

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL RIGHTS

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January 22, 2013
Start: 1:22 p.m.
Recess: 1:28 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
DEBORAH L. ROSE
Chairpersons

COUNCIL MEMBERS:
Larry B. Seabrook
Julissa Ferreras
Margaret S. Chin
James G. Van Bramer

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2 CHAIRPERSON ROSE: This hearing is
3 now called to order. Good afternoon. My name is
4 Debbie Rose, and I am the chair of the Committee
5 for Civil Rights. Today we will be voting on
6 proposed Introductory Bill Number 814-A, a local
7 law to amend the administrative code of the city
8 of New York in relation to prohibiting
9 discrimination based on an individual's
10 unemployment. I'd like to begin by thanking the
11 bill's sponsors, Council Members Comrie and
12 Gentile for introducing this legislation and by
13 recognizing my colleagues sitting at the - -
14 today. They are Council Member Chin, Council
15 Member Ferreras - - Bramer. Last month the
16 national unemployment rate was 7.8 percent. These
17 rates were even higher for blacks at 14 percent,
18 Latinos at 9.6 percent and people with
19 disabilities at 11.7 percent. Sadly, the local
20 unemployment rates are comparable to the national
21 rate. It is both obvious and an understatement to
22 say that unemployment can be stressful.
23 Struggling families across our city know this only
24 too well. Unfortunately in the face of such
25 adversity unemployed individuals are finding

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2 themselves discriminated against for being
3 unemployed. Some perspective employers will
4 actually treat an applicant's unemployment as a
5 disqualifying factor in the hiring process. In
6 other situations the applicant doesn't even need
7 to be interviewed to experience discrimination.
8 He or she can experience it when reading a job
9 posting that communicates with varying degrees of
10 subtlety that the unemployed need not apply. This
11 is unacceptable allowing perspective employers to
12 exclude the unemployed from consideration when
13 hiring only serves to perpetuate an already
14 precarious situation for far too many people. The
15 legislation we are voting on today would address
16 this. Proposed Intro 814-A would make it an
17 unlawful discriminatory practice for employers to
18 base hiring decisions on an applicant's
19 unemployment unless there is a substantially job
20 related reason for doing so, and indicating in a
21 job advertisement that being currently employed is
22 a requirement for the job or that individuals who
23 are unemployed will not be considered for the
24 position. Anyone who has been discriminated
25 against would be permitted to bring an action at

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2 the Commission of Human Rights or in court. If
3 passed, proposed Intro 814-A would be the first
4 law in the country to provide a private right of
5 action for those unlawfully discriminated against
6 for being unemployed. There are of course
7 situations where an applicant's unemployment can
8 reasonably be taken into account in the hiring
9 process. For that reason, proposed Intro 814-A
10 would allow employers to ask about the
11 circumstances of the applicant's departure from
12 his or her previous job, consider substantially
13 job related qualifications, such as professional
14 credentials, training and experience and advertise
15 job openings that include substantially job
16 related qualifications. Employers would also be
17 permitted to give priority to applicants currently
18 employed by them and to make employment decisions
19 based on an applicant's actual experience. Small
20 businesses, those that employ fewer than four
21 individuals would not be subject to the private
22 right of action for unemployed based
23 discrimination. They would however be subject to
24 the prohibition on discriminatory advertising.
25 Finally, proposed Intro 814-A would require the

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2 Commission on Human Rights to educate the public
3 on their rights and responsibilities with respect
4 to unemployment discrimination. I'd like to say
5 thanks to Julene Beckford, who is the Committee
6 counsel and Damien Butvick, our policy analyst,
7 for the work they have done on this hearing, and
8 with that I'd like to open the microphone to any
9 of my colleagues who may also wish to... Hearing
10 none, I can now open this up for a vote.

11 COMMITTEE CLERK: Kevin Pin,
12 committee clerk. Roll call in the Committee on
13 Civil Rights Intro 814-A. Council Member Rose?

14 CHAIRPERSON ROSE: Aye.

15 COMMITTEE CLERK: Ferreras?

16 COUNCIL MEMBER FERRERAS: Aye.

17 COMMITTEE CLERK: Chin?

18 COUNCIL MEMBER CHIN: Aye.

19 COMMITTEE CLERK: Van Bramer?

20 COUNCIL MEMBER VAN BRAMER: Aye.

21 COMMITTEE CLERK: Final vote in the
22 Committee on Civil Rights, four in the
23 affirmative, zero in the negative, no abstentions.
24 Council Members, please sign the committee report.

25 CHAIRPERSON ROSE: Thank you.

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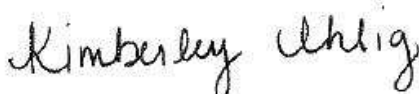
2 Thank you so much. For the record, it passed.

3 Thank you. This hearing is adjourned.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature _____

Date _____ 2/5/13