

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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December 10, 2020
Start: 10:01 a.m.
Recess: 10:14 a.m.

HELD AT: Remote Hearing

B E F O R E: Mathieu Eugene
CHAIRPERSON

Jumaane William
Public Advocate

COUNCIL MEMBERS:

Inez Barron
Daniel Dromm
Brad Lander
Bill Perkins

A P P E A R A N C E S (CONTINUED)

2 SERGEANT-AT-ARMS: Recording to the cloud
3 is all set.

4 SERGEANT-AT-ARMS: Backup is rolling.

5 SERGEANT-AT-ARMS: Thank you. And good
6 morning and welcome to today's remote New York City
7 Council vote on the Committee on Civil and Human
8 Rights. At this time, would all Council members and
9 Council staff please turn on their video? To
10 minimize disruption, please place electronic devices
11 on vibrate or silent mode. Thank you. Chair Eugene,
12 we are ready to begin.

13 CHAIRPERSON EUGENE: Thank you very
14 much.

15 [gavel]

16 CHAIRPERSON EUGENE: Good morning. My
17 name is Mathieu Eugene and I am the chair of the
18 Civil and Human Rights Committee. Thank you for
19 joining our virtual vote today on proposed
20 introduction 1314A sponsored by the Public Advocate
21 Williams by request of the Mayor in relation to
22 [inaudible 00:00:53] based on one's arrest record and
23 other related matters. Before we begin, I would like
24 to acknowledge my colleagues on the committee will
25 joined us. Council member Barron, Council member

2 Dromm, Council member Lander, and Council member
3 Perkins. Thank you very much. Council members,
4 thank you. Finding secure employment in a
5 competitive marketplace is difficult at the best of
6 times. Later on, during the difficult times, we are
7 faced and continue to face during the Covid 19
8 pandemic. I've been [inaudible 00:01:32] at an
9 additional [inaudible 00:01:35] which has a wealth of
10 negative consequences. In the United States, more
11 than 70 million people have a criminal record which
12 is approximately the same number without a college
13 degree. It is estimated that, by the age of 23,
14 nearly wanted three Americans would have been
15 arrested. In New York state, there were nearly
16 220,000 arrests in 2019, including both adults and
17 those under 18, according to data from the FBI.
18 Given that people of color are disproportionately
19 caught up in the criminal justice system, they bear a
20 significant burden combining biases against those
21 with criminal histories. In 2015, the New York City
22 Council mounted a significant effort to address this
23 issue by enacting the Fair Act-- Fair [inaudible
24 00:02:42] Act. Under this lawn, New York City
25 employers are prohibited from inquiring about the job

2 application criminal history prior to making a
3 conditional offer of employment. While we are proud
4 of the positive impact this law brought, there
5 remains some doubts and we see an opportunity to
6 improve and further the existing law. Currently, no
7 protection exists for those who are currently
8 employed and face criminal accusation or conviction.
9 Further, those who have a pending judgement and
10 [inaudible 00:03:24] contemplation of dismissal, non-
11 pending arrests in criminal accusation, and those
12 with useful offender education are not included on
13 the city Fair Chance Act. If enacted, Intro 1314A
14 would therefore add the additional specification to
15 [inaudible 00:03:49] of categories that preclude from
16 criminal history inquiry prior to a conditional offer
17 of employment. Lastly, 1314A aims to minimize the
18 values to obtain a licensed [inaudible 00:04:04] by
19 forbidding discrimination for minor violations and
20 other noncriminal offenses. We hope that, in
21 maintaining these changes, the Council can continue
22 to strengthen the protection offered by the Fair
23 Chance Act. I'd like to thank committee staff,
24 [inaudible 00:04:27], senior counsel to the
25 committee, Reann Dubi [sp?], policy analyst, Evan

2 Chang, finance analyst. I would also like to thank
3 my staff, Melissa Woodson, and all Council staff who
4 make these hearings possible. Now, I would like to
5 turn it over to my colleague, the Public-- Okay. I
6 would now like to turn it over to Public Advocate
7 Jumaane Williams who will make a statement.

8 PUBLIC ADVOCATE WILLIAMS: Thank you so
9 much, Mr. Chair. I appreciate it. Can everyone hear
10 me? Awesome. Thank you.

11 CHAIRPERSON EUGENE: I do. I do.

12 PUBLIC ADVOCATE WILLIAMS: All right. As
13 mentioned, my name is Jumaane Williams. I'm the
14 Public Advocate for the city of New York. I want to
15 thank Chair Eugene and all the member of the
16 Committee on Civil and Human Rights for giving me
17 some time to speak today. Five years ago, New York
18 City made history bypassing the landmark Fair Chance
19 Act. I introduced to the Fair Chance Act to ensure
20 employers could not discriminate against a person
21 over a prior conviction. I also want to thank
22 Manhattan borough president, Gail Brewer, for her
23 work with me on the Fair Chance Act. Since its
24 enactment, the legislation has decreased employment
25 discrimination and created new opportunities for

1 those who have criminal records. The New York City
2 Commission on Human Rights settled seven cases in
3 2020 so far, yielding nearly \$120,000 in civil
4 penalties. While this landmark legislation has
5 benefited our cities labor force by ensuring that
6 jobseekers are evaluated on the basis of their
7 qualifications and experience, rather than their
8 criminal records, we need to expand the laws
9 protection. The city's antidiscrimination law
10 currently protects people with convictions, but not
11 those with pending [inaudible 00:06:17]. This may
12 incentivize some to plead guilty which should never
13 be encouraged. The limited protections in the law
14 and enable employers to conduct background checks
15 prior to an offer of employment and reject applicants
16 if charges from an arrest are still pending. Intro
17 1314 A, known as the Fair Chance Act 2.0 would
18 prohibit this violation from taking place. The bill
19 also expands a list of protections for employees
20 convicted of a crime after employment, as well as for
21 bids employees from denying employment due to
22 unsealed violations. The only violation in the
23 state's penal law that is ineligible for ceiling is
24 that anti-loitering provision known as the Walking
25

2 While Trans law. We know this law is deeply
3 discriminatory and laws were used to target and
4 harass trans women of more color and immigrants. It
5 needs to ultimately be repealed by the state. The
6 Fair Chance Act 2.0 ensures that employers cannot
7 deny employment to an individual because of unsealed
8 violation which supports the Walking While Trans ban
9 by making certain that a transgender individual who
10 is profiled, surveilled, harassed, and subsequently
11 arrested because of their gender identity, would not
12 be hindered from getting a job in the long term. The
13 central tenant of our criminal justice system is
14 innocent until proven guilty, so many say.
15 Unfortunately, employees wrongfully assume guilt when
16 an employee or applicant is arrested, however, just
17 19 percent-- 19 percent-- of 178,122 New York City
18 arrests resolved in 2019 resulted in a criminal
19 conviction, according to the New York State division
20 of criminal justice services. Like the Fair Chance
21 Act, this bill does not require employees to hire any
22 particular applicant, rather, an employer makes a
23 fair and careful evaluation without the consideration
24 of prior criminal records, prior arrests, or unsealed
25 violations of applicants before extending an offer.

2 Notably, employment discrimination targets people of
3 more color as they are disproportionately subjected
4 to arrests and presumptions of guilt. The ongoing
5 economic crisis only exacerbates the discrimination.
6 This is what makes the Fair Chance Act 2.0 such an
7 essential piece of legislation. Everyone deserves a
8 fair chance in the job market, especially now when
9 employment stability has been severely impacted by
10 the Covid pandemic. We do know that many of the
11 detractors' concerns of the sky falling did not
12 happen and all we did was help people have the
13 ability to be employed. In addition, there still are
14 protections that make sure that someone is applying
15 for a job and the crime they committed is closely
16 linked to it. There are protection for that that
17 remain. A job can mean the difference between a
18 stable future or scrambling to survive. It is up to
19 us to do the right thing. I think you're so much. I
20 encourage the committee members to please vote to
21 send this bill forward later today. Thank you.

22 CHAIRPERSON EUGENE: Thank you very
23 much, Public Advocate Williams. Now we now proceed
24 with the vote. Mr. Clerk, would you please call the
25 role?

2 COMMITTEE CLERK: Chair, good morning.
3 William Martin, Committee Clerk. Role call vote on
4 Committee on Civil and Human Rights Introduction
5 1314A. Chair Eugene?

6 CHAIRPERSON EUGENE: I vote aye.

7 COMMITTEE CLERK: Barron?

8 COUNCIL MEMBER BARRON: I vote aye.

9 COMMITTEE CLERK: Dromm?

10 COUNCIL MEMBER DROMM: Permission to
11 explain my vote? Mr. Chair?

12 CHAIRPERSON EUGENE: Yes.

13 COUNCIL MEMBER DROMM: Okay. Thank you
14 very much. I want to thank you for your leadership
15 on this and for moving this through the committee. I
16 also want to thank our Public Advocate Jumaane
17 Williams. Many of you already know that when I was
18 16 years old, I was arrested on a prostitution
19 charge, something that the government and the police
20 would do to gay men, particularly older gay men my
21 age, in order to harass and to destroy our lives,
22 essentially. It's something that I had to deal with
23 throughout my entire life. When I applied for a job
24 with the Department of Education, of course that
25 arrest came up. Fortunately, I was able to go in and

2 explain it to them and, as I said, I was only 16
3 years old when this happened. But, of course,
4 throughout my career, even when I was running for
5 city Council, it was brought up continuously. And
6 it's been used as a weapon against LGBTQ folks for
7 many, many, many, many years. So, you know, my
8 friend Robert Pinta was arrested in 2009-- as recent
9 as 2009. There is concrete evidence that the NYPD
10 was still using these types of tactics to harass and
11 arrest LGBTQ folks. So, I'm very grateful that we're
12 going to see this pass and I'm grateful to see that
13 it can no longer be used as an impediment to
14 employment. As someone who has suffered through this
15 for his entire life, I'm very grateful to everyone
16 involved. Thank you very much.

17 COMMITTEE CLERK: Council member Dromm?

18 COUNCIL MEMBER DROMM: Oh, I vote aye.

19 COMMITTEE CLERK: Thank you, sir. Lander?

20 COUNCIL MEMBER LANDER: Well, first, Danny,
21 I really want to thank you for those remarks and just
22 like humanizing this for us. You know, I think
23 people have some things in their heads, you know, and
24 like to imagine that there was a time that people had
25 in their heads that you would not be someone that we

2 would want serving our city in the way you are and
3 teaching our kids and representing us. Like it
4 really just shines a spotlight on like how like the
5 kind of discrimination that people can become
6 comfortable with and think are normal. All you need
7 is to look in that slightly different light and
8 think, what are we doing? So, I want to thank you
9 for your leadership and your courage over all that
10 time. Mr. Public Advocate, thank you for leading us
11 on the Fair Chance Act originally and on this bill
12 today. I proudly vote aye.

13 COMMITTEE CLERK: Thank you. Council
14 member Perkins.

15 COUNCIL MEMBER PERKINS: I vote aye.

16 COMMITTEE CLERK: By a vote of five in the
17 affirmative, zero in the negative, and no
18 abstentions, the item has been adopted by the
19 committee. Thank you.

20 CHAIRPERSON EUGENE: Thank you very
21 much. Thank you to all of you. Public Advocate
22 Jumaane, thank you very much and also Council member
23 Dromm, thank you for your very touching, you know,
24 statement. Thank you so much. I thank you
25 [inaudible 00:12:52] before by other [inaudible

2 00:12:54] but today we know that you are very-- very
3 happy and very proud. And--

4 COUNCIL MEMBER DROMM: Thank you.

5 CHAIRPERSON EUGENE: to all of my
6 colleagues and to all the staff of the city Council.
7 Thank you very much and the hearing is adjourned.

8 [gavel]

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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 December 15, 2020