

WASHINGTON STATE HUMAN RIGHTS COMMISSION 2006-2011 STRATEGIC PLAN

Mission Statement:

The mission of the Washington State Human Rights Commission (WSHRC) is to eliminate and prevent discrimination through the fair application of the Law, the efficient use of resources, and the establishment of productive partnerships in the community.

Overview

The State Legislature created the Washington State Human Rights Commission (WSHRC) in 1949. Washington has been a pioneer in civil rights for over 50 years. Under the Law Against Discrimination, RCW 49.60, WSHRC receives and conducts impartial investigations in the following areas:

Statutory Authority:

WSHRC enforces the Washington State Law Against Discrimination, RCW 49.60.

	Race – Color	Creed	National Origin	Sex	Sex Orientation	Disability, HIV, and the Use of a Dog Guide or Service Animal	Marital Status	Ag (40+)	Affirmative Action – RCW 49.74	Families with Children
Employment: RCW 49.60.172, 174,180,190,200,205	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Real Estate: RCW 49.60.222,223,2235, 224,225	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes
Public Accommodation RCW 49.60.215	Yes	Yes	Yes	Yes	Yes	Yes				
Credit: RCW 49.60.175,176	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
Insurance: RCW 49.60.178	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
Whistleblower / Retaliation: RCW 49.60.210										
Health Care Whistleblower: RCW 43.70,70.124,74.34										

In addition, RCW 49.120 authorizes WSHRC to:

- Adopt suitable rules and regulations to eliminate and prevent discrimination,
- Issue publications and findings that promote goodwill and advance the agency's mission,
- Conduct and publish technical studies that further the agency's mission, and
- Foster good community relations through seminars, training, and educational programs.

The Governor appoints the five Human Rights Commissioners to staggered five-year terms. They provide the policy framework for the agency and appoint the Executive Director. The Commissioners make the final decision on all complaints investigated by staff, except for those reasonable cause cases that are certified for hearing before an Administrative Law Judge. The Commissioners meet monthly at different locations around the state.

The Commissioners delegate authority for daily operations and management of the agency to the Executive Director. WSHRC has four offices in the state that are located in Seattle, Spokane, Yakima and Olympia (the headquarters office).

WSHRC's Major Activities

The WSHRC carries out its mission through two major activities; (1) receiving and resolving complaints of discrimination and (2) providing education and training to those who have rights under the law and those who are required to comply with the law.

(1) Case Processing

Intake Process RCW 49.60.230

The WSHRC's has 3.5 investigators assigned to respond to over 15,000 calls per year. It has a toll-free number to serve customers across the state with at least two investigators providing immediate service in Spanish to the callers. These investigators are also responsible for assisting inquirers draft their complaints within the parameters of the Law Against Discrimination.

The process to file a complaint begins with a call from the alleged victim to the agency. He/she is briefly interviewed by the intake staff to determine if their situation falls with the six month statute of limitation to file a complaint (one year for housing complaints) and the parameters of the Law Against Discrimination. If their scenario meets the requirements to file, the staff mails them a Complainant Questionnaire form to fill out and provide more specific information on their situation. When our office receives the completed Complainant Questionnaire form, it is assigned to staff to draft a complaint in the agency's format. The draft complaint is mailed out to the party for their signature. When the signed complaint form arrives in our office it becomes a formally filed complaint.

The process to file a formal complaint, from the time the call comes in to the time the signed complaint is received at the WSHRC's office, averages about three weeks.

Investigations RCW 49.60.140, RCW 49.60.150, RCW 49.60.160, and RCW 49.60.230 After intake, complaints are assigned to professional, experienced investigators to resolve and/or investigate. We provide detailed training and procedure manuals, and frequent and varied training to investigators. WSHRC received 775 new complaints of discrimination during FY 2004-05, of which 79% were in employment, 16% were in housing and 5% were regarding places of public accommodation.

The time to complete an investigation can vary from few weeks to six months or more. The WSHRC offers alternative dispute resolution to complainants and respondents to expedite investigations, but this option is voluntary. Complainants and respondents have the right to be represented by an attorney. However, many complainants and small businesses do not have the resources to hire a private attorney.

The complainant and respondent are interviewed, witnesses are interviewed, the site where the alleged discrimination took place is often visited, documents are requested from the respondent, the respondent's policies and procedures are reviewed, and statistics are collected about similarly situated people to the complainant. The complainant and the respondent are given an opportunity to provide material and relevant information, their defense, and their rebuttal. The parties may be represented by counsel. The average time to complete an investigation currently averages approximately eight months.

(2) Education and Training RCW 49.60.120 (8)

As part of its mission, the WSHRC is responsible for educating employers, housing providers, businesses, state agencies and others on their responsibilities under the law. In 2004, approximately 1200 employers, housing providers, state agencies and others received formal training on the law.

WSHRC is also responsible for educating the public, employees, tenants and others on their rights and responsibilities under the law. The agency uses different venues to for outreach, such as posters, pamphlets, informal orientations, radio, television, newspapers, and our website. During the last two years, WSHRC expanded efforts to educate new immigrants, refugees and farm workers on the law. The agency offers informational pamphlets in Spanish, Russian, Chinese, and languages other than English, translated documents on the website, and taps the bilingual skills of its staff to conduct informational sessions on the aw throughout the state.

Priority of Government: Improve the ability of state government to achieve results efficiently and effectively.

Goal #1: Increase Public Awareness of the Law Against Discrimination.

Vision: The Commission will have updated technology to provide wider visibility on the Law Against Discrimination throughout the state for all persons regardless of their social, economical, cultural, religious background or disability. WSHRC will create productive partnerships with other organizations to maximize resources in carrying out the law. An updated technology system will allow the Commission to educate small business and other potential respondents statewide on the law.

Objective: Increase access to information about the Law Against Discrimination to those who have rights under the law and those who need to comply with it.

Strategy A: Provide education on the Law Against Discrimination to individuals with disabilities and persons with limited English proficiency.

Activity : Develop and implement a statewide training, education and outreach plan.

Output Measure: Number of educational events conducted monthly.

Immediate Outcome Measure: Percent of participants who provide a 4 or 5 rating in the education evaluation form.

Intermediate Outcome Measure: Percent of those who participated in an education event or referred another person to file a complaint on-line.

Outcome Measure Target/Estimate: Increase the number of complaints that are filed on-line by persons who are disabled or limited English proficient.

Ultimate Outcome Measure: Percent of complaints filed on-line by persons who are disabled or limited English proficient. Increased availability of state civil rights services to such persons. Decrease in discrimination against such persons. (Note: these outcomes may be extremely difficult to measure without substantial research and analytical funding. As a proxy measure, anecdotal information may be relied upon. Many other factors influence the amount of illegal discrimination in the State, most of which are not under the control of the WSHRC.

Strategy B: Conduct statewide training that is accessible and available to those who need to comply with the Law Against Discrimination.

Activity 1: Study and develop online training for individuals, community organizations, and private businesses.

Output Measure: Number of businesses and other covered entities requesting/needing on-site training per month.

Immediate Outcome Measure: Increase the number of business and other covered entity referrals to WSHRC's on-line training program, when it is implemented. (Note: There is a substantial cost associated with development and provision of professional online training. This cost is currently not funded.

Intermediate Outcome Measure: Percent of businesses and other covered entities using the on-line training program when it is implemented.

Outcome Measure Target/Estimate: Increase the number of businesses and other covered entities using WSHRC's online training program

Ultimate Outcome Measure: Percent of participants who are satisfied that WSHRC's on-line training program is an efficient, effective, and a valuable service to them. Positive changes in covered entity policies and practices.

Activity 2: Collaborate with other civil rights organizations throughout the state to develop and implement a statewide civil rights plan.

Goal # 2: Increase agency's visibility and credibility by being recognized as the leading experts on civil rights issues.

Vision: Legislators and other stakeholders will have a better understanding of the critical work of this agency and support the WSHRC as it endeavors to prevent and eliminate discrimination. Employers, housing providers, businesses, state agencies, and others covered by it will respect the law.

Objective: Increase opportunities to educate legislators, employers, housing providers and businesses on the Law Against Discrimination.

Strategy A: Conduct a well-organized campaign to educate legislators to help bring about excellence in constituent service.

Activity 1: Develop and implement a well thought-out, year-round Plan with activities to build and maintain legislative relationships.

Output Measure: Number of activities scheduled.

Immediate Outcome Measure: Number of legislators and constituents participating in agency sponsored community activities.

Intermediate Outcome Measure: Increase in the number of requests for the WSHRC's participation in legislative and related events.

Outcome Measure Target/Estimate: Increase in agency's visibility and credibility by the number of positive media articles, and other feedback, including legislative feedback.

Ultimate Outcome Measure: Percent of participants who are satisfied that the community activities are a valuable service to the public.

Activity 2: When the budget permits, hire a qualified legislative analyst to assist the WSHRC.

Strategy B: Initiate agency complaints to enforce the Washington Law Against Discrimination with wider scope and greater effectiveness.

Activity: Develop a Commission-initiated complaint process to identify and focus on respondents displaying possible systemic and/or patterns or policies of discrimination.

Output Measure: Number of Commission-initiated investigations undertaken. (Note: Current caseloads are sufficiently high that there are no slack resources to permit investment in Commission-initiated investigations. The WSHRC has little or no prosecutorial discretion, and so it must investigate all received and filed complaints that meet a low threshold of timeliness, standing, jurisdiction, and case or controversy. When caseloads reach a manageable level, we will again address the possibility of Commission-initiated investigations.

Immediate Outcome Measure: To increase the number of covered entity policies and procedures brought into compliance with the law.

Intermediate Outcome Measure: To reduce discriminatory patterns and practices of industry segments, or geographical regions, or civil rights issues.

Outcome Measure Target/Estimate: Increase in number of people in the State who benefit by these revised/new policies and procedures.

Ultimate Outcome Measure: To more efficiently use state resources to prevent and eliminate discrimination.

Goal # 3: Create a positive and productive work environment for employees.

Vision: Commission employees have a clear understanding of their individual roles and responsibilities. All employees are accountable for their work and feel empowered to perform and excel to meet individual and agency goals.

Objective: Increase customer satisfaction rating from HRC employees.

Strategy A: Encourage, support and recognize employees for their contributions.

Activity 1: Develop and implement staff recognition and awards plan.

Output Measure: Number and amount of awards, commendations, appreciations, and other positive feedback given.

Immediate Outcome Measure: Increase in employee morale, as measured on employee climate survey.

Intermediate Outcome Measure: Increase in overall agency timeliness, productivity and quality of casework, as measured in investigator performance standards.

Outcome Measure Target or Estimate: Increase employee survey satisfaction ratings from current benchmark.

Ultimate Outcome Measure: Agency employees will feel confident and supported in their role which will result in improved productivity and customer service. Employees will provide more access to justice to constituents.

Activity 2: Bring in motivating civil rights speakers and other resources to encourage and support staff.

Strategy B: Increase opportunities for staff growth and development.

Activity: Develop and implement a career ladder for staff, including upward mobility and bridge positions.

Goal #4: Complete high quality investigations with timely decisions.

Vision: The Commission will exceed customer expectations in the quality of our work and prompt service, using state of the art technology support. The Commission will maintain high production that results in increased federal contract funding, and reduces peaks and valleys of effort.

Objective 1: Reduce the number of aging cases over 180 days old and successfully resolve those that remain.

Strategy: Monitor aging cases on a weekly basis through an improved database.

Activity 1: Develop a plan to obtain and implement a state-of-the-art database, accessible statewide, so that staff members can share and track files electronically.

Output Measure: Number of new complaints resolved monthly.

Immediate Outcome Measure: Percent of complaints resolved within 180 days of filing

Intermediate Outcome Measure: Increase customer service ratings.

Outcome Measure Target or Estimate: Decrease in the number of complaints that are not resolved within 180 days of filing by 10% each year. Complainants receive more prompt and equitable service.

Ultimate Outcome Measure: Percent of customers satisfied with our agency's promptness and customer service. Reduced number and percent of customer service complaints.

Activity 2: Study and if feasible, develop and offer on-line alternative dispute resolution services to parties to more promptly resolve complaint in a less adversarial way.

Objective 2: Increase customer satisfaction ratings.

Strategy A: Be more responsive and accessible to our customers.

Activity 1: Establish agency requirements to maintain regular contacts with respondents and complainants.

Activity 2: Conduct more on-site visits, as necessary.

Strategy B: Improve case processing to be more prompt, efficient and consistent.

Activity: Manage performance and objectively evaluate staff with consistent performance accountability.

Appraisal of External Environment:

Economy

The high unemployment rate in this state has had significant impacts on the agency's workload. The state unemployment rate as of March 2004 was 6.2% compared to the national rate of 5.7%.

Historically, Hispanics, African-Americans, and people with disabilities have been impacted by the highest unemployment rates. This correlates with our caseload: 25% of complaints filed allege national origin or race employment discrimination and 45% allege disability discrimination. Further, employment discrimination charges comprise 78% of all charges filed with the agency in FY 2004-05.

Without a job it is difficult for families to maintain and/or obtain housing. The fact that discrimination disproportionately affects minority groups, people with disabilities, new immigrants and farm workers in housing, has a direct impact on the workload of the agency.

Technology

Recent surveys of our customers indicated that 95% of businesses and 60% of complainants have access to email and the Internet. Even in rural and economically disadvantaged areas, access to new technology through public libraries and community centers throughout the state has improved. This creates opportunities for WSHRC to develop electronic training and education programs that will be faster, more cost effective, and able to reach a much broader customer base.

Other Considerations

Other major variables in the external environment, while difficult to predict, have significant impacts on WSHRC's staffing and caseloads. For example, news media and community events related to discrimination raise awareness among victims of discrimination and results in increased requests for services. After the 9-11 tragedy the number of calls relating to discrimination based on national origin and/or religion increased. Very similarly, the recent cross burning incidents in our state and the media coverage amplified the issue of discrimination.

Trends in Customer Characteristics

In September 2003 the Washington State Supreme Court issued "Civil Legal Needs Study", a groundbreaking study on the civil legal needs of low income and vulnerable people in Washington. This study indicated that more than a quarter of all legal problems experienced by low-income people were related to **wrongful discrimination**. Discrimination disproportionately affected most ethnic minorities, people with disabilities, immigrants and farm migrant workers.

This report revealed that nearly half of all low-income people with legal problems do not seek legal assistance because they do not know there are laws to protect them. The study showed that others believed they could not afford legal help or had difficulty seeking help due to language barriers.

Ethnic Communities Face Different Issues Of Discrimination

In Washington State the population trends show that between 1980 and 2000 the Hispanic population more than tripled. Currently the Hispanic population makes up 7.5% of the state's total population. In the nation, Hispanic and Asian populations are projected to triple over the next half century.

Census 2000 indicated that the state's percentage of population, age 5 and above, where the households had limited English proficiencies rose from 3.7% in 1990 to 6.4% in 2000.

In many communities the issue of discrimination has an adverse impact on those with low income, especially those with language barriers. For example, North Central Washington attracts hundreds of low income Hispanics, many with limited English proficiency, to work in the orchards and packing sheds. The communities want the benefit of the low wage workers but often lack the social services and other infrastructure to meet the housing and employment needs of these workers. Many farmers lack bilingual management personnel, resulting in communication problems and leading to the possibility of alleged civil rights violations.

Census 2000 reported that 3000 people live within Seattle's International District boundaries; of these 70% are living on less that \$25,000/year and 67% have a primary language that is not English. These residents often face discriminatory practices that impact their entire community due to language barriers, socio-economic status and lack of political awareness.

Persons with Disabilities

According to the latest Lou Harris poll, 73% of working age people with disabilities are unemployed. In Washington State over 18% of the population are people with disabilities.

In FY 2004-05, 46% of all complaints filed with WSHRC alleged disability discrimination. Disability issues were the largest segment of complaints in employment, housing and in places of public accommodation. There is a steady increase in disability discrimination complaints. This can be attributed to three factors: first, employers, housing providers, businesses, state agencies, and others need training on disability discrimination because of its complexity and relative newness; second, as the working population ages so does the risk of health and disabling conditions; and third, modern technology offers more opportunities for persons with disabilities to continue or join the workforce.

According to Census 2000, there will be a significant increase in the number of older persons in the workplace. Nationally, by 2030 the population is expected to get older because the baby boomers, born between 1946 and 1964 will begin to turn 65 in 2011. By 2030, about one in five people will be 65 or over. As the population ages, health and disability problems increase. More people are working past retirement age, so there will be more people with disabilities in the workforce.

These trends provide resource challenges for our agency. The agency recognizes a need to modify service delivery to meet the needs of our customers by updating our technology and improve efficiency. On-line training on the law will enable our agency to reach more businesses. Similarly, on-line early dispute resolution will support the agency's efforts to increase access to all parties for prompt resolution of complaints. WSHRC is striving to provide customers with an accessible on-line system to file discrimination complaints. This will eliminate the paperwork that is currently generated when a complaint is filed and waiting time for customers.

Without adequate technology and funding it will be difficult for WSHRC to meet the increasing demands and changing needs of our customers and the state law.

Major Partners

WSHRC has two federal funding contracts; one with the Equal Employment Opportunity Commission and the other with the U.S. Department of Housing and Urban Development. With the poor economy and focus on the war against terrorism, there are already indications that less federal funding will be available for civil rights, particularly to programs that support persons with disabilities. These two federal contracts comprise 21% of our agency's annual budget.

Equal Employment Opportunity Commission

WSHRC has a long-standing partnership with the Equal Employment Opportunity Commission (EEOC). Under a worksharing agreement, WSHRC investigates and receives reimbursement for complaints that would otherwise be filed with EEOC under federal Law.

Each year WSHRC negotiates a new contract with the EEOC. Contract levels fluctuate in response to federal funding availability and the agency's internal capacity. The EEOC contract comprises almost 26% of our agency's annual allocated budget. EEOC dual-filed complaints represent about 75% of all cases closed by this agency and 95% of all employment cases resolved by this agency.

Since 2002-03 WSHRC joined forces with EEOC to conduct monthly training for businesses throughout the state on employment discrimination laws.

U.S. Department of Housing and Urban Development (HUD)

WSHRC has a similar worksharing agreement with HUD to receive and conduct housing complaints that would otherwise be filed with HUD under federal law. HUD contract cases represent about 11% of all cases closed and 95% of all housing cases closed. The HUD contract represents 16% of WSHRC's allocated annual budget.

WSHRC has conducted several joint activities with HUD and other local civil rights groups. Each quarter our agency, HUD, the Seattle office for Civil Rights, and the Tacoma Human Rights Department conduct joint trainings on the Fair Housing Law for housing providers, attorneys, and other interested parties.

Partnerships with Community Service Organizations

In 2003 the staff developed and began worksharing partnerships with two community service organizations in efforts to reach new immigrant and refugee populations who struggle with language and cultural barriers. WSHRC partnered with the Washington State Migrant Council, which provides a variety of services to farm worker families, mostly Hispanic, in 11 rural counties. WSHRC also entered into a worksharing agreement with Jewish Family Services Multi-Ethnic Center to provide services to new immigrants in King and Snohomish counties.

The purpose of these partnerships was to provide easier access to information on the Law Against Discrimination to Hispanic farm workers and Russian immigrants. WSHRC staff offered training on the law to partnership agency employees that provide direct services to their clients. WSHRC anticipates setting up an online intake referral system that will be accessible to partnership agency staff to assist victims of discrimination in their respective communities.

The Commissioners and staff have developed and maintained partnerships with several other human rights organizations throughout the state. These include the Whatcom Human Rights Task Force, the Thurston Council on Cultural Diversity and Human Rights, and the Kitsap County Council on Human Rights.

Strategy and Capacity Assessment:

Over the last year, an agency reorganization distributed staff throughout the state to provide the agency more visibility to customers in rural areas, particularly in Eastern Washington.

Under the leadership of a new executive director, WSHRC will be reassessing duties and responsibilities of staff to more effectively realign our internal resources to meet the needs of our customers, new ways of doing business and changes in the law. Currently, WSHRC has a diverse staff that includes Spanish-speaking employees in each of our four offices to currently meet the needs of the growing Hispanic population.

This agency provides services to other refugee and new immigrant communities with limited English proficiencies. To provide these services, the agency contracts with a language service agency. Language interpreters are costly and pose a financial impact on our budget. WSHRC anticipates an increase in the number of complaints filed by persons with limited English proficiency requiring interpreters.

State-of-the-art technology will enable WSHRC to offer faster, more efficient services to customers with limited English proficiencies. For example, with an on-line complaint system connected to a partnering agency, such as a Somali community center, the center's trained, bilingual staff would be able to immediately respond to a Somali speaking customer. The center's staff could have immediate access to WSHRC's on-line complaint system and/or request technical assistance to answer their clients' concerns.

Performance Assessment:

WSHRC 2003-04 Performance Agreement with the Governor identified four performance goals to improve service to our customers.

Decrease Time to Process Complaints

This agency has had a history of complaint backlogs, which led to an increase in the number of aging cases. The staff was challenged with balancing resolution of those cases over 180 days old while using creative methods to resolve new complaints being filed. A small investigative team was very successful in reducing the number of aging cases. At the end of FY 2002-03, the agency had a baseline of 47% of new cases resolved within 180 days. By the end of the second quarter FY 2003-04, the agency had successfully resolved 50% of all new cases within 180 days.

Customer Satisfaction

WSHRC measured the percentage of customers (complainants) who gave a high mark (4 or 5) on an “overall customer satisfaction” question. At the end of FY 2002-03, 43% of customers surveyed rated the agency with a high mark (4 or 5) on the “overall customer satisfaction” question. At the end of the second quarter of FY 2003-04, 46% of customers surveys rated the agency with a high mark. The agency exceeded its goal of 45% for the period ending in FY 2003-04.

Training on the Law

WSHRC strives to increase awareness on the Law Against Discrimination for employers, housing providers, businesses, state agencies, and others throughout the state. Discrimination issues in the workplace can be very disruptive to the workforce and costly to businesses that have to defend themselves against such complaints and lawsuits. In FY 2002-03, WSHRC trained 1200 businesses across the state.

At the beginning of FY 2003-04, the agency was forced to reduce its target to 700 employers, housing providers, businesses, state agencies and others due to limited resources. However, with updated technology the agency may have an opportunity to increase training and access to information on the law to businesses across the state. At the end of the second quarter, WSHRC was at 55% of its target goal training businesses for FY 2003-04.

Expand Awareness to New Immigrants

Lastly, WSHRC focused on increasing awareness on the law to new immigrants and refugees who are difficult customers to reach due to language and cultural barriers. By the end of the second quarter, staff had provided 341 immigrants and refugees with education on the law; almost a fourth of our agency’s goal of educating 1500 new immigrants. To support our educational efforts, staff developed and prepared informational pamphlets and 2004 resource calendars in Spanish and Russian and also updated our website to provide information on the law in other languages. In late 2003 the agency partnered with two community organizations that provide services to predominately new immigrants. The agency is committed to working with these organizations to reach more immigrants and refugees who come under our jurisdiction.

Assessment of Internal Capacity and Financial Health

Low Productivity and Employee Morale

Over the last several years WSHRC has been challenged with several employee grievances reflecting a high level of dissatisfaction. This resulted in low production and morale throughout the organization. Some of the dissatisfaction was related to lack of proper tools and unbalanced staff resources to meet the needs of the customers. Other factors included lack of communication and/or discussion about activities and actions that impacted staff.

In March 2004 the Washington State Human Rights Commissioners appointed a new director. The new leadership is committed to swiftly addressing and responding to low production, employee concerns, credibility, and budget issues.

Technology

During a strategic planning session, **the lack of available and adequate technology** was identified as a major factor that will impact the entire agency's 2006-2011 goals.

WSHRC developed and implemented a new, but limited database to improve services to our customers by reducing staff response time. The database provided primary support to the telephone information unit by reducing paperwork and increasing efficiency in responding to inquiries.

In the near future, WSHRC seeks to expand the database and develop an on-line complaint filing system to provide an easier, more efficient process for our customers. WSHRC anticipates that with updated technology, it will significantly reduce duplication of case data entry, and allow all agency employees across the state access to case files electronically. This expansion will enable managers to more expeditiously review and approve investigative findings.

WSHRC is working to expand its efforts to collaboratively work with local, community and federal civil rights organizations, higher educational institutions, legal service agencies and advocacy groups towards eliminating and preventing discrimination. By joining forces, WSHRC expects to eliminate duplication of work and share limited resources, with the goal of broadening and more effectively addressing discrimination issues.

Every key process that this agency implements to enforce the Law Against Discrimination would benefit from updated technology to improve effectiveness, reduce costs and deliver prompt, quality services to our customers. [See Attachment # 1]

(1) Major Activity**Case Processing**

	Current Process	Benefits of Technology
Intake: Responding to inquiries by phone or mail and drafting complaints, when appropriate	All calls are received by the intake staff in Olympia. Information is entered about the inquiry. All intake forms are generated by computer and mailed to inquirer. Inquirer completes forms and mails back to intake staff to draft a complaint. Notice and request for response of complaint mailed to respondents. Responses may take up to a month or longer, which delays case processing.	Would allow the trained partnership agency employees to assist their clients with an online intake referral system. Number of phone calls to intake staff would decrease. Notice of complaints to respondents could be emailed with electronic response. Electronic files would be set up at the time the complaint is drafted by intake staff. Eliminates duplication of data input throughout process.
Investigations: Investigators gather information through interviews, request documents, conduct conferences, and then draft investigative findings.	Gathering information is generally conducted by mail, interviews and conferences are conducted either in person or by phone. Investigative findings are mailed/forwarded to managers for review and approval. Revisions require returning file to staff.	Would allow staff to conduct on-line early dispute resolution to promptly resolve complaints. Updated data system would enable managers to review draft findings and request revisions without sending file or draft back to investigator.
Conciliations: Involves attempting to resolve complaints where a violation has occurred either by phone or through in-person conference. Drafting an agreement when resolved and collecting signatures.	Respondents are mailed an invitation to conciliate in a reasonable cause finding. A conference is scheduled by phone or in person. If resolution is attained, agreements are prepared and mailed out for signatures.	On-line conciliation conferences, similar to early dispute resolution conferences. Would expedite the routing of agreement for signatures.
Compliance Review: Review and enforce all the agreements that the Commissioners approve to ensure compliance with all terms.	Basic tickler system is currently used by compliance review staff to track terms of agreements. Calls or letters are required to follow up on terms not in compliance. Letter mailed to party when all terms met.	Entry of all agreement terms entered into the electronic file at the time of agreement. Letters automatically generated when terms are not complied with or when compliance completed.

(2) Major Activity**Training & Education**

	Current Process	Benefits of Technology
Educate businesses throughout the state on their responsibilities under the Law and educate those who may be victims of discrimination.	Businesses or community organizations request training by phone. Staff involved in coordinating, scheduling and conducting. Currently limited resources to provide training.	On-line training could be provided to both businesses and to persons who have rights under the Law. Decrease staff resources and travel costs.

SUMMARY

The Washington Supreme Court Civil Legal Needs study indicated that nearly half of low-income households have access to and the capacity to use the Internet. WSHRC will strive to seek funding that will provide state of the art technology to improve and expand services to protect classes who are low-income and rural populations and to persons with disabilities.

WSHRC anticipates expanding our efforts to provide materials/website information on the Law in other languages, and to emphasize the need to provide such services by covered entities, including other state agencies.

The new leadership will have an opportunity to examine internal resources that have been underutilized. Through the strategic planning process, the Executive Director and Commissioners identified specific voids in personnel that need to be addressed in order to support the agency in meeting its goals.

The Commissioners and the Executive Director are committed to addressing the low production and employee morale concerns that negatively affect our ability to accomplish our mission, goals and objectives.

ATTACHMENT # 1

External and Internal Factors Impacting Agency Workload

Trends in Customer Characteristics

Washington is increasingly becoming a diverse place to live and work. Population demographics have a direct impact on the work of this agency. Overall, the population growth has declined and the population is aging. Washington State will be seeing more people with disabilities, persons from the major non-U.S. national origin groups, and people who are limited English proficient, entering the workforce.

The statistics show that an increasing percentage of persons in the labor market will come from groups that traditionally have less education. An increasing number of youth do not complete high school and will flow between low-wage jobs before entering post-secondary workforce programs.

The baby boom generation is beginning to retire in large numbers. Workers over the age of fifty will make up an increasing part of the workforce. In order to meet the demands of the state's economy, these workers need to be encouraged to remain in the labor force longer and update their skills. At the same time, there are a rising number and percent of Latinos, Russians, Bosnians, and Ukrainians with younger and larger families. National anti-immigration rhetoric might result in a less-welcoming environment for agricultural, food preparation, and forest fighting workers in the State. This could result in more discrimination and in economic losses for the State.

In 2004 the State of Washington ranked ninth in the nation for the highest amount of international migration. "Our Changing Workforce" published in 2003 by the Workforce Training and Education Board stated that one in every ten persons in the state is an immigrant. Among these immigrants, 39% came from Asia, 28% from Latin America, and 21% from Europe. [Our Changing Workforce, 2003]

The Washington State Economic and Revenue Forecast Council October 2005 annual report, "Washington State Economic Climate Study" shows that 62% of the state's immigrants were international. This trend has a direct impact on the agency's workload. For the fiscal year 2004-05, 23% of all complaints filed with the WSHRC alleged discrimination based on race and/or national origin.

The WSHRC anticipates a large need to provide education on the law to the increasing number of new immigrants. New immigrants with limited English proficiency are easy targets for discrimination. They struggle to provide the basic essentials to help their families survive; and to maintain their culture, language, faith, food, adequate shelter and employment.

Almost half of all residents of Franklin County are of Hispanic origin (Census 2000). Almost 100,000 Latin Americans moved to Washington in the last 10 years. Seventy percent of all Washington farm workers are of Hispanic origin. (Source: Washington State Employment Security)

Discrimination is prevalent against the new immigrant and farm worker communities. For example, North Central Washington attracts hundreds of low income Hispanics, many with limited English proficiency, to work in the orchards and packing sheds. The communities want the benefit of the low wage workers but often lack the social services and other infrastructure to meet the housing and employment needs of these workers. Many farmers lack bilingual management personnel, resulting in communication problems and leading to the possibility of alleged civil rights violations. There is a new trend toward agribusiness hiring workers from Asia. These workers share many of the same problems as Latinos. In addition, there is the possibility of competition for jobs with current agribusiness workers.

In recent interviews with Hispanics women attending the Cinco de Mayo festivities in Eastern Washington; their personal stories emphasized the need for information on sex discrimination. Their stories revealed a pattern of discrimination against limited English proficient women who were pregnant and were not aware of their rights. The most common search terms on our website are for information on maternity and pregnancy discrimination.

OFM 2004 population statistics by county show that aside from the three most metropolitan counties, King, Pierce and Snohomish, a large percentage of Hispanics are located in the agricultural dominated counties of Eastern Washington, which include the following:

County	Total Population	Hispanic Pop.	% of Pop. Hispanic
Yakima	207,555	83,213	40%
Franklin	53,478	30,693	57%
Grant	74,489	24,863	33%
Benton	145,632	21,670	15%
Chelan	65,783	13,889	21%
Douglas	32,936	7,113	22%
Adams	16,182	8,273	51%
Walla Walla	53,262	9,719	18%

The WSHRC projects and currently feels the need for additional staff resources to conduct education and outreach to meet the increasing needs of the changing population. We receive a substantial number of inquiries and complaints in Spanish and other languages. Our Language

Line (translation service) use averages over \$700 per month, even though we have a number of staff who are fluent in Spanish.

Ten years ago, only about 18% of all complaints filed with our agency were based on disability. In FY 2004-05, 40% of all complaints filed with WSHRC alleged disability discrimination.

These trends provide several challenges for our agency. First, investigations of discrimination complaints are much more complex; especially when the complaint alleges failure to provide reasonable accommodation, a requirement for changes to some job elements for people with disabilities. For example, in an employment case, the investigator may be required to do an individual assessment of the employee's situation, gather information on the employee's essential job functions for his/her position, obtain medical records and/or medical opinions, interview doctors, and conduct an onsite visit to the employment site to assess the employee's workstation. In some cases, the investigation involves evaluation of other positions that may be possibilities for accommodating the employee. The investigator would then evaluate the employer's business to identify or determine whether the employer has the resources to provide the accommodation or if the identified accommodation would impose a hardship on the business, if these issues are raised as defenses by the employer. The individual assessment of the employee and the business is important to determine whether or not the employee can be reasonably accommodated.

Due to the complexity of these cases, an investigator must be fully knowledgeable on all the relevant laws and changes in the laws to conduct the analysis of the facts gathered. As may be expected, these cases involve more staff resources to investigate and usually take longer to complete than other cases. As the complexity and range of complaints increase, we find it harder to recruit and hire staff that possesses all the skills we need. We are in competition for skilled and qualified staff with other entities that pay more, such as the City of Seattle, the City of Tacoma, and the federal government.

Secondly, there is still much confusion among employers, large and small, about the difference between the federal Americans with Disabilities Act and the state's disability law. While we try to differentiate the two, in part because the State's law provides greater protections, corporations in the State often orient more to the federal law because of their national reach.

In addition, the growing number of disability cases is a contributing factor to our increasing individual investigator caseloads. Since civil rights training is costly, it is imperative for the WSHRC make concerted efforts to recruit, hire, develop, train, and retain trained and experienced investigators. Because of the limited availability of outside training, we have to develop and provide most of our own training.

The agency recognizes an immediate need to improve service delivery to meet the needs of our customers by updating our technology and improve efficiency. We believe that an effective

alternative dispute resolution (ADR) process tailored to meet the needs of our agency will provide our employees with a valuable, efficient and effective tool to expedite the resolution of disability cases, lower costs, reduce the adversarial nature of our process, keep employees and employers in relationship, and increase satisfaction with our process. This requires obtaining the help of an ADR expert, with experience in mediation and knowledge in civil rights, who can design and implement a successful program to meet the needs of our customers and our agency.

The agency anticipates significant cost reductions per complaint with a results-oriented ADR program. Currently the cost of completing a full investigation averages about \$2,000.

Assessment of Internal Capacity and Financial Health:

The WSHRC has one of the broadest civil rights laws in the Nation. No state has a nondiscrimination law offering broader protections, and only five or six states are of similar breadth.

Agency Workloads

Currently investigators carry a caseload averaging 65 to 70 cases each. The industry average to be productive is 35 to 40 cases.

The agency received 12,580 tracked inquiries during FY 2003, and 11,866 in FY 2005. The number of inquiries was not tracked in FY 2004. In addition, the WSHRC received 1,066 new complaints in FY 2003, 794 in FY 2004 and 775 in FY 2005. The WSHRC has 3.5 investigators responding to these calls and drafting complaints, as well as two customer service representatives. A significant number of additional inquiries are not tracked because they enter the agency at a variety of points.

For FY 2003, 82% of complaints were filed in the area of employment, 11.3% in housing, and 6.7% regarding places of public accommodation.

For FY 2004, 81.9% of complaints were filed in the area of employment, 12.8% in housing, and 5.3% regarding places of public accommodation.

For FY 2005, 78.8% of complaints were filed in employment, 16% in housing, and 5.2% regarding places of public accommodation.

Agency statistics show that employment cases make up the largest percentage of our workload, with housing complaints making up the second highest area for complaints.

Under the state and federal fair housing laws, housing discrimination complaints are required, by statute, to be resolved within 100 days of filing. The WSHRC's work sharing agreement

with HUD provides for payment of \$2400 per case if complaints are resolved within 100 days of filing. However, if housing cases are not closed within 100 days, HUD will begin to reduce payment in intervals for cases resolved after 100 days. To minimize loss of revenue, the WSHRC added more staff to the housing investigative team.

In March 2004 the Washington State Human Rights Commissioners appointed Marc Brenman as the new Executive Director. Mr. Brenman committed to swiftly addressing and responding to low production, employee concerns, credibility, and budget issues.

Performance Measures

For the period FY 2003-05, the WSHRC's budget was reduced by \$790,000, which significantly limited our ability to meet the increasing needs of our customers.

For the fiscal year 2003-04 through fiscal year 2004-05 the WSHRC identified three performance measures to support statewide results in "improving the quality and productivity of our state's workforce" and "improve the economic vitality of businesses and individuals."

Performance Measure # 1: Percentage of complaints resolved within 180 days of filing.

By the end of the two-year period, WSHRC anticipated resolving 45% of its complaints within 180 days of filing. However, the WSHRC was only able to resolve 42.4% of its complaints during this period.

Performance Measure # 2: Percentage of customers (complainants) who give high marks (4 or 5) on an "overall customer satisfaction" questions.

The WSHRC set a goal to receive 45% by the end of the first year and 50% by the end of the second year. By the end of the first year, the agency received high marks from 46% of its customers responding to the survey and 44% by the end of the second year.

Performance Measure #3: Number of Employers trained on the Law Against Discrimination

At the beginning of FY 2003-04, the agency was forced to reduce its target to train 700 employers, housing providers, businesses, state agencies and others due to limited resources. At the end of the second quarter, WSHRC was at 55% of its target goal training businesses for FY 2003-04.

In addition, a large number of covered entities now receive information via the agency's website. For example, we no longer mail out large numbers of employment nondiscrimination requirement posters, because they are downloaded hundreds of times a month from our website.

In the future, WSHRC hopes to prepare and implement on-line training for employers and other businesses across the state.

Database

In early 2000 WSHRC developed and implemented a new, but limited management information system database, known as ALADDIN. For the previous 30 years, the agency was operating on an antiquated federal database as part of its contract with the Equal Employment Opportunity Commission. ALADDIN was set up to record statistics for intake calls and selected information for complaints filed. It is only accessible to the Olympia staff and helped reduced the time for our staff to respond to calls on complaints filed. We have three other offices around the state, in Seattle, Spokane, and Yakima, and will soon have a satellite office in Vancouver. We hope to expand to include an office in the Tri Cities and in Bellingham, in an effort to address the needs of rapidly growing and changing populations in those parts of the State.

Currently the agency does not have an effective, centralized management information system that can accurately track significant activities through the entire case processing system; intake, investigation, conciliation, and compliance review of settlement agreements. This restricts employees from being able promptly to respond to inquiries about pending cases, and creates problems for managers in tracking cases and productivity. Since investigators in the three offices outside Olympia do not have access to ALADDIN, they are not able to enter case activity information into the system.

In the near future, WSHRC seeks to expand this database so that agency employees in the three offices outside Olympia will have access to view and enter information, as well as print out monthly case activity reports. It will enable managers to expeditiously review and approve investigative findings and monitor investigative activities, as well as generate ad hoc reports, via a web-based system.

Budget

During FY 2003 – 05, prior to Mr. Brenman's hire, the agency's budget was reduced by \$790,000, drastically limiting the WSHRC's ability to meet the needs of internal and external customers. This reduction produced a domino effect, reducing overall agency performance. The agency was not able to fill vacant investigator positions and was forced to reduce the number of specialists who were responsible for external training and education on the law. Employee morale plummeted, customer service complaints increased, individual investigator case loads increased with fewer staff, and employee production fell significantly.

In FY 2003-04 and again in 2004-05 the WSHRC did not meet its federal contract goals, resulting in additional revenue losses of \$222,000 (150 cases in 03/04 and 290 cases in 04/05). The WSHRC has not been able to meet the EEOC contract for six consecutive years. By the fall of 2005 the agency found itself in another major budget crisis.

Under Mr. Brenman's leadership, the WSHRC reassessed the duties and responsibilities of staff to more effectively and efficiently meet the needs of our customers and improve customer service. This included ensuring that investigators had clear expectations of their duties and responsibilities. Consequently, in August 2005 the agency implemented formal performance standards for investigators. [See attachment # 2] We have largely recovered from the budgetary crisis, after implementing significant cost-savings measures, including additional internal controls. We are still not back to where we were prior to the \$790,000 cut in FY 03-05.

Summary

Improvements to our technology will enhance our agency's ability to carry out our mission and achieve statewide results efficiently and effectively. Updated technology will improve effectiveness, reduce costs and help deliver prompt, quality services to our customers.

WSHRC has begun testing a system to provide customers with an accessible on-line ability to file discrimination complaints. This will reduce the time to file and resolve a formal complaint and we believe will increase customer satisfaction results.

The agency also has immediate needs for state-of-the-art technology to expand our training on the law to reach more individuals and businesses. There are an increasing number of small businesses in the state that will need to be knowledgeable about the law, how to comply with it, how to respond to complaints, and best practices. Without adequate technology it will be difficult for WSHRC to meet the increasing demands and changing needs of these customers and support the statewide results and agency goals. We would like to provide training via distance and e-learning, so that large numbers of covered entities can come to our website, take needed training just-in-time, and thus be able to respond to customer and employee situations in a non-discriminatory way.

Similarly, an Alternative Dispute Resolution program will support the agency's goal to reduce the time to resolve discrimination complaints with an efficient, proven tool. This tool will enhance investigators' ability to increase productivity and meet the federal contracts that support this agency's budget.

To keep up with the increasing number of people who are limited English proficient, the WSHRC will need additional resources to provide outreach, education, and translation of website materials. WSHRC will need to prepare materials/website information on the law in other languages, and to emphasize the need to provide such services by covered entities, including other state agencies.

The Commissioners, the Executive Director, and the staff are committed to improving the ability of state government to achieve results efficiently and effectively, by eliminating,

preventing, and reducing illegal discrimination in the state. We will accomplish this through innovative processes, high technology, accountability, and a diverse and inclusive workforce.