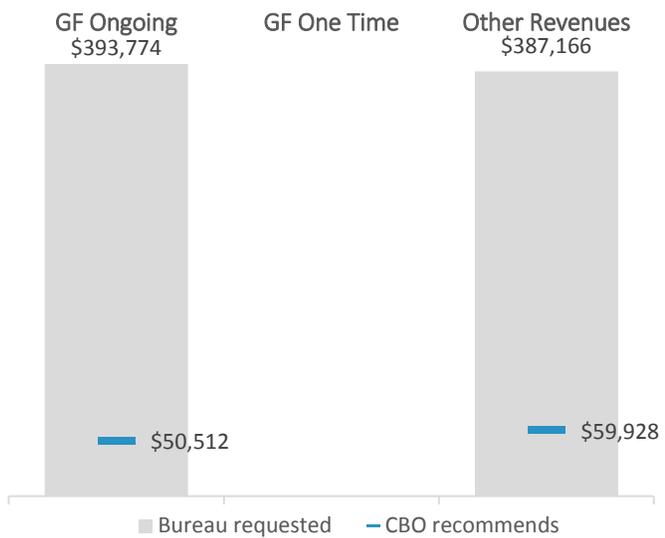


Analysis by: Jane Marie Ford

Office of Equity & Human Rights

The Office of Equity & Human Rights continues to gain nationwide recognition as a model to promote and reduce disparities within government. After five years as a bureau, OEHR is in the process of developing a new strategic plan. This presents an opportunity for Council to help shape the bureau's mission, the type of work it undertakes, and how the outcomes are communicated to the public. OEHR's requested budget would create a net increase of 6.50 FTE and 30% in ongoing General Fund resources.

Adds



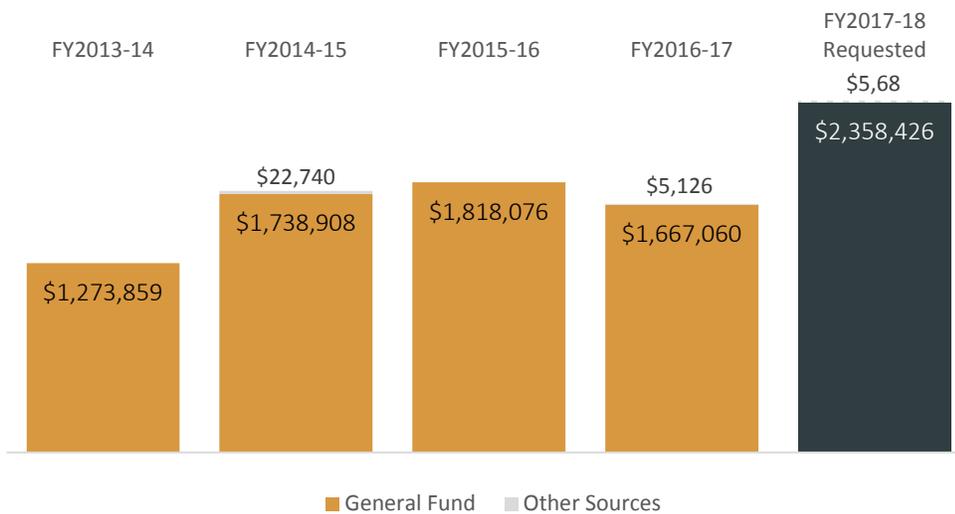
7.00 FTE Requested **1.00 FTE Recommended**

Reductions

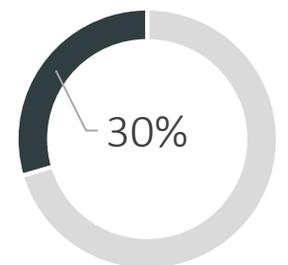


(0.50) FTE Requested **(0.00) FTE Recommended**

Adopted Budget Revenues - 5-Year look back



Decision Packages & Requested Budget



■ FY-17-18 Request Base
■ FY17-18 Decision Packages

Key Issues

Roles and authority in Citywide equity efforts

Since the initial charge detailed in the bureau's founding [ordinance](#), limited strategic direction has been provided as to how OEHR can best serve Council, bureaus, and the public in setting the City's equity agenda. This budget process presents an opportunity for Council to weigh the benefits of a centralized versus decentralized approach to equity technical assistance and implementation as the bureau develops its five-year strategic plan.

In the time since OEHR was established, other bureaus have added equity positions to provide bureau-specific policy and technical assistance. In addition to 10.90 employees in OEHR, there are an additional fifteen full-time equity staff across seven bureaus that provide significant public-facing services.¹ Several bureaus have noted their intent to hire additional staff to help implement their five-year [Racial Equity Plans](#), which operationalize the [Citywide Racial Equity Goals & Strategies](#) adopted by City Council in 2015.² The bureau has concerns that this decentralized approach may create inconsistencies in applying frameworks like the [Racial Equity Toolkit](#), as well as collecting appropriate and adequate data in order to assess the City's progress toward equity goals. Based on information provided by bureau directors in a December survey, there appears to be demand among bureaus of all sizes for additional direction, guidance, and support from OEHR related to the equity budget tool, accommodations, facilitating conversations, and implementing the Racial Equity Plans. Bureau Directors with existing equity staff also emphasize the value those positions have brought in developing specific equity tools, policies, and strategies related to their individual missions, programs, and services.

The ambitious scope of the Racial Equity Plans indicates that support beyond OEHR is likely necessary to make meaningful progress. However, CBO recommends that Council clarify OEHR's Citywide authority and responsibilities, and establish a formal structure for coordinating and reporting on Citywide equity efforts. This may include delineating responsibility for setting Citywide policy and goals around equity; establishing consistent practices and procedures around collecting and reporting of data related to these goals; providing guidance, support, and technical assistance; and data collection, analytics, and reporting.

Community engagement structure and impact

OEHR has inherited three commissions that originated in other bureaus, dedicating 2.11 FTE and 17.3% of its overall budget to support the Equitable Contracting & Purchasing Commission, the Portland Commission on Disability (PCoD), and the Human Rights Commission (HRC). The intent of each of these bodies is to facilitate community feedback on key issues of equity,

¹ Bureau of Development Services, Portland Housing Bureau, Bureau of Planning & Sustainability, Parks & Recreation, Portland Police Bureau, Portland Bureau of Transportation, and the Portland Water Bureau

² In its FY 2017-18 budget submission, Portland Fire & Rescue requested funding for a Professional Standard Administrator that would help support implementation of the bureau's Racial Equity Plan.

inclusion, and justice. Each entity is comprised solely of volunteers who either live, work, or worship in Portland, with a heavy workload required of OEHR staff in order to carry out the work of the commissions.

Despite this investment from City staff and community members, both PCoD and HRC provided just two instances each of technical assistance to City bureaus and elected officials last year.³ While these measures are not reflective of the full contributions of these groups, they do indicate a disconnect between commission work and City efforts in crucial areas, including accessibility in transportation and housing, employment of people with disabilities, and administration of justice. There are existing advisory bodies in other City bureaus that focus on these same issues, and CBO recommends considering if it may be more effective to use City resources to support the bureau advisory groups that are more closely integrated with the administrative and policy owners of City programs. CBO has provided additional analysis specifically on this dynamic with the Equitable Contracting & Purchasing Commission in the Decision Packages section below. To the extent that there are benefits to maintaining separate commissions within OEHR that take a more Citywide perspective, CBO recommends that Council identify what communications, engagement, and outcomes can help to ensure meaningful collaboration and exchange of information with Council commensurate with the level of bureau support required to maintain these groups.

The tradeoff for Council to consider is whether this function should remain a priority against the other work OEHR does on behalf of the City. Responsibility for commission support is actually spread across eight employees, three of which dedicate 40% or more of their total time to this work. The bureau intends to shift its focus toward implementation of the Racial Equity Roadmaps, including annual progress reports, and OEHR additionally currently reports on four [Key Performance Measures](#) (KPMs) related to key Citywide equity goals. However, additional resources are required to provide the level of data analytics and reporting necessary to hold bureaus and the City accountable to achieving equity goals and targets. In the FY 2016-17 Fall Supplemental Budget, Council authorized creation of a limited-term position with one-time resources (\$42,170) to help meet the [City's commitment](#) to support the Equitable Contracting & Purchasing Commission (ECPC), as well as general bureau analytical workload.⁴ At the time of this review, this position has not yet been filled. While CBO recommends below that the ECPC merge with the Fair Contracting Forum, CBO also recommends that OEHR retain the \$42,170 allocated for the data analytics position, and carry forward these resources in order to create an internal position or an interagency agreement with the Enterprise Business Solutions data analytics team.

³ Bureau performance measure figures from FY 2015-16

⁴ Ordinance #187030 as amended, available at: <http://efiles.portlandoregon.gov/Record/7265182>

Equitable Contracting & Purchasing Commission, OE 01 \$(20,000), (0.00 FTE); OE 06, \$118,336, 1.00 FTE

The Equitable Contracting & Purchasing Commission (ECPC) was transferred from the Office of Management & Finance to OEHR along with \$25,000 in ongoing resources as part of the FY 2016-17 Adopted Budget. OEHR has submitted both a reduction and add package for ECPC in its FY 2017-18 Requested Budget. The \$20,000 cut is part of the required five percent General Fund reduction, and would leave ECPC with just \$5,000 in ongoing resources. This funding is insufficient to fulfill the ambitious mandate of the commission, a charge that is very similar to that of the [Fair Contracting Forum](#).⁵ Both entities were established by the Office of Management & Finance, which houses Procurement Services. The Forum has existed in some form since 1997, most recently revamped in 2013 "to support and promote accountable, transparent, fair, effective, and efficient contracting practices."⁶ The ECPC was established in 2015 with a stronger emphasis on providing data analysis and reporting. However, the collection and management of this data appears to be a core function of the City, initiated by City employees with access to this information. CBO questions if it is reasonable or desirable to delegate these responsibilities to a citizen commission.

While somewhat aligned with the mission of OEHR to remove systemic barriers to fair and just distribution of City resources, access, and opportunity, housing ECPC within OEHR impedes access to the data, activities, and leaders who manage the contracting process. In recent months, the ECPC has discussed whether it should merge with the Forum given limited resources and the significant overlap in scope. CBO recommends that ECPC merge with the Fair Contracting Forum in order to better align the commission's efforts with administrators and decision makers.

CBO Recommendation: (\$25,000)

Voluntary Staff Schedule Reductions, OE 02, \$(63,026), (0.50 FTE)

In order to meet the required five percent General Fund cut, OEHR has proposed reducing five currently full-time positions to 0.90 FTE. This includes the bureau director, a senior policy advisor, and three program coordinators. As OEHR does not provide any scalable services, there are limited areas to make targeted cuts without eliminating an entire program. CBO does not recommend this cut; although there may not be any immediate direct impact to bureau programs and services, this reduction is likely to impede the bureau's overall performance and productivity.

CBO Recommendation: \$0, 0.00 FTE

⁵ Resolution #37041, available at: <http://efiles.portlandoregon.gov/Record/6170740/>

⁶ Fair Contracting Forum website, available at: <https://www.portlandoregon.gov/brfs/55501>

Implement Centralized Service Delivery Model, OE 03, \$429,224, 4.00 FTE

As a result of a [staffing assessment](#) carried out internally to satisfy an FY 2016-17 Adopted Budget note, OEHR has proposed adding four new program specialists to work with a portfolio of bureaus to develop metrics and outcomes, provide training, and carry out budget and policy review. OEHR's proposed portfolio model would promote consistency in equity approaches across bureaus, as well as provide more robust technical assistance to smaller bureaus that do not have the capacity or budget to create a dedicated equity position.

Shifting to a centralized model of equity support would either require a) a substantial shift in the bureau's current workload and staffing assignments, or b) a significant increase in the bureau's size and scope, one model for which has been proposed in this decision package. CBO believes that the City could benefit from increased authority and support from OEHR; however, the proposed portfolio model seems to focus OEHR's efforts on implementation and direct technical assistance rather than establishing policy and creating Citywide plans and procedures for removing barriers to equity. It is also not clear to CBO how this portfolio model will work with those bureaus that have already created equity positions, or what issues have arisen due to creation of bureau-specific equity staff.

CBO has not recommended funding this request due to limited ongoing resources and unclear lines of authority, accountability, and responsibility between Council, OEHR, and other City bureaus. However, CBO recommends that Council look at the role of equity staff in OEHR and in the bureaus to determine if and/or how a more centralized approach would help achieve Citywide equity goals. Council should also consider ways to ensure coordination among all of the City's equity managers, and whether additional positions should be added or reallocated from other duties currently assigned to the bureau that are not in alignment with OEHR's to-be-completed strategic plan.

CBO Recommendation: \$0, 0.00 FTE

Create City Disability Equity Program, OE 04, \$220,880, 2.0 FTE

Management of the City's [Civil Rights Program](#) and the related [Americans with Disabilities Act \(ADA\) Title II Transition Plan update](#) was transferred to OEHR in FY 2014-15 from the Office of Management & Finance. This included funding for one full-time permanent position and one limited-term position that expired at the end of FY 2015-16. A [recent audit](#) focused specifically on accommodation requests and complaints related to Title II of the ADA. While OEHR is the central entity charged with coordinating and supporting the City's efforts to comply with Title II requirements, the responsibility of responding to accommodation requests rests with the individual bureaus. There is inconsistency both in response and documentation of accommodations across the City, and with the resources currently dedicated to the program, OEHR is able to provide only limited training, guidance, and technical support.

The bureau has requested two new positions in order to develop a consistent, comprehensive approach for requesting and reporting accommodations, as well as increasing technical assistance, documenting recommended practices and procedures, and facilitating evaluations of ADA Transition Plan and ADA Self Evaluation Activities. Importantly, OEHR aims to improve data collection on accommodations in order to more accurately understand the total volume of requests, the level of resources required to meet the City's legal obligations, and to identify potential patterns of discrimination or inequitable service.

Given limited available General Fund ongoing resources, CBO has recommended funding one permanent position; there may be an opportunity for the bureau to carry forward underspending related to data assistance for ECPC to either hire a limited term employee or utilize existing Citywide analytical support – such as through the Enterprise Business Solution data analytics team. CBO has also recommended funding for an Accommodation Coordinator within the Bureau of Human Resources to assist with implementing the 2012 [Model Employer for People with Disabilities Resolution](#) No. 37235 (related to Title I of the Americans with Disabilities Act). One of the goals of this position is to centralize employee requests for reasonable accommodations and monitor the City's response, a process that is very similar to what OEHR has undertaken for Title II. CBO recommends that BHR and OEHR work together to develop a consistent, comprehensive approach for requesting and reporting accommodations, as well as increasing technical assistance, documenting recommended practices and procedures, and facilitating evaluations of ADA Transition Plan and ADA Self Evaluation Activities.

CBO Recommendation: \$110,440 1.00 FTE

Support Public Involvement Accommodations, OE 05, \$12,500

OEHR requests additional funding to support increased accommodations costs for the Portland Commission on Disability (PCoD) and other bureau meetings and events to ensure that they are accessible for all. Cost for accommodations can vary significantly by year, depending on the number of PCoD commissioners requesting accommodations and the type of service required. The bureau realigned \$4,500 in FY 2016-17 for this purpose in PCoD's budget to match projected accommodation cost increases, which grew from just under \$12,000 in FY 2014-15 to approximately \$18,000 in FY 2015-16. However, current year accommodation expenditures indicate that costs may be lower in FY 2016-17, with less than \$4,000 spent through the end of January. Given limited ongoing General Fund resources, CBO does not recommend funding this decision package for FY 2017-18 based on projected bureau spending.

CBO Recommendation: \$0

Bureau Budget Summary – Request and Recommendations

Below is a summary of the Office of Equity & Human Right’s operating budget.

	FY 2016-17	Base (A)	Decision Packages (B)	Recommended Adjustments (C)	Recommended Revised (A+B+C)
Resources					
Intergovernmental Revenues	\$ 5,126	\$ -	\$ -	\$ -	\$ -
Interagency Revenue	-	5,689	-	-	5,689
General Fund Discretionary	1,091,319	1,088,949	355,801	(330,289)	1,114,461
General Fund Overhead	575,741	571,563	342,113	(282,185)	631,491
Total Resources	\$1,672,186	\$1,666,201	\$697,914	\$ (612,474)	\$1,751,641
Requirements					
Personnel Services	\$ 1,297,841	\$ 1,340,359	\$ 641,914	\$ (541,474)	\$ 1,440,799
External Materials and Services	185,320	125,886	56,000	(71,000)	110,886
Internal Materials and Services	189,025	199,956	-	-	199,956
Total Requirements	\$1,672,186	\$1,666,201	\$697,914	\$ (612,474)	\$1,751,641

City of Portland
 Decision Package Recommendations
 (Includes Contingency and Ending Balance)

	Bureau Priority	Bureau Requested					CBO Analyst Recommendations				
		FTE	Gen Fund Ongoing	Gen Fund 1-Time	Other Revenues	Total Expenses	FTE	Gen Fund Ongoing	Gen Fund 1-Time	Other Revenues	Total Expenses
Office of Equity & Human Rights											
<i>Adds</i>											
OE_04 - Create City Disability Equity Program	01	2.00	101,024	0	119,856	220,880	1.00	50,512	0	59,928	110,440
OE_03 - Implement Centralized Service Delivery Mode	02	4.00	232,910	0	196,314	429,224	0.00	0	0	0	0
OE_05 - Support Public Involvement Accommodations	03	0.00	5,717	0	6,783	12,500	0.00	0	0	0	0
OE_06 - Support Equitable Contracting-Purchasing Cc	04	1.00	54,123	0	64,213	118,336	0.00	0	0	0	0
<i>Total Adds</i>		<i>7.00</i>	<i>393,774</i>	<i>0</i>	<i>387,166</i>	<i>780,940</i>	<i>1.00</i>	<i>50,512</i>	<i>0</i>	<i>59,928</i>	<i>110,440</i>
<i>Reductions</i>											
OE_01 - Cut Equitable Contracting-Purchasing Comm	01	0.00	(9,147)	0	(10,853)	(20,000)	0.00	(25,000)	0	0	(25,000)
OE_02 - Voluntary Staff Schedule Reductions	02	(0.50)	(28,826)	0	(34,200)	(63,026)	0.00	0	0	0	0
<i>Total Reductions</i>		<i>(0.50)</i>	<i>(37,973)</i>	<i>0</i>	<i>(45,053)</i>	<i>(83,026)</i>	<i>0.00</i>	<i>(25,000)</i>	<i>0</i>	<i>0</i>	<i>(25,000)</i>
Total Office of Equity & Human Rights		6.50	355,801	0	342,113	697,914	1.00	25,512	0	59,928	85,440