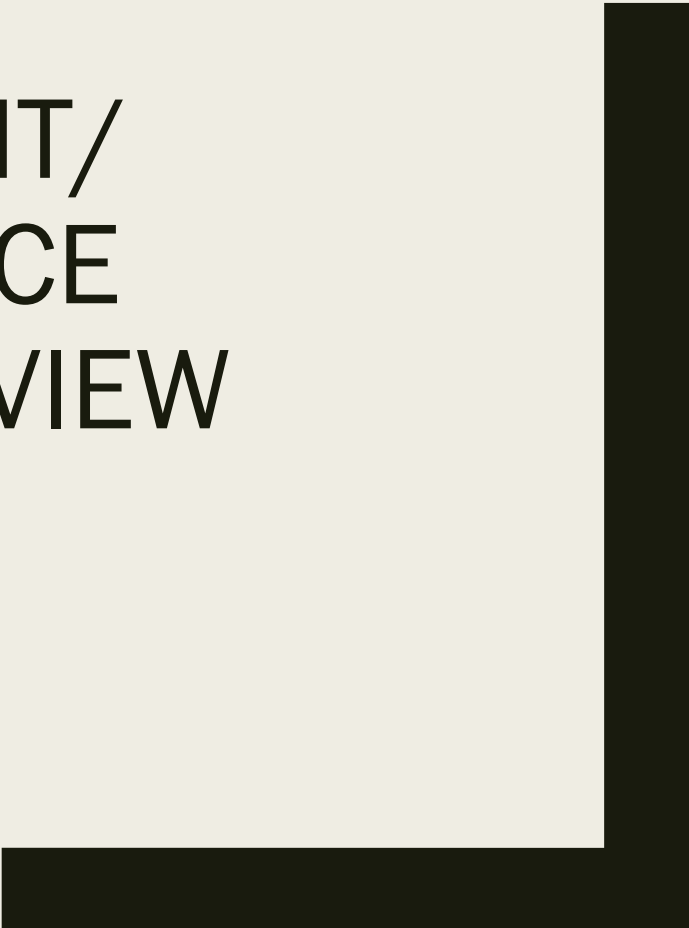




EQUAL EMPLOYMENT/ FAIR HOUSING OFFICE ENFORCEMENT OVERVIEW

May 21, 2018



Purpose

To arm the LGBTQ Advisory Commission with information that will allow you to address with City Council issues concerning the LGBTQ Community



Does EEFHO enforce relevant Federal Statutes alone or does it also enforce City Ordinances?

The City of Austin Equal Employment & Fair Housing Office (EE/FHO) is empowered to enforce the following City Ordinances and Federal Statutes:

ORDINANCES:

- Chapter 5-1 Housing Discrimination
- Chapter 5-2 Discrimination in Public Accommodations
- Chapter 5-3 Discrimination in Employment Generally
- Chapter 5-4 Discrimination in Employment by City Contractor
- Chapter 5-5 Discrimination Against People with AIDS
- Chapter 4-15 Fair Chance Hiring
- Chapter 4-19 Earned Sick Time Standards (effective 10-1)

FEDERAL STATUTES:

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967
- Title VIII of the Civil Rights Act of 1968
- The Americans with Disabilities Act of 1990 as amended
- Pregnancy Discrimination Act of 1978

EEOC & EEFHO Relationship

The Equal Employment Opportunity Commission (EEOC) is authorized by statute to use the services of State and Local Fair Employment Practices Agencies (FEPAs) to assist it in meeting its statutory mandate to enforce Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act (ADEA) of 1967, as amended, the Americans with Disabilities Act (ADA) of 1990, as amended, and the Genetic Information Nondiscrimination Act (GINA) of 2008. The EEOC and the Equal Employment & Fair Housing Office have agreed to the terms of a work-sharing agreement which is designed to provide individuals with an efficient procedure for obtaining remedy for their grievances under appropriate City of Austin Discrimination Ordinances and Federal Laws.



HUD & EEFHO Relationship

The U.S. Department of Housing and Urban Development provides Fair Housing Assistance Programs (FHAPs) funding annually on a noncompetitive basis to state and local agencies that enforce fair housing laws that HUD has determined to be substantially equivalent to the federal Fair Housing Act. This means the law must provide rights, remedies, procedures and the availability of judicial review that are substantially equivalent to the federal Fair Housing Act.



Explain the EEFHO investigative process, including appeals of final determinations:

	Federal	Ordinance
Preliminary Review	Acceptance vs. No Acceptance	Acceptance vs. No Acceptance
No Cause Determination	Complainant & Respondent Notified	Complainant & Respondent Notified
Appeals Process	The Charging Party has the right to appeal a no cause determination to the Equal Employment Opportunity Commission (EEOC). There are no appeals provision To Housing and Urban Development (HUD)	The Charging Party has the right to appeal a no cause determination to the Austin Human Rights Commission, except Housing, Fair Chance Hiring, and Earned Sick Time complaints. There are no appeals provisions in the Housing Ordinance, the Fair Chance Hiring Ordinance, or the Earned Sick Time Ordinance.
Conciliation/Settlement	Attempts to resolve complaints of discrimination: open for discussion during the investigative process	Attempts to resolve complaints of discrimination: open for discussion during the investigative process
Cause Determination	Attempt Settlement	Attempt Settlement
Conciliation/Settlement Fails	Title VII forward to EEOC for further processing.	Refer to City Attorney for appropriate action

Numerical data on discrimination complaints-challenges to data collection :

1. There is no system to query data, staff has to manually interpret and count data from federal system. For instance, National Origin is coded as “NH” and Retaliation is coded as “OR”
2. 2004: City of Austin amended discrimination Ordinances to include sexual orientation and gender identity discrimination protections
3. 2012: EEOC and HUD began to recognize sexual orientation and gender identity discrimination as being included in the definition of “sex” discrimination under federal law

Caseload Metric FY 08-to date

Ordinance Complaints	Number Files
Ordinance	69
Ordinance LGBTQ	31
Public Accommodation	17
Public Accommodation LGBTQ Basis	3

Housing, Employment, Public Accommodations, HIV Aids, City Contractor, Fair Chance Hiring

Caseload Metric FY 08-to date

Federal (EEOC/HUD)	Number of Complaints Filed
Title VII, ADA, ADEA	3,228 Complaints Filed
Filed LGBTQ	18 (6 yr. period)
Title VIII (Housing)	739
Title VIII LGBTQ	2

*6 year data is reflective of when the Federal Agencies took the position that existing sex discrimination provisions protected those persons who identify as LGBTQ

Community Input:

EE/FHO Targeted Education/Outreach to LGBTQ Community

- 2004 City of Austin Local Ordinances were amended to include LGBTQ as a basis
- 2012-2013 Grant proposal to HUD to target the LGBTQ Community
- \$163,000 in Partnership Funds Awarded from HUD
- 2017 Municipal Equality Index COA Score 100 + 12 Bonus Points 8 Bonus points received due to the services we offer LGBTQ Community
- October 2017 awarded Funds to create an Employment Brochure targeted to the LGBTQ Community
- January 2018 ran 30 spots on iheart radio



QUESTIONS