

*City of Alexandria, Virginia*

## MEMORANDUM

DATE: APRIL 5, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: CONTRACT BETWEEN THE ALEXANDRIA OFFICE OF HUMAN RIGHTS AND THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

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**ISSUE:** City Council consideration of a contract for the Office of Human Rights to remain a designated Fair Employment Practices Agency (FEPA) of the U.S. Equal Employment Opportunity Commission (EEOC) and to receive funding in the amount of \$51,700 to investigate and resolve complaints of employment discrimination brought by persons employed within the City of Alexandria.

**RECOMMENDATION:** That City Council authorize the City Manager to sign the contract with the EEOC for funding in the amount of \$51,700, for the Alexandria Office of Human Rights to continue as a Fair Employment Practices Agency (FEPA).

**DISCUSSION:** Pursuant to Section 706 of the Civil Rights Act of 1964, as amended, and federal implementing regulations, the Equal Employment Opportunity Commission (EEOC) is offering to award a contract to the Alexandria Office of Human Rights to investigate and resolve 101 complaints of discrimination that originate within the City of Alexandria and are covered under both the City's Human Rights Code and Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA). The contract covers the performance period corresponding to the federal fiscal year 2004 (October 1, 2003 through September 30, 2004) and is renewable for one additional federal fiscal year, FY 2005. The contract can be modified based on performance. Due to budget discussions regarding the EEOC's annual appropriation, and because the EEOC was operating under a continuing resolution well into federal FY 2004, this contract was just signed by the EEOC contracting officer on March 24, 2004.

For the past 20 years the Alexandria Office of Human Rights has participated in the FEPA program, and has had a work-sharing agreement with the Washington Field Office of the EEOC. This program enables local human rights agencies to receive EEOC funds to offset the cost of investigating complaints that are covered under both federal laws and the local human rights

ordinance, which are complaints against employers in the City, with fifteen or more employees, that allege discrimination based on race, color, religion, sex, national origin, age, or disability. Locally, the counties of Arlington, Fairfax, Prince William, Montgomery, and Prince George's, as well as the District of Columbia, each have human rights offices that function much like the Alexandria Office of Human Rights. All of these jurisdictions participate in the FEPA program.

Section 706 of the Civil Rights Act of 1964, as amended, cites the need for local governments to enact substantially equivalent ordinances that prohibit discrimination within their own jurisdictions. The FEPA program was created to assist local jurisdictions in resolving complaints of employment discrimination at the local level, because the EEOC does not have the resources to handle the large number of employment discrimination cases that are filed nationwide. The FEPA program requires the Alexandria Office of Human Rights to investigate the cases that originate in Alexandria and reimburses the office at the rate of \$500 per accepted charge resolution. Complaints filed in the Alexandria Office of Human Rights must allege discrimination by an employer doing business within the City limits.

The Office of Human Rights estimates that it will have received approximately 50 formal complaints during City FY 2004 that fall under the FEPA Program, and will have been added to its pending inventory. The EEOC contract will provide the City with \$500 per case for investigating and closing 101 complaints or charges alleging employment discrimination. The office also expects to have received approximately 1,000 informal inquiries or complaints and dozens of requests for technical assistance. The requests for technical assistance are from individuals or business representatives who ask the Office to intercede in resolving potential discrimination complaints, or to provide guidance, workshops or seminars on rights and responsibilities in the workplace.

The Office of Human Rights currently employs two full-time staff investigators and one over-hire contract investigator. Each investigator is expected to close employment cases at the rate of three per month. These investigators also work on all types of discrimination cases (i.e. housing, public accommodation) in addition to those covered under the EEOC contract. They also handle the intake of new complaints and assist with community outreach and training. The Office closed 108 cases in City FY 2002, and filed 79 new cases. The Office closed 102 cases in City FY 2003, and filed 51 new cases. All of the employment discrimination cases filed with the City of Alexandria Human Rights Office and covered by the EEOC contract are filed locally within the Human Rights Office, not with the EEOC Washington Field Office downtown, but are deemed dual-filed.

The EEOC contract will provide \$50,500 for the personnel and non-personnel costs directly associated with investigating 101 employment discrimination complaints during the period from October 1, 2003 through September 30, 2004 at \$500 per case. An additional \$1,200 has been allocated for travel and costs related to attendance at EEOC-sponsored training for state and local program directors, for a total contract amount of \$51,700.

**FISCAL IMPACT:** Although there is no requirement for the City to provide a cash match or an in-kind match for these funds, the City is responsible for the typical administrative costs associated with this contract. These costs include financial and reporting oversight provided by the Office of Human Rights, as well as by the Office of Management and Budget and by the Finance Department. It should be noted that the third investigator is currently an over-hire position and is proposed to be funded in FY 2005. The ongoing need for this position will be evaluated as to the future case loads and needs during the FY 2006 budget process.

**ATTACHMENTS:** None. The contract may be reviewed in the Office of Management and Budget, Room 3600, City Hall, during normal office hours.

**STAFF:**

Jean Kelleher Niebauer, Director, Office of Human Rights  
Michele Evans, Assistant City Manager  
Mark Jinks, Assistant City Manager