

Testimony of State Representative Vanessa Lowery Brown, 190th Legislative District
Chairwoman of the Pennsylvania Legislative Black Caucus
House Appropriations Budget Hearing
Thursday, February 27, 2014
Room 140, Main Capitol Building

Good afternoon everyone:

First and foremost I would like to thank Chairman Adolph and the House Appropriations Committee for allowing me to testify today. Secondly, I would like to qualify my remarks this afternoon by stating that they are not meant to be interpreted as a general criticism of the Governor's proposed budget. I have always been of the school of thought that one should not criticize someone or something unless they are willing to offer an alternative solution or remedy. At this writing, I do not personally have an alternative budget plan to offer for acceptance.

Having said that, I simply wish to take this opportunity as both a legislator and as Chairwoman of the Pennsylvania Legislative Black Caucus to bring several specific and concerning areas of the budget to your collective attention. In the aforementioned official capacities of which I serve, what immediately caught my attention in the Governor's proposed budget was the zeroing out of the Department of Health's Diabetes Programs line-item. This was particularly distressing to me as I am keenly aware of the fact that African-Americans are more disproportionately affected by diabetes than their racial counterparts.

Specifically, African Americans are twice more likely than whites to be diagnosed with diabetes. This rate of affliction is even more pronounced when it comes to African American women in comparison to their racial counterparts. In fact, in a recent report issued by the Pennsylvania Department of Health's Office of Health Equity entitled "Black/African American Health Status Overview," it clearly outlines that in 2009, diabetes was the 5th largest killer of African Americans aged 45-64 in Pennsylvania. Additionally, the report states that from 2007 through 2009 the percentage of African American Pennsylvanians afflicted with diabetes is roughly double than the national average.

With this information at our disposal, it should be clear to everyone that these facts and figures are not representative of our commonwealth's need to eliminate this vitally important health program. If anything, the data seems to indicate that state programs with the dual goals of preventing the development of diabetes and controlling its complications need to be expanded. Due to the foregoing reasons, I am requesting that the funding cut from the Department of Health's Diabetes Programs line-item be restored to at least the 2013-14 level.

Additionally, I wish to share similar concerns regarding the zeroing out of the Department of Health's Lupus line-item. In this particular instance we are talking about a relatively obscure disease that once again affects African-Americans at a disproportionate rate as compared to their racial counterparts. For those of you who may be unaware, Lupus is an autoimmune disease where the body's immune system becomes hyperactive and attacks normal, healthy tissue. Although the medical community is still unclear as to what exactly causes Lupus, what we do know is that it affects young black women at a rate three times higher as compared to their white counterparts (1 in every 250 are affected).

It is also important to note that medication for Lupus can be quite expensive, especially for those from lower socio-economic backgrounds. Such an economic obstacle often causes many people to forego adequate treatment, which only exacerbates the overall effect of the disease. With this clear and convincing information at our disposal, it would seem that from a purely economic perspective that providing adequate funding to the Department of Health to administer related programming, outreach, compilation of statistics, etc. would prove to be a truly worthwhile long-term investment.

Just as equally, from a purely compassionate standpoint, when it comes to a still relatively mysterious disease that disproportionately ravages the bodies of black women in the very prime of their lives, I would like to think that our commonwealth would be spurred into action to do more in the way of staving off the effects of this insidious disease upon its populace. It rests as my sincere hope that the members of this committee will appeal to both their consciences and common sense by restoring funding for the Department of Health's Lupus line-item to at least the 2013-14 level.

As most of you may remember, last budgetary cycle, at the request of several Sickle Cell advocates from across the commonwealth, the Pennsylvania Legislative Black Caucus was briefed on a drug treatment called Hydroxyurea, which reduces the severity of Sickle Cell disease by stimulating the production of HbF, also called fetal hemoglobin. Upon receiving this information and sharing it with the members of our General Assembly, our legislative body was successful in obtaining a moderate increase for the Sickle Cell line-item for the purpose of providing outreach and education on the groundbreaking treatment. Sadly, funding for outreach and education, which in the grand scheme of things would make the Sickle disease more manageable and thus, less expensive to treat, has been cut.

One budgetary cycle is not enough time to provide proper outreach and education regarding the revolutionary drug treatment to the many Pennsylvanians stricken with the disease. To be clear, this increase was not meant to be a recurrent increase. However, the goal was to utilize this increase in the most effective manner possible. That said, we cannot honestly say that we have done so. Therefore, I would also like to see the funding reduction of the Sickle Cell line-item restored to the 2013-14 level.

Lastly, I would like to address the proposed decrease in the Executive Office's Human Relations Commission line-item. The issue at hand is that this specific line-item has seen a funding reduction during four out of the last five budgetary cycles, the exception being the 2012-13 enacted budget, when funding was level from the previous cycle. In terms of sheer dollars and cents, since the 2010-11 enacted budget to the present day, the Commission has seen its funding cut by nearly \$1,000,000. This would not be problematic if the Commission was producing outcomes that indicate that the total number of complaints alleging discrimination and prejudice has dropped off. However, this is clearly not the case.

Instead, its investigators are being saddled with huge caseloads which prevent them from executing their duties in both a timely and thorough manner. As Chairwoman of the Pennsylvania Legislative Black Caucus, I have witnessed first-hand the high volume of citizens who visit my Harrisburg office alleging discrimination in workplace, particularly those who are employed by our Commonwealth's state agencies. Therefore, I wish to take this opportunity to express that I believe it would be in the best interests of all Pennsylvanian's to demand more accountability concerning the justification for reducing funding for an entity whose primary purpose is to protect its citizens from the ill-effects of racism and discrimination. For the committee's review, I have attached a correspondence that I received from a former investigator with the HRC, which outlines concerns similar to the ones that I have shared above.

In closing, I once again would like to thank Chairman Adolph and the House Appropriations Committee for its indulgence. It is my sincere hope that the members of this committee find merit in the several critically important points that I have raised today.

Thank you.

The Honorable Vanessa Lowery Brown
Pennsylvania State Representative
190th Legislative District

Enclosure

February 22, 2014

Hon. Vanessa Lowery Brown, Chairwoman
Pennsylvania Legislative Black Caucus
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Dear Chairwoman Brown:

Please allow me to introduce myself. My name is Cheryl A. Williams. I am a former investigator of the Pennsylvania Human Relations Commission. I worked in the agency for approximately 15 years. During eight of those years, I was an elected official of the union. In that capacity I was responsible for negotiating with management on terms and conditions of employment. I worked in the agency, not for the pay but because of my commitment to civil rights. Near the end of my tenure with the PHRC, I became increasingly aware of the fact that the agency was failing miserably with its objective of eradicating discrimination in the commonwealth.

During the last 10 years the Commission has deteriorated substantially, first under the leadership of Homer Floyd and now under the leadership of JoAnn Edwards. In time, the primary focus and emphasis of the agency went from investigating discrimination complaints to simply maintaining the agency. The requirements of meeting the EEOC contract has resulted in investigators basically investigating cases only until the point where they could write a finding of no probable cause or settle the case for far less than what the damages were. This process does not address any existence of discrimination occurring within a commonwealth employer's walls, because the issues are being investigated one on one and not "systemically." This bears true due to instances of repeated complaints of discrimination being filed against the same employer.

More importantly, most issues are not being fully investigated because of the processes that management have put in place to close cases as quickly as possible does not allow for sufficient time to investigate. These processes also do not include providing the necessary manpower to fully investigate the vast number of cases received by the agency.

It should also be noted that findings of probable cause, which take far more time and requires greater effort in terms of investigation and analysis, are discouraged or refused altogether by the legal division and part of management. To accomplish its new goals management began encroaching upon the work and responsibilities of the investigative staff, which is unionized, in further attempts to make them close cases prematurely in order to receive money from the legislature and from the EEOC. One should look at the number of internal grievances, civil services complaints and EEOC complaints that are being filed by investigators employed with the agency.

Management's objective has become this and only this: scrutinize the work processes of the investigators to encourage them to close cases faster and preclude a complete investigation of those cases to take place where potential probable cause exists. Additionally, investigators have been encouraged to back away from cases where sufficient evidence exists to credit a case of discrimination to close them prematurely or settle them without going to litigation. There are many cases where investigators have been directed to change an investigation from "probable cause" to "no probable cause" after spending more than 12 months completing an investigation.

There are many concerns that should be addressed; however, one of more important concerns should be "who's" currently running the agency. After Homer Floyd retired following more than 40 years of experience working not only with the PHRC, but with other civil rights agencies across the country, a new Executive Director was hired. As you may aware, that decision was met with intense controversy. Two complaints of discrimination were filed with the EEOC. One by a former director of the agency, an African American male with more than 30 years of civil rights knowledge and experience, and an outside candidate, an African American female. The EEOC after its investigation determined that there was sufficient evidence to show that these candidates were more qualified than the person chosen for the position of executive director. It also concluded that one other person who applied for the position but did not file a discrimination complaint as a result of not receiving the position, was more qualified than the person chosen. This should create great alarm for anyone concern about the future and success of the agency.

Whether or not one would agree that it is important for the management of this agency to at least have experience and knowledge of civil rights, one cannot deny what is occurring in the agency as a direct result of the limited knowledge of those in management. The agency is under staffed and top heavy. It has lost its focus and its objective. Qualified employees who remain in the agency after so many that have left are treated with disdain. Additionally, their expertise and commitment to civil rights are not being duly recognized or utilized within the agency.

As such, I encourage you to consider the following dynamics and questions involving the agency:

1. The number of attorneys employed in the agency and the impact they have made in terms litigation of probable cause complaints established by the evidence (For example, look at what occurred with PHRC involvement in the Philadelphia School District complaints and the Reading School District complaints). In the opinion of this writer, the PHRC efforts were "shamefully lacking."

2. The number of unqualified management employees employed making key decisions that impact the work being performed and the objectives of the Act.
3. The disproportionate ratio of cases received and handled by the agency's investigators.
4. The investigative processes that are in place that do not result in discrimination being uncovered.
5. The number of civil rights complaints filed against the agency by employees and former employees of the agency.
6. The number of employees working in the agency that do not perform the critical work of the agency receiving significant salaries.
7. Lastly, are the objectives of the PHRA being met? If not, why should it continue to exist at all?

My closing remark is this: Give not that which is holy unto the dogs, neither cast ye your pearls before swine, lest they trample under their feet and turn again to rend you. Matthew 7:6

Respectfully,

Cheryl A. Williams