


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 15, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMES K. HARTMANN; CITY MANAGER 

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

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).

RECOMMENDATION: That City Council authorize the City Manager to sign a contract with the EEOC for funding in the amount of \$31,800, 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 56 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 (FFY) 2009 (October 1, 2008 through September 30, 2009) and is renewable for two additional federal fiscal years, FFY 2010 and FFY 2011. The contract can be modified based on performance. Due to budget discussions at the federal level regarding the EEOC's annual overall appropriation, this contract was submitted on May 28, 2009, by the EEOC contracting officer.

For the past 25 years the 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, covered under both federal laws and the local human rights ordinance, which 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.

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 \$550 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 currently employs three full-time staff investigators, but one of these positions has been cut in the City's 2010 budget to part-time, 20 hours per week, beginning July 1, 2009. The EEOC contract funding will pay for the part-time investigator. Each investigator is expected to close cases within 180 days. 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. These investigators 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 assessments, collaborations, community issues, training and staffing the Human Rights Commission.

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.

STAFF:

Jean Kelleher Niebauer, Director, Office of Human Rights

Michele Evans, Deputy City Manager

Bruce Johnson, Chief Financial Officer