Committee on Civil and Human Rights

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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION**

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**COMMITTEE ON CIVIL AND HUMAN RIGHTS**

**Hon. Mathieu Eugene, Chair**

**December 2, 2021**

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| **PROPOSED INT. NO.:** 1208-A | By Council Members Helen Rosenthal, Justin Brannan, Adrienne Adams, Deborah Rose, Selvena Brooks-Powers, and Public Advocate Jumaane Williams |
| **TITLE:**  | A local law to amend the administrative code of the city of New York from posting job listings without minimum and maximum salary information. |
| **ADMINISTRATIVE CODE:** | Adds new subdivision to 8-107 |
| **Introduction No.:** 2020 | By Council Members Helen K. Rosenthal, Mark Gjonaj, Margaret S. Chin, Carlina Rivera, Eric Dinowitz, Stephen T. Levin, Selvena N. Brooks-Powers, Brad S. Lander, Kevin C. Riley, Karen Koslowitz, Farah N. Louis, and Public Advocate Jumaane Williams |
| **TITLE:** | A Local Law to amend the administrative code of the city of New York, in relation to open captioning at motion picture theatres |
| **ADMINISTRATIVE CODE:** | Adds new section 20-699.7 |
| **RESOLUTION NO.:** 1039-A | By Council Members Inez Barron, I. Daneek Miller, Ben Kallos, Robert Cornegy, Jr., James Van Bramer, Helen Rosenthal, Adrienne Adams, Laurie Cumbo, and Stephen Levin |
| **TITLE:** | Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2619A/S.7215 in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies. |
| **RESOLUTION NO.**: 1040 | By Council Members Inez Barron, I. Daneek Miller, Robert Cornegy, Jr., Alicka Ampry-Samuel, James Van Bramer, and Helen Rosenthal |
| **TITLE:** | Resolution calling upon the United States Congress to pass and the President to sign S. 1083/H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies. |

1. **INTRODUCTION**

On December 2, 2021, the Committee on Civil and Human Rights, chaired by Council Member Eugene, will hold a hearing on: Int. 1208-A, in relation to prohibiting employers from posting job listings without minimum and maximum salary information; Int. 2020, in relation to open captioning at movie theaters; Res. 1039-A, calling upon the New York State Legislature to pass and the Governor to sign A. 2619A/S.7215, in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies; and Res. 1040, calling upon Congress to pass and the President to sign S.1083/H.R. 40, in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies. Those invited to testify include representatives from the New York City Commission on Human Rights (CCHR), advocacy organizations, community organizations and members of the public.

1. **BACKGROUND**
	1. *The Wage Gap in the United States*

The wage gap represents the discrepancy in wages between men and women,[[1]](#footnote-1) which is the average difference between the pay, or wages, for men and women in the workforce.[[2]](#footnote-2) The median annual earnings of full-time, year-round workers is the most common measure for calculating the gender wage gap.[[3]](#footnote-3) Additionally, intersectional identities, including race, affect the wage gap.[[4]](#footnote-4) The Pew Research Center (“Pew”) found that, in 2015, among both full- and part-time workers in the U.S., Black people earned just 75 percent as much as whites in median hourly earnings and women earned 83 percent as much as men.[[5]](#footnote-5) According to the Institute for Women’s Policy Research, the gender wage gap in weekly earnings for full-time workers in the U.S. increased between 2017 and 2018.[[6]](#footnote-6) Pew’s research shows that this data has changed very little over the years as the gender wage gap has held steady in 2020, with women earning 84% of what men earned.[[7]](#footnote-7)

Despite efforts to narrow the gender pay gap since the 1960s, a woman working full-time in the United States (U.S.) still earns only a percentage of what a typical man earns in a year. Although the pay gap is narrower in New York State, at 88 percent, it results in a difference in the median annual income between women and men working full-time.[[8]](#footnote-8) Women in New York earn approximately $10,157 less than men each year.[[9]](#footnote-9) The gender wage gap disproportionately affects women of color. According to a report by the NYC Commission on Gender Equity (CGE), in New York City, a white woman working full-time earns 84 cents for every dollar a white man earns while a Hispanic woman working full-time earns 46 cents; an African American woman earns 55 cents; and an Asian woman earns about 63 cents.[[10]](#footnote-10)

For Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) individuals who have secured a job, a 2018 survey showed that they make less money than non-LGBTQ people on average, with more than half of LGBTQ respondents reporting wages of less than $50,000 annually.[[11]](#footnote-11) Meanwhile, the National Women’s Law Center reports that t[ransgender women’s wages fall](https://nwlc.org/wp-content/uploads/2016/04/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-1.pdf) by nearly a third after they transition.[[12]](#footnote-12)

* + 1. *Factors Affecting the Gender Wage Gap*

 Some of the factors driving the gender wage gap include: labor force participation; occupational title differences (for similar work); education; labor force experience and hours worked; gender differences in formal job training and retention; the impact of gender on the division of labor and on family caregiving; occupations and industries; and labor market discrimination.[[13]](#footnote-13) In addition to these factors, structural barriers to women’s progress and enduring social attitudes about a “woman’s place” contribute heavily to lower pay for women.[[14]](#footnote-14)

Despite the abovementioned factors, progress hasbeen made in addressing some of the underlying issues that lead to the gender wage gap since World War II.[[15]](#footnote-15) For example, women are now more likely to have a bachelor’s degree than men,[[16]](#footnote-16) a trend which has seen women’s participation in the U.S. labor force increase dramatically.[[17]](#footnote-17) However, most of the contributing underlying causes have been difficult to alleviate, which has allowed the gender wage gap to persist.[[18]](#footnote-18)

* + 1. *Race and the Gender Wage Gap*

It is apparent that the gender wage gap is more acute for women of color. For example, the median weekly earnings for Hispanic women were 61.6 percent, and for Black women 65.3 percent, of White men’s earnings in 2018.[[19]](#footnote-19) According to Equal Rights Advocates, a group that tracks the gender wage gap, this year, Black Women’s Equal Pay Day was on August 3, 2021[[20]](#footnote-20) and Latina Equal Pay Day was on October 21, 2021, farther into the year than Equal Pay Day would be for women generally, including white women, which was March 24, 2021.[[21]](#footnote-21)

In 2021, the American Association of University Women (AAUW) published a report comparing the annual earnings of white men working full-time year-round, to women belonging to different racial groups, across the U.S.[[22]](#footnote-22) In this report, based on Census data, AAUW found that overall women were paid 83 cents to every dollar a man earned. However, while the wage gap for White women working in the U.S. was 79 percent, the wage gap for Black women was 64 percent, 57 percent for Latinas, and 82 percent for Asian women.[[23]](#footnote-23)

* + 1. *The Gender Wage Gap in New York City*

Renewed focus on closing the gender wage gap has led many states, including New York, to pass legislation strengthening equal pay provisions by targeting some of the factors that perpetuate the gender pay gap. The state of New York has one of the smallest wage gaps among men and women in the nation, with women earning 88 cents to a man’s dollar when comparing annual median earnings.[[24]](#footnote-24) Yet, this gap still represents a significant difference in earnings within the state and city.[[25]](#footnote-25) For example, 88 cents to the dollar means that women annually earn $48,901 in comparison to the $55,636 men earn.[[26]](#footnote-26)

In NYC, the wage gap in 2018 was 85.8 percent, with women earning $54,587 to men earning $63,594.[[27]](#footnote-27) This represents a modest increase from 2016, when the wage gap in the city was 85 percent, and still shows a net difference in almost $10,000 in earnings between the sexes.[[28]](#footnote-28)

Additionally, according to a 2018 report by then-Public Advocate Letitia James, the average salary of women at the top ten majority women at NYC agencies[[29]](#footnote-29) was $10,000 less than the average salary of men at the top ten majority men NYC agencies.[[30]](#footnote-30) However, the same report found that at some agencies, male and female employees of the same rank or position were paid equally. Furthermore, collective bargaining agreements and civil service examinations can be an effective tool in addressing both wage equity and other issues related to retention and promotion.[[31]](#footnote-31)

* + 1. *NYC Commission on Gender Equity*

 The NYC CGE was codified in September 2016 to study the inequities facing women and girls, including the social and economic challenges individuals face due to gender.[[32]](#footnote-32) CGE examines and provides resources to address the gender wage gap. One such resource is a guide, released in February 2018, for best practices for gender pay equity in the workplace.[[33]](#footnote-33) Along with identifying the many benefits of eliminating the gender wage gap, the guide discusses the various employment laws in place to protect workers.[[34]](#footnote-34) Among the best practices to achieve pay equity, the guide includes using gender neutral language in recruitment materials, eliminating the use of salary history and negotiations when hiring and setting pay, establishing implicit bias training, instituting a name- and gender-blind application process, and utilizing structured interview questions and a diverse interview panel.[[35]](#footnote-35) In addition to the guide, CGE’s website identifies other resources provided by other City entities to reduce and eliminate the gender wage gap including salary negotiation trainings.[[36]](#footnote-36)

* + 1. *Pay transparency*

One strategy to achieve pay equity is to require pay transparency,[[37]](#footnote-37) which eliminates the wage gaps that result from sex and race discrimination.[[38]](#footnote-38) Pay transparency efforts often include one of three provisions: (1) prohibiting employers from asking for salary history before an interview or hiring; (2) requiring employers to publish salary ranges; or (3) allowing the disclosure of current salary and salary history among employees.[[39]](#footnote-39) The reasoning behind the movement to increase pay transparency is that job applicants are otherwise calculating their salary expectations in a vacuum. According to the National Women’s Law Center, studies show that women often ask for a lower salary when they negotiate than men, regardless of their qualifications or the nature of the role.[[40]](#footnote-40) Accordingly, absent transparent guidelines for the position’s salary, women might be paid less. Disclosing salary ranges might level the playing field by facilitating fairer negotiations. Companies may also be given the opportunity to review and evaluate compensation practices to address pay disparities.[[41]](#footnote-41)

 Pay transparency laws have been enacted in various jurisdictions within and outside the United States and the impact of such laws on the gender and race wage gap are telling. Studies show that in some instances, pay transparency combined with a well-communicated compensation plan has a positive impact on job satisfaction, employee engagement, and productivity.[[42]](#footnote-42) While the pay gap was not closed for all professions, pay transparency did narrow the gender wage gap when all other compensable factors were accounted for and controlled, and the gap completely closed across the majority of industries, occupations and job levels.[[43]](#footnote-43)

 A 2021 study of the impacts of pay transparency laws reveals how such laws can also provide a benefit to employers by raising the de facto bargaining power of the employer.[[44]](#footnote-44) According to the study, after pay transparency laws are enacted, the wage gap will shrink, however, average wages also may decline so long as the employer commits to a maximum wage.[[45]](#footnote-45) Further, in markets where workers collectively bargained or utilized a union, transparency did not detract from worker leverage.[[46]](#footnote-46)

Another study showed that pay transparency had a significant and economically sizable effect in reducing pay inequity, reducing the gender pay gap and improving the precision with which pay is linked to observable performance metrics and promotion.[[47]](#footnote-47) In aggregate, the study confirmed that pay transparency prompted organizations to reduce inequity and inequality in pay allocation. It also weakened the link between observable performance metrics and pay. Pay transparency appeared to pressure decision makers to remedy inequities in pay. It also resulted in more precise connections between pay and observable performance measures.[[48]](#footnote-48) Notably, the NYC CGE’s guide to address equity recommends that employers adopt pay transparency policies with standardized and objectively measured performance outcomes to limit bias in advancement decisions.[[49]](#footnote-49)

* 1. *Open Captioning*

According to 2019 American Community Survey data, there are approximately 168,281 deaf or hard of hearing people living in New York City.[[50]](#footnote-50) Although there is a raft of legal protections for this population, including the federal Americans with Disabilities Act (1990), and New York City Human Rights Law, deaf and hard of hearing New Yorkers face constant battles with ensuring accessibility to things that other New Yorkers take for granted.

Watching movies in cinemas is one such example. Federal rules do require that digital movie theaters are equipped with closed captioning and audio description technology.[[51]](#footnote-51) The rule also required that theaters have a certain number of personal captioning and audio description devices available. However, while this accessibility technology and closed captions may be available due to federal law, the law does not mandate that movie theaters provide such technology or services absent a request from a viewer. Accordingly, although closed captioning technology is mandated for “all new, non-exempt, English-language television programming”;[[52]](#footnote-52) it is not required for cinema screenings and is instead only offered if a viewer requests the service.[[53]](#footnote-53) Captioning – where on-screen text appears in synchronicity with what is being shown – can be either in an ‘open’ or ‘closed’ format. When captions are open, they appear on the screen for all viewers to see, like subtitles. When they are closed, the captioning can be turned on or off and a secondary device (such as a decoder for when watching on television or specific software when watching online), is needed to view them.[[54]](#footnote-54) According to the Americans with Disabilities Act, a device used for closed captioning means an “individual device that a patron may use at any seat to view closed movie captioning.”[[55]](#footnote-55) Such devices would be provided by the movie theater in accordance with federal rules.[[56]](#footnote-56)

According to advocates for the deaf and hard of hearing community, “closed captions places responsibility on the user to understand how to turn captions on, either on their television sets or in their media viewer software.”[[57]](#footnote-57) In cinemas, the devices used for closed captioning are not always maintained,[[58]](#footnote-58) and open caption sessions are only offered at limited sessions and typically during off-peak times.[[59]](#footnote-59) Advocates also point to surveys that show that many people without hearing loss enjoy using open captions when they are available.[[60]](#footnote-60)

Cinema owners, however, have raised concerns about mandating open captions. According to the National Association of Theater Owners (NATO), cinemas in New York City already provide open caption sessions when requested by moviegoers.[[61]](#footnote-61) They argue that by having flexibility and choice as to when to show these open caption sessions, the cinema can ensure that the session will be well attended by deaf and hard of hearing audiences, and it does not impact movie-goers who do not want to see a film with open captions.[[62]](#footnote-62)Additionally, NATO argues that open captions are not necessarily welcomed by all audiences and that mandating open captions could negatively impact cinemas’ bottom-line, especially after having had to be closed for so long due to COVID-19 restrictions.[[63]](#footnote-63)

A recent report from the Motion Picture Association painted a grim picture for the entertainment industry, and the movie theater industry specifically.[[64]](#footnote-64) In 2020, the entertainment market’s revenues declined by 18 percent from 2019.[[65]](#footnote-65) The largest decline was in the theatrical entertainment business, specifically movie theaters, which accounted for 15 percent of global revenue in 2020 compared to 43 percent in 2019.[[66]](#footnote-66) These declines can be directly attributed to the consequences of the COVID-19 pandemic. Safety protocols instituted at the height of the pandemic shut down movie theaters for a significant portion of 2020. These theaters then opened and operated with limited capacity and have only recently seen greater attendance numbers as anxiety over the pandemic wanes. About 70 percent of theaters reopened in the summer of 2021.[[67]](#footnote-67) However, the rise of the COVID-19 delta and other variants has continued to impact attendance at movie theaters and a full recovery is uncertain as viewing habits may have permanently changed.[[68]](#footnote-68) Mandating open captions at movie theaters while they are in the midst of their recovery from the COVID-19 pandemic may prove burdensome and negatively impact attendance at the theaters that continue to operate in New York City.

* 1. *Studying Reparations for Black and African Americans*

In 1626, slavery came to New York when the Dutch West India Company brought a group of 11 Africans to the state.[[69]](#footnote-69) Enslaved Africans faced cruel and inhumane treatment until slavery was abolished in New York in 1827, over 200 years later.[[70]](#footnote-70) Slaves were not regarded as people but as property and were forced to work without compensation or freedom. The enslaved Africans also faced atrocities including, physical abuse, sexual violence, degradation, poor working conditions and death.[[71]](#footnote-71) Presently, descendants of the enslaved population still face the residual effects of this period in history. Bought and sold predominantly at the slave market of Wall Street in New York City, the remains of a burial ground for enslaved and free Africans who lived and worked in the city were discovered as recently as 1991 during an excavation in Lower Manhattan, containing more than 15,000 intact skeletal remains.[[72]](#footnote-72) This part of New York’s history is often overlooked due to the image of a City with progressive ideals and consistently strong stances on human rights issues.

 Following the end of the Civil War, which brought a final emancipation of all slaves in the U.S., discrimination, prejudice and racially fueled violence continued to linger and cause long-term negative effects for newly freed slaves, as well as future generations of their descendants.

Even in post-slavery New York, Black and African Americans continued to deal with harmful and unfair treatment. Jim Crow[[73]](#footnote-73) describes an era of laws and policies specifically created to oppress Black and African American people and keep white people in power in a post-slavery U.S. “Just as Jim Crow segregation laws spread throughout the South in the 1890s and early 1900s, black people in New York suffered from written and unwritten rules against racial mixing in marriage, public accommodations and housing.”[[74]](#footnote-74)

A 2016 report by economists Celeste Carruthers and Marianne Wanamaker aimed to answer the question “are racial wealth gaps due to discrimination or differences in skill sets?”[[75]](#footnote-75) Their findings show that while the determined cause in most cases was a difference in skill sets, those different skill sets were racial and predominantly rooted in segregation.[[76]](#footnote-76) Those in favor of segregation and Jim Crow policies established the ‘separate but equal’ structure for education, transportation, and jobs.[[77]](#footnote-77) However, functionally, this was not the case. For example, public schools serving Black and African American students did not have equal funding and resources as their white counterparts, in turn limiting the education and skill set of the Black and African American students attending these schools.[[78]](#footnote-78) From the start of their freedom, Black and African American people were not set up to succeed in the U.S., but instead to fail. Although eliminating discrimination in the public educational system would not necessarily have combatted other forms of racism, it could have allowed for a more developed skill set in the average Black and African American. Such skills would allow them to qualify for better jobs and higher wages and possibly could have led to a narrower wage gap than the one we see today.[[79]](#footnote-79)

 Strict laws meant that under Jim Crow, tens of thousands of Black and African Americans were often arrested or incurred fines from infractions even though it was known that most would not be able to afford to pay these fines.[[80]](#footnote-80) If they were not able to pay their debts, prisoners were turned into forced laborers in a variety of industries such as coal mining, farms, or railroads.[[81]](#footnote-81) Spending their time in involuntary servitude meant their wages were going towards paying back unfair debts, not towards the growth of their personal wealth. Jim Crow laws also affected the types of jobs available to Black and African Americans. Desirable and well-paying jobs were largely reserved for white people, and Black and African Americans (even those working similar jobs to some white people), were relegated to undesirable work and very low wages.[[82]](#footnote-82)

The public policies instituted due to the racial biases of this era also led to redlining[[83]](#footnote-83) and generational wealth disparity. While government policies encouraged white families to move to segregated, middle-class suburbs, they also pushed Black and African American families into unsafe, industrial, polluted, high-density areas, often far from their jobs, with fewer social services, amenities, and fewer opportunities for home ownership.[[84]](#footnote-84) This meant that Black and African American families spent more on commuting or took lower wage jobs. Segregated schools, poor health, and a lower quality of life became the norm for Black and African American households. The results of these policies are evident today. New York City continues to have deeply segregated neighborhoods and schools that are relics of redlining.[[85]](#footnote-85) Throughout the country, the average white household reported 6.9 times the wealth of the average Black and African American household.[[86]](#footnote-86) As of the second quarter of 2020, white households, which account for 60 percent of the U.S. population, held 84 percent of the total household wealth in the U.S. In contrast, Black and African American households, accounting for 13.4 percent of the population, held four percent of total household wealth.[[87]](#footnote-87)

 A recent example of the effects of racial bias on Black and African Americans is the practice of “stop and frisk”, a policy that allowed New York City police officers to stop, interrogate, and search anyone on the basis of “reasonable suspicion”.[[88]](#footnote-88) Opposition to “stop and frisk” pointed to the high risk for racial profiling. “In 1999, Blacks and Latinos made up 50 percent of New York’s population, but accounted for 84 percent of the city’s stops. Those statistics have changed little in more than a decade.”[[89]](#footnote-89) Between January 2004 and June 2012, the New York City Police Department (“NYPD”) made 4.4. million total stops. Of those stops, over 80 percent were Black or Hispanic.[[90]](#footnote-90) A case was brought forth challenging “stop and frisk” and in 2013, a federal judge ruled that the policy was unconstitutional, finding that the City was liable for violating the plaintiffs’ Fourth and Fourteenth Amendment rights.[[91]](#footnote-91)

 Black and African Americans in the U.S. face a disproportionate amount of poverty and are generally less financially secure when compared to other groups.[[92]](#footnote-92) Today, the average white family in the United States has roughly 10 times greater wealth when compared to the average Black and African American family.[[93]](#footnote-93) Similarly, white college graduates have seven times greater wealth when compared to Black and African American college graduates in the U.S.[[94]](#footnote-94) In 1860, the estimated value of free slave labor was about three billion dollars,[[95]](#footnote-95) compensation that neither slaves nor their descendants ever received. White slave owners became extremely wealthy based on this free labor and many of their families continued to profit for generations.[[96]](#footnote-96) Anti-Black and African American housing, business policies, and segregation during the Reconstruction and Jim Crow eras also worked to limit financial accessibility for Black and African Americans by severely reducing the number of opportunities for their wealth to grow.[[97]](#footnote-97) This unequal distribution of wealth has served to make it difficult for Black and African Americans to catch up to their white counterparts after hundreds of years of mistreatment and inequality.

The effects of slavery have also resulted in generational trauma within the African American and Black communities. This is seen not only in New York but also on a much larger, overall scale. Minimization or dismissiveness of the magnitude of racial trauma can be traced back to slavery. For example, systemic racism is at the root of many disparities in the mental health system. Defined as policies and practices that exist throughout society, and within organizations, that result in and support the continued unfair advantage to some people and unfair or harmful treatment of others based on race[[98]](#footnote-98), systemic racism has long been a roadblock to equality.

In comparison to white people, Black, Indigenous, and people of color (“BIPOC”), are less likely to have access to mental health services, seek out mental health services, or receive the care they need. When these individuals do receive necessary care, they are more likely to receive poor quality of care.[[99]](#footnote-99) Samuel Cartwright, an influential and respected physician in 19th century America, coined the term “Drapetomania”, which he described as a mental illness that caused black slaves to try to escape captivity.[[100]](#footnote-100) This entirely disregarded the mistreatment and trauma they faced and instead created a false mental illness in an attempt to explain scientifically why a slave would want to escape their circumstances. Similarly, between 1932 and 1972, United States Public Health Services conducted the Tuskegee Syphillis Experiment under the guise of providing treatment for Black and African American men with syphilis. Instead of receiving that treatment, study participants were prescribed vitamins or administered insufficient doses of medication that resulted in a number of unnecessary deaths.[[101]](#footnote-101) Such instances, as recently as the 20th century, have led to a culture of distrust of the medical community and have resulted in ongoing trauma that discourages Black and African American people from seeking help.

 The National Coalition of Blacks for Reparations in America defines reparations as a process of repairing, healing, and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions, and families.[[102]](#footnote-102) According to the U.S. Census Bureau, 24.3 percent of New York City’s population identifies as Black or African-American.[[103]](#footnote-103) This means that nearly a quarter of the City’s population would stand to benefit from the exploration of this process. A New York State Community Commission on Reparations Remedies would seek to explore the best methods for reparations while acknowledging the injustice and cruelty of slavery that took place in New York and the need to remedy its impacts.

 A similar effort at the federal level would identify the actions of states and the federal government in supporting the institution of slavery, discrimination in the private and public sectors, and the persistent negative effects of these polices on the lives of Black and African Americans. These efforts include policies like convict leasing, sharecropping, Jim Crow, redlining, and the war on drugs, which continue to negatively affect the freedoms and wealth of the Black and African American communities across the United States. A Commission to Study Reparation Proposals for African Americans at the federal level would require the United States government to acknowledge the lasting consequences of slavery, and then establish and execute a plan to address those impacts.

1. **BILL ANALYSIS**
	1. *Int. 1208-A - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from posting job listings without minimum and maximum salary information*

Section one of Int. 1208-A amends section 8-107 of the Administrative Code to make it unlawful to post an employment listing without including a maximum and minimum salary for the position. The Administrative Code defines an employer as anyone who employs four or more people. Outside of the four-employee category, the Code also includes employers of domestic workers, freelancers, and independent contractors, regardless of staff size, for purposes of the protections illustrated in this bill. The bill, if passed, would take effect 120 days after it becomes law.

* 1. *Int. 2020 - A Local Law to amend the administrative code of the city of New York, in relation to open captioning at motion picture theatres*

Section one of Int. 2020 amends chapter 4 of title 20 of the Administrative Code to require that theaters provide open captions during motion picture showings. Motion picture theaters with more than two screens that provide more than 10 showings a week would be required to provide a schedule wherein half of the week’s showings include open movie captioning. This requirement would not apply to movies that are produced and distributed without captioning.

The bill would require that half of the showings scheduled during the peak hours of 5:59 pm and 11:01 pm on Friday, or between 11:59 am and 11:01 pm on Saturday or Sunday, include open captioning. Half of the open captioned showings that are scheduled outside peak hours would start after 5:59 pm and end before 11:01 pm from Monday through Thursday.

The bill would require that showings with open captioning do not overlap with other motion picture showings that have open captioning. Additionally, a motion picture with open captioning should not be shown on two screens with open captioning at the same time. The bill would also require that the theater advertise the date and time of motion picture showings with open captioning in the same manner as any other motion picture showing.

Subdivision f of this bill provides that a motion picture theater that violates this legislation would be subject to a civil penalty ranging from $100 to $500 for each violation. A violation of this section could also be a violation of the reasonable accommodation provisions of title 8 of the Administrative Code. The bill, if passed, would take effect 120 days after it becomes law.

* 1. *Res. 1039 -* *Resolution calling upon on the New York State Legislature to pass and the Governor sign A.2619A/ S.7215 in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.*

The proposed resolution would support A.2619A/ S.7215, sponsored by Senator Jabari Brisport and Assemblymember Charles Barron, which acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the city of New York and the state of New York and establishes the New York State Community Commission on Reparations Remedies. The New York State Community Commission on Reparations Remedies would examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.

* 1. *Res. 1040 - Resolution calling upon the United States Congress to pass and the President to Sign S.1083/ H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.*

This resolution would support S.1083/ H.R.40, sponsored by Senator Corey Booker and Representative Sheila Jackson Lee, which requires the United States to acknowledge the lasting impacts of slavery and establish and execute a plan to address those impacts Commission to Study Reparation Proposals for African-Americans. The Commission to Study and Develop Reparation Proposals for African-Americans would examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.

1. **CONCLUSION**

At today’s hearing, the Committee will discuss a bill requiring that minimum and maximum salaries be posted with open positions, and a bill providing open captioning in movie theaters. The Committee will also consider resolutions studying reparations for the impacts of slavery in the U.S.

Proposed Int. No. 1208-A

By Council Members Rosenthal, Brannan, Adams, Rose, Brooks-Powers and the Public Advocate (Mr. Williams)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from posting job listings without minimum and maximum salary information

..Body

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 28 to read as follows:

28. Employment; minimum salary in job listings. It is an unlawful discriminatory practice for an employer, employment agency, employee or agent thereof to post a listing for employment within the city of New York, in any media, without stating the minimum and maximum salary for such position.

§ 2. This local law takes effect 120 days after it becomes law.

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Int. No. 2020

By Council Members Rosenthal, Gjonaj, Chin, Rivera, Dinowitz, Levin, Brooks-Powers, Lander, Riley, Koslowitz, Louis and the Public Advocate (Mr. Williams)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to open captioning at motion picture theatres

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13

MOTION PICTURE THEATERS

§ 20-699.7 Open captioning in motion picture theaters. a. Definitions. As used in this section, the following terms have the following meanings:

Motion picture. The term “motion picture” means a story or event recorded by a camera as a set of moving images. Such term includes the term movie.

Motion picture theater. The term “motion picture theater” means an entity in the business of providing showings of motion pictures to the general public.

Open movie captioning. The term "open movie captioning" means the written, on-screen display of a motion picture's dialogue and non-speech information, including music, the identity of the character who is speaking and other sounds and sound effects.

Peak movie attendance hours. The term “peak movie attendance hours" means:

1. A motion picture showing that begins after 5:59 p.m. and finishes before 11:01 p.m. on Friday; or

2. A motion picture showing that begins after 11:59 a.m. and finishes before 11:01 p.m. on Saturday or Sunday.

b. Open movie captioning required. A motion picture theater with more than two screens and that provides more than 10 showings per week shall provide scheduled showings of motion pictures with open movie captioning such that at least half of the weekly scheduled showings of each motion picture currently showing at the motion picture theater have open movie captioning.

c. Exceptions. A motion picture that is produced and distributed without open movie captioning is not subject to the provisions of subdivision b of this section.

d. Timing. 1. At least half of the scheduled showings required pursuant to subdivision b of this section shall be provided during peak movie attendance hours. At least half of the scheduled showings required pursuant to subdivision b of this section that are scheduled outside of peak movie attendance hours shall start after 5:59 p.m. and finish before 11:01 p.m. on Mondays, Tuesdays, Wednesdays or Thursdays.

2. To the extent possible, no showing of a motion picture with open captioning shall overlap with another showing of a motion picture with open captioning.

3. No showing of a motion picture with open movie captioning shall overlap with another showing of the same motion picture with open movie captioning.

e. Public notice. A motion picture theater subject to the provisions of subdivision b of this section shall advertise the date and time of motion picture showings required by subdivision b in the same manner as the motion picture theater advertises all other motion picture showings.

f. Violations. Any motion picture theater that violates any of the provisions of this section shall be subject to a civil penalty of not less than $100 nor more than $500 for each violation. A violation of this section may also violate the reasonable accommodation provisions of title 8 of this code and be subject to enforcement by the city commission on human rights.

§ 2. This local law takes effect 120 days after it becomes law.

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7/23/20

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Proposed Res. No. 1039-A

..Title

Resolution calling upon on the New York State Legislature to pass and the Governor sign A.2619A/ S.7215 in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.

..Body

By Council Members Barron, Miller, Kallos, Cornegy, Van Bramer, Rosenthal, Adams, Cumbo and Levin

Whereas, Millions of enslaved Africans in the United States spent their lives providing unpaid skilled labor and were subject to execution, torture, extreme physical abuse, systemic and state sanctioned rape and sexual violence; and

Whereas, On December 13, 1711, the New York City Common Council passed a law establishing the city’s first slave market, at which African-Americans and Native Americans were to be purchased, hired and sold; and

Whereas, By 1730, New York City was the second-largest slave-owning city in the country with 42 percent of the population being owners of enslaved African-Americans; and

Whereas, Prior to the American Revolution, there were more enslaved Africans in New York City than in any other city except Charleston, South Carolina; and

Whereas, Enslaved African-Americans were the economic engine of the City, having prepared land for agriculture, built infrastructure of roads, constructed City Hall and built the wall after which Wall Street is named; and

Whereas, In the abolition of slavery, New York State was one of the early pioneers effectively ending slavery in 1827, 38 years prior to the national abolition of slavery, yet racism, discrimination, segregation, and anti-black violence continued; and

Whereas, By the 1850s, the City was profiting immensely from the illegal international slave trade to Southern United States, Brazil and Cuba; and

Whereas, In July 1863, the Draft Riots occurred where approximately 100 people were killed in Manhattan and Brooklyn, 100 buildings were destroyed and 11 Black men were lynched, tortured and mutilated, with some hanged from lamp posts and burned; and

Whereas, In 1865, the Thirteenth Amendment to the United States Constitution abolished slavery and involuntary servitude, except as punishment for a crime; and

Whereas, Amongst other national and local polices that targeted and criminalized Black people, policies such as the 1973 Rockefeller Drug Laws, passed by New York Governor Nelson Rockefeller to deter drug use and sales, served as a catalyst to the mass incarceration of Black people; and

Whereas, The National Coalition of Blacks for Reparations in America defines reparations as a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions and families; and

Whereas, In addition to reparations owed for the shattering impacts of the Federally-declared War on Drugs campaign of the 1970’s and the ongoing mass criminalization of Black people, The Movement for Black Lives, also recognized as “M4BL,” has identified several other demands for reparations for all Black people; and

Whereas, Reparations are owed for the systemic denial of access to quality educational opportunities, the capital extracted from Black communities through environmental racism, slavery, food apartheid, housing discrimination and racialized capitalism, and the cultural and educational exploitation and erasure of Black communities; and

Whereas, The United Nations outlines five conditions that must be met for full reparations, including cessation or assurance of non-repetition, restitution, compensation, satisfaction and rehabilitation; and

Whereas, Therefore, reparations cannot be achieved merely through an apology or investment in underprivileged communities, unless accompanied by acts of repair and efforts to leverage power, influence and resources to ensure all acts of harm have ceased with guarantee of non-repetition; and

Whereas, A.2619A/ S.7215, sponsored by Senator Jabari Brisport and Assemblymember Charles Barron, acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the city of New York and the state of New York and establishes the New York State Community Commission on Reparations Remedies; and

Whereas, Slavery’s impact on New York remains significant and perpetuates a growing wealth disparity and socioeconomic disposition that African-Americans today face as a result of historical, discriminatory policies and ongoing segregation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the New York State Legislature to pass and the Governor sign A.2619A/ S.7215 in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.

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Res. No. 1040

..Title

Resolution calling upon the United States Congress to pass and the President to Sign S.1083/ H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.

..Body

By Council Members Barron, Miller, Cornegy, Ampry-Samuel, Van Bramer, and Rosenthal

Whereas, Millions of enslaved Africans in the United States spent their lives providing unpaid skilled labor and were subject to execution, torture, extreme physical abuse, systemic and state sanctioned rape and sexual violence; and

Whereas, As early as 1627, slavery flourished in New York state, constituting an immoral and inhumane deprivation of Africans' life, liberty, citizenship rights and cultural heritage, and by 1730, New York City was the second-largest slave-owning city in the country; and

Whereas, Slavery’s impact on New York remains significant and perpetuates a growing wealth disparity and socioeconomic disposition that African-Americans today face as a result of historical, discriminatory policies and ongoing segregation; and

Whereas, In 2006, the General Assembly of the United Nations (UN) adopted a Resolution establishing the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; and

Whereas, According to the aforementioned Resolution, adequate, effective and prompt reparation is intended to promote justice by remedying gross violations of international human rights law or serious violations of international humanitarian law and should be proportional to the gravity of the violations and the harm suffered; and

Whereas, The UN outlines five conditions that must be met for full reparations, including cessation or assurance of non-repetition, restitution, compensation, satisfaction and rehabilitation; and

Whereas, The National Coalition of Blacks for Reparations in America defines reparations as a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions and families; and

Whereas, The Movement for Black Lives, also recognized as “M4BL,” identifies several ongoing harms to Black people in the United States to which reparations are owed including, but not limited to, police and state violence, mass criminalization, incarceration, institutionalization, deportation, exclusion, segregation, structural employment and housing discrimination, food and service apartheid and denial of health care; and

Whereas, M4BL identifies additional harms to Black people, including lower than average life expectancy, forced sterilization, denial of reproductive care and autonomy in Black communities, as well as high rates of maternal and infant mortality and stress-related conditions; and

Whereas, S.1083/ H.R.40, sponsored by Senator Corey Booker and Representative Sheila Jackson Lee, and has been regularly introduced since 1989 by Representative John Conyers, requires the United States to acknowledge the lasting impacts of slavery and establish and execute a plan to address those impacts Commission to Study Reparation Proposals for African-Americans; and

Whereas, The Commission to Study Reparation Proposals for African-Americans would identify the role of federal and state governments in supporting the institution of slavery, forms of discrimination in the public and private sectors against freed slaves and their descendants, and lingering negative effects of slavery on the lives of Black people and society today; and

Whereas, The systematic exploitation, violence, theft, and harm to Black people today is inherited from centuries of policies and practices perpetuated by the United States government, individuals, and corporations that must also be accounted for including convict leasing, sharecropping, Jim Crow, redlining, and the War on Drugs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to Sign S.1083/ H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.

LS #11517

08/08/19

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1. Also known as the “gender pay gap.” [↑](#footnote-ref-1)
2. Elise Gould, et al, *What is the Gender Pay Gap and is it Real?* Economic Policy Institute. (Oct. 20, 2016)

*Available at* https://www.epi.org/publication/what-is-the-gender-pay-gap-and-is-it-real/. [↑](#footnote-ref-2)
3. U.S. Dep’t of Labor. *Facts Over Time-Earnings and Ratios*. (1960-2020) *Available at*: https://www.dol.gov/agencies/wb/data/facts-over-time. [↑](#footnote-ref-3)
4. Eileen Patten. Pew Research Center. *Racial, Gender Wage Gaps Persist in U.S. Despite Some Progress*. (July 1, 2016) *Available at* https://www.pewresearch.org/fact-tank/2016/07/01/racial-gender-wage-gaps-persist-in-u-s-despite-some-progress/ [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. In 2018, the Institute reported that the ratio of women’s to men’s median weekly full-time earning was 81.1 percent, leaving a wage gap of 18.9 percent. Institute for Women’s Policy Research, *The Gender Wage Gap: 2018-Earnings Differences by Race and Ethnicity*, (Mar. 2018) *Available at* <https://iwpr.org/wp-content/uploads/2019/03/C478_Gender-Wage-Gap-in-2018.pdf>. [↑](#footnote-ref-6)
7. Notably, data has not yet been made available for 2021 and the impact of the coronavirus fueled economic downturn. Amanda Barroso and Anna Brown. Pew Research Center. *Gender Pay Gap in U.S. Held Steady in 2020*. (May 25, 2021) *Available at* https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/. [↑](#footnote-ref-7)
8. Azi Paybarah. New York Times. *What Women in New York Earn Compared With Men.* (April 2, 2019) *Available at* https://www.nytimes.com/2019/04/02/nyregion/newyorktoday/nyc-news-women-equal-pay-day.html. [↑](#footnote-ref-8)
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10. New York City Commission on Gender Equity. *Leveling the Playing Field: Best Practices for Gender Pay Equity in the Workplace.* (Feb. 2018) *Available at* https://www1.nyc.gov/assets/genderequity/downloads/pdf/Pay-Equity-Brochure.pdf. [↑](#footnote-ref-10)
11. Miranda Marquit. Student Loan Hero. *Survey: 60% of LGBTQ Student Borrowers Regret Taking Out Student Loans*. (Dec. 3, 2018) *Available at* <https://studentloanhero.com/featured/survey-lgbtq-student-borrowers-regret-loans/>. Notably, a gender wage gap exists even among same-sex couples. A 2013 report by the Williams Institute found that women in same-sex couples have a median personal income of $38,000 compared to $47,000 for men in same-sex couples. M.V. Lee Badgett, et. al., The Williams Institute. *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community*. (June 2013) *Available at* <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>. [↑](#footnote-ref-11)
12. National Women’s Law Center. *The Wage Gap: the Who, How, Why, and What to Do*. (Apr. 2016) *Available at* <https://nwlc.org/wp-content/uploads/2016/04/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-1.pdf>. [↑](#footnote-ref-12)
13. Francine D. Blau and Lawrence M. Kahn, *The Gender Wage Gap: Extend, Trends and Explanations*. (National Bureau of Economic Research Working Paper 21913, Jan. 2016), <https://www.nber.org/papers/w21913.pdf>. [↑](#footnote-ref-13)
14. Sarah Jane Glynn, Center for American Progress. *Explaining the Gender Wage Gap*, May 19, 2014. *Available at* <https://www.americanprogress.org/issues/economy/reports/2014/05/19/90039/explaining-the-gender-wage-gap/>. [↑](#footnote-ref-14)
15. Blau *supra* at 11. [↑](#footnote-ref-15)
16. Nolan Feeney, TIME. *Women are Now More Likely to Have a College Degree* (Oct. 7, 2015) *Available at* <http://time.com/4064665/women-college-degree/>. [↑](#footnote-ref-16)
17. Blau *supra*. [↑](#footnote-ref-17)
18. Nikki Graf, et al., Pew Research Center. *The Narrowing, But Persistent, Gender Gap in Pay.* (Mar. 22, 2019) *Available at* <https://www.pewresearch.org/fact-tank/2019/03/22/gender-pay-gap-facts/>. [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. Equal Pay Today! *Black Women’s Equal Pay Day*. *Available at* <http://www.equalpaytoday.org/black-womens-equal-pay-day-2021>. [↑](#footnote-ref-20)
21. Equal Pay Today! La*tina Equal Pay Day*. *Available at* http://www.equalpaytoday.org/latina-equal-pay-day-2021. *See also* *Equal Pay Day Calendar*. AAUW. *Available at* https://www.aauw.org/resources/article/equal-pay-day-calendar/. [↑](#footnote-ref-21)
22. American Association of University Women. *The Simple Truth About the Gender Pay Gap: 2021 Update*.(2021) *Available at* https://www.aauw.org/app/uploads/2021/09/AAUW\_SimpleTruth\_2021\_-fall\_update.pdf. [↑](#footnote-ref-22)
23. *Id.* Notably, this report indicated that its results did not reflect the impact of unemployment on the racial and gender wage gap. While the share of men who are employed full-time fell from 52.2 percent in 2019 to 46.1 percent in 2020, the share of women who are employed full-time fell from 38.2 percent to 33.5 percent. As the people most likely to be unemployed are women with the lowest wages, the pay data reflects a narrower pay gap rather than progress towards pay equity. [↑](#footnote-ref-23)
24. Susan Milligan. U.S. News. *States with Largest and Smallest Gender Pay Gap*. (April 2, 2019) *Available at* <https://www.usnews.com/news/best-states/articles/2019-04-02/states-with-largest-and-smallest-gender-pay-gap>. [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. *Id.* [↑](#footnote-ref-26)
27. American Association of University Women. *The Pay Gap in 25 Major U.S. Cities*. (Oct. 3, 2019) *Available at* https://www.aauw.org/resources/article/pay-gap-in-metro-areas/. Note: City is defined as New York Metropolitan Statistical Area, commonly used in the American Community Survey. [↑](#footnote-ref-27)
28. American Association of University Women. *U.S. Cities Reveal a Wide Range of Gender and Racial Pay Gaps*. (Dec. 11, 2017) *Available at* https://www.aauw.org/article/u-s-cities-reveal-a-wide-range-of-gender-and-racial-pay-gaps/. [↑](#footnote-ref-28)
29. Dep’t of Ed. Paraprofessionals, Hum. Res. Admin./Dep’t of Soc. Serv., Dep’t of Prob., Dep’t of Ed. Admin., Admin. for Child. Serv., Landmarks Pres. Comm’n, Dep’t for the Aging, Mayor’s Off. of Cont. Serv., Dep’t of Youth and Cmty Dev., Dep’t of Ed. Pedagogical. *See* Page 5; Public Advocate for the City of New York. *Tipping the Scales. Wage and Hiring Inequity in New York City Agencies*. (Mar. 2018). [↑](#footnote-ref-29)
30. *Id.* Taxi and Limousine Comm’n, Dep’t of Parks and Recreation, Dep’t of Transp., Dep’t of Sanitation, Fire Dep’t, Dep’t of Env’t Prot., Dep’t of Buildings, Police Dep’t, Dep’t of Design and Constr., Fin. Info. Serv. Agency. [↑](#footnote-ref-30)
31. *Id.* at 6. [↑](#footnote-ref-31)
32. NYC Commission on Gender Equity. *About the Commission on Gender Equity*. *Available at* <https://www1.nyc.gov/site/genderequity/about/about.page>. [↑](#footnote-ref-32)
33. NYC Commission on Gender Equity. *Leveling the Paying Field: Best Practices for Gender Pay Equity in the Workplace*. (2017) *Available at* https://www1.nyc.gov/assets/genderequity/downloads/pdf/Pay-Equity-Brochure.pdf [↑](#footnote-ref-33)
34. *Id.* [↑](#footnote-ref-34)
35. *Id.* [↑](#footnote-ref-35)
36. NYC Commission on Gender Equity. *Pay Equity Resources*. *Available at* <https://www1.nyc.gov/site/genderequity/economic-equity/pay-equity-resources.page> [↑](#footnote-ref-36)
37. According to the company PayScale, pay transparency is “an approach to compensation that removes the mystery of how much employees make by establishing data informed pay ranges for job roles that are not cloaked in secrecy.” *Does Pay Transparency Close the Gender Wage Gap?* (PayScale 2020) https://www.payscale.com/content/whitepaper/Pay-Transparency-Closing-Gender-Wage-Gap.pdf. [↑](#footnote-ref-37)
38. Pay equity is a means of eliminating sex and race discrimination in the wage-setting system by requiring that the criteria employers use to set wages be sex- and race-neutral. *See* National Committee on Pay Equity. *Pay Equity Information*. *Available at* [https://www.pay-equity.org/info-Q&A.html](https://www.pay-equity.org/info-Q%26A.html). [↑](#footnote-ref-38)
39. Tatiana Follett and Iris Hentze, The Nat’l Conference of State Legislatures. *The Gender Pay Gap*. (Feb. 12, 2021) *Available at* <https://www.ncsl.org/research/labor-and-employment/the-gender-pay-gap.aspx>. Notably, New York already prohibits employers from asking for salary history effective 10/31/17. [↑](#footnote-ref-39)
40. *Id.* [↑](#footnote-ref-40)
41. *Id*. [↑](#footnote-ref-41)
42. PayScale *supra.* [↑](#footnote-ref-42)
43. *Id.* [↑](#footnote-ref-43)
44. Zoe B. Cullen and Bobak Pakzad-Hurson. *Equilibrium Effects of Pay Transparency*. (National Bureau of Economic Research Working Paper 28903, June 2021), http://www.nber.org/papers/w28903. [↑](#footnote-ref-44)
45. *Id.* [↑](#footnote-ref-45)
46. *Id.* [↑](#footnote-ref-46)
47. Tomasz Obloj, Todd Zenger. *The Influence of Pay Transparency on Inequity, Inequality,*

*and the Performance-Basis of Pay*. (May 2020) *Available at* [https://ssrn.com/abstract=3523828](https://ssrn.com/abstract%3D3523828). (studying the impacts of pay transparency efforts in academia). [↑](#footnote-ref-47)
48. *Id.* at 18 (Performance measures included publications, books, and grants in the context of academia). [↑](#footnote-ref-48)
49. *Id.* at 33 [↑](#footnote-ref-49)
50. U.S. Census Bureau. 2019 American Community Survey. *Disability Characteristics*. *Available at* <https://www.data.census.gov>. *See also* Daniel Krieger. New York Times. *Deaf And Hard Of Hearing Fight To Be Heard*.(Mar. 25, 2016) *Available at* <https://www.nytimes.com/2016/03/27/nyregion/deaf-and-hard-of-hearing-fight-to-be-heard.html>. [↑](#footnote-ref-50)
51. 28 CFR § 36 eff. Jan. 17, 2017. [↑](#footnote-ref-51)
52. National Association of the Deaf. *Television and Closed Captioning*. *Available at* <https://www.nad.org/resources/technology/television-and-closed-captioning/>. [↑](#footnote-ref-52)
53. National Association of the Deaf. *When is Captioning Required?* *Available at* <https://www.nad.org/resources/technology/captioning-for-access/when-is-captioning-required/>. [↑](#footnote-ref-53)
54. 28 C.F.R. § 36.303(g)(1). *See generally* 28 CFR § 36.; *See also* Disabilities, Opportunities, Internetworking, and Technology Center. *What is the Difference Between Open and Closed Captioning?*” (April 8, 2021) *Available at* <https://www.washington.edu/doit/what-difference-between-open-and-closed-captioning>. [↑](#footnote-ref-54)
55. 28 C.F.R. § 36.303(g)(1)(iv). [↑](#footnote-ref-55)
56. 28 C.F.R. § 36.303(g)(1). *See generally* 28 CFR § 36. [↑](#footnote-ref-56)
57. Disabilities, Opportunities, Internetworking, and Technology Center *supra*. [↑](#footnote-ref-57)
58. *See* Shari Eberts. *Are Movie Theater Caption Readers Properly Maintained?* (Feb. 26, 2019) *Available at* <https://livingwithhearingloss.com/2019/02/26/are-movie-theater-caption-readers-properly-maintained/>; *See* Vimal Patel, New York Times. *AMC to Add Onscreen Captions at Some Locations*. (Nov. 4, 2021) *Available at* <https://www.nytimes.com/2021/10/20/business/amc-theaters-open-captioning-deaf.html> (wherein advocates claim closed captioning devices are prone to malfunctioning); *see also* Sarah Bahr, *How Lauren Ridloff’s Deafness Became a Superpower in Marvel’s ‘Eternals’*. (Nov. 4, 2021) *Available at* <https://www.nytimes.com/2021/09/15/movies/lauren-ridloff-eternals-deaf-hero.html>; Andrea McCarren, WUSA9 *Captioning Devices Not Working at Movie Theaters*. (Nov. 17, 2016) *Available at* <https://www.wusa9.com/article/news/local/captioning-devices-not-working-at-movie-theaters/65-353590478>; Michael O’Sullivan, Washington Post. *For the Deaf and Hard of Hearing, Movies are Often Out of Reach. That Could Change.* (Sept. 20, 2019) *Available at* washingtonpost.com/entertainment/for-the-deaf-and-hard-of-hearing-movies-are-often-out-of-reach-that-could-change/2019/09/19/e35efa82-d895-11e9-ac63-3016711543fe\_story.html. (Noting that assistive devices “are notoriously cumbersome and prone to dead batteries and missing dialogue, are roundly derided by those who have to use them.”) [↑](#footnote-ref-58)
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62. *Id.* [↑](#footnote-ref-62)
63. *Id.* [↑](#footnote-ref-63)
64. Brad Adgate. Forbes. *The Impact COVID-19 Had On The Entertainment Industry In 2020*. (April 13, 2021) *Available at* https://www.forbes.com/sites/bradadgate/2021/04/13/the-impact-covid-19-had-on-the-entertainment-industry-in-2020/?sh=27ccae1250f0. [↑](#footnote-ref-64)
65. *Id.* [↑](#footnote-ref-65)
66. *Id.* [↑](#footnote-ref-66)
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69. Ned Benton. New York Slavery Records Index. *Dating the Start and End of Slavery in New York*. *Available at* https://nyslavery.commons.gc.cuny.edu/dating-the-start-and-end-of-slavery-in-new-york/. [↑](#footnote-ref-69)
70. *Id.* [↑](#footnote-ref-70)
71. U.S. National Parks Service. *New York: African Burial Ground National Monument*. *Available at* https://www.nps.gov/articles/afamburial.htm; Bettye Kearse, Time. *I Feared My Enslaved Ancestors Had Been Dishonored in Death—But the African Burial Ground in New York City Tells a Different Story*. (Mar. 24, 2020) *Available at* https://time.com/5808542/african-burial-ground-history/; NYC Urbanism. *A Short History of Slavery in NYC*. *Available at* https://www.nycurbanism.com/blog/2019/6/18/a-short-history-of-slavery-in-nyc. [↑](#footnote-ref-71)
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74. Brian Purnell, Jeanne Theoharis. Washington Post. *How New York City Became the Capital of the Jim Crow North*. (Aug. 23, 2017) *Available at* https://www.washingtonpost.com/news/made-by-history/wp/2017/08/23/how-new-york-city-became-the-capital-of-the-jim-crow-north/. [↑](#footnote-ref-74)
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76. *Id.* [↑](#footnote-ref-76)
77. “Separate but equal” is the notion that Black people could be segregated from white people as long as they had equal opportunities and facilities. Dictionary.com. *Separate-but-equal*. *Available at* https://www.dictionary.com/browse/separate-but-equal. [↑](#footnote-ref-77)
78. *Jim Crow Era – Jim Crow Timeline supra.* [↑](#footnote-ref-78)
79. Notably, school segregation continues to remain a problem in the modern era. Recent studies have shown that New York City schools are among the most segregated in the country. Jessica Gould. Gothamist. *New York’s Schools Are Still The Most Segregated In The Nation: Report*. (June 11, 2021) *Available at*  <https://gothamist.com/news/new-yorks-schools-are-still-the-most-segregated-in-the-nation-report>. *See* The Civil Rights Project. The University of California UCLA. *Report Shows School Segregation in New York Remains Worst in Nation*. (June 10, 2021) *Available at* https://www.civilrightsproject.ucla.edu/news/press-releases/2021-press-releases/report-shows-school-segregation-in-new-york-remains-worst-in-nation. [↑](#footnote-ref-79)
80. Cibonay Dames LLC. Jim Crow – Now & Then. *Economic Oppression.* *Available at* https://cibonayrae.github.io/jimcrow/economic.html. [↑](#footnote-ref-80)
81. *Id*. [↑](#footnote-ref-81)
82. [*Id*](https://cibonayrae.github.io/jimcrow/economic.html)*.* [↑](#footnote-ref-82)
83. The term "redlining" comes from the New Deal developments, in which the federal government of maps of every metropolitan area in the country were color-coded by first the Home Owners Loan Corp. and then the Federal Housing Administration and then adopted by the Veterans Administration. These color codes indicated where it was safe to insure mortgages. However, any area in which African Americans lived or any area near an African American neighborhood was colored red to indicate to appraisers that these neighborhoods were too risky to insure mortgages. Accordingly, purchases in these neighborhoods were rare and costly, creating generations of renters with no vested property interests or generational wealth. Terry Gross. NPR. *A 'Forgotten History' Of How The U.S. Government Segregated America.* (May 3, 2017) *Available at* <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>’; *See also* Candace Jackson. The New York Times. *What Is Redlining?* (Aug. 17, 2021) *Available at* https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html. [↑](#footnote-ref-83)
84. Home ownership opportunities were further limited by zoning, redlining, and deed restrictions that prevented Black and African American families who may have been able to afford homes in white middle class suburbs from purchasing those homes. *See generally* Richard Rothstein, *The Color* of *Law.* (2017) [↑](#footnote-ref-84)
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