into the FHAP workshare, this individual would also be responsible for entering service provision data into the HUD Enforcement

Management System (HEMS). This individual would also submit the required service provision data to the EEOC should the City enter a FEPA workshare.

Human Rights Investigator

- The person in this position would be responsible for investigating complaints of discrimination and compiling investigative reports.
- This individual would assume the investigative duties currently held by the Director, which would allow the Director to assume the duties of authorizing cases for further action and rendering findings, thereby relieving the Deputy City Manager for Racial Equity, Diversity, and Inclusion of this responsibility.
- It is assumed that, upon successful interim certification into the FHAP workshare, the OHR will see an uptick in the number of housing discrimination cases it receives. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second investigator should be hired prior to entry into a FEPA workshare.

Alternatives:

Should City Council elect not to fund the additional staffing recommended above, the HRC and OHR do not believe the City can successfully enter into the FHAP or FEPA workshare agreements nor maintain efficient and effective service to the community, thereby impairing the OHR's ability to uphold City Council's vision and stated goals.

Attachments:

CY2021 Human Rights Commission & Office of Human Rights Annual Report.