



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 with an Attorney of your choosing.

Guide for Respondents

(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 Erie County Human Relations Commission 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) THE COMPLAINT

If a complaint is filed with the Commission that names you, your company, or organization as a Defendant (Respondent), the Commission will send the named Respondent a copy of the complaint.

Respondents have thirty (30) days from the date the complaint is received to serve the Commission and the Complainant via United States Mail with a written, verified answer to the complaint and a Position Statement. If you are unable, for good reason, to file an answer and Position Statement within this time, the Commission may grant you an extension of no more than thirty (30) additional days. However, in no case will you have more than sixty (60) days to reply. Before you sign the answer, make sure it is correct to the best of your knowledge and belief. This is important, because Pennsylvania law provides penalties

for persons who knowingly file false answers. Failure to answer a complaint may result in a judgment against you. Please be aware that you, your company, or organization have the right to be represented by a private attorney, if you so desire.

(3) THE INVESTIGATION

The complaint against you will be investigated by a Commission investigator. Names, dates, places, and addresses should be as accurate as possible. Please, make available to the investigator, all witnesses and documents requested. Although, the Commission has the power to subpoena them, voluntary compliance will expedite the resolution of your case.

The law prohibits Respondents from taking any action against an individual because he or she filed a Complaint, or was a witness who has testified or assisted in a Commission proceeding, or anyone who has otherwise opposed any practice forbidden by the Erie County Human Relations Commission Ordinance. Please keep all appointments with the Commission and, if necessary, telephone to postpone an appointment.

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

(4) INFORMAL FACT-FINDING CONFERENCE AND FURTHER INVESTIGATION

The Commission often holds an informal Fact-Finding Conference. The Commission investigator, you, your attorney, and the Complainant will be present. You and the Complainant will present evidence and documents to the Commission investigator. This Conference is designed to facilitate the investigation to determine if the Complainant has 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 your answer and Position Statement, the Complainant does not have probable cause.

The investigator will schedule an informal Fact-Finding Conference, if there is probable cause in the case. The investigator will interview the Complainant, you, 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 defenses in light of new information, or to rebut further allegations of the Complainant. If you should learn or remember any additional information, notify your investigator immediately.

(5) 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 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.*

(6) 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.



**Erie County
Human Relations Commission**

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PROCESSING COMPLAINTS

