

SEATTLE OFFICE FOR CIVIL RIGHTS (OCR)

Staff: Asha Venkataraman

Budget Summary (\$ in 1,000s)

	2018 Adopted	2019 Proposed	% Change 2018 Adopted to 2019 Proposed	2020 Proposed	% Change 2019 Proposed to 2020 Proposed
Appropriations by BSL					
<i>Civil Rights BSL</i>	5,093	4,677	(8.2%)	4,663	(0.3%)
Total Appropriation					
Total FTEs	28.00	29.00	3.6%	29.00	0%
Revenues					
<i>General Fund</i>	5,093	4,677	(8.2%)	4,663	(0.3%)
<i>Other Sources</i>	0	0	0%	0	0%
Total Revenues	5,093	4,677	3.6%	4,663	(0.3%)

Background:

The mission of the Seattle Office for Civil Rights (OCR) is to end structural racism and discrimination through accountable community relationships and anti-racism organizing, policy development, and civil rights enforcement. OCR enforces seven local and five federal laws which apply both to the City as an employer and to all employers within city limits. OCR houses the City's Race and Social Justice Initiative (RSJI), an effort to end institutional racism in City government; promotes inclusion and full participation of all residents in civic life; and partners with the community to achieve racial equity across Seattle. Over the past several years, OCR has conducted employee, community, and RSJI surveys as well as housing and employment testing, which indicate that racial equity remains a problem in the City, contributing to ongoing discrimination and harassment.¹ As a City entity practicing racially equitable policy development, protecting the rights of 18 different protected classes in employment, housing, contracting, and public accommodations, and housing City-wide RSJI efforts, OCR is uniquely positioned to influence the pace and degree to which Seattle realizes racial and other forms of equity.

The 2019-2020 Proposed Budget reflects a net decrease of about \$416,000, consisting primarily of baseline and technical changes and a \$30,000 operational efficiency reduction. Additions include funding to extend a temporary equitable funding advisor for six months, reclassifying RSJI positions, restoring 0.5 FTE of an RSJI position, and adding a Deputy Director position.

¹ City of Seattle, Anti-Harassment Interdepartmental Team, Addressing and Preventing Workplace Harassment and Discrimination (July 2018); City of Seattle, Seattle Office for Civil Rights, 2017 Seattle Office for Civil Rights Testing Program (2018).

Issue Identification:

1. Staffing Resources and Workload Growth

OCR consists of four major divisions with 28 FTE positions: (1) policy; (2) enforcement; (3) RSJI; and (4) administration. In recent years OCR’s workload has exceeded staff capacity. Sources of additional workload include new legislation; requests for leadership and assistance on workgroups and interdepartmental teams (IDTs); responses to Executive Orders (EO), Statements of Legislative Intent (SLIs), and resolutions; budgetary adds to external organizations requiring staffing to administer and distribute; requests internal and external to the City for racial equity training and assistance; and the homelessness emergency and housing shortage. Because of its expertise on racial and gender equity and RSJI’s work, OCR is often asked to lead City-wide initiatives, provide expertise on culture shift, or provide input on broadly based systems like criminal justice. OCR is also in high demand for training and technical assistance.

Workload beyond capacity has delayed policy work, created case backlogs, and reduced OCR’s ability to fulfill requests for assistance. Capacity issues for the policy, enforcement, and RSJI divisions are described below.

Policy:

The policy division creates legislation and other policy recommendations and provides expertise to the Mayor’s Office, Council, and other departments. It staffs and provides policy support for four commissions: (1) the Seattle Human Rights Commission, (2) the Seattle Women’s Commission, (3) the Seattle LGBTQ Commission, and (4) the Seattle Commission for People with disAbilities (“OCR Commissions”). In 2018, it has 5.0 FTEs: a policy manager, three strategic advisors, and a commissions administrator.

In the past several years, the Executive or Council have increasingly requested the policy division’s leadership or participation in workgroups and IDTs, many in response to EOs, SLIs, and resolutions, and have made budgetary adds to external organizations that staff need to administer and distribute. Staffing and funding support some of the items in Table 1.

Table 1: Policy division participation in multi-departmental initiatives

Initiatives	Authority	Resources
2015		
Gender Justice Project	EO 2015-02	2014: 0.5 FTE; 2015: 1.0 FTE
Zero Youth Detention (Criminal Justice Equity Team)	Resolution 31614	2016: 1.0 FTE for criminal justice work and Zero Youth Detention
Reentry Workgroup	Resolution 31637	Shared with Zero Youth Detention
2016/2017		
Encampment removal monitoring	MOA with FAS	No staffing added, costs reimbursed
2017		
RSJI Executive Order	EO 2017-13	No staffing or funds added
2018		
Anti-Harassment IDT	Est. by Mayor’s Office	No staffing or funds added
Bail Reform	SLI 303-1-A-2	Council: \$10,000 - community engagement
Zero Youth Detention funds	2018 Budget	1.0 FTE temporary strategic advisor
Equitable Development Initiative	Resolution 31577	No staffing or funds added
Community Preferences Policy	Council directive	No staffing or funds added

In addition, the City Attorney's Office asked OCR to assist on its pre-filing diversion project, the Human Services Department requested assistance on the Community Safety Investment workgroup and Request for Qualifications (RFQ), and the King County Familiar Faces program would like OCR's support and participation on their Steering Committee.

The policy division has developed or provided Council assistance with the following pieces of legislation since 2015:

- All-gender restrooms (2015) (\$25,000 one-time funding for outreach)
- Source of income discrimination/first in time (2016) (\$47,600 one-time funding for outreach)
- Ban on conversion therapy (2016) (\$52,000 one-time funding for outreach)
- OCR Commissions appointments (2017)
- Fair Chance Housing (2017) (\$50,000 one-time funding for outreach; 1.0 FTE for policy)
- Sexual harassment statute of limitations (2018)
- Reasonable accommodations (2018)
- Domestic workers (2019)

The leading principles of the policy division are to be accountable to communities most impacted and to drive policy through community-led solutions. This means that policy staff maintain communication and relationships with organizing and impacted communities, often through attending community meetings, events, and strategy sessions. If OCR leads a policy proposal, it convenes a workgroup to formally institutionalize accountability. Community engagement thus happens more regularly, and OCR compensates community members for their time and input, often providing food and child care to drive more participation. OCR also takes this approach in leading IDTs or workgroups, coordinating with other departments, and implementing City-wide strategy and initiatives. This requires more time and resources than traditional policy work might.

Only three out of the five policy division positions are primarily devoted to policy-related work. Those positions do the work each was hired to do for criminal justice and gender equity and have absorbed reprioritized workloads prompted by encampment monitoring and reporting, the time intensive work of the anti-harassment IDT, and the ongoing workgroup studying bail reform. They also provide policy assistance to the OCR Commissions, which can take priority over ongoing work.

Limited staffing has led to a delay or inability to assist in:

- Creating the City's Action Plan to get to Zero Youth Detention and developing a regional approach,
- Development and delivery of training on workplace sexism and harassment and community engagement on gender justice and the criminal legal system,
- The Office of Housing's request for assistance on its Racial Equity Toolkit (RET),
- Supporting the Equitable Development Initiative, and
- Fair Housing Home Program for Fair Chance Housing.

Enforcement:

The enforcement division conducts housing and employment testing, runs complaint intakes, investigates complaints filed by City employees and by individuals living in the city or working for employers operating in Seattle, and handles all enforcement actions when parties violate laws under OCR's jurisdiction. Enforcement staff also conduct trainings and provide technical assistance.

Since 2015, Council has passed seven ordinances requiring enforcement, each of which incrementally increases workload. The 2017 Adopted Budget added 1.0 FTE for enforcement and 1.0 FTE for testing. As of 2018 11.0 FTEs staff enforcement: three investigators, two senior investigators, an intake specialist, the testing program manager, the civil rights enforcement manager, an investigations supervisor, a civil rights analyst, and a paralegal.

OCR assigns five investigators an average of 25 cases annually and expects them to close three cases per month. By the beginning of October 2018, OCR had 166 open cases. That would allocate approximately 33 cases per investigator, indicating case load is higher than capacity. OCR has stated that more than 30 cases per investigator decreases efficiency and the rate of case closures. Because of this, there are 20 cases filed that are still awaiting assignment to an investigator, and another 15 testing cases that need investigation awaiting review and assignment to investigators.

The increase in cases appear to be originating from testing results connected to Fair Chance Housing, more housing and employment discrimination cases as compared to 2017, and additional cases stemming from the passage of source of income protections. OCR anticipates that its case load will increase further in 2019 due to the new standards and reporting mechanisms the Anti-Harassment IDT recommended, the expansion of statute of limitations in employment and public accommodations cases made pursuant to the sexual harassment bill passed earlier this year, and new legislation regarding domestic workers, effective in 2019. Without additional staffing, an increase in the number of cases means either more cases per investigator, which could lead to decreased efficiency or more backlogs, which could increase the length of time a case is in the backlog from a current average of 39 days to something longer.

In addition, when conducting investigations, supporting compliance, and enforcing violations, the enforcement division conducts outreach and education and provides technical assistance. Spikes in intakes and complaints filed when OCR conducts testing and outreach show that engagement with the community makes more people aware of their rights and how OCR can assist them. In a complaint-based system, awareness and trust in OCR can support more effective enforcement.

RSJI:

As a City-wide initiative, RSJI involves every one of the City's 13,000 employees and all of its departments. Specifically, for executive departments, [EO 2014-02](#) charged OCR with overseeing RSJI work in executive departments, including establishing and implementing new goals and tracking outcomes. Departments are required to do four RETs per year on department lines-of-business or new initiatives. In 2018, seven ongoing FTEs make up the RSJI team: the manager, a supervisor, and five staff members providing liaison support. RSJI shares a position with the Office of Arts and Culture and has two additional temporary positions supporting Council generated work: equitable funding development and the RET on OCR's design and structure.

RSJI staff are accountable for implementing City-wide, institutional culture shift, the racial learning and understanding of almost 13,000 employees who have a consistent rate of turnover, providing training, technical assistance, RET support, policy consulting, capacity-building, and change team support for almost 30 departments and 124 racial equity toolkits per year. Staff also provide six monthly trainings, which takes hundreds of collective RSJI hours per month to prepare, deliver and evaluate. In addition, departments submit an average of 8-10 requests monthly for more than what an RSJI liaison normally provides, including requests to facilitate internal conversations about racial dynamics. Other partners, communities, and jurisdictions across the nation, many of whom see Seattle as the leader on RSJI issues in government, submit 7-10 requests to RSJI for assistance monthly. This is not easy or fast work: the emotional toll of facing and addressing racism every day as well as valuing equity over efficiency is a different skill set than what most City employees do every day in their jobs. Trainings do not consist of teaching the same standard curriculum every time, but instead, of integrating that information into deep, engaging, self-reflective conversations about race and social justice. These trainings are often full and have consistently have wait lists. Staff going through trainings then implement their learning, which requires further assistance to departments.

OCR states that the demands on RSJI staff outstrip the capacity of existing staff, such that they cannot provide foundational training to all City employees, provide sufficient RET training, or lead the City's racial equity leadership efforts (CORE Team). The strained capacity of RSJI staff impacts their ability to provide technical RET support, department specific-trainings, and change team support. It means department and project-specific efforts to move towards more racially equitable practices and institute culture change are delayed as well. OCR also indicated that it has not been able to implement several projects and initiatives because of strained capacity.

Options:

A. Add one or more of the following:

1. 1.0 FTE civil rights engagement and community outreach specialist (Strategic Advisor 1, \$103,106 in 2019, \$138,982 in 2020)
2. 1.0 FTE enforcement investigator (1.0 Civil Rights Analyst FTE, \$79,468 in 2019, \$105,885 in 2020)
3. 1.0 or more FTE policy advisers for criminal justice and gender equity work (Strategic Advisor 1, \$103,106 in 2019, \$138,982 in 2020)
4. 1.0 or more FTE RSJI staff (Strategic Advisor 1, \$103,106 in 2019, \$138,982 in 2020)
5. Ongoing funding for community stipends, food, capacity building, and facilitation

B. No Action.

Budget Actions Proposed by Councilmembers as of October 10, 2018:

- 1. Indigenous People's Day Celebration. Add \$25,000 in 2019 and \$50,000 in 2020 for ongoing funding support. (Councilmember Sawant)** – These funds create ongoing support for the City's annual Indigenous People's Day celebration. The City annually funds these activities out of various departmental budgets and creating one source of funding will avoid organizer and staff time spent to gather support.
- 2. Workplace harassment investigation Statement of Legislative Intent. (Councilmember Sawant)** – This SLI would request OCR to report to Council about the tools, resources, and changes to the Seattle Municipal Code needed to more effectively investigate complaints of workplace harassment and discrimination. The response should cover needs for when the City is an employer and when it is investigating other employers. OCR should submit a report to the Civil Rights, Utilities, Economic Development, and Arts Committee by April 1, 2019.
- 3. Make permanent the Equitable Funding position. Add 1.0 FTE for a Strategic Advisor 1 position, \$61,023 in 2019 and \$138,983 in 2020. (Councilmember Herbold)** – This proposal would provide ongoing funding to make permanent a currently filled temporary position. Currently, the 2019 Proposed Budget proposes extending this position through half of 2019 on a temporary basis to distribute \$500,000 Council added in the 2018 Adopted Budget for organizations pursuing strategies around Zero Youth Detention. However, equitable distribution of funding is ongoing work for City departments. This position will develop recommendations and assist other departments to further equity.
- 4. Zero Youth Detention funding. Add \$400,000 in 2019 to continue youth violence prevention and diversion work. (Councilmember Herbold)** – These funds would support a community-based organization doing youth prevention and diversion work, such as Community Passageways, to work with 45 youth by supporting three full-time and two part-time staff positions. This funding should be considered in conjunction with a decrease in appropriations to criminal justice spending.