32ND ANNUAL REPORT

OF

THE OHIO CIVIL RIGHTS COMMISSION
June 1991

The Honorable George V. Voinovich
Governor, State of Ohio

The Honorable Stanley J. Aronoff
President of the Ohio Senate

The Honorable Vernal G. Riffe
Speaker of the Ohio House of Representatives

Gentlemen:

Pursuant to Section 4112.04 (A) (8) of the Ohio Revised Code, The Ohio Civil Rights Commission respectively submits this 32nd Annual Report.

Respectfully,

FOR THE COMMISSION

Rev. E. Theophilus Caviness
Chairman

An Equal Opportunity Employer
The Ohio Civil Rights Commission (OCRC) was established July 1959 by the Ohio Legislature. The duties, responsibilities, practices and procedures of the Commission are specified in Section 4112 of the Ohio Revised Code.

The primary function of The Ohio Civil Rights Commission is to enforce state and federal laws against discrimination. OCRC receives and investigates charges of discrimination in employment, public accommodations, housing, credit and higher education on the bases of race, color, religion, sex, national origin, handicap, age or ancestry. The Commission has statutory authority to:

- initiate investigations of discriminatory practices

- formulate policies to effectuate the purposes of sections 4112.01 to 4112.11 of the Ohio Revised Code, and make recommendations to agencies and officers of the state or local subdivisions of government to effectuate such policies

- make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, national origin, handicap, age or ancestry on the enjoyment of civil rights by persons within the state

- receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited

 Anyone who lives or works in Ohio and feels he/she has been discriminated against can file a charge with one of OCRC's regional offices located in Akron, Cincinnati, Cleveland, Columbus, Dayton or Toledo. There is no fee for OCRC's services.

The Commission consists of a five-member board of Commissioners and approximately 215 employees. By contract or established relationship, OCRC has linkages with a variety of private, state and federal organizations or agencies, such as the U.S. Department of Housing and Urban Development (HUD) and the U.S. Equal Employment Opportunity Commission (EEOC).
JULY 29, 1959
Enactment of Ohio’s Fair Employment Practices Law prohibiting discrimination by reason of race, color, religion, national origin or ancestry

The Ohio Civil Rights Commission was established by the Ohio Legislature as the state agency responsible for enforcing the laws against discrimination

OCTOBER 24, 1961
Enactment of law prohibiting discrimination in places of public accommodation

OCTOBER 30, 1965
Enactment of law prohibiting discrimination in housing

NOVEMBER 12, 1969
Housing discrimination law amended and broadened

Enactment of law prohibiting discrimination in burial lots

DECEMBER 19, 1973
Enactment of law prohibiting discrimination by reason of sex

JANUARY 14, 1976
Enactment of law prohibiting discrimination in credit

JULY 23, 1976
Enactment of law prohibiting discrimination by reason of handicap

AUGUST 18, 1976
Enactment of law prohibiting discrimination by reason of age in credit

NOVEMBER 13, 1979
Law prohibiting discrimination by reason of age broadened

JULY 26, 1984
Enactment of law prohibiting discrimination by institutions of higher education by reason of handicap

SEPTEMBER 28, 1987
Housing discrimination law further amended and broadened

MAY 31, 1990
Discrimination by reason of age limit from ages 40 to 70 changed to 40 and above
The five-member board of Commissioners are the final arbiters in the Ohio Civil Rights Commission’s internal process. They are appointed to staggered five year terms by the Governor with the advice and consent of the Senate. Per the Ohio Revised Code, no more than three Commissioners can be of the same political party. The Governor designates one of the Commissioners to serve as the Chairperson.

Commissioners meet regularly to rule on the recommendations from OCRC’s six regional offices regarding charges of discrimination filed with them. Commissioners also hear appeals from persons filing the charge(s) of discrimination or the agency/organization/entity filed against for reconsideration of staff recommendations or Commission rulings. Commissioners are responsible for selecting the Agency’s Executive Director, who implements the policies and decisions of the Commission.

Rev. E. Theophilus Caviness of Cleveland is the Commission Chair. Remaining Commissioners serving during fiscal year 1991 were John H. Burlew III, Cincinnati; Alyce D. Lucas, Dayton; Grace Ramos, Beavercreek; and Nirmal K. Sinha, Columbus.
The Ohio Civil Rights Commission is in its fourth decade of service on behalf of all Ohioans. Discrimination in America is not as blatant in most cases as in the early years of the civil rights struggle. Rather, its practice has become sophisticated, technical, frequently masked in disguise. But it is there, and it is increasing.

Ohio is no exception from the trends in America. Since our creation in 1959 there has been a consistent expansion of the nature and scope of discriminatory practices for which any individual living or working in Ohio can file a charge of discrimination with one of our six Regional Offices. This annual report documents the number of discrimination charges filed with us on the bases of race, color, religion, sex, national origin, handicap, age or ancestry in the areas of employment, public accommodations, housing, credit and higher education; the resolution of those charges; and monetary rewards recovered.

Also presented in this annual report is information on the who and what we are. It is critical that the public we serve better understand the duties, responsibilities and enforcement powers of the Commission and their own individual rights to fair and equitable treatment and opportunity in practically every phase of their lives.

My thrust during my first year as the Executive Director has been to help OCRC do its job as efficiently and effectively as possible; to improve the public’s perception of the Commission and its work; and to implement policies and procedures that maximize the talents and experiences of employees. My other focus has been to spearhead the planning and preparation of this Agency to meet the civil rights challenges of what will be a most diverse society in the 21st century.

It is a pleasure to present this second report of our fourth decade.
OCRC COMMISSIONERS
As previously noted, the OCRC Commissioners are the final arbiters in OCRC's internal process. The Commissioners are an integral part of the Civil Rights Commission, rendering decisions on the recommendations coming from OCRC's six regional offices. They are a working board of Commissioners, having to be familiar with the cases presented as well as remaining abreast of state and federal civil rights laws. The Commissioners also help set the overall tone and direction of the Agency, in consultation with the Executive Director.

EXECUTIVE DIRECTOR
The Executive Director has the responsibility for overseeing the implementation of the policies and determinations of the Commission. As the Chief Operating Officer, he or she is the driving force behind the Agency and is accountable to the Commissioners. The Executive Director submits the Commission's budget to the Ohio Legislature and gives budget testimony before its committees. Additionally, the Executive Director represents the Commission in special projects or tasks as designated by the Governor or Chair and is frequently called upon for a variety of local, state and national speaking engagements or conference participation.

CENTRAL OFFICE
OCRC's Central Office is located at 220 Parsons Avenue in Columbus, Ohio. The organizational structure for Central Office is the Executive Director; Administration, consisting of Human Resources, including Personnel, Micrographics, Labor Relations and Staff Development/EEO; Management Information Services (MIS); and Fiscal; and Technical Services, consisting of Education and Community Relations; Quality Assurance; Compliance; and Federal Programs. Three offices - Hearings, Special Enforcement (SEU) and Public Information - report to the Executive Director. OCRC's Chiefs of Administration and Technical Services report to the Executive Director as well, as do the six Regional Office Directors.

Also housed in the Commission's Central Office is the Governor's Commission on Socially Disadvantaged Black Males, created by Executive Order in 1989. The 41 appointed volunteer Commissioners and 106 volunteer sub-committee members from throughout Ohio examine and make recommendations on how state government can address the needs of Ohio's African American males in employment, health, education and criminal justice. OCRC was given oversight and coordination responsibilities of the Governor's Commission during fiscal year 1991. In addition to its
administrative responsibilities, OCRC provides office space for the staff and participates in its programs and activities.

HEARINGS

The work of the Hearings Unit begins after the Commission issues a Formal Complaint in the disposition of a charge of discrimination. The Formal Complaint means the Commission found probable cause (it is likely that an act of discrimination did occur) and conciliation efforts, attempts to reach a workable solution between the two parties, failed. The next step in the process is the holding of a public hearing, which is a quasi-judicial forum presented before a Hearing Examiner. The Hearings Unit schedules the hearings; rules on pre-trial motions; holds pre-trial hearing conferences; notifies the parties regarding the status of the complaints; secures appropriate facilities in which to conduct the hearings; and maintains as well as preserves the files, case evidence and the case record.

SPECIAL ENFORCEMENT (SEU)

Special Enforcement investigates systemic charges of discrimination that are initiated by the Commission and conducts special studies or inquiries as requested by the Commission or Executive Director. They also conduct periodic compliance reviews to monitor the implementation progress of conciliation agreements as well as investigate, monitor and make recommendations on Bona Fide Occupational Qualifications (BFOQ's). SEU complements the work of the regional offices by conducting investigations requiring specialized training and by providing case processing assistance.

PUBLIC INFORMATION

Public Information is responsible for designing and implementing a multi-faceted statewide program that includes media relations, responding to requests for information from the various publics the Commission serves, special projects, and producing Agency publications such as annual reports, newsletters and brochures. This office also works closely with Education & Community Relations in addition to providing technical assistance to OCRC's Regional Offices.
HUMAN RESOURCES

Human Resources' primary responsibility is receiving and processing all employment applications for the Commission. Specific duties include all personnel related matters; processing and maintaining payroll records; providing information on personnel rules, regulations, and adherence to civil service law; updating all benefits information for union and exempt employees; and disseminating Commission and other state agencies' employment opportunities information. Micrographics is responsible for microfilming Regional and Central Office files.

LABOR RELATIONS

Labor Relations assists management in the interpretation of collective bargaining agreements; trains staff in administration of labor contracts; oversees agency policies and procedures; and maintains and coordinates labor management committees. Labor Relations also handles union grievances and represents the Commission in grievance hearings.

STAFF DEVELOPMENT/EEO

This office coordinates in-service and external training programs for staff including new employee orientation, management training, and specialized training for Commission investigators. The EEO function of this office is the monitoring of the Commission's own EEO practices, policies and procedures.

MANAGEMENT INFORMATION SERVICES (MIS)

MIS maintains and stores Commission statistics and case data information, prepares statistical analysis, and disseminates reports to the regions and to other governmental agencies. MIS is also responsible for spearheading the automation of the Commission's regions and offices statewide and the implementation of a computerized information network system.

FISCAL

Fiscal prepares, reviews and administers the Commission budget; administers fiscal matters as regulated by the State of Ohio's Office of Budget and Management; and oversees the work of Distribution and Central Office's copying services. Distribution receives, stores and maintains inventories of Commission equipment and supplies in addition to maintaining mail services.
EDUCATION AND COMMUNITY RELATIONS

Education and Community Relations conducts on-going education programs to keep Ohio's communities informed and aware of civil rights laws; the Commission, its work, responsibilities and procedures; and the process for filing discrimination charges. This office also coordinates logistics and programs for Commission meetings held around the state; special events; displays, speaking engagements; educational programs for school students; and distribution of Commission publications.

QUALITY ASSURANCE

Quality Assurance prepares the agenda for Commission meetings and receives all cases to be placed on the agenda. They are responsible for making sure the cases filed with the Commission have been properly submitted and follow designated format. Their technical level of monitoring is instrumental in improving and maintaining Commission case quality and productivity.

COMPLIANCE

Compliance performs reviews and assessments, completes notification to all parties of Commission findings, and performs selected quality control assessments in case submissions. Compliance also reviews block grant project requests for civil rights complaint activity. Within Compliance is the Commission's Affirmative Action Unit, which receives affirmative action plans and progress reports from agencies, instrumentalities, institutions, boards, commissions and other entities of the state or any of its political subdivisions, and submits a summary report to the General Assembly. This unit also provides technical assistance upon request for the development of affirmative action plans.

FEDERAL PROGRAMS

Federal Programs administers and monitors the Commission's contracts with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development. The Commission maintains work sharing agreements with both of these agencies, whereby they defer charges of discrimination filed with them to OCRC for processing and investigation.
The primary functions of OCRC's six regional offices are to (1) receive and investigate charges of discrimination and submit recommendations of finding to the Commission and (2) conduct community outreach services to the specific geographical areas they serve.
The Akron Regional Office services eight (8) counties with its staff of 28 persons. Mahoning, Stark, Summit and Trumbull Counties provide the bulk of charges filed with this office. Ninety-five percent (95%) of charges filed with this office are by "walk-ins." There were 1,159 new charges filed during fiscal year 1991, an increase from the 1,144 new charges filed in fiscal year 1990. Akron exceeded production standards by 233 cases. Monetary awards recovered by the Akron Regional Office was $294,254.

The regional office conducted a variety of seminars or presentations throughout the community it serves, including Akron University, Youngstown University, College of Wooster, Stow High School, mental health groups and the Private Industry Council.
The Cincinnati Regional Office services five (5) counties and has a staff of 25 employees. Cincinnati received 753 new charges of discrimination and recovered $1,248,380 in monetary benefits. Among the monetary benefits recovered was a $55,000.00 award for a national origin, age and retaliation discrimination charge, and 6 awards ranging from $25,000.00 to $32,000 for charges of handicap discrimination.

The Regional Director and Chief Supervisor served on a committee with Cincinnati City officials, hotel and motel managers and representatives from Housing Opportunity Made Equal regarding perceived race discrimination by hotel employers and resolution of same. Presentations by staff on sexual harassment, Chapter 4112 of the Ohio Revised Code and discrimination based on handicap were made to public and management employees.
The Cleveland Regional Office has jurisdiction over five (5) counties with its staff of 30 persons. The bulk of Cleveland’s charges come from Lake, Geauga and Ashtabula Counties. The office received 794 new charges in fiscal year 1991 and recovered $450,192 in monetary benefits for aggrieved individuals.

Outreach efforts, speaking engagements and/or training were provided to a range of public and private sector employees, colleges and universities as well as professional and civic organizations.
The Columbus Regional Office has jurisdiction over 35 counties. The majority of charges filed with this regional office come from Franklin, Licking, Fairfield and Coshocton Counties. The office continued to build upon its massive fiscal year 1990 reorganization. There were 1,068 new charges filed with the Columbus Region. Total monies recovered were $557,684.

One major focus for the office was to provide a series of speakers/trainers for staff. In addition to calling upon the talents of OCRC Commissioners and Central Office staff, two local attorneys, a law professor and a nurse were guest speakers.
The Dayton Regional Office services nine (9) counties, with Montgomery County generating the most charges. Dayton had the highest weekly production rate - seven investigators produced 597 cases - and the highest assignment rate of all six OCRC regions. A total of 559 new charges were received in this office, which recovered $905,698 in monetary awards.

Staff provided training to Wright State University professionals and union officials, Dayton Area Business Education Coordinators, the Ohio Department of Natural Resources, the Regional Transportation Authority and the Defense Electronic Supply Center. They also worked with Ohio Public Images, the Dayton Chapter of the N.A.A.C.P. as well as the N.A.A.C.P. Chapters in Clark and Greene Counties.
The Toledo Regional Office services 26 counties. Most of the charges filed with the Toledo Regional Office come from Lucas, Allen, Marion, Hancock, Richland and Erie Counties. Toledo’s staff of 25 persons received 952 new charges during fiscal year 1991 and recovered $1,072,919 in monetary benefits.

This office’s outreach efforts included training or speaking engagements to the Criminal Justice Training & Education Center, the National Association of Female Executives, Toledo Area National Organization For Women, Northwest Ohio Industrial Relations Association, Lourdes College, Ashland University and the Toledo Area Chapter of Job Service Employer Committee.
THE CHARGE
Individuals (Charging Party) who feel they have been discriminated against must file a charge of discrimination with OCRC within six (6) months of the alleged act of discrimination. Upon contacting the Commission’s regional office located nearest to them, a staff member (Charge Taker) discusses the complaint and determines if the allegations fall within the Commission’s jurisdiction. The Charge Taker helps the individual draft the wording of the Charge Affidavit, and prepares it in legal form for the individual to review, approve and sign under oath.

THE INVESTIGATION
The responsibility for investigating a charge or charges is assigned to a Civil Rights Field Representative (Investigator). During the investigation, the Investigator contacts the Respondent (the person(s) or company/entity responsible for the alleged act of discrimination). The Investigator also contacts the Charging Party and any identified witnesses to discuss the allegations in detail. The Investigator determines if there is sufficient evidence to conclude that it is probable Ohio’s Laws Against Discrimination have been violated. The Investigator will attempt to negotiate a voluntary settlement prior to making any determination on the merits of the charge(s).

Once enough evidence to support a recommendation has been accumulated, the Investigator discusses the recommendation with the Charging Party, and answers any questions. Generally speaking the recommendation will be either NO PROBABLE CAUSE or PROBABLE CAUSE. The recommendation is then submitted in written form to the Investigator’s supervisor, then to the Regional Director and finally to the Commissioners, who must approve the report before it becomes the official finding of the Commission.

If the preponderance of evidence is insufficient to substantiate charge(s) of discrimination, the Commissioners must make a finding that it is NOT PROBABLE a violation of the law has occurred and dismiss the charge(s) with a finding of NO PROBABLE CAUSE.

If the preponderance of evidence is sufficient to substantiate that discrimination has occurred, the Commissioners make a finding that it is PROBABLE a violation of the law has occurred, and issue a PROBABLE CAUSE finding.
REQUEST FOR RECONSIDERATION

After a formal LETTER OF DETERMINATION concerning a charge has been issued, each side (Charging Party and Respondent) has the right to ask the Commissioners to reconsider their decision. The LETTER OF DETERMINATION contains a form explaining the method for making such a request. As per OCRC rules, the request for reconsideration must be submitted within fifteen (15) days of the date on the LETTER OF DETERMINATION. No one has the authority to extend this deadline, or to grant any party an exception to this rule.

If the request for reconsideration is received within the time limit, Commissioners review the request and the case file to decide whether to grant the request. If the Commissioners decide to grant the request, the case is returned to the regional office where the charge was filed for further investigation. Once the investigation is completed, the original recommendation could be upheld or a new recommendation submitted to the Commission. If the Commissioners vote to deny the request, no further action is taken.

Each side to a charge of discrimination is entitled to only one request for reconsideration.

CONCILIATION

If the investigation of the charge(s) evidences that it is probable discrimination occurred, staff must attempt to negotiate a settlement between the parties. The types of remedies available through OCRC are explained to the Charging Party. When settlement is possible, the terms offered by the Respondent are discussed with the Charging Party and he/she must agree to them before they can be accepted. The Charging Party is asked to sign an agreement showing acceptance of the offer and understanding that the matter has been settled to his/her satisfaction.

If settlement is not possible, the Commissioners are informed that conciliation efforts failed and are asked to issue a FORMAL COMPLAINT AND NOTICE OF PUBLIC HEARING.

PUBLIC HEARING

The charge(s) and evidence supporting the charge(s) are presented at the public hearing (a quasi-judicial forum) before a Hearing Examiner. The Ohio Attorney General's Office represents OCRC, and presents its case in favor of the decision. The Respondent presents its defense. Witnesses are called to testify under oath, documents and other written evidence is presented, and the attorneys for both sides offer legal arguments to the Hearing Examiner. After the hearing has been concluded, the Hearing Examiner issues
FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATIONS to the Commission. Both sides have opportunity to file written objections to these.

The Commissioners review the FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATIONS, and any objections filed by the parties, and issue a FINAL ORDER in the case. This may be an ORDER OF DISMISSAL, which means that evidence does not substantiate that discrimination has occurred, or a CEASE AND DESIST ORDER, which means that discrimination has been substantiated. At that time, the Commission orders the Respondent to take certain remedial steps.

Should the Respondent fail to comply with the FINAL ORDER of the Commission, it can seek the enforcement of the order through the Court of Common Pleas.

JUDICIAL REVIEW

The Charging Party or the Respondent can appeal the FINAL ORDER of the Commission by petitioning the Court of Common Pleas for a judicial review. The petition must be filed in the county where the act of discrimination and subject of the Commission order took place or in the county where the Respondent resides or transacts business. Either party can pursue appeals through the civil court system, up to and including to the U.S. Supreme Court.
Alleged Bases of Discrimination
July 1, 1990 - June 30, 1991

Race/Color: 2728
Sex: 1663
Handicap: 934
Age: 791
National Origin: 331
Religion: 91

Total = 6538

# of Allegations

Alleged Issues of Discrimination
July 1, 1990 - June 30, 1991

Discharge: 2787
Terms/Conditions: 923
Harassment: 653
Other: 460
Promotion: 450
Hiring: 414
Discipline: 313
Lay Off: 297
Sexual Harrasment: 273
Suspension: 270
Wages: 262
Demotion: 188
Intimidation: 187
Reinstatement: 182
Exclusion: 179
Maternity: 177
Benefits: 175
Recall: 167
Union Representation: 149
Pay Comparability: 148
Training: 147
Job Classification: 138

Total = 7939

# of Issues

NOTE: Individual charges can be filed alleging multiple bases/issues of discrimination
Types of Charges Closed
July 1, 1990 - June 30, 1991

Employment 5470
Housing 120
Public Accom. 68
Handicap/Educ. 17
Credit 14

Total = 5689

Case Dispositions
July 1, 1990 - June 30, 1991

No Probable Cause 3489
Negotiated Agreement 932
Withdrawal With Benefits 512
Withdrawal, No Benefits 319
Issue Formal Complaint 181
Admin. Closure 116
Conciliation 61
No Jurisdiction 52
Fail to Loc/Res/Coop 27

Total = 5689

Loc = Locate    Res = Respond    Coop = Cooperate
Summary of Regional Charges Filed
July 1, 1990 - June 30, 1991

Total Charges Filed = 5285

Monetary Benefits Collected
July 1, 1990 - June 30, 1991

Total $ Amount = $4,679,013

NOTE: The Attorney General’s Office and OCRC’s Special Enforcement Unit settle cases and recover monetary benefits but do not receive charges of discrimination
GENERAL REVENUE FUND (GRF)

The General Revenue Fund are monies appropriated to the Ohio Civil Rights Commission by the Ohio General Assembly.

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**TOTAL GRF APPROPRIATIONS** $7,853,313.00

EXPENDITURES

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**TOTAL EXPENDITURES** $7,853,313.00
FUND 334

Fund 334 is federal dollars received by the Civil Rights Commission through its work sharing agreements with the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission. These agencies defer charges of discrimination filed with them to the OCRC for processing and investigation.

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**EXPENDITURES**

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**TOTAL FUND 334 EXPENDITURES** | $1,584,560.00 |