



Erie County Human Relations Commission



Public Accommodation

Housing



Employment

The information contained in this document is provided for informational purposes only, and should not be construed as legal advice. For further legal advice, you are encouraged to consult an Attorney of your choosing.

Guide for Complainants

(1) THE LAW

The Erie County Human Relations Commission Ordinance makes it unlawful in employment, to refuse to hire, discharge, or otherwise discriminate because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job-related disability, sexual orientation, and gender identity.

In the area of housing, commercial property, and public accommodations, the ECHRC Ordinance makes it unlawful to refuse, withhold, or deny housing, or public accommodation, or to discriminate in any terms or conditions associated with the provision or use of such housing or accommodation, because of race, color, religion, ancestry, age (40 and above), sex, national origin, sexual orientation, gender identity, disability, use of a guide or support animal due to blindness, deafness or physical disability or because the user is a handler or trainer of such animals

The ECHRC enforces the Ordinance on Human Relations within Erie County. Although the Commission's investigation and adjudication of a Complaint is an administrative procedure, and not criminal, the willful violation of a Commission Order is a misdemeanor punishable by a fine of \$100 to \$500 and/or imprisonment not exceeding thirty (30) days.

(2) DISABILITY ACCESS TO THE COMMISSION

The Commission encourages individuals with disabilities to participate in its programs. If you anticipate needing special accommodations or have questions about the physical access provided, please contact the Erie County Human Relations Commission so that assistance with any proceeding may be obtained.

(3) THE COMPLAINT

If you believe, you have been the victim of unlawful discrimination in employment, housing or public accommodations, you may discuss your concerns with a Commission staff member, who will answer your questions and help you decide whether you should file a Complaint with the Commission.

The Commission will then have you fill out an intake form to proceed with your Complaint. Before you sign the Complaint, make sure it is an accurate account of what happened to you, to the best of your knowledge and belief. This is important, because Pennsylvania law provides penalties for persons who knowingly file false Complaints.

You must file your Complaint within **one hundred and eighty (180) days** of the alleged act of discrimination, as this is the delineated scope of our jurisdiction.

You have the right to be represented before the Commission by a private attorney, if you so desire.

After you have filed your Complaint, it will receive a docket number and will be served via United States mail on the Respondent (the person you have named in your Complaint as responsible for the alleged discrimination) within thirty (30) days from the date of docketing. The Respondent will then be required to answer your Complaint within no more than sixty (60) days of the date it was served. The Respondent is required to provide you with a copy of their answer and Position Statement.

(4) THE INVESTIGATION

Your Complaint will be investigated by a Commission investigator. In dealing with your investigator, please remember: (1) give all the facts, if the Commission is to properly resolve your Complaint; (2) make your investigator fully aware of details; and, (3) answer all questions you are asked, even if you think the answer might weaken your Complaint. Your investigator will then be prepared if such information is discussed by the Respondent. Also, (4) names, dates, places, addresses and the like should be as accurate as possible. And, (5) please make available to your investigator any witnesses or documents, such as a payroll slip or a rent receipt, which may substantiate your charges.

In addition, the Commission has the power to subpoena relevant witnesses or documents, if it becomes necessary.

The law prohibits anyone from taking any action against you because you have filed a Complaint, or against a witness who has testified or assisted in a Commission proceeding, or against anyone who has otherwise opposed any practice forbidden by the Erie County Human Relations Commission Ordinance.

Please keep your investigator advised of any change in your address or telephone number, or the address or phone number of your attorney.

(5) INFORMAL FACT-FINDING CONFERENCE AND FURTHER INVESTIGATION

The Commission often holds an informal Fact-Finding Conference with the Commission investigator, you, your attorney, if you have one, and the Respondent. You, and the Respondent, will present evidence and documents to the Commission investigator. This Conference is designed to facilitate the investigation to determine if you

have probable cause, and possibly, to help reach a fair settlement of the Complaint.

An informal Fact-Finding Conference **may not** be held in your case, if the Commission investigator determines, because of the Respondent's answer and Position Statement, there is no probable cause. However, if there is probable cause, the investigator will interview you (the Complainant), and any other relevant witnesses, and will review all pertinent records and documents obtained, either through voluntary cooperation or pursuant to subpoena, if necessary. You may be asked to clarify your Complaint in light of new information, or to rebut the defenses of the Respondent. If you should learn or remember any additional information, notify your investigator immediately.

(6) CONCILIATION

If the Commission investigator finds probable cause after an informal Fact-Finding Conference is concluded, the Commission investigator will seek to mediate the Complaint so that an applicable remedy which is fair and equitable for both Complainant and Respondent is reached. *The Commission will conduct a public hearing only if conciliation reaches an impasse and neither party is able to come to an agreement.*

(7) THE PUBLIC HEARING

Again, the Commission will conduct a public hearing only if conciliation reaches an impasse and neither party is able to come to an agreement. The Commission would then convene a public hearing, at which time under-oath testimony is presented. A decision will be rendered and a legally enforceable Commission Order will be issued. This Order may be appealed to the Court of Common Pleas and it would be treated as a statutory appeal.



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THE PROCEDURE OF
PROCESSING COMPLAINTS

