

STATE OF WEST VIRGINIA

**UPDATE OF THE
PRELIMINARY PERFORMANCE REVIEW
OF THE**

HUMAN RIGHTS COMMISSION

Full Compliance with Recommendations

OFFICE OF LEGISLATIVE AUDITOR
Performance Evaluation & Research Division
Building 1, Room W-314
State Capitol

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PE 97-09-80

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October 1997

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Antonio E. Jones, Ph.D.
Director

October 19, 1997

The Honorable Larry Wiedebusch
State Senate
403 Fern Drive
Glen Dale, West Virginia 26038-1005

The Honorable Vicki Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting an Update of the Human Rights Commission, which will be reported to the Joint Committee on Government Operations on Sunday, October 19, 1997. The issues covered herein are "Full Compliance with Recommendations."

Sincerely,

A handwritten signature in cursive script that reads "Antonio E. Jones".

Antonio E. Jones

AEJ/wsc

Enclosure

Joint Committee on Government and Finance

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Executive Summary

This is the Second Update of the preliminary performance review of the **Human Rights Commission** originally reported in December 1995. The original performance review identified *case backlog* and *inadequate management information* as major findings. The First Update to that report found the Human Rights Commission had reduced its backlog but was unable to track cases and identify its own performance because of the lack of a workable computer system.

This update finds that the Human Rights Commission followed the recommendations of the Legislative Auditor to develop an integrated management information system with the advice of the Department of Administration's *Information Systems and Communications Division (IS&C)*. IS&C has confirmed that the new management information system will allow case tracking, networking and reporting as well as simplifying data entry and eliminating duplication which characterized the Human Rights Commission's previous management information system. A supplemental appropriation of \$140,000 was made for hardware and software for the management information system. Completion date for the new system is December 1997.

As a result of this management information system, the Human Rights Commission will for the first time know how many cases it has in what status, and the number of decisions rendered, **without doing a hand count** of case folders. Finally, the new management information system will allow the Human Rights Commission to produce an annual report of its activities as required by statute.

OBJECTIVE, SCOPE AND METHODOLOGY

This performance evaluation is an update of the Human Rights Commission (SBA) and is conducted in accordance with the West Virginia Sunset Law, West Virginia Code, Chapter 4, Article 10. The objectives of this audit are to determine:

- whether the Commission is acquiring, protecting and using its resources economically and efficiently;
- whether the Commission has complied with laws and regulations;
- whether the desired results and benefits established by the Legislature are being achieved; and
- the effectiveness of the Commission's program and functions.

This performance review is an update that will assist the Joint Committee on Government Operations in making one of the following three recommendations:

- the department, agency or board be terminated as scheduled;
- the department, agency or board be continued and reestablished;
- the department, agency or board be continued and reestablished, but the statutes governing it be amended in specific ways to correct ineffective or discriminatory practices or procedures, burdensome rules and regulations, lack of protection of the public interest, overlapping of jurisdiction with other governmental entities, unwarranted exercise of authority either in law or in fact or any other deficiencies.

The Human Rights Commission was created by the Legislature in 1961 to enforce the West Virginia Human Rights Act. It was transferred to the Department of Health and Human Resources in 1989. In 1995 PERD conducted a preliminary review on the HRC which resulted in the following issues.

1. As of June 30, 1995, a backlog of 549 cases exceeded the 365-day resolution period mandated by the Supreme Court.
2. Inadequate information system, and failure of JALAN.

3. Placement of the Human Rights Commission under DHHR created a conflict of interest.
4. The Commission has not played an active role in the promotion of harmonious relationships among disabled, racial, ethnic, religious, and other groups.
5. Confidentiality of records and safety of staff.
6. Annual Reports have not been filed.

This update uses the following designations of levels of compliance.

TABLE 1 Levels of Compliance
<u>In Compliance</u> - The HRC has corrected the problems identified in the 1995 audit report.
<u>Partial Compliance</u> - The HRC has partially corrected the problems identified in the 1995 audit report.
<u>Planned Compliance</u> - The HRC has not corrected the problem but has provided sufficient documentary evidence to find that the Commission will do so in the future.
<u>In Dispute</u> - The HRC does not agree with either the problem identified or the proposed solution.
<u>Non-Compliance</u> - The HRC has not corrected the problem identified in the 1995 audit report.
<u>Requires Legislative Action</u> - The recommendation was intended to call to the attention of the Legislature to one or more statutory issues.

ISSUE AREA 2: Inadequate Information System, And Failure of JALAN.

Recommendation 3

The Human Rights Commission should follow both the "Short Term Recommendations" and "No. 1" under "Long Term Solutions" in the Executive Summary of IS&C's Gap Analysis (as summarized below).

Short Term:

- 1) *The EEOC Information Resources Management Services indicated that they will provide training for two employees of their FilePro database (CDS) at no cost to HRC. Because the CDS must continue to be maintained, regardless of what other efforts are undertaken, this would seem to be a part of any solution. The only associated costs would be for transportation, housing, and food. The EEOC estimated that the training would take 2-5 days, and it can be scheduled any time.*
- 2) *The EEOC is also willing to produce ad hoc reports if detailed requests are made.*
- 3) *HRC needs a permanent, full-time, experienced employee whose primary responsibility is to maintain the Commission's office automation environment, including hardware, software, communications, and databases. Without this person, no new system will work.*

Long Term:

- 1) *The best long-term plan for HRC would appear to be phasing out the AS/400 and migrating to a PC LAN (Local Area Network) environment. An upgraded EEOC UNIX PC could be connected to the LAN for transfer of data. This would be more in sync with the long-term plans of the EEOC to migrate to a client/server Oracle platform, and it would also provide the HRC with the PC's needed to access HRIS (Human Resources Information System), the upcoming mandatory implementation of a statewide network. This plan would require an appropriation to pay off debt on the AS/400 and pay for hardware, software, and development of the new system. While the initial cost for installing a LAN would be higher than upgrading the AS/400, the long-term costs in terms of personnel and maintenance should be less. HRC does not have the alternative of phasing-in LAN, with only a few employees initially being connected to the new database; others could then be added as funding becomes available.*

Level of Compliance: **In Compliance**

Regarding the "Short Term Recommendations", the Commission withheld making arrangements for personnel to receive recommended training primarily as a cost effective measure. Instead, IS&C concurred and opted to work with EEOC and develop a data transfer system between the UNIX PC and the LAN systems that would make recommended training unnecessary. The Commission, however, maintained the flexibility to send personnel to EEOC to receive training should the data transfer system being installed fails to produce the desired results. The recruiting

and selection process have been completed for a full-time Information System Coordinator. Final approval for hiring is forthcoming.

Regarding the "Long Term Solutions", the Commission received a Supplemental Appropriation of \$139,500 for the purchase of hardware and software that would provide for the migration to a PC LAN environment. The implementation plan has been completed, approved and accepted. Cable installation is scheduled to begin on September 10, 1997 by Networking Services of IS&C and equipment purchase will follow. Arrangements have been made for all employees requiring access to the new system to receive the appropriate training as required.

ISSUE AREA 6: Annual Reports.

Recommendation 7

An annual report should be submitted to the governor beginning with FY 1996-97 and continuing each year thereafter.

Level of Compliance: **Planned Compliance**

The Commission will submit an annual report in December 1997. However, due to the lack of an automated system for retrieval and manipulation of data needed to report will not be as meaningful as the Commission intends to produce in the future. This year, during the research and manipulation phase for the new computer system, IS&C is developing data fields and baselines needed for capturing information that will facilitate a meaningful annual report to the Governor on the status of human rights activities within the state.

Appendix A
Agency Response



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Cecil H. Underwood
Governor

Herman H. Jones
Executive Director

September 10, 1997

Antonio E. Jones, Ph.D.
Director
Performance Evaluation &
Research Division
WV Legislature
State Capitol Bldg. 5, Room 751A
1900 Kanawha Boulevard East
Charleston, WV 25305-0592

Dear Dr. Jones:

The attached is an Update to the Human Rights Commission Report provided to the Joint Committee on Government Operations on February 9, 1997, pursuant to the West Virginia Sunset Law.

If you have questions, please feel free to contact me direct.

Sincerely,

Norman Lindell
Deputy Director

HHJ/elm

cc: Joan Ohl, Secretary, DHHR

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RESEARCH AND PERFORMANCE
EVALUATION DIVISION

RECOMMENDATION #3

The Human Rights Commission should follow both the "Short Term Recommendation" and "No. 1" under "Long Term Solutions" in the Executive Summary of IS&C's Gap Analysis (as summarized below).

SHORT TERM:

Take advantage of training offered by EEOC that would allow for the continued maintenance of the CDS pending upgrade or replacement of existing computer system; use EEOC for the production of ad hoc reports; and, hire a permanent, full-time, experienced employee whose primary responsibility will be to maintain the Commission's office automation environment.

RESPONSE:

The Commission withheld making arrangements for personnel to receive recommended training primarily as a cost effective measure. Instead, IS&C concurred and opted to work with EEOC and develop a data transfer system between the UNIX PC and the LAN systems that would make recommended training unnecessary. The Commission, however, maintained the flexibility to send personnel to EEOC to receive training should the data transfer system currently being installed fails to produce the desired results. The recruiting and selection process have been completed for a full-time Information System Coordinator. Final approval for hiring is forthcoming.

LONG TERM:

Phase out existing AS/400 computer environment and acquire a new PC LAN (Local Area Network) system.

RESPONSE:

The Commission received a Supplemental Appropriation of \$139,500 for the purchase of hardware and software that would provide for the migration to a PC LAN environment. The implementation plan has been completed, approved and accepted. Cable installation is scheduled to begin on 9/10/97 by Networking Services of IS&C and equipment purchase will follow. Arrangements have been made for all employees requiring access to the new system to receive the appropriate training as required.

RECOMMENDATION #7

Annual reports should be submitted to the Governor beginning with FY 1996-97 and continuing each year thereafter.

RESPONSE:

The Commission will submit an annual report in December 1997. However, due to the lack of an automated system for retrieval and manipulation of data needed to analyze, predict, and evaluate the status of human rights activities within the state, the report will not be as meaningful as the Commission intends to produce in the future. This year, during the research and implementation phase for the new computer system, IS&C is developing data fields and baselines needed for capturing information that will facilitate a meaningful annual report to the Governor on the status of human rights activities within the state.

