SAN FRANCISCO HUMAN RIGHTS COMMISSION
ANNUAL REPORT

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EXECUTIVE DIRECTOR

COMMISSION HEARING DATE:
DECEMBER 8, 2011
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FROM EXECUTIVE DIRECTOR THERESA SPARKS

San Francisco’s commitment to human rights is world renowned and complemented by its devout appreciation of the diversity of the human spirit. There are more than one hundred languages spoken in our City by both visitors and residents alike. Our communities and neighborhoods are home to people of all ethnicities, colors, sexual orientations, political perspectives, disabilities, nationalities, and gender identities. It is the core mission of the San Francisco Human Rights Commission to keep all people in our City safe from discrimination, bias and inequality. The SF HRC is dedicated to maintaining the City’s vision and protecting its diverse values. The term San Francisco Values is our badge of honor.

Celebrating our 50th year in 2013, the SFHRC is one of the oldest agencies of its type in the United States and continues to be one of the most progressive. It is diverse in its charter as well as its responsibilities. I am proud that this year we were able to once again return to our fundamental roots by the creation of a stand-alone Policy Unit within the Agency. This group of analysts, while working on issues of profound importance to our City, found itself taking a leadership role on items of national significance. We continued to lead the way on the question of the intersection of national security and human rights as it applies to immigrant populations. Our commitment to a sustained involvement looking at the long-term impacts of institutional discrimination in the African American community speaks to a national problem of urban migration of minority communities from our cities. Continued discrimination against the LGBT community was addressed this year by publishing findings on issues concerning Bisexual Inequality and Non-traditional Family Relationships. Both reports have immediately become part of the national dialogue in the LGBT community. The issues of public safety, fiscal impact and racial discrimination all surfaced as we began looking at the issue of individuals with prior arrests and convictions.

The Commissions other Charter responsibilities: non-discrimination in housing, employment and public accommodations, providing for equal benefits for all employees of companies doing business with the City, ensuring non-discrimination in public contracting and City procurement and encouraging greater participation of local businesses in City projects were all optimized this year due to technology, process and system enhancements.

I am proud of the significant achievements of the San Francisco Human Rights Commission this last year. They are highlighted in the pages to follow. I am grateful to have the honor of working with such a dedicated group of professionals and sincerely appreciate the leadership and support of Mayor Ed Lee, and our Commission, chaired by Michael Sweet.

It gives me great pleasure to present the 2011 Annual Report of the San Francisco Human Rights Commission.
I. Introduction

A. History and Charter-Mandated Powers and Duties

The San Francisco Human Rights Commission ("HRC") provides leadership and advocacy in securing, protecting and promoting human rights for all people. The Agency was established in 1964 by City Ordinance and became a Charter Commission in 1990. The roots of HRC go back to 1963 when the modern day civil rights movement manifested in San Francisco through demonstrations against hotels, supermarkets, drive-in restaurants and automobile showrooms and repair shops that discriminated against African Americans. Within one year, then Mayor John F. Shelley appointed an Interim Committee on Human Relations, which subsequently recommended that a permanent Human Rights Commission be established. In July 1964, the Board of Supervisors agreed, thus allowing Mayor Shelley to sign into law the City Ordinance that would establish the Human Rights Commission. In June 1990, the residents of San Francisco unequivocally voted to make the Human Rights Commission a Charter Commission based on conclusive evidence of the economic and social devastation caused by discrimination and intolerance in society:

[D]iscriminatory practices are inimical to the public welfare and good order in that they: (a) impede social and economic progress for the entire citizenry by preventing members of minority groups from achieving full development of their individual potentialities and from contributing fully to the ... community; (b) constantly frustrate, degrade and embitter members of minority groups, thereby diminishing their initiative and interests in the community; and (c) tend to create intergroup hostilities and antisocial behavior....¹ It is hereby declared ... [t]hat the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments ... and to equal service and protection by public agencies; [and] [t]hat an instrumentality [HRC] should be established to give effect to such rights, to eliminate prejudice and discrimination ....²

Today, HRC’s Charter-mandated powers and duties include, but are not limited to:

- Studying, investigating, and mediating all incidents of discrimination, including intergroup tensions or discrimination;
- Preparing, encouraging and coordinating programs of voluntary affirmative action to reduce or eliminate existing inequalities and disadvantages in the City and County of San Francisco resulting from past discriminatory practices.
- Preparing and disseminating educational materials relating to prejudice and discrimination; and
- Providing information, guidance and technical assistance to others, including public agencies and private persons, organizations and institutions.

B. Budget and Organizational Structure

HRC performs its Charter-mandated duties and obligations through five distinct Divisions, each of which work independently and jointly to advocate, secure, protect and promote human rights for all people.

<table>
<thead>
<tr>
<th>Division Name</th>
<th>Governing Legislation</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Division</td>
<td>Charter Section 4.107</td>
<td>General Fund</td>
</tr>
<tr>
<td>Discrimination Complaints and Mediation Division</td>
<td>Administrative Code Chapters 12A, 12B, 12C, 12H and San Francisco Police Code Articles 33 and 38</td>
<td>General Fund</td>
</tr>
<tr>
<td>Chapter 12B Equal Benefits Division</td>
<td>Administrative Code Chapter 12B</td>
<td>12B and 14B Work Order Fund</td>
</tr>
<tr>
<td>Chapter 14B Local Business Enterprise Division</td>
<td>Administrative Code Chapter 14B</td>
<td>12B and 14B Work Order Fund</td>
</tr>
<tr>
<td>Surety Bond and Financing Assistance Division</td>
<td>Administrative Code Chapter 14B.16</td>
<td>Surety Bond Work Order Fund</td>
</tr>
</tbody>
</table>

Over the years, HRC’s General Fund support has gone from $2.1 million in FY 1999-2000 to just $403,300 in FY 2010-11. As a result of the repeated cuts to its General Fund support, HRC was required to shift a greater portion of the expenditures once funded by the General Fund – namely, HRC’s Policy and Discrimination Divisions costs - to its 12B & 14B Work Order Fund, something it could no longer do in FY11-12. It was against this background that the Mayor’s budget office proposed, for the first time in 10 years, to increase HRC’s FY 2011-12 General Fund Support by approximately $457,932 - the minimal amount required for HRC to perform its Charter-mandated duties and obligations through its Policy and Discrimination Divisions.

<table>
<thead>
<tr>
<th>Budget Overview</th>
<th>FY 06-07 $</th>
<th>FY 07-08 $</th>
<th>FY 08-09 $</th>
<th>FY 09-10 $</th>
<th>FY 10-11 $</th>
<th>FY 11-12 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>1.1M</td>
<td>0.8M</td>
<td>0.9M</td>
<td>0.8M</td>
<td>0.4M</td>
<td>0.9M</td>
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<tr>
<td>12B/14B Work Order Fund and Surety Bond Work Order Fund</td>
<td>3.3M</td>
<td>4.0M</td>
<td>4.4M</td>
<td>5.7M</td>
<td>5.6M</td>
<td>4.9M</td>
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<tr>
<td>Total</td>
<td>4.4M</td>
<td>4.8M</td>
<td>5.3M</td>
<td>6.5M</td>
<td>6.0M</td>
<td>5.8M</td>
</tr>
</tbody>
</table>

Over the last three years, HRC’s number of ASO authorized positions have declined nearly 9%, from 48 authorized FTEs in FY 2008-09 to 41 authorized FTEs for FY 2011-12. During the same period, HRC has reduced its number of funded positions by a similar rate, from 40 funded FTEs in FY 2008-09 to 36 funded FTEs for FY 2011-12.
C. Summary of HRC’s 2011 Accomplishments

As discussed in greater detail the subsequent sections, the following represent some of the key objectives accomplished by HRC in 2011 in its efforts to restore the reputation of this Agency as one of the most pro-active, relevant organizations of its type in the United States:

Agency-wide

- Implemented significant technology upgrades including Open Air time tracking system to allow for exact accounting of staff time, Elation Systems software for Local Business Enterprise contract compliance and certification, and smart-pdf to convert existing HRC forms to fillable pdf forms.
- Under the guidance of the Mayor’s and Controller’s Offices, re-structured HRC’s budget to make it fully transparent.
- Developed a new activity and project based cost allocation model for allocating HRC’s administrative, 12B and 14B related costs.
- Established social media outreach through Facebook and Twitter pages.

Policy and Discrimination Divisions

- Re-organized the Policy Division to regain San Francisco’s relevance and efficacy in its advocacy of human rights issues, including issues facing San Francisco’s AMEMSA, immigrant, minority and LGBT communities.
- Implemented substantial efficiencies within the Discrimination Division the result of which was to eliminate the backlog and to increase the total number of discrimination complaints reviewed, processed and mediated.
- Conducted a review and analysis of “shelved” HRC reports approved in the last two decades with the goal of taking action and implementing past recommendations.

12B Equal Benefits Division

- Eliminated 24 months of file backlog by developing and implementing new streamlined procedures by which to review and process 12B Declarations.
- Established 3 to 5 day turnaround between submission of initial application.

14B Local Business Enterprise Division

- Worked to procure software developed by Elations Systems to manage and track contract compliance on all City contracts governed by the Local Business Enterprise Ordinance.
- Nearly 50% of all dollars awarded from contracts under $10M through the City’s 5 largest contract awarding departments were awarded to LBEs between January and October of 2011.
II. The Commission

Appointed by the Mayor, the HRC’s eleven-member Commission implements and enforces City ordinances that prohibit discrimination in city contracts, housing, employment and public accommodations. Current members of the Human Rights Commission are:

**Michael Sweet, Chair**
Commissioner Sweet is a principal with Meyers Nave where he specializes in general civil litigation, restructuring and insolvency, and election law. He has served on the Commission since 2007.

**Douglas Chan, Vice Chair**
Commissioner Chan is an attorney and a founding partner with the San Francisco law firm of CHAN, DOI and LEAL, LLP. He has served on the Commission since 2008.

**Susan Christian**
Commissioner Christian is an assistant District Attorney in San Francisco. She was appointed to the Commission in 2011.

**Cecilia Chung**
Commissioner Chung is nationally recognized as a civil rights leader advocating for HIV/AIDS awareness and care, LGBT equality, and prisoners rights. She has served on the Commission since 2004.

**Sheryl Evans-Davis**
Commissioner Davis is Executive Director of Mo’ Magic, a collaborative neighborhood-based San Francisco non-profit organization. She was appointed to the Commission in 2011.

**Mark Kelleher**
Commissioner Kelleher is Senior Director of Development at San Francisco State University. He has served on the Commission since 2010.

**Faye Woo Lee**
Commissioner Lee is a member of the Chinese American Citizens Alliance, a local chapter of a national organization that advocates for equal rights and equal opportunities for all Americans. She has served on the Commission since 2004.

**Todd Mavis**
Commissioner Mavis owns a real estate management and property development company. He has served on the Commission since 2010.

**Nazly Mohajer**
Commissioner Mohajer is an entrepreneur with extensive experience in business development, management, international trade, and trade finance. She was appointed to the Commission in 2004.

**Michael Pappas**
Commissioner Pappas is the Executive Director of San Francisco Inter-Faith Council. He was appointed to the Commission in 2011.

**Richard Pio Roda**
Commissioner Pio Roda is a principal with Meyers Nave where he specializes in municipal law, public contracts and construction, and corporate law. He was appointed to the Commission in 2011.
The Commission typically meets twice monthly, and in addition to these regularly scheduled meetings, in 2011 the Commission held two meetings in the community, which included a meeting in September in the Castro neighborhood, the purpose of which was to discuss hate crimes, and a meeting in November in the Western Addition to discuss issues affecting the City’s African American community. In addition to these community meetings, the Commission held a joint public hearing with the Police Commission at City Hall in response to community concerns of surveillance and racial and religious profiling in Arab, Middle Eastern, Muslim, and South Asian Communities, which was attended by over 150 stakeholders and which drew significant publicity.

At the first meeting in January, the Commission unanimously appointed Commissioner Michael Sweet to serve as Commission Chair. Commissioner Douglas Chan was appointed Vice Chair.

In 2011 the Commission:

- Published several reports including *Beyond Marriage: Unrecognized Family Relationships; Bisexual Invisibility: Impacts and Recommendations*; and *Community Concerns of Surveillance, Racial and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities and Potential Reactivation of SFPD Intelligence Gathering.*
- On June 9, 2011, the Commission approved the SF HRC’s fiscal year 2011/12 budget.
- In February the Commission held a retreat to discuss their 2011 work plan.
- Commission Chair Michael Sweet created the Budget and Strategic Plan Working Group to develop new and innovative funding sources for the department.
- The Commission held administrative hearings to investigate accusations of improper contracting by a certified Local Business Enterprise.
- Commissioners met with members of the FBI, US Attorney’s Office, and San Francisco Police Department attended to ascertain and discuss the relationship between San Francisco Police and the Joint Terrorism Task Force.
- Revised the Commission bylaws to clearly define the recruitment process, terms of service, and selection criteria for Advisory Committees.
- For the first time ever posted audio from all Commission meetings on the SF HRC website.
- The Commission held informational hearings on Human Trafficking, domestic worker rights, discrimination against people with prior arrests and conviction records, local business opportunities related to the America’s Cup, hate crimes, and issues of racial profiling.
II. Policy and Inter-Group Tension Resolution Division ("Policy Division")

The Policy Division works closely with other HRC Divisions to explore current and future means by which the Agency, as a whole, can more successfully meet its Charter defined duties and obligations to the residents of the City and County of San Francisco. The Policy Division is intimately involved with the legal interpretation, revision and implementation of the numerous City Ordinances under which the Agency’s various Divisions operate and works closely with private, non-profit and government entities outside of the Agency to develop new laws, guidelines and policies.

Below are issues and initiatives undertaken by the Policy Division in 2011:

**AMEMSA/Joint Terrorism Task Force**

On September 23, 2010, over 150 affected community members, public officials, civil rights advocates and practitioners in the field attended a hearing to present their concerns. On February 24, 2011, the San Francisco Human Rights Commission convened and unanimously passed a report entitled; *Community Concerns of Surveillance, Racial and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities and Potential Reactivation of SFPD Intelligence Gathering.*

On April 5, 2011, the Board of Supervisors endorsed the report. On May 18, 2011, the Human Rights Commission and the Police Commission held a joint hearing in order to investigate the San Francisco Police Department and the Federal Bureau of Investigations’ joint national security and anti-terrorism programs and activities and the funding sources used for those programs and activities. The Human Rights Commission will continue conducting follow up of these issues by meeting with community members and City agencies, mediating concerns and reviewing agency training materials.

**Bisexuality Report**

On March 10, 2011, the HRC adopted and released its groundbreaking report *Bisexual Invisibility: Impacts and Recommendations.* It is the first governmental report of its kind to explore bisexuality as it relates to advancing greater acceptance and awareness of bisexuality in our society and culture. Examining statistical data, historical perspectives, surveys, defining language, and personal accounts, the report notes that despite years of activism, bisexual sexual orientation is often still branded as invalid, immoral, or irrelevant. This results in the needs of bisexuals going unaddressed and their very existence still called into question.

Policy Staff is meeting with the San Francisco Heath Commission and the Department of Public Health to coordinate a work group and indentify a legislative sponsor to champion this cause to advance implementation.

**Beyond Marriage Report**

In 2011, the HRC released *Beyond Marriage: Unrecognized Family Relationships* which examines the concept of family and how the definition of family should be broadened to include familial relationships beyond those created by traditional means via marriage, legal adoption or biological ties.
On July 18, 2011, the Commission hosted a work group meeting with representatives from the National Center for Lesbian Rights, Larkin Street Youth Services, AIDS Legal Referral Panel, and the Disability Rights and Education Fund to discuss and review the proposed local kinship or caregiver registry including creating applicable forms and possible impacts on current marriage equality issues.

**Transgender Health Care**

Policy staff is working very closely with Assemblyperson Tom Ammiano, D-CA, State Department of Managed Health Care (DMC) and the Transgender Law Center to implement and advance comprehensive healthcare policy and regulations to greater serve the needs of the Transgender Community. HRC Staff conducted a meeting with the Department of Public Health (DPH) Director and the Director of the Healthy SF Medical Care Access Program to assist in creating a medical access program that would provide comprehensive healthcare to this community to include transitional and re-assignment procedures.

**Domestic Workers**

On April 12, 2011, the San Francisco Board of Supervisors passed a resolution in support of AB 889. On May 26, 2011, the HRC voted unanimously to recommend that the Governor and California Legislature to pass AB 889, the Domestic Worker Employment Equality, Fairness and Dignity Act (2011). In a letter to the California State Assembly Members, the HRC asserted that passing this legislation was critical to ensuring equal rights and protections are extended to all domestic workers. On August 17, 2011, HRC sent a letter to the California State Senate to express its continued support for this bill and the human rights issues it would address.

**The African American Community Empowerment Initiative AKA (Out Migration/Unfinished Agenda)**

In conjunction with the Commission’s Equity Advisory Committee (EAC), Policy staff continues to review the numerous equity and diversity reports that have been conducted over the last two decades to address the critical nature of the decline of the African American community in San Francisco. HRC staff has produced and made public a document that offers a critical and comparative analysis of all of the equity reports to (a) decisively reflect key focus areas, (b) compile the recommendations and findings to afford greater awareness and education regarding the gap related to improving the quality of life for the African American community, specifically but generally all communities of color, (c) identify common trends and themes to effectuate implementation which have stalled the process, (d) highlight any “potential” advancements, and (e) outline the components of a youth training and vocational internship/mentorship program.

**San Francisco Coalition Against Hate Violence**
Policy staff currently provide administrative support to the Coalition Against Hate Violence (CAHV), which is comprised of over 20 agencies representing a broad array of nongovernmental organizations, government agencies, law enforcement agencies, and community members, all of whom are committed to ending hate bias, hate incidents and hate crimes in San Francisco. CAHV is currently in the midst of preparing its first-ever work plan, which will set the stage for the activities and tasks the Coalition will take on in the coming fiscal year.

**Prior Arrest and Conviction**

On March 29, 2011, the San Francisco Reentry Council unanimously voted to send a letter to the Mayor and San Francisco Board of Supervisors. This letter urges the Mayor and Board of Supervisors to pass legislation prohibiting the discrimination of persons with arrest and conviction records. In addition, it urges the San Francisco Human Rights Commission to draft compliance guidelines. On April 14, 2011, the Commission voted unanimously to send a letter to the Mayor and Board of Supervisors urging that the legislation be passed. Since the Commission voted to support the proposal, HRC staff has met with local stakeholders, including the San Francisco Chamber of Commerce, the San Francisco Small Property Owners Institute, the Office of Economic and Workforce Development, the National Employment Law Project, the Lawyers Committee for Civil Rights and numerous community, small business and housing groups to learn more about the impact any proposed legislation would have and to obtain their ideas about how to best address the need to increase public safety reduce barriers to persons with arrest and conviction records.

**San Francisco Collaborative Against Human Trafficking**

Policy staff currently manage the San Francisco Collaborative Against Human Trafficking, which comprises over 25 agencies representing a broad array of nongovernmental organizations, government agencies, law enforcement agencies, service providers, educators, and community members, all of whom are committed to ending human trafficking in San Francisco. SFCAHT’s goals consists primarily of: increasing the general public’s awareness about human trafficking; broadening the scope of current outreach efforts to inform survivors of human trafficking of the resources and services available to them; and to collect data about human trafficking in San Francisco in order to build the base of information about the true scope and impact of human trafficking City-wide.

In 2011 the SFCAHT organized its second annual Human Trafficking Awareness Campaign, a month-long period designated by the HRC as “Human Trafficking Awareness Month.” The Campaign’s calendar of events comprised approximately 20 events, including a library exhibit, the presentation of the SFCAHT-sponsored 2nd Annual Modern-Day Abolitionist Award, a documentary film screening, expert panels, an art showcase, an all-day training event, a radio interview and more.

Following the Awareness Campaign, SFCAHT continued to hold regular meetings every other month throughout the year, which typically included an educational piece, such as a presentation by a member organization about their anti-trafficking efforts, or a speaker who presented on a pressing anti-trafficking issue.
III. Chapter 12B Equal Benefits Division ("Equal Benefits Division")

Pursuant to Chapter 12B of the San Francisco Administrative Code, the 12B Equal Benefits Division is charged with implementing and enforcing the groundbreaking ordinance that prohibits the City and County of San Francisco from contracting with vendors that discriminate in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees. It was the first Equal Benefits Ordinance in the United States.

Since 1997, more than 22,000 vendor files have been processed by the 12B Equal Benefits Division. Of these, approximately 16,000 vendors in 46 states and the District of Columbia have completed their files and been deemed compliant with the San Francisco’s Equal Benefits Ordinance. Over 6,000 vendors achieve compliance by providing benefits to employees. These vendors employ a pool of over 3.9 million people nationwide and approximately 3-4% of those employees will avail themselves of domestic partner benefits. The advantages of the 12B Equal Benefits Ordinance extend beyond this group to the uncounted dependents who participate in their domestic partner’s benefits. Of vendors that have completed their file, 93% are approved and 7% are disapproved.

The following is a list of accomplishments and achievements realized by the 12B Equal Benefits Division in 2011:

- Under the guidance of the Controller’s Office, eliminated a 24-month backlog, and reduced the average time required to process a vendor file by 50% through the implementation of new, streamlined review and processing procedures.

- Increased the number of compliant vendors by 901 (7%) over last year.

- For the first time since the inception of the 12B Equal Benefits Ordinance, brought 100% of all airlines at San Francisco International Airport into current compliance with the 12B Equal Benefits law, including in their flight benefits with other airlines.

- Reviewed 100% of 1053 new vendor files received, in addition to reviewing supporting documentation for another 474 vendors who did not include complete information with their initial submittal.

- Developed, and made publicly available for the first time, fillable 12B compliance forms that improve access and completion accuracy.

- Updated the 12B Equal Benefits website, including posting a new tool to assist vendors in providing complete supporting employee benefit documentation.

- Worked with the Williams Institute, a nationally recognized think tank based at UCLA’s law school, to develop policies that will lay the groundwork for a federal version of the Equal Benefits Ordinance.
San Francisco was the first city to enact an Equal Benefits Ordinance. On November 8, 2011, Broward County, Florida became the 17th jurisdiction to pass an Equal Benefits Ordinance and has sought direction from the San Francisco Human Rights Commission’s 12B Equal Benefits Division regarding implementation and enforcement of their new law.

As of December 5, 2011, there are a total of 15,626 vendors in compliance with the 12B Equal Benefits Ordinance. The chart above illustrates an annual breakdown of vendors approved per year over the most recent 10-year period.
IV. Chapter 14B Local Business Enterprise Division ("LBE Division")

The Local Business Enterprise Division ensures that local disadvantaged businesses have the opportunity to compete for City contracts through Chapter 14B - Local Business Enterprise (LBE) and Non-discrimination Program. The LBE Division certifies small businesses and promotes the utilization and participation of local businesses on city contracts. Through the LBE program, LBEs benefit from bid discounts/ratings bonuses, subcontracting goals and micro set-asides for many of the City’s contracts. In addition, the LBE Division monitors the selection process as outlined in Chapter 14B and, if necessary, can amend the process or stop a project.

In addition to carrying out certification and contract compliance work, the LBE Division offers four workshops each month in its regional outreach office in the Bayview. These workshops are designed to teach businesses everything they need to know about doing business with the City and County of San Francisco, becoming a City vendor, bidding on City contracts and participating in the certification program. When necessary, the LBE Division provides technical assistance regarding 14B requirements to both LBEs and non-LBEs as well as contract awarding agencies.

In 2011, the Local Business Enterprise Division realized the following achievements:

- In collaboration with Office of Labor Standards Enforcement, the LBE Division worked to procure software developed by Elations Systems to manage and track contract compliance on all City contracts governed by the Local Business Enterprise Ordinance.
- In January 2012, all firms seeking LBE certification will be able to apply and submit all necessary documentation online via HRC’s website.
- Nearly 50% of all dollars awarded from contracts under $10M through the City’s five largest contract awarding departments were awarded to LBEs between January and October of 2011.
- The total number of certified LBEs is currently 1436.

<table>
<thead>
<tr>
<th>Certification Type</th>
<th>Definition</th>
<th>Number Certified</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBE</td>
<td>Businesses Head-Quartered in San Francisco</td>
<td>1147</td>
</tr>
<tr>
<td>PUC LBE</td>
<td>Businesses Head-Quartered in the &quot;SFPUC Waterway System Area&quot;</td>
<td>226</td>
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<tr>
<td>NPE</td>
<td>Non-Profit Entities Head-Quartered in San Francisco</td>
<td>18</td>
</tr>
<tr>
<td>SBA</td>
<td>Businesses Head-Quartered in San Francisco which exceed the economic thresholds set for LBEs</td>
<td>45</td>
</tr>
</tbody>
</table>
Prop Q purchases are acquisitions for goods and services under $10,000. In FY 2010/11, Prop Q purchases from LBEs increased from 13% to 15% with LBEs receiving over $9M.

Working with the City Attorney’s Office and members of the Board of Supervisors, revised various provisions of Chapter 14B that effectively (a) redefined the term “Ownership,” as it relates to the LBE certification review process; and (b) increased the thresholds for micro set-aside contracts so as to allow greater direct participation on City contracts by micro, LBE firms.

Worked with Department of Public Works, the Library Commission and community members to increase Southeast Sector LBE Participation on the Bayview Hunters Point Library Construction Project. The LBE goal was 30%; however, with assistance from HRC, the project has been able to achieve over 48% LBE participation and almost 70% San Francisco local hiring.

For the approximate $6M SFO Design-Build Data Center project, the winner is a LBE contractor. The goal is 24%; however the entire team is comprised of all small/micro LBEs. Airport Commission approval is expected in December 2011.

For the approximate $680M General Hospital Rebuild project; the LBE subcontracting goal is 5%; however, the Prime contractor committed 9.2% to LBE subcontractors which is almost double the LBE subcontracting goal.

For the approximate $150M Program Management Services for the Sewer System Improvement Program (“SSIP”) Project, HRC set a LBE subcontracting goal of 10%; however, the JV Primes committed 16.1% to LBE subconsultants.

For the approximate $259M Calaveras Dam Replacement Project, the LBE subcontracting goal was set at 5%; however the JV Primes committed 6.98% to LBE subcontractors.

Successfully negotiated with developers to have the LBE program apply to several large private development projects including America’s Cup and Pier 70.


Proposed Revisions to Chapter 14B and its accompanying Rules and Regulations. Changes include expanding the definition of PUC Regional Projects, streamlining LBE subcontracting credit for suppliers/truckers, and enforcement provisions for monitoring the selection process.
VI. Surety Bond and Financing Assistance Division

The Surety Bond and Financing Assistance Program is designed to help certified Small or Micro LBE contractors who are participating in City and/or Redevelopment construction projects obtain and/or increase their bonding and financing capacity, which is necessary to bid and contract on City projects. The program has been in place City-Wide since 1997. Since its inception, the City’s program has enabled contractors to attain Bid Bonds to bid on $190,541,340 in City contracts, of which, successful program low-bidders were awarded $63,693,145 in contracts. In addition, the City captured $5.1 Million in contract cost savings derived from the bid spread between the program low-bid contractors and the second lowest bidders. The program has suffered only one contractor default in 15 years. Since its implementation, eight other public entities throughout the State have replicated the City’s program.

In 2011, the Surety Bond and Finance Assistance Division:

- Processed and approved 48 bond guarantee requests, enabling contractors to bid on 48 City contracts totaling $52,278,500.
- Assisted 11 new LBE contractors in completing the enrollment process, two of these contractors bid on City contracts with program support for a total of 9 transactions valued at $7,709,000.
- Provided free monthly educational workshops at the Bayview Outreach office to attract new LBEs. The workshops were attended by over 100 individuals.

<table>
<thead>
<tr>
<th>2010 Totals</th>
<th>2011 Totals</th>
<th>Gross Totals</th>
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<tbody>
<tr>
<td>14 new contractors were enrolled</td>
<td>11 new contractors were enrolled</td>
<td>25 new enrolled contractors between January 1, 2010 to November 30, 2011</td>
</tr>
<tr>
<td>5 of 14 bid on contracts during calendar year</td>
<td>2 of 11 bid on contracts during calendar year</td>
<td>7 contractors placed bids on projects in this time frame</td>
</tr>
<tr>
<td>6 bids were made in 2010</td>
<td>9 bids were made in 2011*</td>
<td>15 Bids were placed by those 7 contractors</td>
</tr>
<tr>
<td>2 of the 6 bids were low/negotiated totaling $15,527,597.83 in contract awards</td>
<td>2 of the 7 bids were low/negotiated totaling $817,661 in contract awards</td>
<td>A total of $16,345,258.83 in contract awards</td>
</tr>
</tbody>
</table>
VII. Discrimination Division

The Discrimination Complaints Division of the San Francisco Human Rights Commission (HRC) investigates and mediates complaints of discrimination and non-compliance in employment, and housing and public accommodations, as prescribed by City policy and jurisdiction. Complainants initiate the complaint process with an intake interview with HRC staff to establish jurisdiction and assess the nature of the complaint. Complaints outside the non-discrimination jurisdiction of the HRC are then referred to the appropriate City, State, or Federal agency. After the HRC complaint has been formalized, the HRC attempts to resolve the complaint through mediation, acting as a neutral facilitator, not as an advocate for either party. If these efforts are not successful, staff will conduct an investigation and determine if the allegation is validated, if sustained, staff will pursue appropriate remedies.

The table below lists San Francisco’s protected categories in employment, housing, and public accommodations.

<table>
<thead>
<tr>
<th>Employment</th>
<th>Housing</th>
<th>Public Accommodations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Age</td>
<td>Age</td>
</tr>
<tr>
<td>AIDS/HIV Status</td>
<td>AIDS/HIV Status</td>
<td>AIDS/HIV Status</td>
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<tr>
<td>Ancestry</td>
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<td>Ancestry</td>
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<td>Color</td>
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<td>Color</td>
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<td>Creed</td>
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<td>Creed</td>
</tr>
<tr>
<td>Disability</td>
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<td>Disability</td>
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<tr>
<td>Domestic Partner Status</td>
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<tr>
<td>Gender Identity</td>
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<td>Gender Identity</td>
</tr>
<tr>
<td>Height</td>
<td>Height</td>
<td>Height</td>
</tr>
<tr>
<td>Marital Status</td>
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<tr>
<td>National Origin</td>
<td>National Origin</td>
<td>National Origin</td>
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<tr>
<td>Race</td>
<td>Race</td>
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<tr>
<td>Religion</td>
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<td>Religion</td>
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<tr>
<td>Sex</td>
<td>Sex</td>
<td>Sex</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>Sexual Orientation</td>
<td>Sexual Orientation</td>
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<tr>
<td>Source of Income</td>
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<td></td>
</tr>
<tr>
<td>Weight</td>
<td>Weight</td>
<td>Weight</td>
</tr>
</tbody>
</table>

Summary of Discrimination Division Accomplishments for 2011:

- In 2011, the Discrimination Complaints Division embarked on a series of strategic updates to the investigative processes and procedures, which are modeled on those used by the Federal Government agencies responsible for enforcing nondiscrimination laws in employment and housing [the United States Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD)].
The Division implemented various program modernization measures, including a paperless, online complaint-filing system.

In Quarters 1 and 2 of this year to date, the HRC has investigated and/or mediated 44 formal complaints of discrimination.

In Quarters 1 and 2 of this year to date, the HRC has provided technical assistance to over 292 individuals, which may include the provision of general information, interview and complaint assessment, and referrals to federal, state, local, and community resources.

Steps to Filing a Discrimination Complaint with the Human Rights Commission

1. Intake
2. Mediation
3. Investigation
4. Finding
VIII. Advisory Committees

Advisory committees are an integral and vitally important component of the HRC, providing for community involvement and opportunity for in-depth study and exploration of issues. The Chair of the Commission assigns Commissioners and appoints members from the community to participate in these committees. The HRC currently maintains three advisory committees: the Equity Advisory Committee; the Local Business Enterprise Advisory Committee and the Lesbian Gay Bisexual and Transgender Advisory Committee.

The role of the advisory committees is to provide advice and assistance to the Commission by developing and examining ideas and issues within the jurisdiction of the Commission. The committees may also hold public hearings and make policy recommendations to the Commission to take on legislation.

Advisory committees hold one meeting per month, averaging ten meetings per year. Each committee has a standard meeting time and all meetings are open to the public and subject to public meeting and accessibility laws.

Equity Advisory Committee

The Equity Advisory Committee (EAC) is entrusted to advise the full Commission and the HRC Director on quality of life issues affecting the City’s diverse and multicultural communities. 11 individuals serve on the EAC. Commissioners Faye Woo Lee and Michael Pappas serves as the Committee’s Co-chairs.

Since 2009, the EAC has tackled various equity-related issues ranging from, human trafficking, homelessness, environmental justice, immigration and healthcare to housing access. In 2011, the Committee worked to bring greater attention to the issue of Domestic Workers’ Rights and is currently working to address issues surrounding the decrease in population of communities of color in San Francisco.

In 2011 the Equity Advisory Committee:

- Drafted a letter of support that was endorsed by the full Human Rights Commission urging the passage of AB 889, a critical piece of legislation ensuring that equal rights and protections are extended to all of California’s domestic workers.
- Created the Minority Youth Economic and Social Empowerment Internship Program, a program which creates mentorship/internship/networking and vocational opportunities to groom young African Americans to become leaders in their communities and in turn develop and advance more community investment towards political, economic, and social empowerment.
- Developed the HRC Hero awards program, which acknowledges individuals, organizations, or students, that have made significant contributions in the field of human rights advocacy.
Lesbian Gay Bisexual Transgender Advisory Committee

The Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) was established in May of 1975 by amendment to Chapter 12A of the San Francisco Administrative Code. The Committee strives to represent the diversity of the Lesbian, Gay, Bisexual, and Transgender communities. The LGBTAC provides assistance and advice to the Commission regarding discrimination against the lesbian, gay, bisexual, and transgender communities; advocates for the civil rights of persons with AIDS/HIV; and educates the lesbian, gay, bisexual, and transgender communities about issues of diversity within those communities. Twenty individuals currently serve on the LGBTAC. The Committee is co-chaired by Commissioners Cecilia Chung and Todd Mavis.

IN 2011 the Lesbian Gay Bisexual Transgender Advisory Committee:

- In 2011 the LGBT Advisory Committee issued two reports. The first report *Bisexual Invisibility: Impacts and Recommendations*, received international attention. The report discusses the particularized stigma and discrimination faced by bisexuals that results in negative health and socioeconomic outcomes, even worse than those faced by gays and lesbians. The second report *Beyond Marriage: Unrecognized Family Relationships*, discusses the important role of non-biological family relations in the LGBT community, akin to sibling and parental relationships, and the need for social and legal recognition of these families.

- The Committee held two community meetings in the Bayview to discuss bringing services to LGBT residents in the Bayview and spurred collaboration among organizations in the Bayview to create more LGBT services, in particular LGBT youth services.

- The Committee held a panel discussion on laws that criminalize HIV transmission and the stigma that results from those laws.

- To address the concerns of LGBT seniors, the Committee coordinated with the Department on Aging and Adult Services to advance proposed legislation that would create a 10-year LGBT citizens advisory committee to ensure that the needs of LGBT seniors are addressed.

Local Business Enterprise Advisory Committee

The Local Business Enterprise (LBE) Advisory Committee, formerly known as the Disadvantaged Business Enterprise (DBE) Advisory Committee, as mandated by Chapter 14B of the San Francisco Administrative Code, was formed in August 2004. The Committee advises and makes recommendations to the Commission on the development, implementation and monitoring of the policies and practices of the Local Business Enterprise Ordinance and Program. Its members are drawn from local business, labor, minority and women’s interests groups, trades and professions.
Thirteen individuals currently serve on the LBEAC. The Committee is co-chaired by Commissioner Douglas Chan and Commissioner Sheryl Evans-Davis.

In 2011 the Local Business Enterprise Advisory Committee:

- Hosted an information hearing with Department heads from the Department of Public Works, Public Utilities Commission, Recreation and Park Department, Airport, and Port of San Francisco.
- Reviewed and provided input regarding LBE contracting data in the 14B Quarterly/Annual reports.
- Reviewed and provided input on SFHRC staff recommendations to modify Chapter 14B and its implementing rules and regulations.
IX. 2012 Goals and Projections

The following is a list of goals and projections the HRC will strive to accomplish in 2012:

Agency-wide
- Implement Open Air time tracking system to allow for exact accounting of staff time to document work order billings, increase efficiency, and insure better accountability.
- Revise the SFHRC’s current performance measures to better collect, validate, and report performance data from all five of the agency’s divisions.
- Open new outreach offices in the Western Addition and Chinatown.

Policy Division
- Recover a portion of the Policy Division’s FY 2012/13 expenditures through financial support from non-City government financing.
- In conjunction with the Equity Advisory Committee, Policy staff will work to review and implement the findings and recommendations of five separate reports generated over a 20 year period in an effort to address the critical decline of the African-American community in San Francisco.

Chapter 12B Equal Benefits Division
- Replace the Equal Benefits database with software developed by Elations Systems to streamline its workflow process, increase the reliability of its data, and maximize staffing resources.
- Reinstate the practice of publishing an annual report on the status of the 12B Equal Benefits Ordinance.
- Continue to strive to be more efficient and institute defined customer service policies.

Chapter 14B Local Business Enterprise Division
- Increase the total dollar amount of contracts awarded to LBE Certified firms through micro set-aside and Proposition Q purchases by at least 50% over the previous year.
- Continue to implement and expand the 14B Contract Compliance Tracking System to allow for online monitoring of contracts and certification of LBE firms.

Surety Bond and Finance Assisting Division
- Transfer the duties and administration of the Surety Bond and Financing Program from the HRC to the Risk Manager’s Office.
- Increase outreach to disadvantaged communities to achieve greater program participation.

Discrimination Division
- Recover a portion of the Discrimination Division’s FY 2012/13 expenditures through non-General Fund support funding, including various Federal, private, and non-profit institutions.
X. Contact Information

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