

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

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June 9, 2015
Start: 2:43 p.m.
Recess: 2:57 p.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E:
DARLENE MEALY
Chairperson

COUNCIL MEMBERS:
Mathieu Eugene
Daniel Dromm
Deborah L. Rose
Andy King

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

2 [sound check, pause]

3 [gavel]

4 SERGEANT-A-ARMS: Quiet, please.

5 CHAIRPERSON MEALY: Good afternoon. I'm
6 Darlene Mealy. I am the Chair of the New York City
7 Council's Committee on Civil Rights. I'd like to
8 introduce the other members of the Council who have
9 joined us this afternoon. We have Mathieu Eugene,
10 Andy King, Mr. Dromm and Debbie Rose from Staten
11 Island. The island. [laughter] Today, the
12 Committee on Civil Rights will vote on Introductory
13 Bill No. 318-A, also know as the Fair Chance Act.
14 Intro No. 318-A is a very important piece of
15 legislation that will prohibit--prohibit employers
16 from discriminating against applicants based on their
17 criminal history. The goal of 318-A is to make sure
18 that people with pending arrests or prior convictions
19 are given a fair chance to gain employment. This
20 bill would make it a violation of the City's Human
21 Rights Law if an employer asks about or make any
22 statements about an African's criminal history before
23 extending a conditional offer of employment.
24 However, this bill does not completely prohibit an
25 employer for asking about criminal history. It also

2 does not prohibit an employer from using criminal
3 history to make a decision about whether to hire an
4 applicant. Instead, based on State Law, the employer
5 may decide that an applicant's criminal history is
6 directly related to the position and the pose a
7 potential risk.

8 Under 318, if an employer decides not to
9 hire an applicant based on their criminal history,
10 the employer would have to provide the applicant with
11 a written explanation of the decision and hold the
12 position open for three days to allow the applicant
13 time to address incorrect or negative reporting. Or,
14 to provide their employer with proof of
15 rehabilitation. This bill would not apply to
16 positions for which federal, state or local law
17 requires criminal background checks. Or, whether
18 criminal backgrounds are a bar to employment. For
19 example, this bill would not apply to certain law
20 enforcement positions. And certain jobs that require
21 working with children, the elderly or disabled.

22 It is our hope that this bill makes
23 obtainment of employment in our city more fair by
24 breaking down the barriers against people with arrest
25 records or criminal histories. Thank you to our

2 Council Member Jumaane Williams for introducing this
3 important legislation. I thank the staff committee
4 Ayisha Wright in Finance; Ansari [sp?], our Policy--
5 Policy Analysts; Rachel Cordero, Deputy Director of
6 Government Affairs and Alicia Brown, Counsel to the
7 Committee. And at this time, I hope that all my
8 fellow committee members will support this bill today
9 so we can vote on it tomorrow in the Stated Meeting.
10 Thank you again for making the time to vote on such
11 important legislation. There now be no statements
12 from Council Member Jumaane Williams, but he did call
13 me and he said he was glad that this important
14 legislation will be heard today.

15 [background comments]

16 CHAIRPERSON MEALY: Okay, and my counsel
17 will read a statement from Jumaane Williams.

18 LEGAL COUNSEL: Counsel Williams wants
19 everyone to know he wanted to attend in person to
20 make the statement, but he had to travel to Albany
21 related to civil disobedience, related to the
22 expiration of the rent laws. He's listening to the
23 hearing right now on his iPad.

24 Good afternoon. My name is Council
25 Member Jumaane Williams, and I would first like to

2 thank you Chair Mealy for inviting me to make a brief
3 statement on Intro 318 better known as the Fair
4 Chance Act, co-prime sponsored by Borough President
5 Gale Brewer and Council Members Torres and Johnson.
6 Having a past conviction should not prevent someone
7 from being able to put food on the table or pay rent.
8 The Fair Chance Act ensures that all New Yorkers
9 including those who have become stigmatized because
10 of previous convictions will have an equal
11 opportunity to compete for jobs for which they
12 qualify.

13 The Fair Chance Act allows people with a
14 conviction history to be evaluated on their merits
15 without compromising safety and security on the job.
16 Under the Act, employers must make a conditional
17 offer before inquiring into the criminal history of
18 an applicant or conducting any criminal history
19 search. This legislation does not require them to
20 hire any particular applicant. It does, however,
21 delay the background check. Thus, supplementing pre-
22 existing law that says employers cannot deny a job
23 because of a record unless there is a direct
24 relationship to the job. To be clear, it doesn't
25 prevent an employer from asking about an applicant's

2 history. It just specifies when they ask. By
3 delaying background checks, this law will make it
4 possible for qualified applicants, who happen to also
5 have a record, to make it through an initial
6 screening process, and thereby stand a better chance
7 of being considered for employment. Employers who
8 are required by state, federal or local law to
9 conduct a background check related to certain
10 sensitive positions must still do so. And employers
11 must still follow current State Law Article 23-a,
12 which requires employers to determine which
13 convictions conflict with the job.

14 Our bill expands on and increases the
15 utility of current state law by requiring, among
16 others, that applicants are given in written form the
17 basis for denial if that denial occurs. Our city
18 government already prohibits agencies and human
19 service contractors from asking whether a job
20 applicant has been convicted of a crime. But this
21 bill will extend that policy to all employers, both
22 public and private. I am a strong believer that we
23 must remove barriers to success for those who are
24 qualified to work. Because not only does employment
25

2 lower recidivism, but being in the box gives
3 employers a broader range of candidates to consider.

4 I would like to again thank Chair Mealy
5 for supporting this bill, and would like to
6 additionally thank the many staff and advocates who
7 worked on the bill, including on my Council side Matt
8 Gewold, Robe Newman, the very, very persistent Rachel
9 Cordero, Committee Counsel Alicia Brown. The
10 committee's former counsel Julian Bedford, and my
11 staff Rance Huff, Nick Smith, William Gelrick and
12 Paola Martinez. Also to the Mayor's team including
13 Mila Wiley, Reggie Thomas, Saba Debusu [sp?].
14 Special thanks to Paul Keefe, the Community Service
15 Society for helping to draft the bill. Alicia Augello
16 of Equitable New York and, of course, to Co-Prime
17 Sponsor Borough President Grale--Gale Brewer--excuse
18 me, who originally introduced this bill in the
19 previous session. Along with her staff Sheila Warren
20 and Haley Chu. Today is a great day. Thank you.

21 CHAIRPERSON MEALY: Thank you. I believe
22 we're going to set the vote. Wait. Do any of my
23 colleagues have anything?

24 COUNCIL MEMBER DROMM: Yes.

25 CHAIRPERSON MEALY: Danny Dromm.

2 COUNCIL MEMBER DROMM: Thank you, Madam
3 Chair and I thank you for moving forward on this
4 very, very important piece of legislation. I intend
5 when we are called to vote in favor of the
6 legislation. I intend to do it in memory of Kalief
7 Browder who committed suicide over the weekend
8 because of his terrible experiences on Rikers Island.
9 And when I saw it happened on Rikers Island and when
10 I saw the conditions there, I felt the need to speak
11 our three years ago when I first started to go visit
12 at Rikers Island, and know the conditions. But, what
13 I wanted to say about Kalief is that part of why
14 Kalief chose to stay and to fight his case rather
15 than to plea bargain was because he didn't want to
16 have a record further on down his life because he
17 know the implications of what having a record would
18 mean to him. And so today, it's very appropriate
19 that the Council is passing this, and will take it to
20 the floor tomorrow. And I want to commend the
21 Council for many of the other actions that we have
22 taken including the passing of reporting on solitary
23 confinement. We were there way ahead of the game on
24 that. And also, I want to commend the Speaker's
25 efforts to talk about bail reduction and bail reform

2 in our system. We desperately need to fix the broken
3 criminal justice system that we have, and this piece
4 of legislation is very related to that, and that's
5 why I intend to vote yes on this legislation. Thank
6 you.

7 CHAIRPERSON MEALY: Thank you. Andy
8 King.

9 COUNCIL MEMBER KING: Thank you, Madam
10 Chair and I want to thank everyone who has had
11 something to do with today's legislation. Council
12 Member Williams right on--right on. Hit the nail on
13 the head, and Borough President Gale Brewer hit the
14 nail on the head. Any type of legislation that takes
15 a bit out of discrimination and racism is the right
16 kind of bill that we should be passing each and
17 everyday. In 2015, we are still having conversations
18 where we're talking about justice. The same
19 conversations we were having in the '50s and '60s.
20 So something is really wrong when after 50 years
21 later and we're celebrating voting rights and civil
22 rights that we're still at the first step. So
23 passing legislation to change the rules, to change
24 the game is the best way for us to be able to do
25 that. And I am urging all my colleagues to please

2 when it's time to vote, that you vote aye because
3 today we're about saving lives, changing the world on
4 how they look at individuals. You've already been
5 punished one time when you went to jail, and you come
6 out and I heard there's something called double
7 jeopardy. But that's what the system does to folks
8 when they come out, and if they're trying to start--
9 start a new life then we should offer that
10 opportunity when they come back into society. So I
11 thank Council Member Jumaane Williams for his
12 legislation, and I'm looking forward to voting aye
13 and passing it and saving some lives. Thank you.

14 CHAIRPERSON MEALY: Thank you. Anyone
15 else? And I want to thank my colleague Jumaane
16 Williams. [coughing] Before he came to this--this
17 body, we had extensive conversations with Gale
18 Brewer, myself and all of us just to make sure that
19 it was fair all the way across the board. And this
20 should not be something if you did your time, you
21 should be able to get a job. And I'm glad this
22 legislation is going through now, and I do hope all
23 my colleagues vote aye on this legislation. And to
24 the Kalief Family our condolences and this body we're
25 going to continue doing as much as we possibly can to

2 change a lot of things. We should not--like my
3 colleague said, still doing things from 50 years. We
4 should--this is the 21st Century, and I think we
5 still backwards a little. So, I'm looking forward
6 for this committee to keep putting progressive
7 legislation. And I'm going to give it over to the
8 clerk so that we all can vote on this great piece of
9 legislations. And kudos to Gale Brewer our Borough
10 President of Manhattan.

11 CLERK: William Martin, Committee Clerk,
12 roll call vote Committee on Civil Rights,
13 Introduction 318-A. Chair Mealy.

14 CHAIRPERSON MEALY: I vote aye and hope
15 all my colleagues to vote aye also.

16 CLERK: Eugene.

17 COUNCIL MEMBER EUGENE: I vote aye.

18 CLERK: Dromm.

19 COUNCIL MEMBER DROMM: With
20 congratulations to Council Member Williams and to
21 Borough President Brewer, I vote aye.

22 CLERK: Rose.

23 COUNCIL MEMBER ROSE: Permission to
24 explain my vote, please.

25 CHAIRPERSON MEALY: Yes, you may.

2 COUNCIL MEMBER ROSE: I want to start by
3 saying ditto to the comments that my colleagues made
4 today, and I think the passing of this bill is very
5 fitting--a fitting tribute to Kalief Browder. I'm
6 sorry that it's untimely, and the fact that we might
7 have been able to prevent his untimely demise. And I
8 just want to thank all of my colleagues. I want to
9 thank my colleague Jumaane Williams and the Chair,
10 and everyone who made this legislation possible. I
11 want to thank you for removing this impediment to
12 employment. In the past, this committee has passed
13 other legislation that ensures individuals the
14 opportunity to get employment fairly. And so, this I
15 feel is just another weapon in that cache of
16 legislation for employees' rights. And, I just want
17 to say for an individual who has a criminal record,
18 their inability to get a job is a gateway to
19 recidivism. And by passing this legislation, I hope
20 that we're stemming the recidivism in New York City.
21 Thank you.

22 CLERK: King.

23 COUNCIL MEMBER KING: Can I vote three
24 ayes. [laughter]

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2 COUNCIL MEMBER ROSE: Oh, did I say aye?
3 Did I say aye? No. Aye, aye, aye.

4 COUNCIL MEMBER KING: See, I was covering
5 here. [laughs] I vote aye.

6 CLERK: By a vote of 5 in the
7 affirmative, 0 in the negative and no abstentions,
8 the item has been adopted.

9 CHAIRPERSON MEALY: Thank you and I see
10 we have a lot of interns or something. So,
11 congratulations and thank you for being here. Thank
12 you for all coming here to this important
13 legislation, voting this intro into existence until
14 we pass it as law. And this meeting is now
15 adjourned.

16 [gavel]

17 [applause, background comments]

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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 June 12, 2015