

Memo

Date: 2/10/2023
To: Asha Venkataraman, Seattle City Council Central Staff
From: Caedmon Magboo Cahill, Seattle Office for Civil Rights (SOCR) Policy Division
Subject: SOCR resource needs to enforce caste as protected class

PURPOSE

This memo is intended to:

1. Provide Seattle City Council Central Staff information regarding the resources SOCR needs to implement a new protected class successfully.
2. Describe the impact to SOCR's Enforcement Division as well as implementation should no additional funding be provided.

SUMMARY

While SOCR supports the policy goal of [this bill](#)—to address discrimination based on caste—SOCR requires additional ongoing resources not only to ensure competent enforcement, which includes appropriate outreach, education, and technical assistance, but also to update our educational and notice materials to reflect changes to city code. Unlike other City enforcement departments such as Office of Labor Standards and Seattle Department of Construction & Inspections, SOCR does not have an outreach budget or business liaisons to provide technical assistance to businesses or landlords.

In order to implement this legislation, SOCR needs Council to authorize an additional 1.0 FTE, appropriate an additional \$185,000 in ongoing funding for this position and outreach efforts, and appropriate another \$100,000 in one-time funding for items such as media, materials and rulemaking efforts. Without this funding and position, SOCR will not be able to implement the legislation as contemplated.

CURRENT ENFORCEMENT RESPONSIBILITIES AND STAFFING

SOCR enforces seven City ordinances, which include laws that prohibit discrimination in employment, housing, public places, and contracting. In addition to these laws, SOCR has a Memorandum of Agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate discrimination claims under the Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Genetic Information Non-Discrimination Act. The City has a contract with the EEOC to handle these claims, which are filed with both agencies (referred to as dual-filed).

Our investigations staff consists of a Civil Rights Investigations Manager, two Senior Civil Rights Analysts, and four Civil Rights Analysts. This team is responsible for drafting and processing complaints and

¹ This analysis is based on our review of [draft legislation](#) provided to SOCR by Central Staff on 2.7.2022

investigating discrimination claims, providing conflict resolution services, and conducting outreach and training in the community.

EXPANDING WORK WITHOUT ADDITIONAL RESOURCES

Over the years, SOCR’s enforcement scope has increased through the passing of laws and amendments, without corresponding increases in staffing levels. The table below shows the expansion of work and the resources provided. ***Since 2017, our enforcement duties have expanded considerably while we have received no additional resources tied to the passage of new legislation, other than a one-time allocation of 50k for outreach.****

Ordinance	Enacted Date	Resources Provided
Fair Employment Practices Ordinance (SMC 14.04)	January 18, 1972	3 Investigators 2 Senior Investigators 1 Investigations Manager 1 Division Director 1 Paralegal
Unfair Housing Practices Ordinance (SMC 14.08)	August 15, 1975	
Fair Contracting Practices Ordinance (SMC 14.10)	August 16, 1999	
Unfair Public Accommodations Ordinance (SMC 14.06)	September 28, 2004	
All-Gender Single-Occupant Restroom Requirement Ordinance (SMC 14.07)	August 10, 2015	0 FTE \$50,000 one-time funding for outreach
Use of Conversion Therapy on Minors Ordinance (SMC 14.21)	August 3, 2016	0 FTE \$51,600 one-time funding for outreach
Source of Income Protections (SMC 14.08)	September 19, 2016	1 Investigator FTE \$47,600 one-time funding for outreach
Use of Criminal Records in Housing Ordinance (SMC 14.09)	August 16, 2017	0 FTE \$50,000 one-time funding for outreach
Closed Captioning Ordinance (SMC 14.05)	April 19, 2019	0 FTE \$50,000 one-time funding for outreach
Domestic Workers Protections (SMC 14.04)	July 1, 2019	0 FTE No funding for outreach
Use of Screening Records in Housing Amendment (SMC 14.09)	May 15, 2020	0 FTE No funding for outreach
Race-Based Traits Amendments (SMC 14.04, 14.06, 14.08, and 14.10)	January 15, 2021	0 FTE No funding for outreach

Citizenship and Immigration Amendments (SMC 14.04, 14.06, 14.08, and 14.10)	August 22, 2022	0 FTE No funding for outreach
Pregnancy Outcomes Amendments (SMC 14.04, 14.06, 14.08, and 14.10)	September 15, 2022	0 FTE No funding for outreach
TOTAL		9 FTE

*In response to the 2019 SOCR Racial Equity Toolkit, Seattle City Council allocated SOCR a part-time community engagement specialist which later became one full-time position.

RESOURCE NEEDS

Materials: Whenever adding a new protected class, we must update all our publicly facing enforcement materials and ensure that these materials are provided in appropriate languages.

Media: To prevent discrimination, appropriate communication and education about the new protected class is important. Appropriate media and public information regarding caste discrimination will increase public support, compliance, and will inform the public of their rights regarding this new law.

Rulemaking: If rulemaking is required, we need to provide access to the public and provide appropriate compensation to community members should a workgroup be formed for consultation and engagement.

Business Outreach & Technical Assistance: We want to ensure that community members – and business owners in particular – are adequately informed and provided the education to prevent possible law violations. Complementing this bill with an SOCR business liaison would allow us to provide sufficient education and support to the business community to prevent discrimination and thereby reduce enforcement needs and increase collaboration and ordinance implementation.

Why a business liaison is a critical need: Businesses, housing providers, and other community members who are subject to our laws, deserve to know what is required of them, where to go for technical assistance, and how to prevent violations of law. They also should know what to expect when they are the subject of an investigation, and what options they have when confronted with a notice of violation.

A business liaison would provide much-needed technical assistance and help SOCR and the City better understand the needs of business owners relative to civil rights laws; as is the case for the Office for Labor Standards and their business liaison. We believe this position is a critical component of successful civil rights enforcement and compliance.

Staffing: SOCR will need consultant services to provide training and education to staff and investigators to learn more about caste discrimination.

Projected costs to ensure appropriate education, public awareness, and implementation are listed below. These costs are based on prior costs incurred for similar updates to SMC and added civil rights protections.

Material (one time funding)	
Item	Projected Budget
Notice Design and Layout	\$5,000
SOCR Notice to landlords/property managers postcard mailers (using RRIO list)	\$15,000
SOCR Notice to Employers postcard mailers (using FAS business license database)	\$15,000
Print Media	\$5,000
Translations	\$5,000
Total	\$45,000

Media (one time funding)	
Item	Projected Budget
Transit ads-interior and side	\$25,000
Ethnic Radio Spots	\$10,000
Print Media Advertising	\$10,000
Social Media-Facebook ads and promoted links	\$5,000
Total	\$50,000

Rulemaking (one time funding)	
Item	Projected Budget
Rule Making: Facility rentals, food, interpreters, childcare, interpreters, compensation for workgroup members, notice in Puget Sound Journal, advertisement	\$5,000
Total	\$5,000

Outreach (annual, on-going expense)	
Item	Projected Budget
Community events for event space, promotional materials, promotional items	\$10,000
Business Trainings for employers, housing providers, and business facility rental, interpreters, childcare, materials, food advertising	\$10,000
Community Trainings for employees, tenants, and residents, facility rental, interpreters, childcare, materials, food, advertisement	\$10,000
Total	\$30,000

Staffing (annual, on-going expense)	
Item	Projected Budget
Business Liaison: P&D2, Spec 2 (salary and benefits estimate)	\$150,000
Consultant to provide training to SOCR staff on caste discrimination	\$5,000
Total	\$155,000

IMPLEMENTATION WITHOUT RESOURCES

If the City adds “caste” to our protected classes without additional resources, we will be unable to update our materials to reflect any changes to city code and will be unable to conduct outreach and education to communities who the law intends to protect. Also, without adequate resources, businesses will not be aware of this new protection. As the law requires, we will investigate every claim of discrimination we receive. However, since prevention through education, training and outreach would not be possible, we may incur an increase in investigation cases resulting in longer case processing times.