

CCFN 231751 - ERC Complaints Liaison Finance & Personnel Committee Hearing 3.15.24

Equal Rights Complaints Liaison - Report by Chief Equity Officer Bernadette Karanja

Observation

Between March and May of 2023 when OEI was staffing up from a 70% staffing deficit, the dedicated phone lines for the vacant positions of ADA Coordinator, Equal Rights Specialist, Admin Specialist, and the OEI General Line were transferred to my extension. Due to the staffing shortages, we were challenged with not only keeping up with calls in general but in meeting OEI's structural priorities needed to meet statutory obligations.

Noting the markedly high rate of calls, I managed in one month to write down calls received which calculated to a weekly average of 40 complaint calls – five each day. During that time period complaint-related, calls ranged from workplace discrimination, racial and gender discrimination, accessibility issues, workplace harassment, to homelessness and, more. Each complaint received, requires a comprehensive written log with an appropriate referral process described in the Proposed Solution section of this report.

In addition, during an ERC Public Meeting held on March 29th 2023, I learned that there were additional online complaints received by the ERC Chairperson and ERC Commissioners vide an online [Discrimination Complaint Form](#) managed by the ERC Specialist. It is difficult to find this link with the current Landing Page configuration, and OEI will work to remediate this situation.

It is my observation, that the apparent reason why there were years with zero reported complaints, was because of a combination of two key factors:

- 🌀 There wasn't an infrastructure in place to capture, record and refer online or phone complaints required by Chapter 109-7-4 – thus the under-reporting. **Note: The ERC can only accept and investigate [written complaints that are verified by complainant](#).**
- 🌀 Over the past four years, there was a significantly high turn-over in staffing the ERC, where months would go by without a dedicated staff person or persons overseeing the process. In addition, it appears there was no formal hand-over for the process.

We are working to establish a record-keeping process that is compliant with Chapter 109, and approving the Equal Rights Complaints Liaison position ensures we strengthen the building of that reporting infrastructure.

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Background & Proposed Solution

Position authority was approved from the 2024 Budget for a new position in the Office of Equity and Inclusion to support the Equal Rights Commission in remaining compliant with City Ordinance [Chapter 109-7-4](#). An appropriate written process for receiving and referring complaints needs to be established.

In a Legal Opinion dated October 25th 2022, the City Attorney's Office clearly defined the Department of Administration's role in staffing and providing support to the Equal Rights Commission in, *(and I quote), "initial processing of complaints, and providing resources necessary for the proper hearing of complaints"*.

In addition to seeking assistance from the City Attorney's Office relative to legal and jurisdictional issues, the Equal Rights Complaints Liaison will be expected to do the following:

- 🌀 Chapter 109-5-12 requires DOA/OEI to receive, record, and track **ALL** complaints from the public then filter these complaints by jurisdictional and non-jurisdictional status. The latter are referred to County and State jurisdictions in writing.
- 🌀 The jurisdiction complaints are processed for submission to the Equal Rights Commission for investigations and hearings.
- 🌀 The Equal Rights Complaints Liaison will conduct above tasks, and have paralegal knowledge and experience to analyze complaints and staff the ERC Commissioners during investigations and hearings. ERC Jurisdictional complaints include the following. See attached Appendix A:
 1. Lawful Source of Income
 2. Marital Status
 3. Gender Identity or Expression
 4. Victim of Domestic Abuse or Sexual Assault
 5. Protective Hairstyles
 6. Past or Present Membership in the Military
 7. Genetic Identity
 8. Homelessness
 9. Familial Status

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Justification

In the past 12 months in my tenure as Equity and Inclusion Chief, and in formally meeting with the ERC Commissioners, we quickly realized that the Equal Rights Specialist position works full time on:

- ☞ Staffing, noticing and minuting bi-monthly full commission public hearings
- ☞ Staffing noticing and minuting monthly standing public work committee meetings for Governance, Compliance and Outreach
- ☞ Drafting Reports and research best practices and facilitate presentations to ERC
- ☞ Coordinating and promoting ERC cultural events celebrated throughout the year including Black History, Month, Women's History Month, Hispanic Heritage Month, LGBTQ+ History Month, and more.
- ☞ Serving as liaison to other human rights commissions including Milwaukee County.
- ☞ Represent the Commission's interest in relation to other City of Milwaukee initiatives called to present to the ERC to establish accountability
- ☞ Support the Commission in the recruitment of commissioners for fill vacant positions
Conduct outreach

These duties left little room for appropriately receiving, recording, verifying and filing complaints with the ERC as is required by Chapter 109. We also realized given the heightened and prevailing constituent concerns about curtailing race-based priorities, that once the City establishes an appropriate infrastructure, and then announces the acceptance of these well intended complaints, the number of calls and online filings will likely treble, thereby justifying the need for a full time Equal Rights Complaints Liaison.



Bernadette Karanja