

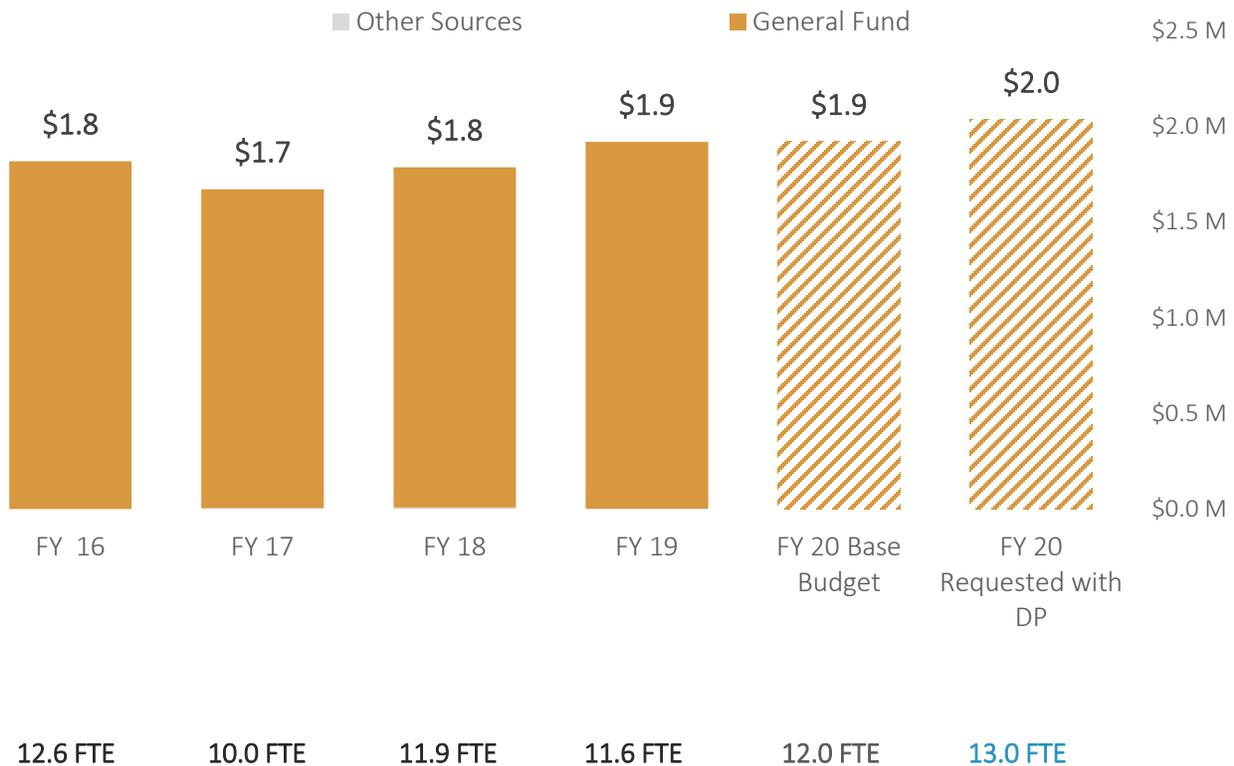


**City
Budget
Office**

Office of Equity & Human Rights

Analysis by Jane Marie Ford

Adopted Budget Revenues - 5-Year Lookback



INTRODUCTION

The Office of Equity & Human Rights (OEHR) recently hired a permanent director after over a year under interim leadership, which will allow the bureau to move forward with its strategic planning process. As CBO has noted in previous analysis, this represents an important opportunity to clarify the roles, responsibilities, and authority of OEHR in the City’s broader equity efforts, which have significantly increased since the bureau was formed in 2011.

CBO anticipates that the bureau may consider more significant changes to its budget after the strategic planning process, which will help to articulate what work is core to OEHR’s role in advancing Citywide equity efforts. As part of the bureau’s FY 2019-20 requested budget, there

are several decision packages related to the City’s disability equity work. CBO strongly recommends supporting proposed changes that would strengthen Citywide coordination and implementation of disability equity and Americans with Disabilities Act (ADA) compliance. CBO has also provided some recommendations to help leverage existing bureau capacity to expand equity training and technical assistance.

BASE BUDGET KEY ISSUES

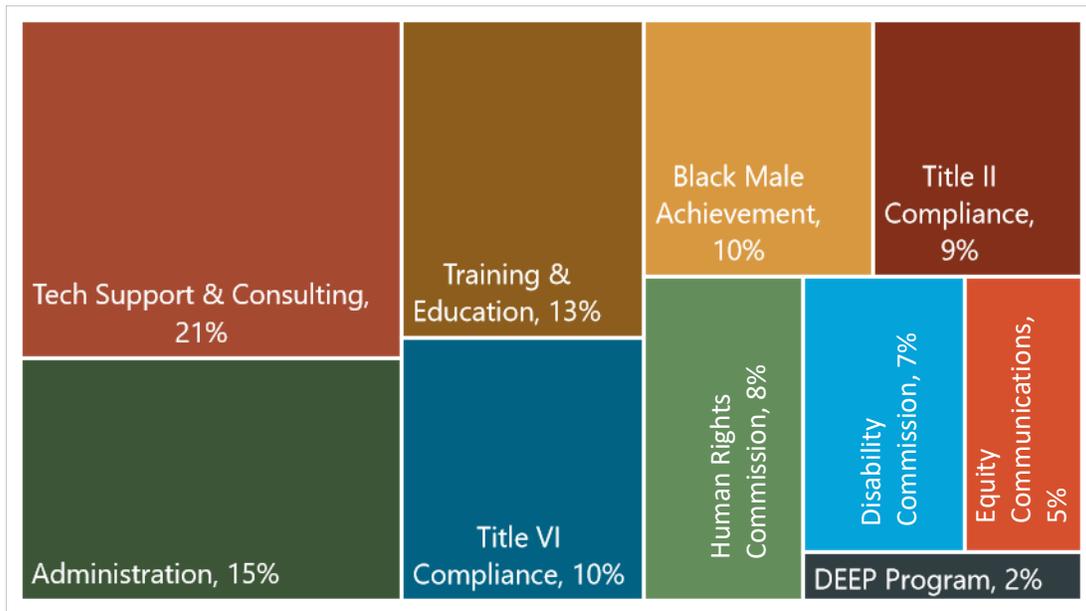


Image description: a visual representation of the bureau’s budget programs based on relative size of budget.

In its FY 2019-20 base budget, OEHR has 10 programs and 12 FTE. The relative number of distinct programs compared to staffing levels illustrates a core operational challenge: OEHR has been tasked with a diverse array of roles, responsibilities, and functions with few staff to carry out the work. Many of these programs were culled from other City bureaus where they previously benefited from the resources and support of a larger organization. Other programs represent new creations that continue to evolve as the City’s approach to equity grows and changes.

As the City strives to operationalize equity in its programs, policies, and services, demand for OEHR support continues to increase. Concurrently, the number of dedicated equity positions in bureaus have also grown. While OEHR endeavors to respond to as many requests as possible, the lack of definition around OEHR’s core roles and responsibilities makes it difficult to prioritize staff capacity and workload.

Citywide Equity Training & Technical Assistance

Equity 101 and Beyond

Training has been one of OEHR’s core Citywide functions since 2015 when Council made Equity

101 training a required course for all City employees, including temporary employees with appointments greater than six months in duration. In addition, there is a desire to help the City move beyond Equity 101 and provide more robust, targeted workshops. This goal is reflected in a Direction to Develop issued jointly to OEHR and the Bureau of Human Resources (BHR) to develop a proposal for new resources to meet basic and advanced equity training needs.

One strategy that OEHR has successfully utilized to increase training capacity is a “train the trainer” model, working first with the Portland Police Bureau and now Portland Fire and Rescue to assist equity managers with incorporating the Equity 101 workshop as part of regular in-service training. This strategy could potentially be replicated to manage Equity 101 training needs in other large bureaus with a high annual volume of new and/or temporary hires, including Portland Parks & Recreation and the Portland Water Bureau.

OEHR also notes the opportunity to leverage other existing bureau resources to enhance Citywide equity training and technical assistance. This includes utilizing the estimated more than 20 dedicated equity positions embedded in bureaus Citywide, in addition to exploring new partnerships to integrate equity and other disciplinary expertise. For example, OEHR is currently working with the Office of Community & Civic Life to develop a training for staff liaisons supporting City boards and commissions to increase participation of people with disabilities. These partnerships can help to reinforce equity as an underlying value in all City operations, provide opportunities to collaborate across bureaus and services areas, and help to leverage capacity in a resource-constrained environment.

Disability Equity

OEHR and its Commissioner-in-Charge will be coming to Council with a proposal for an enhanced Citywide approach to operationalizing disability equity. The federal Americans with Disabilities Act includes five sections addressing different aspects of public life; the two most relevant to City operations are ADA Title I, which supports employees with disabilities, and ADA Title II, which requires that public entities ensure that programs, services, and activities are accessible to people with disabilities. Proposed changes are discussed under the Directions to Develop section at the end of this review. As Council considers these changes, CBO highlights the following existing opportunities to strengthen the City’s response:

- **Implement centralized tracking and response for accommodations and complaints.**
There is not currently a centralized platform for community members to request ADA accommodations or register a complaint. This is also true for requests for translation and accommodation protected under Civil Rights Title VI, which prohibits discrimination on the basis of race, color, or national origin (a program that is also part of OEHR’s portfolio). This is burdensome for community members and individual bureaus, and deprives the City of a critical dataset. The City 311 Pilot is proposed to help provide a single point of contact for these actions to then be distributed to the responsible bureau. CBO’s understanding is that a software solution has not yet been identified to accomplish this.¹

¹ There is an existing cloud-based solution for tracking ADA assessment, management, and reporting. Ironically, it is not an accessible software.

- **Remove gaps in accessibility with City technology and services.** The Disability Equity Coordinator in OEHR and Disability Resources and Employment Specialist in the Bureau of Human Resources (BHR) have both uncovered significant gaps in accessibility since coming on board in Spring 2018, including issues with City technology. OEHR is currently developing a robust guide related to website accessibility and will continue to be involved with the Technology Executive Steering Committee, Smart Cities program, and Digital Inclusion Network.
- **Ensure consistent understanding and approach to bureau ADA Titles I and II compliance.** Although BHR and OEHR are charged with Citywide ADA Title I and Title II compliance respectively, individual bureaus are still responsible for ensuring compliance for their own programs. CBO supports the efforts to develop more robust standard operating procedures, templates, and trainings, and recommends that the strategic planning process clarify the role of bureau equity managers and disability equity staff in ensuring compliance. OEHR has also noted the option of developing more online trainings, which can help to reach more employees with fewer resources.
- **Prioritize resources through centralized analysis.** Lack of ADA compliance puts the City at risk for legal action, as illustrated in the [2018 curb ramp settlement](#). Given the City's existing funding gap for major maintenance and limited resources for new projects, it is critical that the City strengthen its use of data to prioritize investments using an equity lens. City assets fail not only when they no longer provide the service level as previously designed, but then when assets create barriers to accessing City services. Evaluating this type of service failure in our management of City assets is critical to meeting our basic equity requirements.

This list illustrates the significant work that remains to ensure the City provides proactive, comprehensive, and streamlined ADA compliant services. CBO has recommended allocating additional resources to this work in FY 2019-20, and also highlights this as a key priority to address – alongside similar needs for the Civil Rights Title VI program² – in OEHR's strategic planning process. This includes reviewing the centralized support function in OEHR as well as decentralized workload that is currently or should be managed by individual bureaus.

NOTABLE CHANGES

There are no notable changes to OEHR's base budget as requested. OEHR is currently working with the Office of Management & Finance to develop an interagency agreement reimbursing OEHR for its administrative support of the Portland Committee on Community-Engaged Policing. This may free up some resources internally to help fund the decision packages requested below.

² Please see the bureau's Requested Budget Civil Rights Title VI and Equity program offer. This program identifies and develops Citywide policy and procedures for federal compliance. This work aligns with broader work related to racial equity, and also includes language access, translation, and other accommodations that fall under this law. Again, there is just 1.3 FTE allocated for this program, which faces similar challenges for training resources, policy development, and data collection and analysis.

DIRECTIONS TO DEVELOP

Portland Commission on Disability (PCoD) Staffing

DP 7656, \$111,584, 1.00 FTE

Direction Language

The bureau is directed to request a new FTE to support the Portland Commission on Disability and the Disability Equity Program more broadly.

CBO Analysis

At the time of Requested Budget submission, the Office of Equity & Human Rights and its Commissioner-in-Charge were finalizing a draft proposal with comprehensive changes to the City's approach to making Portland a more accessible and equitable city for people with disabilities. The key goals include:

- Create additional capacity for developing ADA Title II policy and providing technical assistance to bureaus;
- Promote more diversity in the community members providing guidance to City Council;
- Encourage and support individual bureaus to solicit input from people with disabilities who have specific interest and subject matter expertise; and
- Deepen bureau engagement with people with disabilities

To achieve these goals, the bureau is proposing to replace the existing Portland Commission on Disability with a new Accessibility Commission (AC) comprised of equal membership between community representatives with a high degree of ADA technical expertise and key bureau staff. The City roster is proposed to include the Disability Resources and Employment specialist in the Bureau of Human Resources, the Disability Program Coordinator for the Office of Community & Civic Life, representatives from the City Auditor and City Attorney's Offices, and other bureau disability equity staff. The AC would focus on providing policy direction and technical assistance to bureaus and City Council.

The bureau is requesting 1.0 FTE in this decision package to support the AC, including recruitment, onboarding, training, accommodations, and facilitating communication between the AC, bureaus, and Council. Additionally, this position is proposed to provide technical support and assistance to bureaus directly, and through this role identify best practices to inform City policy. Funding this proposal would allow the two existing disability equity program staff to focus on policy and protocol development to address gaps in compliance with federal law.

Holistically, this proposal has the potential to enhance the City's approach to disability equity – not just through new resources, but by strengthening important Citywide pipelines for policy development, program evaluation, compliance and accountability. This body of work also intersects with a Direction to Develop related to the City's Age-Friendly Portland Action Plan to continue shaping a community for all ages and abilities. Although the latter Direction was issued to the Bureau of Planning & Sustainability, some aspects of the proposal appear to more closely align with the mission of OEHR's disability equity and ADA Title II programming.

PCoD's budget has not historically been part of the General Fund overhead model; given the shift toward Citywide technical assistance and recommendations, CBO recommends that the Accessibility Commission be funded with overhead resources. This would free up General Fund discretionary resources as other existing PCoD activities are pulled into the overhead model. As a result, adding the new position would likely have a cost neutral impact on General Fund discretionary resources. Given the support for Citywide legal compliance and anticipated advancement of disability equity goals, CBO recommends funding this request.

CBO Recommendation: \$111,584 total resources | \$0 ongoing General Fund discretionary | 1.00 FTE

Citywide Accommodation and Inclusion for People Experiencing Disabilities

(No request submitted by OEHR)

Direction Language

The Office of Equity & Human Rights and Bureau of Human Resources are directed to jointly develop a proposal for new resources in OEHR, BHR, and bureaus to develop more robust policies and practices to address the needs of people experiencing disabilities, both in the Community and in the City's workforce.

CBO Analysis

This Direction to Develop references both ADA Title I (supporting employees) and ADA Title II (supporting any community member engaging with the City). CBO notes that the goals align closely with the proposed changes discussed above for the new Accessibility Commission.

BHR submitted the decision package associated with this Direction to Develop, which focuses on addressing accommodations for employees with disabilities (ADA Title I) through creation of a Central Accommodation Fund. The goal is to eliminate potential financial disincentives for bureaus to interview, hire, and retain employees with disabilities by allocating funds for Citywide access. The request is for \$500,000 in one-time General Fund resources to establish the fund, which would be replenished periodically as needed.

More detailed analysis has been provided in the Bureau of Human Resources budget review. CBO acknowledges the significant efforts underway to begin improving accommodation processes from application to onboarding. Moreover, progress has been made in developing new Citywide guidance for tracking accommodation costs, both for employees and the public. This would allow the City for the first time to assess these expenditures on an enterprise-wide level, and support development of further policy and protocols to ensure ADA compliance.

CBO Recommendation: N/A

OEHR and BHR Coordinated Training Program

(No request submitted by OEHR)

Direction Language

The Office of Equity & Human Rights and Bureau of Human Resources are directed to bring

forward a joint proposal to meet the equity training requests and needs of bureaus Citywide.

CBO Analysis

OEHR provided input on BHR's response to this Direction, which includes a request for one new FTE in the Bureau of Human Resources and associated materials and services costs to support existing equity-related trainings, including Equity 101. As discussed in the Key Issues section above, given limited ongoing General Fund resources, CBO recommends that the City explore opportunities to leverage existing equity and training expertise in other bureaus to help deliver Equity 101 trainings and develop more targeted workshops dealing with specific priority issues.

CBO Recommendation: N/A

Diverse and Empowered Employees of Portland (DEEP)

\$5,000 ongoing, 0.00 FTE

Direction Language

The bureau is directed to request \$5,000 in General Fund overhead and discretionary resources to increase funding for DEEP affinity groups to use throughout the year. Current affinity groups include: City African American Network (CAAN); Filipino American City Employees (FACE); Hapa, Asian, and Pacific Islander (HAPI); Latinx PDX; LGBTQ & Friends; PDXCityMamas; Slavic Empowerment Team (SET); Veterans Empowerment Team (VET); Women's Empowerment (WE); and American Indian/Alaskan Native (AIAN; in the process of forming).

CBO Analysis

The goal of DEEP is to support the City of Portland in creating a supportive and inclusive work environment by providing mentoring, networking, and peer support for employees; assisting with diversity and cultural events; and promoting recruitment, retention, and professional development strategies. The program includes the affinity group listed above, which are voluntary, employee-driven groups organized around a shared interest or dimension (generally, but not exclusively, related to a particular identity or protected class status).

Currently, the program budgets \$400 to \$500 for each affinity group annually for events, trainings, and other activities. Some groups are requesting supplemental funding from other bureaus and Council Offices for larger events and celebrations. The program is concerned that this ad hoc fundraising does not promote equitable access to resources for all affinity groups, as not all groups engage in this fundraising practice, and bureaus and offices are not able to meet all of the funding requests.

CBO also understands that the groups are being asked to take on organization of designated cultural celebrations, education, and other activities for both City employees and community members. For example, the Black History Month events sponsored by the City African American Network have an estimated cost of \$2,500 and include a Black Family Resource Fair to help black community members learn how to apply to work for or contract with the City of Portland. This would exceed the requested budget of \$1,000 per affinity group, but also aligns with the missions of the Bureau of Human Resources and Procurement Services; in such cases, it may make sense for bureaus to provide sponsorship and support for events of mutual interest and benefit.

Given the large membership in affinity groups – currently 979 employees – Council may wish to allocate additional resources for the program. CBO also notes that, although OEHR has a limited budget, the bureau has typically underspent its external materials and services budget in prior years, and likely has the capacity to absorb some additional DEEP costs within existing resources if this is a priority. Prior to adding new General Fund resources, CBO recommends that the bureau first identify the estimated number of events and participants to help guide the allocation of funding.

CBO Recommendation: \$0 ongoing

SUMMARY OF REQUESTS AND RECOMMENDATIONS

Below is a summary of the Office of Equity & Human Rights’ total budget.

	Adopted FY 2018-19	Request Base (A)	Bureau Decision Packages (B)	CBO Recommended Adjustments (C)	Total Recommended Revised (A+B+C)
Resources					
Charges for Services	\$ 1,500	\$ -	\$ -	\$ -	\$ -
General Fund Discretionary	1,235,230	1,221,515	113,923	(113,923)	1,221,515
General Fund Overhead	682,885	699,177	2,661	111,584	699,177
Total Resources	\$1,919,615	\$1,920,692	\$116,584	\$ (2,339)	\$1,920,692
Requirements					
Personnel	\$ 1,452,361	\$ 1,548,193	\$ 106,584	\$ 106,584	\$ 1,548,193
External Materials and Services	242,526	147,927	10,000	(5,000)	147,927
Internal Materials and Services	224,728	224,572	-	-	224,572
Total Requirements	\$1,919,615	\$1,920,692	\$116,584	\$ 101,584	\$1,920,692