

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL RIGHTS

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August 16, 2011
Start: 10:35 am
Recess: 10:40 am

HELD AT: Council Chambers
City Hall

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

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

CHAIRPERSON ROSE: Good morning.

My name is Debbie Rose, and I'm the chair of the New York City Council's Committee on Civil Rights.

This morning we are voting on proposed Introductory Bill No. 632-A—a local to amend the Administrative Code in relation to unlawful discriminatory practices.

Under the City Human Rights Law, employers are required to provide a reasonable accommodation for an employee's religious observance, so long as it does not cause an undue hardship for the employer. The current law does not however, provide a definition of undue hardship, nor does it set forth factors to be considered. Because there is no definition for undue hardship, employers and adjudicators have at times referred to the federal definition of undue hardship when determining whether an employer is exempt from providing a reasonable accommodation for religious observance. This has become problematic because the federal de minimus [phonetic] cost or burden standard is a lower standard than what was intended for by the City Human Rights Law.

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2 The New York City Human Rights Law
3 is one of the most expansive human rights laws in
4 the country, and is intended to be more liberally
5 construed than similar state and federal laws.
6 Proposed Introductory bill No. 632-A was drafted
7 with this intent in mind. This bill amends the
8 City Human Rights Law by defining undue hardship
9 as an accommodation requiring significant expense
10 or difficulty and provides factors to be
11 considered when determining whether an employer
12 has met his or her duty to provide a reasonable
13 accommodation for religious observance.

14 This bill seeks to ensure that
15 workers are protected from religious
16 discrimination in the workplace and clarifies the
17 Council's intentions to provide greater protection
18 to workers under the City Human rights Law than
19 the federal and even state human rights provisions
20 provide. In addition, this would make the City
21 Human Rights Law consistent with the state human
22 rights law in relation to protecting workers from
23 religious discrimination in the workplace. I am
24 pleased with the legislation that has come out of
25 this Committee to provide greater protections to

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2 New Yorkers and I am particularly pleased with
3 this bill that will protect working New Yorkers
4 from discrimination in the workplace. With that,
5 I would like to give the sponsor of this bill,
6 Council Member Mark Weprin, the opportunity to
7 make a comment, but before I do so, I'd like to
8 thank Julene Beckford and Damien Butvick for their
9 work with this issue. Thank you.

10 COUNCIL MEMBER WEPRIN: Thank you,
11 Chair Rose. You did a great job of describing the
12 legislation, so I'm not sure what's left for me to
13 say except thank you very much to you and your
14 staff for helping this bill get through. For
15 those of you who don't know the background just
16 briefly, I happen to represent a large Sikh
17 population, and an issue that came up while I was
18 working the neighborhood when I was first running
19 for office was that a lot of them felt that the
20 city was not allowing them to serve in the police
21 department as well as other uniformed areas, but
22 they felt like there was a discrimination being
23 put on them that wasn't allowing them to serve and
24 the standard that was being used by the city of
25 New York--the minimus - - burden really was so

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2 broad that any type of inconvenience was grounds
3 to say sorry, we can't do that. We have a policy.
4 You have got to wear your hat; you can't wear a
5 turban. You can't have a beard; you have got to
6 be clean shaven, and it was really kind of silly.
7 The thing that offended me is we live in a city
8 full of immigrants and if someone wants to serve
9 the city and even sometimes put their lives on the
10 line to protect my family, I think we should allow
11 them to do that. Taxpaying citizens who want to
12 serve my city should be allowed to do that. This
13 stronger standard will make it very difficult for
14 anyone to get around that and really, will create
15 religious freedom for people and open the doors
16 maybe to more immigrants coming and joining our
17 uniformed services as well as other employments
18 within the city. I thank you again for your help
19 and I thank the members of this Committee for
20 supporting this legislation. Hopefully, they will
21 do so. We look forward to having it considered by
22 the entire Council tomorrow. Thank you.

23 CHAIRPERSON ROSE: Does anyone else
24 have a comment? No? Great. I would like to
25 encourage you to vote yes for this bill. Thank

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2 you.

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COMMITTEE CLERK: Kevin Pin,
Committee Clerk, roll call in the Committee on
Civil Rights Intro 632-A. Council Member Rose?

CHAIRPERSON ROSE: Aye.

COMMITTEE CLERK: Seabrook?

COUNCIL MEMBER SEABROOK: Aye.

COMMITTEE CLERK: Ferreras?

COUNCIL MEMBER FERRERAS: Aye.

COMMITTEE CLERK: Van Bramer?

COUNCIL MEMBER VAN BRAMER: Aye.

COMMITTEE CLERK: By a vote of four
in the affirmative, zero in the negative and no
abstentions, the item has been adopted. Members,
please sign the Committee report.

CHAIRPERSON ROSE: This meeting is
now adjourned.

[gavel]

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

Kimberley Uhlig

Date August 25, 2011