

# LAWYERS JOURNAL

## AC Human Relations Commission marks 10 years

By Zandy Dudiak

The Allegheny County Human Relations Commission has handled issues of discrimination in employment, housing and use of public accommodations since its inception nine years ago, but as the commission ramps up to its 10-year anniversary, it faces what current commission member William C. Price calls “an awareness issue” on the plaintiff side.

The diverse, seven-member commission typically has handled 10 to 12 cases a year, with complaints ranging from a school district refusing benefits to an employee’s same-sex spouse to housing issues encountered by refugees and those identifying as LGBTQ. Price would like to see that number grow.

“The number of cases doesn’t match the level of issues we expect in the community,” Price said. “We’re trying to change that and make sure the right players are aware of it.”

When it comes to venues for discrimination cases, there are many options available. Some end up with the U.S. Equal Employment Opportunity Commission or the Pennsylvania Human Relations Commission, he said. Others are filed in federal or state court. City residents also have the option of having cases heard by the Pittsburgh Commission on Human Relations. So Price understands how the ACHRC can be overlooked. But he says many discrimination issues that affect Allegheny County residents could be handled more expeditiously by the commission, which has the ability to issue money damages and injunctive relief.

“Most of our cases settle,” Price said. “A lot of it is predictability and speed – where am I going to get predictable outcomes.”

Attorney Amanda Green-Hawkins was the primary sponsor of the ordinance to create the ACHRC in 2009. She, too, cited predictability and also noted that the federal EEOC’s interpretation of sex discrimination – including gender stereotypes – is “subject to change as administrations change.”

Common Pleas Court Judge Hugh McGough served on the ACHRC from its inception in 2010 through 2015 and chaired the commission in its first year. He sees it as an attractive, underutilized alternative, especially for LGBT plaintiffs.

“The federal EEOC has been diluted in its commitment to its anti-discrimination protection of LGBT persons and arguably in respect to other minorities,” McGough said.

McGough noted that state House Bill 300 – which would provide protections for citizens on the basis of “sexual orientation” and “gender identity or expression” – has failed to pass despite the support of former Gov. Ed Rendell and Gov. Tom Wolf. And he said the U.S. Justice Department has argued in a number of federal appellate cases that the phrase “because of sex” does not include LGBT individuals under Title 7 of the Civil Rights Act.

The ability of anyone to secure gainful employment and patronize any store or restaurant is so important to the “free flow of money in our economy – from gainful employment to being able to patronize stores and restaurants,” Green-Hawkins said.

“If you go through the state or federal system, there’s not going to be law behind it,” Green-Hawkins said. “The human relations commission in your hometown or home county serves as a resource for better or faster recourse than going to the state or federal level.”

When there is a need for a hearing, half of the commission handles the investigation to allow for more open conversation about the case, Price said. The other half then sits for the public hearing without the prejudice of knowing about the case prior to the presentation. If not satisfied with the decision, the parties can appeal to Common Pleas Court of Allegheny County.

One way the commission hopes to increase its utilization is at a Feb. 19 lunch-and-learn program sponsored by the ACBA Labor and Employment Section and LGBT Committee. The commission hopes to use the event to raise awareness and as an open forum to gather comment on its proposed rules and procedures. The new rules will be more formalized and predictable, and they would be compatible with those used by the Pittsburgh Commission on Human Relations, said Price, who will moderate the event.

Speakers include McGough, Green-Hawkins, Assistant Allegheny County Solicitor Fran Leibenguth and attorneys Karen Baillie and Maureen Davidson-Welling.

Prior to establishment of the commission, Allegheny County Council had no way to respond to citizen concerns about equality protection or harassment, said McGough. However, for more than a generation, those living within the city borders had a way to address their concerns about equal protection from discrimination, he said.

The Pittsburgh Civic Unity Council had been established in 1946 during the migration of African-Americans from the rural South and veterans to northern cities. The city’s Fair Employment Practices Commission was established in 1952 and merged with the Unity Council in 1955 to create the Commission on Human Relations.

“(Green-Hawkins) had the idea planted in her head that with the county’s new Home Rule Charter, it could also use an HRC that would expand to the borders of Allegheny County,” McGough said.

McGough said the ACHRC has three purposes: education, persuasion to accommodate people’s differences and enforcement of equality. Price said the commission sponsors diversity awards for high school students in an attempt to raise awareness about the ACHRC’s work.

“The commission brings together a diverse group of community members who are looking for seats at the table,”

he said. "A shared goal of HRCs generally is to be a force in maintaining and improving our ability to live together.

"Like many cities, Pittsburgh remains a melting pot. It's important that we work at keeping the welcome mat out and fresh." ■

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### **If you're going**

**What:** ACBA Lunch and Learn – A 10-Year Celebration of the Allegheny

County Human Relations Commission

**When:** Tuesday, Feb. 19 – noon - 1 p.m.

**Where:** Koppers Building lower level conference center

**Cost:** \$10 ACBA members, \$15 nonmembers

**RSVP:** By Feb. 17 via the CLE/events calendar at [ACBA.org](http://ACBA.org)