A Civil Rights Agenda for a New Administration

Priorities from the Pittsburgh Commission on Human Relations

Executive Summary

The year 2020 was a critical turning point for our nation, region, and city to reckon with longstanding racial inequity and inequality. It is time for municipalities to act deliberately and strategically about eliminating inequity and inequality. The suggestions in this document guide the next administration in financially sound, equitable planning for all Pittsburghers.

The Pittsburgh Commission on Human Relations (PghCHR) is the City of Pittsburgh’s civil rights law enforcement agency. An independent agency, but housed within the City, PghCHR has worked since 1955 to deliver promises of equal opportunity to all persons. PghCHR’s duties include investigating reports of discrimination, educating the public about their civil rights and responsibilities, researching the issues that contribute to discrimination and inequality in our City, and recommending policies to the City to ensure fair treatment of all its residents, workers, and visitors. In today’s divided climate, with media focus on racial tensions, human migration, and societal inequity, our work has never been more important. There are three main categories of recommendations in this document: Civil Rights inside City Hall, Civil Rights in City Impacts, and Civil Rights in City Code.

Civil Rights inside City Hall refers to the City as a leader in compliance with its own laws and best practices. This section recommends that a new administration empower PghCHR and other offices to expand and integrate into City processes. PghCHR and the Office of Community Health and Safety must receive additional staff and funding to centralize our efforts into powerful, independent entities that inform and oversee policy and programs.

Civil Rights in City Impacts addresses the major ways that City policy affects its populations. First, this section suggests increasing diversity of businesses and business owners through departmental outreach and increased oversight of city contracts consistent the Pittsburgh City Code. Additionally, to ensure equal access to our City and its amenities, the ADA Title II coordinator should join the Office of the Mayor. Further, the City must push forward its welcoming and language access strategies. Finally, recommendations from the Affirmatively Furthering Fair Housing Task Force are ready and waiting for implementation; we must create a centralized housing team to push housing equity in Pittsburgh to the next level.

The section Civil Rights in City Code addresses three areas where the City should consider adding further protections to catch up with the rest of our country and ensure equality: protections for Age, Criminal Backgrounds, and Personal Appearance. Studies from around the country have shown that discrimination not only exists on these bases, but that they are used to discriminate on already established protected classes.

A last and important suggestion is to continue progress with continuous evaluation and steady collaboration between departments of the city in a conversation toward equity. In preparation for change and a new era, PghCHR welcomes any opportunity to meet with candidates and incumbent officials toward progress.
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Background

The Pittsburgh Commission on Human Relations (PghCHR) is the City of Pittsburgh’s civil rights law enforcement agency. Founded in 1955, PghCHR gets its authority and jurisdiction from both the Pittsburgh Home Rule Charter and the Pittsburgh City Code (PCC) Title Six, Article V. PghCHR’s duties include investigating reports of discrimination, educating the public about their civil rights and responsibilities, researching the issues that contribute to discrimination and inequality in our City, and recommending policies to the City to ensure fair treatment of all its residents, workers, and visitors.

The year 2020 was a critical turning point for our nation, region, and city to reckon with long-standing racial inequity and inequality. This reckoning was spurred by the global catastrophe that severely diminished the financial situation for governments around the world. Now, with limited resources, the fight for equity and against inequality is more pressing than ever. It is time for the municipalities to act deliberately and strategically about eliminating inequity and inequality. The suggestions in this document are intended to guide the City of Pittsburgh’s administration in financially sound, equitable planning for the future of all Pittsburghers.
1. Advancing Civil Rights Inside City Hall

The City of Pittsburgh is among the largest employers, landlords, and providers of public services in our city and region. Not only this, but the City is responsible for ensuring that all employers, housing providers, and organizations within our borders adhere to our laws and regulations. Therefore, the City must be a role model to its employers, housing professionals, and businesses by operating under only the fairest and best practices. The recommendations in this section will provide detail on how the City can move from marginal to exceptional fair practices.

1.1. Expand and Empower the City’s Independent Civil Rights Agency

The Pittsburgh Commission on Human Relations has produced investigative and policy results for the City for several years despite disruptions in the level of staff, funding, and Commissioners. Today, PghCHR is funded and staffed at one of the lowest levels in its history. The City of Pittsburgh currently spends $2 million or more in its operating budget on initiatives that are intended to advance civil rights and equity. Despite momentum to address racial inequity, PghCHR receives less than a quarter of these funds and was denied dedicated staff to address discrimination in City Hall.

Centralizing civil rights efforts within PghCHR would save money for the City, ensure the autonomy of civil rights work from political influence, and create a unified office to protect rights across the city. Additionally, funding PghCHR at a level that matches the City’s equity and civil rights needs recommits our City to fair practices for its people. In the following sections, this document will draw attention to ways that the City can improve civil rights within its own halls and how PghCHR can help once empowered. The first step, however, should be to empower the agency to take meaningful action with its peers. For a revised organizational chart and budget see Appendices 4-6.

1.2. Lead as an Equitable Employer

As one of the largest employers in the City and an employer tasked with enforcing Equal Employment Opportunity (EEO) laws against discrimination, the City must be a leader in fair employment practices and an innovator in supporting a diverse workforce. Currently, Employment Discrimination complaints against the City as an employer use two sets of City resources and undermine the trust that the City holds with its residents and employees. The following steps would ensure fairer employment opportunities for the City’s employees.

Audit internal employment practices for compliance with EEO laws.

In order to eliminate all forms of discrimination in the City’s employment practices, the City should empower CHR to perform regular audits of City Employment practices to both ensure compliance with civil rights law and suggest innovative practices to support diversity. PghCHR can work together with the department of Human Resources and Civil Service to ensure that the City does not inadvertently deprive any person of equal employment. Maintaining this audit process would improve trust in the City government, prevent harmful discrimination, and avoid the costs of enforcement against the City. Such audits should also result in improvements to training and associated materials.

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1 PghCHR is funded at 33% of its 1970 budget when adjusted for inflation. See Appendices 1-3.
2 Cities with expanded Civil Rights offices include Seattle, WA, San Francisco, CA, New York, NY, Washington, D.C., and Omaha, NE.
3 The City of Pittsburgh is the 17th largest employer in Allegheny County as of the PA Department of Labor and Industry’s 2021 first quarter report.
4 The EEOC recommends such regular analyses to as a best practice.
Reform the City’s Reasonable Accommodations process.

The City attempts to centralize accommodations processing in the department of Human Resources and Civil Services (HR&CS). Unfortunately, the process may miss opportunities to best accommodate employees by leaving supervisors out of the process. Additionally, the process involves neither the City’s ADA Coordinator nor PghCHR, two knowledgeable experts on RA practices. An effective process involves limitations to the release of confidential information, consideration of employer burden, and open conversation with the employee to arrive at a reasonable accommodation. The City should endeavor to integrate the ADA Coordinator and PghCHR into the reasonable accommodation process for its employees and use the two to train its managers and supervisors in a fair, transparent process.

Further Improve Collaboration and Cooperation Between PghCHR and HR&CS

Beyond reformation of the City’s RA process, the City should empower its employees and inform them about their rights and responsibilities under City Code. With an expanded role within PghCHR, the HR&CS can work with us to create powerful training programs related to best practices for a diverse workforce. New programs will offer managers regular training with PghCHR and introduce employees to PghCHR at orientation. PghCHR and HR&CS collaborating in policy and education will both ensure that employees know their rights and reduce complaints as managers know their rights and responsibilities.

1.3. Create a Public Safety Department for All Pittsburghers

The Department of Public Safety (DPS), particularly the Bureau of Police (PBP), has made significant progress toward compliance with the laws and standards of our City, but work remains to be done. When this department is not held to the same standards and laws of the rest of the City, public safety itself suffers. To guarantee that all people in Pittsburgh feel safe and protected, the Department of Public Safety must accelerate its push toward equal access and compliance with anti-discrimination laws.

Cooperate with PghCHR Investigations

PCC § 653.05 outlining PghCHR’s powers and duties states give the agency the power to “request other departments, boards and commissions of the City government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with PghCHR.” Unfortunately, where police officers become involved, departments have struggled to cooperate with PghCHR’s investigations. DPS and its Bureau of Police must be accountable to its people in the maintenance of their civil rights.

Comply with the Civil Rights Act and Fair Employment Practices Ordinance

DPS and its bureaus must be subject to the same to the same EEO laws and policies that protect all Pittburghers. In recent times, the PBP specifically has gone so far as to oppose a recently passed civil rights ordinance to the successful effect of repealing city-wide protections because they were inconvenient to the PBP. No employer in the City can be allowed to subvert civil rights laws. As noted in the rationale in § 651.01 of PCC, discrimination is a direct threat to public safety in our City. This threat is heightened when DPS does not sufficiently support diversity among its own ranks. The DPS and its bureau must not interfere with civil rights and allow the PghCHR to evaluate and ensure its compliance with Civil Rights laws.

5 “Hairstyle protection law doesn’t impact ban on Pittsburgh police growing beards” by Tom Davidson of TribLive
6 PCC § 651.01
Elevate the Office of Community Health and Safety

In 2020, the City of Pittsburgh took a step toward addressing the gaps in services for the City’s most vulnerable populations. With funding from the Stop the Violence Fund, the new Office of Community Health and Safety (OHC&S) has worked to address underlying causes of inequity and only continues to prove the intense community need for healing. OHC&S needs continued support and autonomy to stay effective. Any plan to improve public safety in the City should include building out the capacity for the City to address systemic inequities for people with disabilities, low-income families, and marginalized populations. An independent department to address community health and human services would reiterate the City’s commitment to addressing underlying causes of inequity. Furthermore, the new department could provide a space to take existing programs in youth services, community education, and planning for complex needs to the next level.

2. Civil Right in City Impacts

As the leader in the provision of public services, the City must make every effort to model fair access for all of its citizens. This includes business diversity, disability access, welcoming initiatives, and fair housing efforts. Every action the City takes has an enormous effect on all of its visitors, employers, and workers. It is the City’s duty to ensure that such effects are equitable and nondiscriminatory. The recommendations in the sections will push the City to be more equitable in its impact and more strategic in its implementation.

2.1. Increase Diversity of Businesses and Business Owners

Recombine the forces of the Equal Opportunity Review Board and PghCHR

One of PghCHR’s duties is to coordinate with other departments to prevent discrimination in City contracts. While the majority of this function was separated into the Equal Opportunity Review Commission (EORC), PghCHR still has a duty to assist and expertise to lend to these processes. PghCHR should be empowered to provide input in the review of contracts and regulations for contractors through joint supervision of staff and processes. Joint supervision will also provide increased communication between the two teams that have a shared goal and responsibilities.

Ensure equal access to the permitting processes for new businesses

The process for starting a new business can be daunting. While the City has worked hard to create its OneStopShop and educational materials, people with limited resources such as generational knowledge, access to technology, or English language proficiency still find themselves at a steep disadvantage. The City should endeavor to distribute its OneStopShop resources widely among diverse populations and on formats and media. An accessibility audit of the permitting process may reveal areas of needed improvements.

2.2. Integrate Disability Access into All Capital and Operational Planning

The City of Pittsburgh desperately needs to increase its accessibility for people with disabilities. The City-County Task Force on Disabilities (CCTFD), ADA Coordinator, and PghCHR are under-utilized resources for ensuring equitable, accessible development across our City. Even now the CCTFD recommendations for DOMI and PLI processes have gone unaddressed and our City’s ADA coordination and compliance are handled by a single individual. It is necessary to integrate and empower our existing resources to prevent harm to Pittsburghers and legal liability. In the creation of

7 Louisville, KY, for example, works with the Human Relations Commission to register qualified MWBEs
new programs, the ADA coordinator should be empowered with increased staff support to carry out the mission of ensuring ADA compliance throughout our City.

**Integrate efforts toward ADA compliance**

Compliance with the ADA represents a major aspect of achieving an equitable future for our City and a major financial liability if not given the appropriate attention. The City’s Title II ADA Coordinator does not have the necessary resources or authority to implement meaningful change throughout our government. A first step in ensuring the improvement of the ADA coordinator’s effectiveness would be to place the position centrally in the Office of the Mayor. From this position, the ADA coordinator can expand and work with all departments to address shortfalls in compliance. With new capacity, the ADA Coordinator can work with PghCHR to carry out its duty to “institute and conduct educational and other programs to promote the equal rights and opportunities of all persons.” Such programs should train City staff in the requirements of the ADA and guarantee regular evaluation of ADA compliance in City processes and departments.

**Empower the agencies responsible for ADA compliance**

To further ensure that disability access has a voice the ADA coordinator, CCTFD, and PghCHR must have the authority to prevent harmful plans from moving forward. Planning projects should require a review of ADA compliance before moving forward to completion. Within its duties, PghCHR has the power to “study the problems of prejudice, intolerance, bigotry and discrimination as it affects the public safety and general welfare of the city.” PghCHR honors this duty by providing policy review, and together with the ADA Coordination staff and CCTFD, can provide needed input to planning projects that ensures protections for people with disabilities and prevents unnecessary legal liability. The process for the ADA coordinator and CCTFD to provide feedback should be formalized and mandatory to prevent harmful mistakes in city planning and permitting.

2.3. **Ensure a Welcoming City for Immigrants and International**

The work of Welcoming Pittsburgh has begun a narrative to ensure access for people who are not U.S. citizens or have low English proficiency to safely access city services. This work must be continued and expanded.

**Create a Language Access Plan**

The City has begun to address its deficits in language access, but need to push further. Departments should be required to submit their language access plans to a central department or office. Furthermore, the City should support its departments, boards, and commissions with robust funding for translation and interpretation. Currently, the City of Pittsburgh allocates only $20,000 for spoken and written language interpretation.

**Continue meaningful outreach with immigrant and international populations**

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8 PCC § 653.05 (f)
9 For an example of an empowered ADA officer see [Cincinnati, OH’s Chief Advocacy Officer for Aging and Accessibility](#)
10 PCC § 653.05 (e)
11 Mayor Peduto’s [Welcoming Road Map](#) suggested a language access plan across the City, but the full plan needs a final push to implementation and enforcement.
12 An example of a language access plan housed within a Human Rights agency can be found in [Prince George’s County, Maryland](#) and [Washington, D.C.](#)
13 For reference, 2 hours of simultaneous Spanish interpretation costs the City upwards of $640 and Spanish-English interpretation costs upwards of $.15 per word. $20,000 would pay for 31 hours of Spanish-English interpretation or the interpretation of 615 250-word documents into Spanish.
Welcoming PGH has made significant strides in engaging our communities in the policy making process. Any future administration must ensure that immigrants, refugees, and asylees continue to have a voice in making policy that affects them. This will mean committing to hold spaces and create policies for all people to feel safe from persecution by others including Immigration and Customs Enforcement agents.

2.4. Develop a Unified City-Wide Fair Housing Strategy

In 2019, PghCHR and the Affirmatively Further Fair Housing (AFFH) Taskforce released its twelve (12) recommendations to the City\(^{14}\). These recommendations represent ways that the City, as a local government, can examine and address long-standing barriers to equal access in housing. Today, four of twelve recommendations have had significant progress. As a City, we need to continue our push for housing equity.

A Unified Board to Affirmatively Further Fair Housing

Our city needs a unified strategy for combatting housing discrimination and furthering fair housing\(^{15}\). Where the Boards, Authorities, Commissions and Departments are now slowly combining efforts, the City should accelerate, centralize, and formalize the processes to ensure fair housing for all its citizens. Creating a centralized board would allow the City to create a standard set of priorities adopted into the Analysis of Impediments and used as criteria for every development project. It would also ensure that agencies like City Planning, PLI, the Urban Redevelopment Authority and PghCHR have a formalized method of meeting regularly and transparently toward fair housing efforts. As our federal administration looks back at AFFH as a rule for its funding, so should the City look back at its work in the area and pick it up with renewed force.

3. Civil Rights in City Code

As the City of Pittsburgh seeks to grow its population and become a home to an increasingly diverse population, it will need to ensure that its residents are not treated unfairly because of their inalienable and protected characteristics. The City must standardize protections across Housing, Employment, Public Accommodations, and the delivery of City Services. The following expansions to existing city code would protect Pittsburghers from discrimination based on characteristics that they do not choose and deeply reflect their identities.

3.1. Protect People of All Ages

Currently, PCC reflects standards set forth by the Age Discrimination in Employment Act. This means that Age protections exist only in employment and only for those aged 40 or over. There is been significant evidence, however, that age discrimination exists in housing and public accommodations and for people of all ages. Several municipalities across our country protect all people from age discrimination. The City of Pittsburgh should add these protections such that they uphold and enhance existing state and federal laws.

3.2. Protect People Regardless of Personal Appearance

Personal, or Physical appearance protections\(^{16}\) prevent discrimination based on a person’s appearance that they cannot reasonably change such as their height, weight, hair, and skin. The City of Pittsburgh did in fact create a personal appearance protection with the CROWN Act before removing it at the

\(^{14}\) The full AFFH Taskforce recommendation can be found on the [Commission on Human Relations website.](https://www.pghchrc.org/about-us/affh-taskforce)

\(^{15}\) For an example of a unified housing strategy centering civil rights, see [Chicago, IL’s Fair Housing Blueprint](https://www.chicagohousing.org/)

\(^{16}\) Discrimination on the basis of personal appearance is prohibited in several U.S. cities including [Madison, WI](https://www.cityofmadison.com), [Washington, D.C.](https://www.dc.gov) and [Urbana, IL](https://www.urbanachamber.org).
request of the PBP. Personal appearance protections prevent discrimination that results from ethnocentrism and implicit bias against minorities. In order to further protect all of its people, the City should seriously consider researching and adding personal appearance protections.

3.3. Eliminate the Disparate Impact of Criminal Background on Housing and Employment for People of Color

Beyond adopting “Ban the Box” policies, the time has come for the City of Pittsburgh to adopt meaningful protections against criminal history discrimination. Since the 1990s, we have known that discrimination on the basis of criminal history acts as a stand in for Race and Color, producing discriminatory effects in housing and employment. The City should prohibit criminal history discrimination beyond our internal Ban the Box policies. In compliance with state and federal mandates, discrimination on the basis of criminal history should be illegal in our City.

Maintaining Progress

In maintaining progress, the new administration and its partners must commit to two important ideas. First, continuous evaluation and monitoring is vital to improving systems. Any change in programs and policy should come with a corresponding plan for monitoring and evaluation for adjustment. Second, regardless of what changes occur, the new administration and all departments of the city must commit themselves to increased openness, communication, and collaboration with one another. In order to best use the public goods and trust, collaboration is necessary. In preparation for change and a new era, PghCHR welcomes any opportunity to meet with candidates and incumbent officials toward progress.

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17 HUD Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions
18 Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act
4. Current PghCHR Organizational Chart

- Commissioners
  - 15 Volunteers

- Executive Director
  - 1 FTE

- Fiscal and Contracting Coordinator
  - 1 FTE

- Deputy Director
  - 1 FTE

- Administration
  - 1 FTE

- Outreach and Education
  - .5 FTE

- Investigation
  - 3.5 FTE

- Research and Special Projects
  - Internships
5. Example Expanded PghCHR Organizational Chart

- Commissioners
  - 15 Volunteers
- Executive Director
  - 1 FTE
  - Civil Rights Solicitor
  - 1 FTE
- Deputy Director
  - 1 FTE
  - Administration
    - 1 FTE
  - Internal Compliance
  - 1 FTE
- Fiscal and Contract Supervisor
  - 1 FTE
- Contract Specialist
  - 1 FTE
- Welcoming Programs Manager
  - 1 FTE
- Civil Rights and ADA Compliance
  - 1 FTE
- Investigation Supervisor
  - 1 FTE
- Outreach and Education
  - 1 FTE
- Departmental and Policy Coordinator
  - 1 FTE
- Investigation
  - 3 FTE
- Intake and Referral
  - 1 FTE
6. Descriptions of New and Expanded Positions

**Civil Rights Solicitor**
The Civil Rights Solicitor is an expert in the laws that the Commission enforces. The incumbent will provide counsel regarding investigation, proposed legislation, and internal policy.

**Fiscal and Contracting Supervisor**
The Fiscal and Contracting Supervisor monitors the Commission’s compliance with federal contracts, researches best practices in public sector contracting, and develops contracts in compliance with local regulations. The position provides oversight and direction for development, management, maintenance, and process improvement of the department’s fiscal accounting and contracting activities.

**Contract Compliance Specialist**
The Contract Compliance Specialist reviews contracts submitted from City of Pittsburgh departments and authorities for City MBE/WBE participation goals. Assists in the research and development of public sector contracting best practices. Monitors financial records for compliance with local and federal law.

**Intake and Referral Specialist**
The intake and referral specialist analyzes complex situations and applies local and federal laws to determine jurisdiction. The incumbent will maintain knowledge of local resources and provide referrals to parties engaged with the PghCHR.

**Outreach and Education Coordinator**
The Outreach and Education Coordinator works with the Commissioners, related staff, and members of the community to design meaningful outreach and education initiatives to inform the public of their rights and responsibilities.

**Investigation Supervisor**
The investigation supervisor provides guidance to a team of senior investigators regarding discrimination in employment, housing, and public accommodations. The incumbent will be responsible for ensuring the proper investigative techniques, procedures, and documentation.

**Welcoming Programs Manager**
The welcoming programs manager oversees the Welcoming Pittsburgh initiative and bridges the international communities with city services. Additionally, the Welcoming Programs manager is responsible for ensuring the implementation of language access plans across city services.

**Civil Rights and ADA Compliance Officer**
The Civil Rights and ADA Compliance officer will study issues of ADA Title I and II compliance with the City. The position will take on the investigation of complaints under Pittsburgh City Code section 659.07, which guarantees freedom from discrimination in the delivery of city services.

**Departmental & Policy Coordinator**
The Departmental & Policy Coordinator is responsible for maintaining communication with departments of the city with respect to their human and civil rights policies. Additionally, this person will research and develop policies for use in the city to support human and civil rights. In particular, the incumbent will be responsible for providing and assisting in the development of trainings for city staff and individual consultation with city leadership.
### 2021 Operating Budget City of Pittsburgh - Civil Rights and Equity

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[^19]: Represents the portion of the CHR budget paid by the operating budget and excluding federal enforcement funding.

[^20]: Represents only the Title II ADA Coordinator who is housed in the Department of City Planning.
### 8. Proposed Budget - Civil Rights and Equity

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<td>$58,799.00</td>
<td>Fiscal and Contracting Supervisor</td>
<td>$69,285.00</td>
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<td>Policy Coordinator</td>
<td>$51,845.00</td>
<td>Contract Compliance Specialist</td>
<td>$44,193.00</td>
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<td></td>
<td></td>
<td>Welcoming Programs Manager</td>
<td>$72,033.00</td>
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<td></td>
<td></td>
<td>Investigation Supervisor</td>
<td>$65,357.00</td>
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<td></td>
<td></td>
<td>Senior Investigator (3)</td>
<td>$101,042.00</td>
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<tr>
<td></td>
<td></td>
<td>Outreach and Education Coordinator</td>
<td>$57,014.00</td>
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<tr>
<td></td>
<td></td>
<td>Policy and Departmental Coordinator</td>
<td>$51,845.00</td>
</tr>
<tr>
<td><strong>Part-Time and Temporary</strong></td>
<td><strong>$10,000.00</strong></td>
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<td><strong>$5,000.00</strong></td>
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<tr>
<td>Employee benefits</td>
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<tr>
<td>Professional &amp; technical services</td>
<td><strong>$100,000.00</strong></td>
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<td>$50,000.00</td>
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<tr>
<td>Other services</td>
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<td><strong>$2,250.00</strong></td>
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<tr>
<td>Supplies</td>
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<td><strong>$3,300.00</strong></td>
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<td><strong>$796,571.82</strong></td>
<td></td>
<td><strong>$1,161,651.70</strong></td>
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\(^{21}\) Represents the portion of the CHR budget paid by the operating budget and excluding federal enforcement funding.