

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

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March 22, 2017
Start: 1:20 p.m.
Recess: 3:23 p.m.

HELD AT: City Hall - Committee Room

B E F O R E: Darlene Mealy
Chairperson

COUNCIL MEMBERS:

Brad Lander
Rafael Salamanca, Jr.
Daniel Dromm
Andy King

APPEARANCES CONTINUED

Dr. Danny Jane

Carmelyn Malalis, Commissioner
New York Commission on Human
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Brittny Saunders
Deputy Commissioner for Strategic
Initiatives, New York Commission
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Gender Equality Law Center

Nicole Salk (SP)
Brooklyn Legal Services

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Brooklyn Legal Services

| | | |
|----|---|---|
| 1 | COMMITTEE ON CIVIL RIGHTS | 3 |
| 2 | [gavel] | |
| 3 | CHAIRPERSON MEALY: I'm going open up | |
| 4 | this Committee on Civil Rights for the Fiscal 2018 | |
| 5 | Preliminary Budget. My name is Darlene Mealy. I am | |
| 6 | the Chair of the Civil Rights Committee. In keeping | |
| 7 | with the budget process that is mandated by the city | |
| 8 | charter and which will ultimately lead to the | |
| 9 | adoption of the Fiscal 2018 Budget, today we will | |
| 10 | hear testimony from Carmelyn Malalis, Commissioner on | |
| 11 | Human Rights. In today's hearing will discuss | |
| 12 | highlights of the Fiscal 2018 Preliminary Budget and | |
| 13 | the 2017 Preliminary Management Report. The Fiscal | |
| 14 | 2018 Preliminary Budget for the Commission on Human | |
| 15 | Rights, excuse me, totals \$11.4 million, a decrease | |
| 16 | in 114,000 from its fiscal 2017 adopted budget of | |
| 17 | 11.5 million; the 114,000 decrease is due to a | |
| 18 | decrease in the other than personal services budget a | |
| 19 | budget of 1.3 million offset by increase in the | |
| 20 | personal services. The Fiscal 2017 Budget for the | |
| 21 | Commission on Human Rights as presented in the | |
| 22 | preliminary plans shows growth of 567,000 or five | |
| 23 | percent since adoption due to the new needs and other | |
| 24 | adjustments. The Commission has a budgeted headcount | |
| 25 | of 130 under the current preliminary plan. We look | |

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2 forward to hearing from the Commissioner, Commission
3 on Human Rights on its operational and fiscal 2018
4 expense budget. Before we hear from the
5 Commissioner, Commissioner on Human Rights, I would
6 like to think my committee Inesha (SP) Wright, Unit
7 Head; Sheila Johnson, physical analyst; my staff
8 Ashley of my office, my Legislative Director. Once
9 again, I think everyone for being here this
10 afternoon. Before we hear from the Commissioner, we
11 have to swear you in. Are you ready?

12 COMMISSIONER MALALIS: I am.

13 CHAIRPERSON MEALY: Raise your right
14 hand.

15 [OATH ADMINISTERED]

16 CHAIRPERSON MEALY: Thank you. I am
17 going to turn it over to the Commissioner. You may
18 begin.

19 COMMISSIONER MALALIS: Thank you so much,
20 Chair Mealy. Good --

21 CHAIRPERSON MEALY: I'm sorry, before, we
22 have been joined by my colleague Brad Lander. I
23 cannot forget you. I apologize. Forgive me,
24 Commissioner, you may start now.
25

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2 COMMISSIONER MALALIS: Thank you. First
3 of all, good afternoon and thank you Chair Mealy and
4 Council Member Lander and the other members and staff
5 of the Civil Rights Committee as well as Council
6 Finance. Thank you for convening today's hearing.
7 As you know, I am Carmelyn P. Malalis. I am the
8 Chair and Commissioner for the New York City
9 Commission on Human Rights and today I am happy to
10 say I am joined by two of my Deputy Commissioners.
11 To my left is Brittny Saunders, who is our Deputy
12 Commissioner for Strategic Initiatives, and to my
13 right is Dana Sussman, our Deputy Commissioner for
14 Intergovernmental Affairs and Policy. So, just last
15 month, I celebrated my two year anniversary as
16 Commissioner and Chair of the Commission and I have
17 to say I am incredibly proud of what our team has
18 accomplished in this very short period of time. In
19 preparation for today's hearing, I took the
20 opportunity to reflect on the work of the agency in
21 the last calendar year. I can that 2016 was nothing
22 short of a transformational year in the Commission.
23 We built on the accomplishments of 2015 and continued
24 to expand the agency's reach, strategic enforcement
25 and public education efforts. The Commission

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2 continued to fill keys positions with top-notch
3 personnel across the agency and I'm happy to report
4 that New York City has no shortage of people standing
5 up for vulnerable communities and fighting for human
6 rights. When have job vacancies, the application
7 pools have been competitive. Applicants with a
8 demonstrated commitment to social justice seem eager
9 to contribute to the work of the agency. Our
10 talented, admission driven staff enabled the agency
11 to continue an ambitious pace of activity in the
12 calendar year 2016. We engaged in strategic
13 enforcement efforts utilizing our testing
14 capabilities and filing more pattern and practice
15 cases. We resolved complaints with more damages for
16 and penalties on behalf of New Yorkers. We created
17 new and groundbreaking programing to reach out to
18 more communities across New York City. We continued
19 to increase our staffs' language capacity to better
20 reflect the city in which we serve. When I first
21 joined the commission in 2015, only six languages
22 were spoken across the agency and by prioritizing
23 language access we now have a staff that speak 29
24 different language to reflect our emphasis on hiring
25 culturally and linguistically competent staff who

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reflect the diversity of New York City. The Commission built on its major media campaigns of 2015 on Stop Credit Discrimination and Employment Act and the Fair Chance Act by launching a nationally recognized and award winning campaign on bathroom access in June of 2016, look past pink and blue also with the #BUNYC. In the face of the passage of transphobic and discriminatory laws across the country. And as unaphobic and Islamophobic rhetoric heated up during the election cycle, Commission responded with a social media campaign, I Am Muslim NYC, in September 2016 to stand with Muslim New Yorkers and remind everyone that that they are protected from discrimination in New York City. We doubled-down on our investment in community and ethnic media to expand our reach, investing about 80 percent of our newspaper and radio buys in ethnic and community media and after the presidential election, the Commission quickly reassessed its priorities. We held eight listening sessions with advocates on immigrant rights, worker's rights, LGBTQ issues, racial justice and faith leaders from across the city. We reallocated resources and launched several new initiatives in response to the needs of the

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2 communities with which we work and revamped our media
3 outreach efforts including issuing new multilingual
4 materials in a digital, mobile and ethnic media
5 campaign on discriminatory harassment protections.

6 In order to appropriately support the work I've
7 described, we also overhauled the Commissions
8 technological infrastructure and upgraded our
9 technology in all areas. Given that I am reported on
10 the develop of the Commission since we last met in
11 March 2016, I want to make sure I am focusing my
12 comments unless otherwise noted on the Commissions
13 work and accomplishments from calendar year 2016 and
14 that is consistent with our 2016 annual report as per
15 the agency's statutory reporting requirements. This
16 annual report was sent to the Council on March 1,
17 2017 and I note that the calendar year is the period
18 we're statutorily required to report which is
19 different from the period that is covered in the
20 Mayor's management report which captures database on
21 the fiscal year and I note that just because I know
22 from last year there were some questions about that.
23 So first let me delve deeper into staffing personnel
24 at the Commission. Thanks to the Council's and the
25 administration's continued support for the agency,

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2 The Commission expanded our staff to fill nearly all
3 of our allocated lines in 2016. Moving the
4 Committee's central office from 100 Gold Street to
5 its current temporary location at 22 Reed, enabled
6 the Commission to fill lines added to the agency as
7 part of the fiscal year 2015 budget. When I began my
8 tenure in February of 2015, we had a headcount of 56
9 and as of today the Commission has grown to a staff
10 of approximately 107 which is just 23 hires away from
11 the Commission's full capacity of 130 lines. The
12 only unfilled positions are a result of regular
13 turnover or were added recently to the Commission's
14 budget through the January 2017 budget process and
15 for several of those lines we already have either
16 outstanding offers extended or they are somehow in
17 the process with OMB of being filled so several of
18 them for already in process. We have added staff in
19 all areas of the Commission including law-enforcement
20 bureau, community relations bureau. We have also
21 added key staff to departments that we created when
22 we revamped our infrastructure in 2015 including the
23 Office of the Chair, Office of Communication and
24 Marketing, the General Counsel's Office, Operations
25 and the Human Resources Department. In 2016, we also

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2 hired a director to the Office of Mediation and
3 Conflict Resolution which we had reopened in 2015.
4 The Director is Liz Champnoi, a well-known mediator
5 and arbitrator with expertise in building and
6 implementing mediator programs. In the law-
7 enforcement bureau, we now have 29 current or
8 incoming attorneys with a caseload and a total of 23
9 staff attorneys. In 2016, the Commission hired 19
10 new people into the bureau including seven attorneys,
11 one Assistant Commissioner, one supervising attorney,
12 three human rights specialist, one in-for-line
13 director, three administrative support personnel, one
14 full-time testing coordinator and two part-time
15 testers. As of today, we have four unfilled attorney
16 lines as a result of attrition and we have already
17 extended offers for three of those lines. Under the
18 supervision of Assistant Commissioner Sapna Raj, we
19 have expanded our testing program to include a
20 testing coordinator, part-time testers and
21 administrative staff and as you can see from our
22 annual report this expansion has allowed us to
23 complete over 557 tests in 2016 alone. We also
24 built-up our info line team to respond to the over 60
25 percent increase in inquiries the Commission

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2 experienced in calendar year 2016. The Commission
3 now has Director of Info Line and five info line
4 specialist, answering and returning calls, making
5 referrals and setting appointments for intake with
6 law-enforcement bureau attorneys. In the Community
7 Relations Bureau, we now have a total of 29 human
8 right specialists, including our community service
9 centers directors. In 2016, the Commission hired 10
10 new staff into the bureau, including nine human
11 rights specialist and one managing director. As of
12 today, we'll have only eight unfilled lines for human
13 rights specialist and management staff in the bureau
14 because of attrition and expend to extend offers for
15 hire for those lines within the coming weeks. We
16 have thoughtfully grown this bureau to take into
17 account the developing needs of our local communities
18 given pressures they are feeling locally and
19 nationally. With this in mind, we added a lead
20 advisor for Muslim, South Asian and Arab communities,
21 a position we believe is fairly unique for a city
22 agency and demonstrates this agency's commitment to
23 reaching some of the most vulnerable and targeted
24 communities. Our lead advisor in this area, Rhama
25 Esis (SP) speaks four languages including Arabic,

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2 comes most recently from the Arab American Family
3 Service Center and the Mayor's Fund and has worked
4 tirelessly to deeper the Commission's relationships
5 and credibility with Muslim, South Asian and Arab
6 communities. As a result of our programming and
7 focus relationship building in this area, we have
8 been able to create important strategic partnerships
9 at time when these communities are facing incredible
10 hatred and uncertainty. In fact, I am proud that our
11 work has been recognized by many advocates including
12 the Muslim Bar Association of New York which is
13 honoring the Commission on Human Rights with its
14 Advocate of the Year award next month. We have hired
15 human right specialists for all five community
16 service centers which are located in each borough who
17 bring deep connections to diverse communities
18 throughout the city, fluency in multiple languages
19 and cultural competency to reflect the communities in
20 these boroughs. Other areas of the agency have also
21 been edified in calendar year 2016 to accomplish the
22 mandates of the Commission. As you are aware from my
23 prior testimony, we established the Office of the
24 Chair to coordinate the administrative, legislative,
25 administrative and policy functions of the agency.

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2 Ms. Saunders, Ms. Sussman and I all sit in this
3 office. Consolidating those functions within the
4 Office of the Chair has allowed the agencies to play
5 a more active role in legislative and policy
6 discussions within the administration and with
7 counsel and with public constituents and some of the
8 folks in this room are well aware of that. It also
9 helps us to ensure that the policy decisions
10 communicated across the agency are consistent whether
11 they are made through the adjudicatory or rule-making
12 processes. In the past year, we continued to
13 strengthen these functions by adding a Deputy
14 Commissioner for Strategic Initiatives, which is Ms.
15 Saunders, as well as an Associate Policy Counsel and
16 Policy Analyst focusing on the mixture of policy
17 development, interagency engagement, adjudication of
18 appeals and decisions and orders, legislation rules,
19 regulations and legal enforcement guidance. There
20 are now four attorneys and a policy analyst working
21 with me and my assistant in this office. As our Law-
22 Enforcement and Community Relations Bureau expanded
23 to near full capacity, we also continue to invest in
24 the other areas of the agency that support and help
25 to amplify their work. We continued to empower our

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2 Office of Communication and Marketing which we
3 reestablished at the agency in 2015. Deputy
4 Commissioner Carmen Boon, who is also here today, has
5 built a reliable infrastructure for this office and
6 has strategically developed the capacity of the team
7 with the addition of a press secretary to build on
8 our robust 2015 press outreach and media relations
9 and do more focused outreach to community and ethnic
10 radio stations, newspapers and content vertical
11 websites and also a communications and marketing
12 coordinator to project manage media campaign
13 production including procurement and contracts with
14 MWBE media vendors among other tasks. In calendar
15 year 2016, we also brought on a Chief Information
16 Officer and technology support staff to create a
17 functional IT team focused on upgrading the
18 Commission's system to help us keep pace with the
19 increasing demands on our agency. I am very proud to
20 announce that we are nearly complete in our
21 transition from the Commission's outdated case
22 tracking and data management systems, this had been a
23 topic of discussion in prior testimony, to a new
24 dynamic system that is scheduled to go live next
25 month. This was an enormous undertaking that

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2 required extensive planning and developing with our
3 law-enforcement bureau staff, our IT staff, Do-It and
4 other city partners. Finally, the General Counsel's
5 Office added to new assistant general counsels and
6 the operations department created in 2015 added a
7 budget analyst in 2016. So now I'm going to focus my
8 comments on the work of law-enforcement bureau in
9 2016. 2016 was an incredibly busy year for the
10 Commission's law-enforcement bureau. Building on a
11 30 percent increase in complaints filed in 2015, the
12 Commission surpassed its 2015 numbers by filing 883
13 complaints in 2016. The Commission also fielded over
14 8,000 inquiries from the public which is a 60 percent
15 increase from the previous year and a testament to
16 the outreach and communications work of the agency.
17 In the past year, the Commission significantly
18 stepped up its affirmative investigation powers to
19 initiate its own investigations into violations of
20 the New York City Human Rights Law through
21 information provided anonymously by members of the
22 public or when the media or community stakeholders
23 report information about general trends of
24 discrimination. The Commission initiated
25 investigations that account for 426 potential

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2 violations with some overlapping areas of protection.

3 In employment, the majority of Commission initiated

4 investigations focused on violations of the Fair

5 Chance Act of which there were 190 and in housing,

6 the majority of Commission initiated investigations

7 focused on lawful source of income discrimination of

8 which there were 137. Similarly, the Commission

9 significantly expanded its testing program in 2016

10 and undertook both matched pair tests and unmatched

11 tests far surpassing the statutory requirements

12 placed on it 2015 requiring only five matched pair

13 tests in housing and five matched fair tests in

14 employment. In the context of employment, the

15 commission completed 289 total tests of which 16 were

16 match pair tests. 235 tests based on conviction

17 and/or arrest record discrimination, it identified

18 148 instances of discrimination from those tests; 16

19 tests in the area of credit history and uncovered 16

20 instances of discrimination in that context; 24 tests

21 in the area of race of which 12 were match pair tests

22 and identified no instances of discrimination and 12

23 tests in the area of gender of which four were match

24 pair tests and identified three instances of

25 discrimination. In the context of housing, the

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2 Commission completed 257 tests of which 74 were match
3 pair tests and the Commission focused its tests on
4 lawful source of income discrimination and
5 discrimination based on gender identity or gender
6 expression. The Commission completed 200 tests in
7 lawful source of income of which 74 were match pair
8 tests uncovering 53 instances of discrimination.

9 With respect to discrimination based on gender
10 identity and/or expression, the Commission completed
11 47 test and identified 22 instances of
12 discrimination. The law-enforcement bureau continued
13 to implement changes in 2016 to further the promise
14 that the Commission on Human Rights should serve as
15 an equivalent venue for justice to state or federal
16 court. This work required raising the standard for
17 investigations, conducting in-depth investigations to
18 identify pattern and practice violations and
19 obtaining respondents full compliance with all areas
20 of the city's human right law. The Commission is
21 also dedicated to ensuring that complainant's
22 recovery through settlements, conciliation or
23 litigation are equivalent to what they would receive
24 if they chose to litigate the claim in state or
25 federal court. As a result the law-enforcement

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2 bureau may choose to hold cases open longer to garner
3 a broader impact. This has caused the case
4 processing time to increase from 420 days in 2015 to
5 536 days in 2016 but it has also resulted in
6 increased penalties and damages recovered. Systemic
7 policy changes implemented in more cases that have
8 been settled. While the case processing time has
9 increased, the Commission closed more cases in 2016,
10 436 than in previous years of which 121 were
11 settlements through Commission's conciliation
12 process. In my written testimony, which you all
13 have, I have also included samples of the
14 conciliation and settlements that have been reached
15 through the law enforcement bureau. I know at past
16 hearings there have been questions about sample
17 settlements and conciliations so I wanted to make
18 sure we included that in the testimony but in the
19 interest of time, I am just going to move on to other
20 areas of the Commission. The Community Relations
21 Bureau, our community service centers located in all
22 five boroughs with one Manhattan co-housed at 22 Reed
23 Street work actively with local communities, business
24 leaders, community boards, houses of worship, elected
25 officials, small businesses, community-based

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2 organizations and schools to provide vital know your
3 rights and know your obligations information in a
4 variety of delivery mechanisms. We host quarterly
5 trainings and workshops in our CSC's and we also
6 provide trainings tailored in content and language to
7 audiences based on the needs of the communities. In
8 2016, we expanded our training and educational
9 curriculum to include 11 trainings on different areas
10 of the law. In addition to expanding our rights and
11 obligations focused trainings, we are also continuing
12 to expand our work to foster mutual understand and
13 respect across cultures and identities through the
14 Commission's first cultural competency training
15 working with transgender individuals in partnership
16 with the LGBT Community Center and also through the
17 development of new a workshop with NYU Islamic Center
18 called understanding Islam and Combating Islamaphobia
19 which we are currently rolling out to our sister
20 agencies. More training in this vein are in
21 development including one on discrimination based on
22 race and color which will challenge participants to
23 confront issues of institutional racism and think
24 about how people can stand up for racial justice in
25 their own lives. Our committee relations bureau also

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2 regularly hosts listening sessions and community
3 roundtables to better understand the needs of the
4 communities in each borough. In 2016, the bureau
5 worked very closely with the Mayor's Community
6 Affairs Unit and Office of Immigrant Affairs to
7 coordinate outreach efforts and more efficiently
8 deliver important information and resources to
9 various communities across the five boroughs. Moving
10 on to the Commission's work in communications and
11 marketing. The Commission's communications team
12 works tirelessly to strategically communicate the
13 work of the Commission to reach the broadest and most
14 diverse audiences possible. In 2016, the
15 communications team increased the Commission's social
16 media presence dramatically across all platforms: on
17 Facebook by over 400 percent, on Twitter with an
18 increase in followers by 50 percent and Impressions
19 by almost 400 percent and on Instagram with an
20 increase in followers by over 300 percent. The
21 Commission invested almost 80 percent of its total
22 annual radio and newspaper ad budget in community and
23 ethnic media. The commission's work was featured in
24 over 500 news media story placements including close
25 to 60 stories in op-ad placements in ethnic media.

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2 As I mentioned earlier, we're particularly proud of
3 the commissions #BUNYC campaign which launched in
4 June 2016 on subway cars, bus shelters, phone booths,
5 ethnic and community newspapers, social media across
6 various platforms and digital banner advertisement in
7 targeted media. The campaign asked New Yorkers to
8 "Look past pink and blue," and informed New Yorkers
9 to use the restroom consist with who you are. As the
10 first campaign of its kind in the country, it
11 garnered multiple industry awards including the top
12 prize in the government politics category at the 2016
13 Shorty Social Good Awards and was heralded by our
14 community partners at the LGBT Community Center, the
15 anti-violence project, the ACLU's LGBT Rights
16 Project, TDLF, GMHC and Trans-Latina Network among
17 many others as groundbreaking and vital to
18 transgender and gender nonconforming communities.
19 The campaign built on the Commission's work in
20 drafting and implemented Executive Order '16 which
21 was signed by the Mayor in March 2016 reiterating the
22 right of all New Yorkers who work for the city and
23 who use city services to be able to use an access
24 bathroom or other single-sex facilities aligned with
25 their gender identity or expression and requiring all

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2 city agencies to post signage developed by the
3 Commission with DCAS and to train all front-line and
4 supervisory staff on both the Executive Order and on
5 inclusion and diversity of transgender experiences in
6 communities. The commission worked closely with DCAS
7 to develop the training and roll it out to other city
8 agencies. And as Islamophobic and xenophobic
9 rhetoric continue to dominate the political climate
10 throughout the summer, as it does sadly to this day,
11 the commission responded in kind with its I am Muslim
12 NYC social media campaign in September 2016,
13 featuring some of the cities Muslim communities. The
14 objective of the campaign was to convey two
15 messages: one, that Muslim New Yorkers, New York City
16 has your back, you are vital and appreciated in our
17 communities and two, to those that would discriminate
18 against our Muslim brothers and sisters, you will
19 face consequences under our law, the Commission on
20 Human Rights will hold you accountable. The
21 commission also launched several key publications
22 including a pamphlet available in 11 languages
23 regarding protections against religious
24 discrimination and one-pagers identifying the ten
25 things you need to know if you are a Muslim New

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2 Yorker or perceived as such and the five things all
3 New Yorkers should know about discriminatory
4 harassment. The online campaign was executed across
5 Facebook, Twitter, Instagram featuring real New
6 Yorkers. It generated millions of impressions and
7 dozens of stories in print and online news outlets in
8 ethnic and community media. In 2016, the
9 communication team also planned and coordinated
10 outreach on a variety of human rights related issues
11 including but not limited to Mayor de Blasio's
12 Executive Order in single-sex facilities, the Fair
13 Housing Protections New York City, domestic violence
14 protections in housing and employment, reaching
15 Spanish-speaking New Yorkers, protections and
16 accommodations for people with disabilities and
17 discriminatory harassment across a variety of
18 platforms that include digital and mobile,
19 traditional, emergent, ethnic and community media and
20 public transportation in neighborhood storefronts.
21 Now, the Office of the Chair. As I mentioned, the
22 Office of the Chair is responsible for setting the
23 general policy direction for the agency and
24 supporting the administration in its continuing
25 efforts to advance initiatives aimed at equality and

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2 equity for all New Yorkers. In its increased
3 capacity, the Office of the Chair has ramped up its
4 engagement efforts by among other things increasing
5 its technical support to sister agencies and elected
6 officials on human right related efforts. Responding
7 to inquiries from the public and ensuring general
8 accessibility of our materials, advancing legislation
9 that addresses gaps in existing protections under the
10 city human right's law and creating tailored training
11 in your rights materials that are assessable and
12 relevant to historically underserved communities in
13 New York City. In calendar year 2016, the Office of
14 the Chair worked closely with City Council, advocates
15 and other relevant stakeholders on developing,
16 reviewing and negotiating important legislation aimed
17 at strengthening protections under the city human
18 rights law. In January 2016, protections were added
19 to prevent employment discrimination based on an
20 individual's actual or perceived status as a
21 caregiver, supporting workers ability to provide
22 necessary care for their family members without fear
23 of negative repercussions at work. The city human
24 rights law was also amended to allow for an award of
25 attorney's fees in administrative proceedings before

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2 the commission and for the recovery of expert fees
3 and other costs in civil actions. The City Council
4 also repealed antiquated language regarding
5 protections against discrimination on the basis of
6 sexual orientation and clarified the strong liberal
7 standard in which the city human rights law should be
8 applied. The city human rights law was also amended
9 to bolster protections in the public accommodations
10 context by expanding coverage to the acts of
11 franchisers, franchisees, lessors of public
12 accommodations. New protections were also added to
13 make housing discrimination based on an individual's
14 status as a victim of domestic violence or stalking
15 unlawful. In addition, measures were past that
16 expanded the circumstances in which it is considered
17 unlawful discrimination to misrepresent the
18 availability of a job, housing accommodation or other
19 benefit for discriminatory reasons. Finally the law
20 was amended to create an express cause of action for
21 employers and principals who employees or agents are
22 subjected unlawful discriminatory practices. In our
23 continuing efforts to provide transparency and
24 clarity on the law, the Commission published Know
25 Your Right and Know Your Obligations fact sheets and

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2 FAQs on the new areas of substantive protection. The
3 Commission also published its fourth legal
4 enforcement guidance document following the three
5 released in 2015 focusing on pregnancy
6 discrimination. The guidance has been very well-
7 received by attorneys who represent both employers,
8 who appreciate transparency, and workers who are
9 gratified to have guidance that so clearly
10 articulates their rights in this important and often
11 misunderstood area of the law. Lastly, the Office of
12 the Chair held its first public hearing on proposed
13 substantive rules in the Commission's history
14 relating to protections under the Fair Chance Act.
15 With our increased capacity, the Office of the Chair
16 has worked with many city agencies this past year to
17 provide support in drafting training and policy
18 materials, strengthening internal and external anti-
19 discrimination guidelines and implementing new
20 provisions of the city's human rights law. In
21 addition, the Office of the Chair partnered with
22 DOHMH and DCAS to issue comments calling on the FDA
23 to eliminate its discriminatory blood donor deferral
24 policy that prohibits men who have had sex with men
25 in the past 12 months from donating blood. The

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2 Office of the Chair has also extensively with sister
3 agencies, City Hall and Corporation Council in
4 developing Executive Order 16 which was signed by
5 Mayor de Blasio in March 2016 ensuring that all city
6 employees and members of the public have access to
7 single-sex facilities that correspond with their
8 gender identity or gender expression. The Office of
9 the Chair also published four decisions and orders in
10 2016. In keeping with the Commission's promise to be
11 transparent in its enforcement and provide guidance
12 to advocates and litigants before the commission on
13 how cases are evaluated. The cases are outlined in
14 our annual report but range from source of income
15 discrimination by a large real-estate broker in which
16 the Commission order a civil penalty of \$100,000 and
17 a case where a taxi driver engaged in discriminatory
18 conduct toward two lesbian passengers in which the
19 Commission considered a restorative justice approach
20 to penalties and ordered the respondent to perform
21 community service in lieu of payment or a fine. I
22 would also like to talk about the Commission's post-
23 election response which has been considerable. We
24 recognized immediately after the presidential
25 election in November 2016 that our work had to change

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2 dramatically. The commission provides a uniquely
3 important service as a resource and as venue of
4 justice for vulnerable New Yorkers whether it is
5 because of their immigration status, race, religion,
6 national origin, disability, pregnancy or gender
7 identity. We shifted priorities in the wake of the
8 post-election climate to respond to the needs of
9 communities most vulnerable to hostility,
10 Islamophobia, anti-Semitism, misogyny, xenophobia,
11 biases, hate crimes and feelings of fear uncertainty.
12 Throughout December 2016 and January 2017, the
13 commission convened eight thematic listening sessions
14 with leaders from community based organizations.
15 Also in December 2016, the commission announced an
16 expansion of its info line by reallocating existing
17 resources to add additional operators who can help
18 victims of discrimination file claims and to also
19 answer questions on immigration matters. The
20 Commission also launched a buyers response team in
21 December 2016 which consists of a team of
22 multilingual community outreach staff responsible for
23 reaching out to victims of bias based instances to
24 address the incidents, inform them of their rights,
25 liaise with the NYPD where appropriate and provide

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2 effective communities with Know Your Rights
3 information and resources. Because many reports of
4 discrimination and hate have occurred in or near
5 transit stations, the Commission with support from
6 the Mayor's Office of Immigration Affairs, the
7 Community Affairs Unit, Public Engagement Unit and
8 Department of Consumer Affairs conducted a subway
9 outreach and visibility day on December 20, 2016 at
10 eight major transit hubs in the five boroughs,
11 distributed multilingual information and religious
12 protections under the city human rights law as well
13 as a new bilingual English/Spanish factsheet on
14 discriminatory harassment that we launched
15 immediately after the election. To support these
16 efforts, the commission also launched a landing page
17 at NYC.gov/NYCvalues as a one-stop venue for
18 information and resources for concerned communities
19 along with a Google, Facebook, mobile apps and ethnic
20 media ad campaign promoting protection against
21 discriminatory harassment which garnered millions of
22 impressions. Now, turning to the budget. The
23 Commission's annual budget for fiscal year 2017 was
24 approximately \$12,123,998 in city tax levy money,
25 \$170,750 in additional grant funding through a

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2 contract with the EOC pursuant to a workshare
3 agreement and \$24,996 pursuant to a grant from DORS
4 to update our document retention policies. The
5 Mayor's preliminary budget tax levy for fiscal year
6 2018 provides for a budget of \$11,443,000. As I have
7 described, 2016 was an incredibly productive year as
8 we have worked to reclaim the agency's promise as a
9 true venue for justice and as a resource for all New
10 Yorkers. The commission is filing more cases,
11 mandating broader compliance and deploying testing to
12 root out patterns and practice discrimination. The
13 Commission is reaching more communities through
14 culturally and linguistically appropriately outreach
15 efforts, creative programming and groundbreaking
16 communications and marketing campaigns and materials.
17 The Commission is developing policy that serves as a
18 model for other jurisdictions building coalitions and
19 earning credibility with communities across the city.
20 We know we have a lot more work to do but I and my
21 staff are more committed than ever to fulfill this
22 agency's mission to protect all New Yorkers
23 regardless of race, color, immigration status, gender
24 identity, gender, disability, religion or any other
25 protected category from discrimination, harassment or

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2 injustice. I thank you again for convening today's
3 hearing and I thank you for the support of this body
4 for the Commission and I look forward to your
5 questions.

6 CHAIRPERSON MEALY: Thank you for your
7 testimony. For the record, we've have been joined
8 by Salamanca, Dr. Matthew Jane, Danny Dromm and the
9 King. Thank you for all showing up. Going forward,
10 I just want to ask a few questions and then I am
11 going to turn it over to my colleagues. I know Brad
12 would like to have some question also. Okay, he's
13 second now. One thing I want to say is thank you. I
14 believe my tenure in Council, there are only a few
15 committees that I have really saw that as soon as we
16 gave the money, you got things done and I want to
17 just commend you for that. You said it for yourself
18 here in your testimony have described 2016 as an
19 incredible, productive year and it has really been
20 productive and one thing that caught my attention was
21 the last one you just said, the case of the outlining
22 report range from income where penalty was \$100,000
23 and the case where a taxi driver discriminatory
24 conduct toward two lesbian passengers he was able to
25 get community service. How did y'all mediate that

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2 where he didn't get any time or a fine and he just
3 got community service because to me that is really
4 egregious, you know, offense that he was able just to
5 get community service. Could you explain that how
6 did your staff mediate that?

7 COMMISSIONER MALALIS: Right. SO since I
8 have been at the Commission the focus of our work
9 whether it's through law-enforcement or through the
10 adjudicatory process or policy or otherwise has
11 always been the question of how will we have the most
12 impact in the work, how can we really change
13 behavior, how can we really root-out discriminatory
14 practices. I think that we are fortunate that the
15 language of the city's human rights law puts
16 discretion in the commission to order what relief the
17 commission finds necessary in order to accomplish
18 those objectives. So what we have tried to do is lay
19 out in our decisions and orders the decisions and
20 orders are released from my office, the Office of the
21 Chair with the Commission and we have tried to layout
22 kind of an outline for the different ideas and
23 variables that are considered by the commission in
24 trying to decide if there should be a penalty or a
25 fine or damages that are assessed and what those

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2 considerations would be. Some of those
3 considerations include the size or a respondent,
4 whether that specific respondent or bad actor
5 cooperated with the work of the commission and part
6 of that is also trying to decide what would have the
7 most long-lasting impact to changing behavior not
8 just for that individual responded but for other such
9 cases so in some cases so in some case what we have
10 determined is that rather than assessing high fines
11 or rather than assessing damages, if a complainant is
12 amenable in those -- in some situations it makes much
13 more sense in order to consider a much more
14 restorative justice approach.

15 CHAIRPERSON MEALY: Do you think you will
16 still be monitoring that individual anytime? They
17 get to be with the community a lot so do you think
18 there's any follow-up with that?

19 COMMISSIONER MALALIS: Well for future
20 violations of the law, the commission always
21 considers whether or not there's been a prior
22 violation of the law committed by a particular
23 respondents. I would also say since you are asking
24 questions about a case involving a taxi worker, the
25 Commission has been working very closely with

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2 different organizations where there's overlapping
3 communities and issues so for instance the commission
4 has been doing work with both the taxi worker
5 alliance as well as with TLC because we want to be
6 educating drivers on their obligations under the law
7 and we want to explore multiple venues for doing that
8 type of training and that kind of education.

9 CHAIRPERSON MEALY: Okay. I have about
10 two others and then I'm going to let the Committee
11 go. You gave us the chart employment convictions and
12 arrest records. I can say overall you tested 215 and
13 148 was actual so saying that they had
14 discrimination. Do you think your office is doing
15 much better pace than it was like two years ago in
16 regards to that but with the 148 what changed? What
17 do you think that really changed?

18 COMMISSIONER MALALIS: Let me say this.
19 Through Local Laws 32 and 33 --

20 CHAIRPERSON MEALY: So you feel the laws
21 that we just put in like the box, all those laws,
22 thank you Brad, was put in place that's made it
23 better for you to -- able now to really assess people
24 who are doing discrimination.

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2 COMMISSIONER MALALIS: I think there are

3 substantive laws like the Fair Chance Act, the man-

4 box protection you're talking about and Stop Credit

5 Discrimination and Employment Act, I think they were

6 all procedural reporting requirements that were

7 placed on the commission when I first joined the

8 agency so Local Laws 32 and 33 required the

9 commission to implement five tests in housing, excuse

10 me, five match pair tests in housing and five match

11 pair tests in employment, you can see from the

12 numbers we have far surpassed those numbers. I think

13 we have consistent with the infrastructure changes

14 that we have made at the commission over the last two

15 years, we've really invested in our testing program.

16 Sapna Raj, who is our Assistant Commission for Law

17 Enforcement, she is also the Assistant Commissioner

18 for Commission initiated investigations, she is a

19 great asset to the agency. We brought her over after

20 having a history of working at DOJ Civil Rights as

21 well as building a testing program in another state

22 that did exactly this type of work in the area of

23 housing. We now have, in addition to Ms. Raj, we

24 have four full-time in the staff testing program as

25 well as other tester lines which were baselined

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2 during the last budget cycle and we have kept those
3 open lines for purposes of flexibility in the context
4 of testing. We have also created strategic
5 partnerships with organizations like the Fair Housing
6 Justice Center and worked with a lot of the advocates
7 some of who are in the room to identify where we the
8 cases where we should be deploying our testers.

9 CHAIRPERSON MEALY: Everything is working
10 out well. One other thing I have to ask, does the
11 Commission plan to submit a new request for the
12 Office of Management and Budget for new needs for
13 fiscal 2018?

14 COMMISSIONER MALALIS: So yes, we are
15 working with OMB in the ministration to assess what
16 those needs will be in the future.

17 CHAIRPERSON MEALY: So you put in some
18 new requests?

19 COMMISSIONER MALALIS: It is in the
20 process.

21 CHAIRPERSON MEALY: In the process, okay.
22 I'm going to turn it over to Andy King for questions.

23 COUNCIL MEMBER KING: Thank you, Madam
24 Chair. I appreciate it. It is always a delight to
25 be in your presence, Commissioner.

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2 COMMISSIONER MALALIS: Thank you.

3 COUNCIL MEMBER KING: I love the

4 testimony. I missed some of it but I am trying to
5 peruse over it quickly but I loved your answers. It
6 looks like you're own point. You've got your hands
7 on everything here so I think it's time for us to go
8 have lunch and call it a day. But I just want to
9 follow up to get a little bit more clarity on the
10 work that y'all have been doing. According to your
11 testimony, you concluded that you were pretty happy
12 of what you have been able to accomplish since you've
13 started. I just want to get a feel, are you 100
14 percent totally satisfied that the work you all have
15 been doing been have been able to stop, prevent, hold
16 people accountable, hold systems accountable who have
17 discriminated against New Yorkers in general in any
18 capacity as well as all your attorneys that you have,
19 I think you said your number is 29 or almost at 29,
20 of having staff attorneys that their caseloads are
21 not exceeding a level that they aren't able to
22 maintain so that you have this consistency of
23 delivering for New Yorkers and third, with the budget
24 2018 seems there is going to be a reduction from what
25 you received in 2017, will that hinder you delivering

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2 on the success that you already established this
3 prior year and I will come back too after you answer
4 that?

5 COMMISSIONER MALALIS: Okay. So in
6 answer, I guess, to the first question I do you think
7 the work of the commission in the last two years and
8 in 2016 has been effective in addressing
9 discrimination and harassment as we are charged to do
10 across the city. That is of course not to say that I
11 don't think we could do more and we are of course
12 always across the agency whether it is through
13 community relations work or law-enforcement work
14 where with this type of legislative and policy work
15 that we do in the Office of the Chair as well as in
16 our communications and marketing, we are always
17 looking for ways that we can more effectively change
18 behavior, root-out discrimination, address it. We
19 definitely want to find different ways that we can
20 work with communities to educate people within their
21 communities not just about their rights but about
22 their obligations. We try to be very strategic in
23 our approach so there's an understanding there is not
24 a one-size-fits-all approach to human rights or to
25 rooting out discrimination and harassment and I think

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2 as I mentioned earlier as -- this has been a very,
3 you know, this has been a pivotal year for human
4 rights and civil rights nationally and certainly the
5 City of New York is not immune to what we've been
6 seeing nationally consistent with the dangerous
7 rhetoric of this past president election cycle. What
8 we have tried to do as we are putting in mechanisms
9 for the routine maintenance of this agency and what
10 would be needed throughout this agency in any period
11 of time, we have tried to also be flexible enough so
12 we can address changes we can need to make at the
13 agency whether it's changes in priorities, changes in
14 how we address communities, as we grow our staff we
15 are also trying to be very mindful of the specific
16 communities that we need to be building cultural
17 competency in, language capabilities and etc. I think
18 we are constantly looking for ways that we can both
19 make sure the legacy of the agency is consistent with
20 the mandate of the law but also thinking of ways that
21 we can be responsive to the here and now. As for
22 looking at the agency and going forward, I think
23 that, like I said, we want to be strategic about
24 where we are putting our staff our and resources.
25 we've been very happy with what we have accomplished

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2 and as always, as I said last year, we're always
3 looking to continue the conversations that we've been
4 having with sister agencies, with the rest of the
5 administration, with Council on how we can continue
6 to build on those successes in the future.

7 COUNCIL MEMBER KING: Let me ask a quick
8 follow-up. I heard you mention about making sure
9 that you are culturally sensitive wherever
10 communities that you are serving. Does the budget
11 allow for you to have attorneys that reflect the
12 communities that they are serving? As a union
13 person, we like the leadership to reflect to
14 membership so if I'm going into a Mexican community,
15 do I have attorneys that are Mexican or identify with
16 that culture, if I am going into a religious
17 communities such as a Muslim community, are there
18 attorneys who identify with their everyday experience
19 so they can deliver on the best representation or
20 service to that community? What is your breakdown
21 and if not, does your budget allow for you to put
22 together a team that reflects New Yorkers?

23 COMMISSIONER MALALIS: I think regardless
24 of one's budget, especially at an agency such as the
25 commission, we should always be looking to make sure

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2 the makeup of our agency is reflective of the city
3 that we serve. I am happy to report that we
4 constantly have people on our community relation
5 staff through my office, Office of the Chair,
6 including myself as well as people in our law-
7 enforcement bureau who are speaking on different
8 panels or at different communities, some with you as
9 well, and we are often told that people are
10 appreciate of the fact that one, there are people
11 from the commission who are able to communicate with
12 the people in a language that they feel most
13 comfortable, and as I mentioned earlier, when I first
14 came to the commission we had six languages spoken
15 across the agency and we now have 29. I am very
16 proud of that because again I think we need to be
17 communicating with people in the languages that they
18 are most comfortable and when we don't have a
19 language spoken on staff we of course have other
20 resources like language line and other resources
21 throughout the administration that we tap into. I am
22 also very happy to report that our diversity numbers
23 I think across all the different categories again are
24 very strong. In fact, when we have our annual check-
25 ins like with DCAS we're told that we are considered

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2 one of the most diverse agencies across the city and
3 the other thing is I'm very proud of is when we talk
4 about diversity, we have true representation of the
5 diversity. We don't just have one person or one
6 individual who might represent that type of
7 situation. I was recently at an event at NYU School
8 of Law and somebody there had mentioned had the
9 commission has really developed quite a strong
10 program in the area of gender identity and gender
11 expression protections and how they are very happy
12 that were not just one but several folks on staff who
13 from a very personal experience perspective can
14 reflect the work being done in that area and how that
15 has really enabled the commission to more effectively
16 communicate and build relationships across some of
17 those communities.

18 COUNCIL MEMBER KING: I appreciate that
19 and I am going to end with this question and then if
20 there is a round two I will come back. According to
21 a 2016 annual report, the commission saw an increase
22 in investigation areas of income discrimination with
23 housing, employers refusal to provide pregnancy
24 accommodations, such discriminations that are
25 happening so I would like to know there was a recent

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2 roundtable with legal services and social providers
3 and there was discussion about housing and
4 discrimination and unscrupulous landlords so I would
5 like to know how hard are you going after and making
6 a difference with those who discriminate whether it's
7 because I can't take off because I'm pregnant and I
8 don't get a lunch break or you make life difficult
9 for me because I live in a housing complex and I
10 don't have legal representation or whatever the
11 challenges are, I would like to know what the
12 commission has done to really set a tone for those
13 who violate New Yorkers that this behavior will not
14 be tolerated?

15 COMMISSIONER MALALIS: There's a few
16 things I would mention especially with the specific
17 areas that you have mentioned. One on housing.
18 Source of income discrimination and going after
19 people who violate the law in the area of source of
20 income protection has been a huge priority of our
21 agency, it has been a huge priority for this
22 administration. I can say in our first year in 2015
23 we quadrupled the number of cases that we do in that
24 category of protection which has existed under the
25 law since 2008. Building on that, if you look at the

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2 numbers from 2015 which were quadrupled from 2014 and
3 you look at 2016, we have built on that by 45
4 percent. It accounts for, I believe, a third of our
5 entire housing docket because we're so keen on
6 addressing that --

7 COUNCIL MEMBER KING: I'm sorry, can I
8 interrupt? I just want to know has anyone gone to
9 jail because they have violated people in the City of
10 New York? It's been happening for so long years that
11 you hear of someone getting community service but
12 it's comes to a point that we've got to figure out
13 how people get hit upside the head so they stop
14 behaving the way they're behaving and hurting other
15 New Yorkers? I guess that's what I'm trying to find
16 out.

17 COMMISSIONER MALALIS: Then to that
18 directly, the Commission on Human Rights and under
19 the city human rights law is a civil statute so we
20 don't have the ability to send someone to jail. That
21 is just not a remedy that someone would seek under
22 our law as a civil law. What we do do is try to make
23 it very comfortable for people to discriminate in the
24 future and part of that is we do have the ability to
25 impose fines. So in this past year, we imposed th

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2 highest ever fine in this area. There was a case
3 involving a broker that was found to discriminate
4 against somebody on this category of protection and
5 we fined that entity \$100,000 because of all of the
6 units that entity had control over there will be
7 another source of income related discrimination
8 decision order that will be coming out in the next
9 few months and with the settlements and conciliations
10 that the law enforcement bureau has assigned in the
11 last year, we have made it also very consistent that
12 if you're going to violate the law in this area
13 you're going to pay a very high price.

14 COUNCIL MEMBER KING: I thank you for
15 that and I take it whatever fines get paid goes back
16 into the city's coffers to continue to make your
17 commission more --

18 COMMISSIONER MALALIS: They go in the
19 general city, not to the commission.

20 CHAIRPERSON MEALY: Just to piggy-back on
21 that. Could you, for the benefit of the committee,
22 could you discuss what issues and concerns out of the
23 eight telematics listening sessions you held in
24 December 2016 and January 2017 and maybe that can
25

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2 answer some of his questions also? Those sessions,
3 what was the main concerns of the people?

4 COMMISSIONER MALALIS: I think there were
5 several. What we wanted to do so after the election
6 we waited a month and a half. We wanted communities
7 to have the ability to speak to their own
8 constituents and figure out what was going on on the
9 ground but we also wanted to make sure we were
10 convening roundtable discussions in enough time that
11 people felt they had an avenue to respond to -

12 CHAIRPERSON MEALY: What was the most of
13 it, was it immigration, was it discrimination, was it
14 housing?

15 COMMISSIONER MALALIS: Unfortunately, I
16 think it was several. There were several different
17 areas that people are feeling victimized in or
18 feeling uncertain in. I think immigration is
19 certainly one area people were very -- people have
20 raised a lot of fear about what to expect either
21 because of the immigration status or because people
22 are perceiving them to have a certain immigration
23 status, people wanted to what their likely rights
24 were that were immigration related which of course is
25 more of a federal issue than it is a local issue but

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2 they were also interested in how that would affect
3 local issues like discrimination and harassment and
4 access to services. There's a lot of folks I think
5 who are also wondering what federal executive orders
6 mean for them in the context of the religion that
7 they practice, their expressions of those religions
8 that too was another area that people had felt a lot
9 of uncertainty over and continue to feel a lot of
10 fear over. Race discrimination and racial justice
11 issues, that is another huge area where unfortunately
12 because some of the rhetoric that has come across in
13 the last year people are uncertain of what their
14 status would be here locally so it has been incumbent
15 on local governments and local agencies such as ours
16 to let folks know that we're not going back to
17 certain policies that have caused further alienation
18 of those communities with government. We very much
19 want the Commission on Human Rights to be sending out
20 the message that government can actually be something
21 positive. They might not find that with federal
22 government but certainly people should feel that
23 their local government, City of New York we're
24 protecting them and is there to support them.

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2 CHAIRPERSON MEALY: So you did have eight
3 sessions?

4 COMMISSIONER MALALIS: Eight sessions on
5 -- that convened different types groups depending on
6 the issues.

7 CHAIRPERSON MEALY: Did y'all keep
8 databases on these sessions just to go back and
9 analyze to go so we don't have over it again next
10 year?

11 COMMISSIONER MALALIS: I think right now
12 very much in line with some of the uncertainty and
13 fears I think that there a hug concerns across
14 different communities on privacy. There are huge
15 concerns people have on being monitored and making
16 sure that they themselves and their communities
17 aren't somehow being tagged so what we wanting to do
18 during those sessions rather than creating a
19 database, we wanted to make sure we had enough people
20 in the commission across the different areas of
21 service that we had the commission there in the room
22 to be listening to the needs and the desires without
23 keeping record of that for purposes of being
24 respectful of people's privacy and security concerns.

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2 CHAIRPERSON MEALY: But you're just
3 listening to their needs for your information, you
4 can keep something in regards to it if it's the
5 highest thing on immigration right then you could
6 start doing a new initiative on that listening
7 session you had a start an initiative on it. If it
8 was something totally different than immigration, the
9 regular ones that we normally have, you could start a
10 new initiative. I am just saying it's not about
11 people's privacy, you shouldn't had a listening
12 session then. With a listening session you came up
13 with maybe some more ideas that you didn't know
14 because when you have an opening place where people
15 can talk they tell you things that the councilmembers
16 wouldn't know, only people in the community would
17 know so from those secession you should take
18 something from that and then build on it and I'm just
19 saying just build on the ones that you haven't heard
20 from us or anyone else, not a database not keeping
21 their names just information; that is what a session
22 is all about.

23 COMMISSIONER MALALIS: And I would say to
24 that certainly the information that we receive during
25 those listening sessions has affected the

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2 commission's work and has and continues to inform our
3 work and basically as a result of those listening
4 sessions we have already done a few things. We have
5 done outreach events on discriminatory harassment
6 which is a fairly unique provision of law that we
7 have. We have done things on biased based profiling
8 by law enforcement, we have created a biased response
9 at the Commission. There are several ways in which
10 what we heard at those sessions has impacted our
11 work.

12 CHAIRPERSON MEALY: That's what I'm
13 talking about. Thank you, okay. Mr. Lander?

14 COUNCIL MEMBER LANDER: Thank you, Madam
15 Chair for this hearing and the leadership over the
16 last couple years and I'll just add my voice to the
17 Chair's and Council Member King's, what a difference
18 these two years have made. It is great. The 2016
19 annual report is very impressive and for an agency
20 that had been decimated in the prior administration
21 and really was not able to achieve its charter
22 mission of defending and protecting the human rights
23 of New Yorkers, what you and your team is doing is
24 extraordinary and in many different areas in
25 processing cases and initiating your own

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2 investigations and significantly expanding the
3 testing programs and the outreach and I was pleased
4 to be out there with you on a freezing day in
5 December. Maybe next year we can have the outreach
6 day when it's a little warmer and in all the work
7 after the election and obviously especially at this
8 moment in time with what we are seeing as an upswing
9 in so many different forms of discrimination and hate
10 and bias and what we know will be just a dramatic
11 withdraw of the Justice Department from protecting
12 people's civil rights, it is excellent to have a
13 local -- all right, yes. I was here early so I got
14 my copy earlier but now I see that -- while I am glad
15 -- it is a tremendous report and it really reflects
16 significant and impressive work at the time when we
17 needed it two years ago but we really need it now so
18 thank you for all of that. I was certainly struck by
19 the caseload growth and I want to ask about one piece
20 of it because you have in the -- and I cited a couple
21 times and I realized I didn't know the numbers behind
22 it. You cite in your message a 46 percent increase
23 in claims around race, religion and citizenship
24 status and I guess it's on page 1 but then I got
25 asked by having cited it what the numbers were so I

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2 wonder if your staff knows just from 2015 to 2016 on
3 those three areas that you cited the 46 percent rise
4 in do you have what the numbers behind that are?

5 COMMISSIONER MALALIS: Yes. Just a
6 moment please. I will -- I can give you numbers
7 right now and I am also referring you to page 19 of
8 the annual report that basically has the claims
9 broken down by protected class and by kind of areas:
10 employment, housing, public accommodations, etc. So
11 the numbers -- we could add up these numbers by all
12 of these different areas by protective class and
13 provide them to you.

14 COUNCIL MEMBER LANDER: Okay. If you
15 could just on that one staff that is in the report
16 which I have now cited to others and would like to be
17 able to back up if you could do that one that would
18 be great. For other things we will go ahead. The
19 one thing I noted is I asked staff to do a little
20 digging that citizenship status was up really, the
21 claims based on citizenship status were up
22 significantly. Can you give a little flavor of what
23 those cases, those claims have been?

24 COMMISSIONER MALALIS: Sure. One, I
25 think that one of the reasons they are up is we have

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2 done incredible outreach on that and I say that
3 because I think in the past people did not even
4 realize that being discriminated against because of
5 their immigration status would actually serve as a
6 claim under the city human rights law so especially
7 in the last year and what we've been seeing in the
8 last year we wanted to make very clear that that is
9 in fact an area of protection including putting it in
10 some new materials that we have created with the
11 Mayor's Office of Immigrant Affairs.

12 COUNCIL MEMBER LANDER: Those look like
13 they are mostly in housing so that is a situation
14 where essentially a landlord tries to take advantage
15 of someone based on their immigration status and
16 either whatever, deny them their rights as tenants
17 which they would otherwise have by threatening or
18 making them fearful.

19 COMMISSIONER MALALIS: Correct. So
20 tenant harassment related, claims where somebody is
21 being harassed or manipulated or intimidated by a
22 landlord because they are seemingly more vulnerable
23 because of their immigration status, situations in
24 which landlords may refuse to make necessary repairs
25 or provide basic amenities that one would expect from

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2 a landlord again because they believe the person to
3 be vulnerable because of their immigration status.

4 COUNCIL MEMBER LANDER: All right. So
5 yes, if you can follow up on that number. I also
6 looked and this is the flipside of all your growth
7 and I think the outreach has obviously gotten a lot
8 more people to reach out to you. Obviously we won't
9 be able to know how much there is more discrimination
10 versus how much people are more aware of their rights
11 under the law which is important which is good. It
12 has the downside, as you noted in your testimony, and
13 as we saw in the MMR that case processing times are
14 up pretty significantly so I assume that means that
15 even as we have provided some money over the last
16 couple years for your to increase your staff
17 essentially caseload volume has increased in a way
18 that means it takes longer to get all of the cases
19 processed. SO one thing I have a question on is you
20 said in your testimony that case processing time has
21 gone from 420 days to 536 days so that is a big jump
22 and a long time. The MMR and I know part of the
23 challenge is where we've got different time periods
24 and it may be a different category actually because
25 the average age of complaint caseload in the MMR went

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2 from 250 to 340 from FY15 to FY16. One, is can you
3 just help us square those numbers but more important
4 help us understand, those are big jumps in caseload
5 processing and we don't want New Yorkers who have
6 been discriminated against waiting more than a year
7 or close to two years for justice. Help us
8 understand. It seems to me we need to advocate for
9 you guys to get the staffing increase to get the
10 caseloads down.

11 COMMISSIONER MALALIS: So first I will
12 talk about the actual case processing time and then I
13 am going to ask Deputy Commissioner Sussman to kind
14 of reconcile the MMR number with the annual report
15 number because again we had anticipated this would be
16 an issue because of the different period.

17 COUNCIL MEMBER LANDER: I am more
18 interested in making sure we provide the resources
19 necessary to get them down.

20 COMMISSIONER MALALIS: So the case
21 processing times are up. I don't -- that is in line
22 with the fact that has been a 60 percent increase in
23 reports to the commission but what I would also say
24 about case processing time is it is also impacted by
25 the fact that we not -- in line with my testimony and

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2 in line with what I have said in the past, we want to
3 make sure that justice of the commission same is the
4 same as justice in court so that means not resolving
5 cases, one off for smaller penalties or smaller
6 damages awards. If somebody has been damaged or
7 distressed in a certain way and they would receive
8 one amount at court they should frankly receive that
9 amount at the Commission on Human Rights. The
10 Commission on Human Rights is not a place where one
11 should receive discounted justice, right? So part of
12 that means sometimes holding open cases for longer
13 than they may have been held open before. The other
14 thing is we sometimes hold cases open longer if we
15 are not satisfied that the subject in person, the
16 respondent satisfies the human rights law in other
17 areas meaning that somebody can be before us because
18 they are responding in a complaint of discrimination
19 on let's say disability related discrimination and in
20 the context of our investigation we might say to
21 ourselves hey, we're concerned that what we have
22 uncovered here also uncovers the fact that we're not
23 satisfied, they truly understand their obligations
24 with respect to pregnancy discrimination or pregnancy
25 accommodation related issues. Rather than just

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2 resolving that one issue and moving along, we will
3 hold those investigations to make sure that again
4 from the place of impact we are able to affect
5 respondent and everyone the respondent then impacts
6 on all areas of the city human rights law.

7 MS. SUSSMAN: And just to comment on some
8 for the differences in numbers between the MMR and
9 the annual report, some of it is fiscal year versus
10 annual year. The other though is the MMR actually
11 looks at all open cases at one point in time and
12 backwards to see how long they have been open so that
13 would include cases that were filed the day before
14 for example that's only been open for a day. When
15 you look at our annual report, we look at all cases
16 that were closed during that calendar year and then
17 take an average of how long those cases were open so
18 naturally that will represent a longer period of time
19 because those cases are actually closed. They are
20 not still pending.

21 COUNCIL MEMBER LANDER: So the annual
22 report in an average of cases closed in a year and
23 the MMR is essentially the average of cases opened in
24 a year and of course some take longer than a year
25 that's a -- Commissioner, I don't want to drill down

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2 too much more on this but I appreciate that there are
3 some cases that you might decide make sense to hold
4 open. My hunch is the significant reasons for the
5 increase in that case processing, it's big, 420 days
6 to 536 days is a big jump, and we don't want a system
7 where case processing times get so long that people
8 are less likely to bring their cases to you because
9 it seems like it's going to take forever. It just
10 seems to me given the magnitude and volume like I was
11 even looking the four month actuals on caseload in
12 just the first four months of FY17 are 1457 which are
13 way bigger than the 952 in the first four months of
14 FY16. It seems pretty clear that what has grown is
15 your caseload and that is good in the sense that we
16 want people bringing their cases but it seems to me
17 that is evidence that we need to provide you with
18 more lawyers and staff to be processing these cases
19 so that we can get it back down to where it was a
20 year ago. I can leave that as a statement rather
21 than a question but Madam Chair I will just -- it
22 seems pretty straight forward from the data that is
23 here and again this is not a criticism of your
24 leadership, if anything the opposite. I'm glad
25 people are bringing you the cases but I want us to be

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2 able to get to them in a timely fashion and we need
3 to give you the resources to do it. I want to ask a
4 little bit about the testing program and again it is
5 really wonderful to see how much you've ramped it up.
6 I added in what's up from our report. In 2015, by
7 our data there was one match pair test and in 2016,
8 90 and overall in 2015 25 tests of any sort and 499
9 as I tally it up and again I'm using our Council's
10 data but big increases in any case. One thing I want
11 to make sure I understand this right in the areas of
12 Fair Chance Act, employment conviction or credit
13 history employment, you don't use match pair testing
14 because you don't need to essentially the violation
15 there is if they are that's a violation and so if
16 someone goes in and if they are asked for their
17 credit history or if they are asked about their
18 criminal history too early in the process that's a
19 violation so there is no need for match pair testing
20 I mean if a tester --

21 COMMISSIONER MALALIS: Correct, correct.

22 We want to be smart with the resources that we are
23 using and the testing program so that if we are
24 deploying a match pair it makes sense in those areas
25 and your observation is accurate, there are certain

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2 instances where you need not use a match pair because
3 on its faith there's been already an expression that
4 would constitute discriminatory intent.

5 COUNCIL MEMBER LANDER: Now the high
6 percentages in both Fair Chance Act, employment
7 conviction and credit history as a percentage. With
8 credit history, you did 16 tests and found 16
9 incidents of procedural actual discrimination and on
10 employment conviction 235 tests, 148 incidents of
11 actual or perceived discrimination so almost two-
12 thirds. That says to me that we are not getting the
13 word out enough that there is that we have word that
14 those are very high -- well I am trying to ask this
15 the right way. When you are doing these tests, how
16 much are you basing it on a place where you are
17 suspicious that there is -- let me use source of
18 income. Obviously in source of income, if you find
19 an ad in the paper from someone that says no vouchers
20 that you've got a pretty good guess that if you send
21 a tester to that landlord there will be
22 discrimination that is a much higher likelihood than
23 if you randomly pick a landlord to go test. With how
24 much of your testing is based on places where you
25

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2 have reason to be suspicious that discrimination is
3 occurring?

4 COMMISSIONER MALALIS: The great
5 majority, if not of all of them. Usually there is
6 some indicia of discrimination like something has
7 occurred, we've heard some information either from an
8 elected official or a community's organization or
9 because of something else that somebody has witnessed
10 or experienced or sometimes it is even for something
11 that we see in the media so there's a variety of
12 ways. There are situations in which it is known that
13 an industry is particularly bad at not aligning
14 itself with its obligations under the city human
15 rights law for xyz reasons and so we will deploy
16 testers in that context as well so there are a
17 variety of reasons but we are never just kind of
18 blindly sending testers out to areas. There is
19 always something that is calling our attention to
20 that specific industry or target.

21 COUNCIL MEMBER LANDER: Can you give me
22 an example from one of the three either, you know,
23 Fair Chance Act enforcement, employment credit checks
24 or source of income which seem like three big places
25 where you deploy these beyond the individual case

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2 enforcement has that led you to do outreach
3 differently or to adjust how we're thinking about
4 enforcing those laws more broadly?

5 COMMISSIONER MALALIS: Well, you know, I
6 think in -- you said source of income, Fair Chance
7 related, I'm sorry what was the third?

8 COUNCIL MEMBER LANDER: Employment credit
9 checks.

10 COMMISSIONER MALALIS: I feel like those
11 are three areas where there is no shortage of cases
12 to bring to the Commission. It is not an area where
13 we necessarily need to change our outreach because
14 people aren't coming in raising those claims. I
15 think it is more of a situation where there's a great
16 deal of education to be done in the community whether
17 it is from a know your obligations perspective or
18 know your rights so what we have tried to do is to
19 partner with different partners for both of those
20 areas whether it's working with different chambers of
21 commerce to make sure their membership is aware of
22 these changes to the law especially in the area of
23 fair chance and credit, changes of the law that
24 should be impacting their policies and practices. It
25 is also working with different CBOs and different

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2 organizations so as they are doing outreach on
3 whatever particular issues they are working with, so
4 specifically working with more organizations that
5 work with formally incarcerated individuals or
6 reentry communities to make sure we're getting
7 information out there that is fair chance related.

8 COUNCIL MEMBER LANDER: My last question,
9 can I ask my last -- just one quick final one. All
10 right. I was interested to see on page 19 and I
11 think this is the first evidence I've seen it of
12 claims brought to you biased based profiling by law
13 enforcement which is another law that the Council, we
14 worked hard to establish, and I guess it looks like
15 there's five housing status cases and obviously you
16 can't reveal the individual but I wonder what you can
17 tell us about that category, how you are seeing it
18 show up and again I am encouraged people know they
19 have that? Obviously we wouldn't have created the
20 law if we didn't think that was happening that people
21 know they have the right and finding you as a place
22 to bring their claims.

23 COMMISSIONER MALALIS: Sure. So that has
24 been a category of protection under the law as you
25 are well aware. Since 2013, when I first got to the

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2 Commission, there were zero cases filed at the agency
3 under this area of protection. I made a promise when
4 I first started at the agency that we would be
5 enforcing the full spectrum of rights and protections
6 that you have under the city's human rights law and
7 so with that we wanted to make sure that in areas
8 that we thought had been under enforced, in areas in
9 which we thought the public was not aware of their
10 rights we wanted to make them priority areas where we
11 would be either creating campaigns or putting
12 outreach materials, doing more that I think the
13 agency should have been doing in the past on building
14 relationships with the different organizations that
15 would bring these types of claims to light.

16 Specifically, in that area I think that some of that
17 relationship building has really paid off and that's
18 why you are seeing that number has increased. I
19 think also there had been doubts to the credibility
20 of this agency in the past. I think that more
21 advocates who would be bringing these claims and
22 certainly more people in the community I think that
23 they understand that we will investigate all claims
24 brought before the agency regardless of who the
25 respondent is and we will provide a thorough

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2 investigation regardless of who the respondent is.

3 Also in the past month we just released new outreach

4 materials on the specific category of protection and

5 I think that was also fairly novel for any kind of

6 government entity to do that but I think this is an

7 administration that cares very deeply about equity

8 and equality and true equity and equality and that

9 means also making sure that where there are issue to

10 be addressed with other sister agencies that those

11 issues are addressed and we have had great

12 cooperation across the administration and with I

13 think the advocacy community on making sure this area

14 of protection is given more public, I guess,

15 engagement.

16 COUNCIL MEMBER LANDER: That's great to

17 hear. I assume most if not all of those are still

18 open. When they are disposed and you can tell us what

19 happened in the cases that would be great if you

20 could report to the committee on the nature and

21 disposition of those cases.

22 COMMISSIONER MALALIS: We could check

23 with our law-enforcement bureau to see if there are

24 any closed cases on that yet and get back to you.

25

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2 COUNCIL MEMBER LANDER: Thank you and
3 thanks Madam Chair and my apologies to my colleague
4 for all the questions.

5 CHAIRPERSON MEALY: Thank you. Council
6 Member Dromm?

7 COUNCIL MEMBER DROMM: Thank you very
8 much and also kudos to you and the agency for the
9 work that you've done. I am very, very pleased by
10 the numbers and the changes that we have seen and
11 also by your visibility in the community, not just
12 the agency or the commission I should say but
13 yourself as well and you're highly visible and I
14 think that that's really important for people to know
15 and to see you out there so that is very much
16 appreciated. I have some questions. Can you tell me
17 on page 19 of the report what is the difference or
18 what does alienage mean versus citizenship status?

19 COMMISSIONER MALALIS: Do you want to?

20 UNIDENTIFIED FEMALE SPEAKER: So reading
21 of citizenship status is strictly speaking, you know,
22 I'm sorry I know my answer is going to be somewhat
23 circular but strictly speaking somebody's citizenship
24 status.

25

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2 COUNCIL MEMBER DROMM: Are they present
3 legally in the United States or not?

4 UNIDENTIFIED FEMALE SPEAKER: Whether
5 they are citizens versus noncitizen, I think
6 generally how it is interpreted and certainly whether
7 or not they, you know, whether or not they are
8 undocumented is certainly something that comes under
9 the area of protection. Alienage, I think there is
10 some -- could be some overlap with that so frequently
11 when something as broad as alienage it could be
12 actual or perceived, there could also be overlap with
13 for instance national origin and race.

14 COUNCIL MEMBER DROMM: I don't know how
15 concerned you are with labels but I would consider
16 using different a word than alienage as well moving
17 forward. It's just jumped out at me being somewhat
18 involved and the Former Chair of the Immigration
19 Committee, I'm like what is the difference and why
20 the use of that word.

21 UNIDENTIFIED FEMALE SPEAKER: I believe
22 it is the language of the statute that uses the
23 alienage.

24 COUNCIL MEMBER LANDER: I think this
25 one's on us, Council Member Dromm. It's in our law.

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2 COUNCIL MEMBER DROMM: That leads me to
3 the next -- so we may have to look at that because I
4 do find that to be a little bit off-putting. But I
5 also wanted to in terms of the list on page 19, are
6 the classes that are mentioned are they all the
7 protected classes or would there be other protected
8 classes that were less than one reported case of
9 discrimination?

10 COMMISSIONER MALALIS: I am told that it
11 does not include all. If there were zero, it is not
12 included here. What we can do is go back and tell
13 you for which areas there was --

14 COUNCIL MEMBER DROMM: What I'm trying to
15 say if there are areas where we have not received
16 cases of discrimination and not been reported and I'm
17 just wondering why that would be, wondering aloud and
18 maybe that something we could look at together moving
19 forward to see why that is happening because
20 certainly I want to applaud you on the numbers that
21 are here but we may be overlooking something by
22 virtue of them not having been reported and in
23 particular in relation to sexual orientation. Does
24 sexual orientation also include gender identity when
25 you report it like that?

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2 COMMISSIONER MALALIS: No, they are
3 separate categories.

4 COUNCIL MEMBER DROMM: Different
5 categories. I don't think I see here gender
6 identity. I see gender but not gender identity.
7 Have we had cases of gender identity discrimination?

8 COMMISSIONER MALALIS: Yes. In fact, I
9 think we've had a 30 percent increase involving
10 gender identity and gender expression but again this
11 -- what is reflected on page 19 of the annual report
12 is largely reflective of the language of the statute
13 and so under the city human rights law gender
14 includes gender identity and gender expression within
15 its definition.

16 COUNCIL MEMBER DROMM: So would you know
17 or can you get back to us on how many cases actually
18 there are of gender identity?

19 COMMISSIONER MALALIS: For 2016, I want
20 to say 29.

21 COUNCIL MEMBER DROMM: And that is in
22 which areas: employment, housing, public
23 accommodations or?

24 COMMISSIONER MALALIS: That I would have
25 to get back to you on.

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2 COUNCIL MEMBER DROMM: I'm always curious
3 to know in terms of biased based profiling by law-
4 enforcement particularly as it relates to gender
5 identity if there is any information on that?

6 COMMISSIONER MALALIS: We will have to
7 get back to you on that.

8 COUNCIL MEMBER DROMM: That's because I
9 notice in your report, a quick review of your report,
10 but I will go through it more thoroughly later on, on
11 page 41 you do mention that your work for the Trans-
12 Latina Network in Jackson Heights and Queens

13 COMMISSIONER MALALIS: We do quite a bit
14 there.

15 COUNCIL MEMBER DROMM: And that's been an
16 issue there and that's why I'm curious to those know
17 about numbers.

18 COMMISSIONER MALALIS: Okay.

19 COUNCIL MEMBER DROMM: I also want to say
20 this is a huge difference from two years ago when I
21 believe at the end of -- when did you come in?

22 COMMISSIONER MALALIS: I came in February
23 of 2015.

24 COUNCIL MEMBER DROMM: So it was within
25 the administration I believe when I would come to a

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2 hearing and we had two cases for four years of
3 discrimination based on sexual orientation, two in
4 the whole city over the course of four years so these
5 are really good numbers to see and we don't like to
6 see discrimination but we certainly like to see
7 people knowing about and coming to the commission for
8 relief when they have been discriminated against. So
9 that is something I think that is really important.
10 There were something else that I wanted to mention in
11 the book and I'm forgetting right now what it is but
12 I will come back to it. Let's just go to the chart
13 which I don't know that you have but you might have
14 the numbers in front of you, and I think you briefly
15 addressed the issue a little bit with Council Member
16 Lander's questioning but in terms of the number of
17 test cases for conviction and/or arrest record it was
18 235 total, I believe, 148 incidents which were actual
19 or perceived so is that -- does that mean the number
20 of tests overall and then of those 235, 148 were
21 found to have a basis for further examination.

22 COMMISSIONER MALALIS: Or were found to
23 have been -- that there had been a discriminatory
24 act.

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2 COUNCIL MEMBER DROMM: So it is almost
3 half and that's seems like wow, an incredible number
4 in that area but then again I think you did say
5 because of some changes in the law so would these
6 numbers reflect the -- what are we going to ban the
7 box issue on there and can you give me a little bit
8 of an overview on that? What those 148 cases would
9 look like?

10 COMMISSIONER MALALIS: Sure. So I guess
11 a few things were wrapped up in that question. I
12 would say the city human rights law already had
13 protections in the area of criminal history. In 2015
14 we added ban the box protection that is considered
15 the -- thank you to the council and the
16 administration, the nation's most robust protection
17 in that area. When that became effective, the
18 Commission launched a city-wide campaign, you know,
19 including ads in transit stations, outreach
20 materials, etc. We created a new workshop and
21 training, both know your rights as well as know your
22 obligations that we provided to employers and
23 business across all the five boroughs for free in
24 each one of our borough based offices and that is an
25 area where we have really kind of stepped up our

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2 relationship building with other organizations that
3 work with formerly incarcerated individuals or
4 reentry communities, reentry issues and so I think
5 one we're seeing that we're getting a lot more
6 information from the public in that area because it
7 is a new category of protection. We have done a lot
8 to make sure that people are aware of that category
9 of protection and also in a way that is fair to
10 businesses and to employers because I think it was a
11 significant change for those entities so we have
12 really kind of put the information out there and we
13 have been getting so much information because, I
14 think, as returns for that relationship building and
15 the issues we're seeing. We are still seeing however
16 that there are business entities that in their
17 advertisements or in their postings are violating the
18 law or that in the context of their job application
19 process are still unaware of areas of inquiry that
20 should not be asked or are still unaware of, you
21 know, the fair chance process in some situations but
22 we are seeing still a lot of the ad and posting cases
23 that would, you know, almost be violations of the
24 law.

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2 COUNCIL MEMBER DROMM: Is there any
3 particular industry that is violating the law more so
4 than others or?

5 COMMISSIONER MALALIS: I would have to
6 get back to you on that.

7 COUNCIL MEMBER DROMM: Because I think
8 that would also be a way to look at educating folks
9 if we see it in one industry more so than others but
10 maybe also a similar question because I am beginning
11 to remember now what it was. The discrimination on
12 sexual orientation and/or gender identity, can you
13 give us a little bit of an idea where we are seeing
14 most of that happen, is it in housing, policing, you
15 know, what does that look like, how does that occur?

16 COMMISSIONER MALALIS: I think we have a
17 fair number in employment, housing and public
18 accommodations. Biased based profile by law
19 enforcement it's not broken down by specific category
20 or protection other than housing status on page 19 of
21 the annual report but frankly it doesn't jump out to
22 me as something that we have seen a great deal of
23 activity on but I can get back to you on that. But I
24 know certainly there have been more cases filed in
25

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2 employment, housing and public accommodations in that
3 area.

4 COUNCIL MEMBER DROMM: And in terms of
5 educating the police department, do you do workshops
6 with them or how does that work?

7 COMMISSIONER MALALIS: We do a lot of
8 work with NYPD as we do with several of our other
9 city agencies. I think it is a very important part
10 of this agency's mandate is to be working with other
11 city entities including other council members and
12 other elected officials. One of the reasons that we
13 tried to create a more substantive docket under
14 Deputy Commissioner Saunders' docket was so that we
15 could also be focusing more of our work, you know,
16 with larger sister agencies so we have certainly done
17 work with NYPD in the past and we will continue to do
18 that in the future. I would say as an example the
19 biased based profiling by law-enforcement materials
20 that I mentioned earlier, we included them in the
21 process.

22 COUNCIL MEMBER DROMM: So does that
23 training take place in the Academy or do you do
24 rollcall trainings or how does that work because, you
25 know, I used to be invited to a lot of those things

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2 and I found that during rollcall training is more
3 valuable because you get officers who have been on
4 the job longer who might not have necessarily got
5 that training in the Academy?

6 COMMISSIONER MALALIS: That's helpful for
7 us to know and we will certainly take that into
8 consideration as we continue our --

9 COUNCIL MEMBER DROMM: Particularly as it
10 pertains to gender identity and sexual orientation
11 which often times when I do do those trainings I'm
12 met with a complete wall of silence and no questions
13 are asked or anything like so I would really
14 encourage you to look at that area more closely. I'm
15 also Chair of the Education Committee of City Council
16 so I had some questions about peer mediation and
17 according to the 2016 annual report, the Commission
18 in late 2016 overhauled its school-based peer
19 mediation curriculum and staff engaged in public
20 schools further to offer the peer mediation program
21 and schools school focused programming such as sexual
22 harassment, conflict resolution and cyber bully in
23 2017. For the benefit of the committee, can you
24 discuss some of the commission's finding in
25 overhauling its peer mediation curriculum?

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2 COMMISSIONER MALALIS: Our findings... I
3 want to stay with the peer mediation program it is
4 probably less about assessing findings as it working
5 with students in specific schools to make sure that
6 they have an awareness of the law but they also have
7 an awareness of kind of the ethos behind the law in a
8 way that will help them navigate issues including
9 school bullying that take place at their different
10 schools. We are increasingly looking towards not
11 just working through peer mediation but working with
12 other organizations like the LGBT community center in
13 things that would effect not just students in schools
14 but also ways of communicating human rights related
15 protections to the parents of the students, what, you
16 know, I think you have raised this before with our
17 agency, that working with parents of student is very
18 important. It is one thing for students to know that
19 they can be who they are but certainly we want to
20 make sure that parents have a full understanding of
21 what that means to their children and what that means
22 to students as well so we have been increasingly
23 exploring other ways that we can be working with
24 parents on workshops.

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2 COUNCIL MEMBER DROMM: I find that to be
3 really important because, you know, one of the things
4 that we have been doing on the Education Committee is
5 trying to stress the importance of restorative
6 practices in the schools and I think peer mediation
7 is a part of restorative practices and often times we
8 will hear, particularly from parents, like I want
9 zero tolerance policies, you know, this kid does that
10 he should be suspended for the rest of his life from
11 school but peer mediation would explained I think
12 better to parents as well as students in the school
13 that students can be responsible for other students
14 in terms of behavior and stuff like that as well. So
15 maybe at some point we can look at this a little bit
16 further because I think it really fits into some of
17 the objectives of the Council as well as the
18 direction in which the Department of Education is
19 going.

20 COMMISSIONER MALALIS: Sure. And in
21 2016, we actually revamped our curriculum in the peer
22 mediation area. We came out with a new kind of
23 manual and book and we would be happy to show that to
24 you in your office.

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2 COUNCIL MEMBER DROMM: Yeah, I would
3 really love to see that. Thank you very much. Good
4 luck with everything.

5 CHAIRPERSON MEALY: Thank you. I just
6 have one last question and then I know Mr. King. Can
7 you describe -- discuss with the committee how many
8 requests for U Visas?

9 COMMISSIONER MALALIS: So Deputy
10 Commissioner Sussman also our UNT Visa --

11 CHAIRPERSON MEALY: T Visas also. Yes.

12 COMMISSIONER MALALIS: -- officer so I
13 will let her.

14 DANA SUSSMAN: In 2016, what I count as a
15 request is a formal request, we do get a lot of phone
16 calls and questions from attorneys and advocates
17 about what kind of cases do we certify and sort of
18 what the process looks like. I don't -- I wouldn't
19 count that as a formal request so when we receive
20 requests as a formal letter or a memo or something
21 like that, we received 12 requests in 2016 and we
22 certified eight U Visas, U VISA applications. We
23 have one currently pending as well and other -- I
24 think anticipating more requests coming in soon.

25

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2 CHAIRPERSON MEALY: Thank you. You're
3 doing an awesome job. Andy King, last question.

4 COUNCIL MEMBER KING: Awesome job,
5 awesome sauce. Okay, I got it. So just a follow-up
6 to my question and what Council Member Lander was
7 talking about. I am not sure if I got an answer on
8 the attorneys and their caseload to get an idea of
9 what is the average caseload of every attorney and
10 once identifying that do the numbers that you talked
11 about where the numbers go from 420 to days to 536
12 days for cases based on the law-enforcement field
13 might say they might want to hold it open to get more
14 detail, get more information. Now is that activity
15 the norm or is it the exception to the rule that the
16 cases make go longer and based on a caseload figuring
17 out how do we shorten those days if possible?

18 COMMISSIONER MALALIS: Right. So
19 currently, the average caseload is at 72 per agency
20 attorney. Cases can range, there are attorneys who
21 on the high I guess have cases that are between 80 to
22 over 100. I would say that it is kind of impossible
23 to say what is the norm in terms of what, how the
24 lifeline of a case because it depends on the what
25 that case is, and it depends of the size of the

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2 respondent, could depend on if there are multiple
3 complainants, it could depend on several factors. So
4 I guess I wouldn't put an -- like what's the average
5 timeline on your case. It is very kind of fact
6 specific and I think one of the reasons why there is
7 this differential from maybe years past is because
8 the agency attorneys that are working on these cases
9 as really trying to look at the individualized
10 circumstances underlying the complaint of
11 discrimination which I will tell as somebody who
12 practiced discrimination law will offer several years
13 that is how discrimination cases should be looked at
14 rather than fitting them into kind of like a one size
15 all fits one box approach so I think that in part
16 accounts for some of the variation.

17 COUNCIL MEMBER KING: And just to follow
18 up to that. I know you have your attorneys that are
19 with you and if that 72 is a bit much, maybe you can
20 assess what is a caseload that makes sense for an
21 attorneys to handle so they can deliver so the days
22 do grow and grow and grow. I say that, I was an ACS
23 caseworker and I know after 30 cases we were drowning
24 depending on the -- because of the work that we done.
25 15 to 20 cases are manageable. It comes to a point

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2 that the number gets too big no matter how great of
3 an attorney that you are, you know, 420 days can turn
4 into 820 days. So I would ask if in your system to
5 assess what makes sense for a caseload for any
6 attorney so that you know you get maximum output of
7 all your attorneys on any and every given caseload
8 that is being maintained so I just want to share that
9 and get an idea of what's what and then also your
10 communications and outreach. Is there a schedule
11 that you work with the Council Members, there is 51
12 one of us, is there a schedule that you are
13 constantly working with our offices to get
14 information out to what you do, how you do, how great
15 you do it to help because if some communities don't
16 have a lot of discrimination cases, how involved are
17 they with your agency if Brooklyn gets more cases
18 than the Bronx, how does that breakdown, how are we
19 able to more involved with you?

20 COMMISSIONER MALALIS: Quite honestly,
21 there are certain council member's offices that we
22 work with probably more than others. We continue to
23 try to do outreach to more of the council members to
24 get the information out there. We also have a
25 commission newsletter that I always encourage, we

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2 encourage, everyone whether they are council members
3 or members of the public or to sign up for because
4 that is also a really good way of finding out what
5 kind of what are new issues we are working on or new
6 offerings from the agency but we will certainly give
7 thought to providing more structured approach so that
8 we can have consistency with more of the council
9 members.

10 COUNCIL MEMBER KING: Thank you, thank
11 you, thank you, awesome sauce.

12 CHAIRPERSON MEALY: You just said your
13 new committees. You have a community relationship
14 bureau?

15 COMMISSIONER MALALIS: Community Relation
16 Initiative.

17 CHAIRPERSON MEALY: Could you tell us
18 because the team is responsible for reaching out to
19 the victims of biased based incidents to address the
20 incidents and provide effective communication with
21 know your rights information. Can you provide the
22 committee with more details on the bias response
23 team.

24 COMMISSIONER MALALIS: Sure.

25 CHAIRPERSON MEALY: Quickly.

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2 COMMISSIONER MALALIS: Sure.

3 CHAIRPERSON MEALY: Sorry and we have one
4 more question.

5 COMMISSIONER MALALIS: Sure. So the kind
6 of backbone of our Community Relations Bureau are our
7 five community service centers that we have across
8 the five boroughs. There's one for each borough.
9 The Manhattan one is housed at our central location.
10 They are specifically at the boroughs to make sure
11 that we have people on the ground in those boroughs
12 that are working with communities in their area.
13 Postelection we found that we wanted to make sure
14 that as we were hearing more media reports of hate
15 and bias attacks across the city and as we were
16 hearing more information from our partners across the
17 city, there were people who were ready to go to those
18 locations and respond and also had language
19 capabilities in the areas that we were seeing an
20 increase of these bias attacks. We have identified
21 staff from each one of those community service
22 centers to be part of this bias response team and
23 when we see incidents or hate or violence that we
24 think are specific to kind of what the trends are
25 postelection, those are the people who will go out,

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2 respond to that situation. Usually it is because
3 there's a community partner that's involved in that
4 or another elected official who has reached out and
5 asked us to come and provide support.

6 CHAIRPERSON MEALY: Okay, thank you. Mr.
7 Dromm, the last question that.

8 COUNCIL MEMBER DROMM: All right. I will
9 try to be good. I will be direct and quick.
10 Language access in terms of signage and posters, how
11 is that decided? I noticed in gender identity issues
12 it seems like it is mostly English and Spanish and
13 I'm wondering if we can get it into another
14 languages. That is the first part of it and the
15 other one is that I was surprised to see that there
16 were eight UNT Visas. Is that partially because of
17 the requirement that they, especially for the U Visa,
18 be a violent crime attached to it?

19 COMMISSIONER MALALIS: So on the language
20 accessibility related questions, you know, for our
21 outreach materials all of our outreach materials are
22 available on our website and all of them are
23 translated into, you know, I think 8 to 12 languages
24 or are in the process of being translated into those
25 different languages. For the actual poster size type

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2 things that we have that again, you know, may have
3 been from some of the city-wide campaigns, I would
4 have to get back to you on what specific languages
5 for each of those campaigns because I do think that
6 they differ but we try to be mindful of, you know,
7 where we are seeing the need for that especially with
8 different communities. With regard to UNT Visas, do
9 you want to...

10 DANA SUSSMAN: So Commission has a little
11 bit of a unique role with respect to U Visa
12 certifications. We are a civil law-enforcement
13 agency so we are somewhat limited to the kind of
14 cases we can take to certify. They have to
15 demonstrate a violation of our law. We have to have
16 jurisdiction to investigate so that will often show
17 up in cases involving let's say sexual harassment
18 that rises to where we can sort of uncover in in the
19 course of our investigation a violation of the Penal
20 Code for civil touching or sexual assault. We have
21 seen in the tenant harassment context where
22 undocumented folks are being harassed or threatened
23 with deportation, I'm going to call ICE If you don't
24 sign a surrender agreement so that would potentially
25 rise to the level of criminal extortion. So there

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2 are sort of narrow areas and obviously we don't have
3 the kind of jurisdiction that criminal law
4 enforcement would have to certify in broader context
5 so I think that is probably the reason why. We are
6 also somewhat of a nontraditional certifier so more
7 and more advocates are learning about what we do but
8 it is in somewhat narrow context. Thank you.

9 CHAIRPERSON MEALY: Thank you. I want to
10 thank you Commissioner and your staff. Thank you.
11 This has been an awesome hearing and it could not
12 have been only if you had not done your job and you
13 did an awesome job. You came in 2015.

14 COMMISSIONER MALALIS: Thank you very
15 much.

16 CHAIRPERSON MEALY: We see results. I
17 know my committee says the same thing so [off mic
18 conversation] ah, cut up. It is Woman's History
19 Month, sheroes. All right. Thank you so much,
20 Commissioner. One of our sheroes, all of our sheroes
21 here. Thank you. We have one panel. Can we have
22 Cristobal Gutierrez, Crystal Ball. Could you come
23 sit at the table, please? From Make the Road. We
24 have Allegra Zeller -- Zissule -- Fishel, I said it,
25 Gender Equity Law Center. And we have Isabelle Fargo

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2 -- Figaro, Legal Services New York City and Nicole
3 Salk (SP) from Legal Services also. You can start,
4 Make The Road. Hello, you can identify yourself and
5 you can start.

6 CRISTOBAL GUTIERREZ: My name is
7 Cristobal Gutierrez and I am an employment legal
8 advocate of Make the Road.

9 CHAIRPERSON MEALY: Could you say your
10 name again?

11 CRISTOBAL GUTIERREZ: Cristobal
12 Gutierrez. Chris is fine.

13 CHAIRPERSON MEALY: Thank you. My
14 apologies.

15 CRISTOBAL GUTIERREZ: Make The Road is an
16 organization that builds on power in Latino and
17 working class communities to achieve dignity and
18 justice through organizing policy innovation,
19 education and services. We are based in three
20 immigrant communities around New York City, Jackson
21 Heights and the Queens, Bushwick in Brooklyn and Port
22 Richmond in Staten Island. I work at the Workplace
23 Justice Project that supports low wage workers to
24 combat exploitation they face on a daily basis
25 through integrated strategies of popular education

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2 and Know Your Rights training through workshops,
3 individual counseling and advocacy. Make the Roads
4 community education and legal support works and is
5 crafted to arm and impact by community members with
6 knowledge, tools and the skills they need to tackle
7 the problems they face. As an organization, we would
8 like to congratulate the Civil Rights Committee,
9 Speaker's office and Commissioner Malalis for their
10 amazing as Commissioner Malalis just said, our
11 country has radically changed over the course of the
12 last year. The resentment of many of our population
13 has come to light and white supremacist and (??)
14 xenophobic ideologist is no longer hidden in the
15 dark, it is out there and we have seen the rise on
16 hate attacks all over our community. I will just
17 skip a few paragraphs. At this critical moment, the
18 Commission on Human Rights is considerably
19 understaffed. It is still roughly a 50 percent the
20 amount of staff that it had in 1991 even through New
21 York City's population has increased by 1.6 million.
22 The Commission is in dire need of more enforcement
23 personnel to adjudicate the large number of
24 complaints coming in to ensure that New York City
25 human rights law remains a powerful tool to protect

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2 New Yorkers from discrimination. While it is a
3 positive sign that more people are coming forward to
4 report discrimination the agency, as I said, is not
5 adequately staffed to handle the flow of complaints
6 they are receiving. While the commission now fully
7 and thoroughly investigates the filed complaints they
8 just not look at individual complaints but they also
9 review the policies for example of company if it's an
10 employment case, they review the policies of tenants,
11 landlords in the housing context They just don't
12 focus on the individual case, they also look at the
13 circumstances surrounding it and that takes a lot of
14 time because they are doing their work well but if it
15 takes a lot of time for the weak party usually the
16 worker, the tenant that means basically a denial of
17 justice. It has taken almost two years to adjudicate
18 [bell sound] -- is that for me? Okay. I will just
19 wrap it up. It has taken almost two years to
20 adjudicate cases and it is just not good enough and
21 even though the commission is making wonderful work
22 they do need more budget to hire more people and
23 enforce this amazing human right law that we have.
24 Thank you.

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2 CHAIRPERSON MEALY: I'm going to answer
3 that afterwards. Thank you. Next?

4 ALLEGRA FISHEL: Good afternoon. Thank
5 you very much for allowing me to testify today. My
6 name is Allegra Fishel. I am the founder of the and
7 the executive director of the Gender Equality Law
8 Center. Our mission is to break down barriers that
9 limit opportunities for individuals to succeed in
10 both the public and private sector on the basis of
11 gender, gender identity, gender expression and sexual
12 orientation. Among the most significant part of our
13 work is that we litigate cases including before the
14 New York City Commission on Human Rights. To be
15 quite frank before 2015, almost no civil rights
16 lawyer in New York City would have thought about
17 filing a complaint at the City Commission. Cases
18 were either not accepted, statutes of limitations
19 were missed and cases often languished and died
20 there. That has radically changed and we really
21 applaud the Council's increased funding as well as
22 the really truly amazing turnaround at the City
23 Commission. But I think as the annual report showed
24 and we've heard extensive testimony from the
25 Commissioner and her staff there is significant

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2 increased demand for services and we are deeply
3 concerned that without significant corresponding
4 increases to the budget of the City Commission there
5 will be numerous adverse effects and I am just going
6 to try to mention four quickly because so many other
7 areas have been covered. First of all, the
8 Commission is one of the most important places where
9 individuals can represent themselves and although I'm
10 a lawyer and we represent people, many people come to
11 our organization who cannot afford counsel and we
12 cannot represent them not can many of the other
13 employment law projects and agencies and nonprofits.
14 This is a place where individuals can go, file a
15 complaint, have their case investigated and actually
16 get counsel at the commission to prosecute their
17 cases before OATH. This is hugely important and with
18 reduced funding there will be serious limited access
19 for folks to have this really one avenue they can
20 redress discrimination complaints, something they
21 cannot do in state and federal court without a
22 lawyer. Secondly, it is critical to increase funding
23 in order to maintain staffing levels not only numbers
24 to be able to for instance investigate complaints in
25 a timely manner but also to be professional,

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2 culturally competent, language accessible people who
3 can truly move cases and be sensitive to the clients
4 that they serve. There also must be additional
5 people to go out into the community and tell folks
6 about what their rights are. This is the broadest
7 most comprehensive civil rights law in this country
8 and you would be surprised how many people
9 particularly disenfranchised or poor in communities
10 that just don't know their rights so great piece of
11 legislation simply isn't served if it's not enforced.
12 Okay, I am quickly going to sneak in two other quick
13 points because I am a lawyer and I talk a lot. One
14 quick point in that is there is one mediator in the
15 mediation program. One. That is all the budget has.
16 We strongly believe that mediation can help move
17 cases along, can bring resolution faster and can free
18 up the commission's resources to handle more complex
19 cases and then just quickly two other points, it's
20 really critical that the private bar stay involved in
21 handling these cases and there is now some
22 credibility with this organization. If you underfund
23 it and make it more difficult, less lawyers will take
24 on cases for low income folks and finally, compared
25 to federal jurisdiction, there is no really body of

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2 law that has been developed under this amazing
3 statute and the city commission has played an
4 instrumental role in creating guidelines in
5 developing role making, in prosecuting cases before
6 OATH in the way they interpret claims brought which
7 is broadening and creating an amazing source for
8 people to continue to litigate these cases in the
9 future. Thank you and thank you very much for
10 letting me speak over time.

11 CHAIRPERSON MEALY: Next?

12 NICOLE SALK: Hello, my name is Nicole
13 Salk. Good afternoon. I am from Legal Service NYC
14 and Brooklyn Legal Services which is a part of Legal
15 Services NYC. I am also here on behalf of the New
16 York City Human Rights Law Working Group and in part
17 of my testimony, attached to my testimony I included
18 a letter that we sent last week to the Speaker that
19 was signed on to by many, many organizations
20 including the organizations that are here including
21 Vocal, Better Balance, including all kinds of
22 organizations where we were expressing many of the
23 sentiments that the commission here is doing a
24 wonderful job under incredible leadership with
25 incredible staff but is incredibly underfunded. all

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2 of the things that that have already been said. In
3 party said and in particular we wanted to point out
4 that there is a huge underfunding that really
5 happened after the Dinkins administration 25 years
6 ago and when Giuliani came in there was a huge
7 defunding of the commission and the commission really
8 became effectively invisible and so people don't even
9 know what it does and why it's there and what's
10 really needed is to make it an institution again and
11 that's what's happening now but it has to be an
12 institution that can really fully do its mandate and
13 you give it, the City Council produces passes and you
14 have produced some of the most fantastic law in the
15 country in terms of protections but there has to be a
16 place especially for people without lawyers
17 especially low income folks to go and the commission
18 is that place. So I think what is really needed is
19 to really make the commission and institution again
20 historically for what it was and what it can be under
21 all the amazing laws that are being passed especially
22 in this time where the President of the United States
23 is basically undermining the civil rights of so many
24 groups and so many people and so that is essentially
25 what I want to say and take an opportunity to read

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2 this letter since it is signed onto by so many folks.
3 Just to give a few numbers because I want more time
4 but that is what I wanted to say initially. The
5 commission is a victim of its own success. Due to
6 the large number of complaints now being filed, 883
7 in 2016 along, resources are stretched thin and many
8 cases are taken far too long to be processed and
9 resolved. The Commissioner really -- it is true that
10 some time is needed to do what Cristobal was talking
11 about which is to really do a whole survey which is
12 what they are doing now. Every time there is a
13 complaint filed, they look at the employer's
14 practices and that does take time. They just don't
15 look at the individual, they are giving a great
16 impact. It is an amazing thing that they're doing
17 and we are so glad they're doing it but that does
18 take time but they really need more resources to do
19 that and to be able to do it quicker. People are
20 waiting way too long to get justice. Thank you.

21 CHAIRPERSON MEALY: The last panelist?

22 ISABELLE FIGARO: Good afternoon. I am
23 going to read my comments to save time. Good
24 afternoon Council Members and esteemed colleagues, my
25 name is Isabelle Figaro. I am an advocate in the

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2 Education Unit at Brooklyn Legal Services. I would
3 like to thank New York City Council for inviting us
4 to comment on the proposed budget for the New York
5 City Commission on Human Rights. Legal Services NYC
6 is truly impressed by the efforts of the human rights
7 commission to address the most critical issues of
8 civil rights and human rights facing our city right
9 now. In light of legal service's mission toward
10 racial and social justice, we recognize that racial
11 discrimination and segregation in New York City are
12 issues that greatly affect our work and our clients
13 especially with respect to public education. We are
14 thrilled that the budget committee is taking these
15 important issues into consideration in deciding to
16 allocate additional funds to the commission. {??}
17 education advocates assist New York City public
18 school students and their families in the range of
19 areas including race, disability and other
20 discrimination. Through our local offices we assist
21 hundreds of families every year with disability and
22 education matters. Our clients are largely low
23 income people of color who live in under-resourced
24 communities. Over 90 percent of our student clients
25 are children of color and/or immigrants ranging from

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2 ages three to 21. As a part of my job, I represent
3 these students in disciplinary and special education
4 hearings. Most of my clients attend schools that are
5 deeply impacted by segregation and its accompanying
6 disparities. In New York City, over 60 percent of
7 public school students attend schools that are more
8 than 90 percent non-white. Segregation in schools is
9 an issue that sits squarely at the intersection of
10 every issue faced by their communities. By funding
11 the demographic reporting that many in this city and
12 perhaps even in this room that have worked to
13 develop, we have come to better understand the link
14 between race and NYC student. For example,
15 statistics show that students of color are suspended
16 at disproportionate rates and for longer periods of
17 time than white students. In addition, not only are
18 black and Latino students overwhelming more likely to
19 be suspended than their counterparts they are also
20 more likely to be suspended for more minor offenses
21 such as insubordination and the use of profanity even
22 though the discipline code itself discourages
23 suspension for these kind of incidences. Yet despite
24 these disparities, segregation often remains an
25 elephant in the room, uncomfortably absent from the

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2 direct confrontation. But when my black 13-year-old
3 client called me the night before a disciplinary
4 hearing and genuinely asks what is the use of me
5 standing up for myself anyway, I will just get blamed
6 for something else, that's just the kind of school I
7 go to. It is clear that even the students I
8 represent are acutely aware of the way structural
9 segregation impacts their lives both within the state
10 and across the country, New York City strives to
11 serve as an example in the public education. With
12 over a million students, New York City's public
13 school system is the largest and among the most
14 diverse in the world. However, New York City is
15 still one of the most segregated school districts in
16 the United States. Legal Services NYC is aware of
17 Intro 1378, a bill proposed by Council Members
18 Ritchie Torres and Brad Lander, who was here with us
19 earlier, among others that would create an Office of
20 School Integration within the city's Human Rights
21 Commission and introduce reporting requirements to
22 study of the prevalence and impact in New York City
23 schools. This bill appears to bridge the gap between
24 the existing demographic reporting and the issue of
25 segregation that it highlights echoing the comments

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2 of my Legal Service's colleague, Nicole Salk, we
3 applaud and support the efforts of the City Human
4 Rights Commission to address and give voice to the
5 most critical civil rights issues facing New Yorkers
6 including segregation and public education. In
7 particular, if Intro 1378 passes the Commission will
8 be tasked with the crucial job of researching and
9 reporting on school segregation, a substantial
10 undertaking empowered by the standards and framework
11 of the New York City Human Rights Law, the City Human
12 Rights Commission is uniquely poised to excavate the
13 policies and practices that maintain structural and
14 functional segregation in one of the most diverse
15 cities in the world and to effectuate the city's
16 stated goal of promoting diversity and education.
17 Sufficient funding will ensure that the Commission is
18 resourced to carry out the research and reporting
19 that this bill requires effectively. We thank New
20 York City Council for soliciting comments on the
21 proposed budget. Should you have any further
22 questions or require any further information, please
23 do not hesitate to contact us. I am more than happy
24 to answer questions and provide my contact
25 information after the session. Thank you.

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2 CHAIRPERSON MEALY: I must say, everyone
3 is saying the same exact thing, we need more funding.
4 If you recall, I did ask her was there any other
5 budget requests, she did not say. You said that we
6 given more funds that has not been said as of yet but
7 with this budget dance we gonna do with the Mayor, I
8 know we will be asking for more funding and just to
9 say, one mediation I didn't catch onto that. That is
10 a definite -- mediator, I will definitely start
11 pushing for more mediators. That will help the
12 process also. It is the pink elephant in the room
13 with the disparity of discipline in the schools and
14 no one is talking about that right now. So I hope
15 that I can talk with you later in regards to that and
16 bring that to the forefront and let the Commission
17 know that maybe we should do testing in the schools
18 and with that, with that, with that -- thank you all
19 for coming this afternoon and this meeting is
20 adjourned.

21
22
23 [gavel]
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 13, 2017