

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

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September 23, 2013

HELD AT: Council Chambers
City Hall

B E F O R E: DEBBIE ROSE
Chairperson

COUNCIL MEMBERS:
Council Member Vacca
Council Member Chin
Council Member King

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

Julene Beckford

William Martin
Committee Clerk

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2 CHAIRPERSON ROSE: Thank you. We are
3 now going to call this meeting to order, and good
4 afternoon. My name is Council Member Debbie Rose
5 and I'm the Chair of the Committee on Civil Rights.
6 I would like to recognize my colleagues who are
7 present here today and I'll start with the prime
8 sponser, Jimmy Vacca; Council Member Vacca, Council
9 Member Chin and Council Member King.

10 Today we will be voting on Proposed
11 Introductory Bill Number 974-A, which is a local
12 law to amend the administrative code of the city of
13 New York in relation to prohibiting discrimination
14 in employment based pregnancy, childbirth or a
15 related medical condition. The Committee held its
16 first hearing on this very important piece of
17 legislation on June 25th, 2013, where we received a
18 significant amount of testimony and support. This
19 legislation is important because it will address
20 the loopholes in current law and give pregnant
21 women the opportunity to continue to work while
22 maintaining a healthy pregnancy. Although pregnant
23 women do enjoy some degree of protection at the
24 federal level, those protections are generally seen
25 as inadequate. For example, the Pregnancy

1 Discrimination Act of 1978, which prohibits
2 discrimination in the workplace on the basis of
3 pregnancy, childbirth or related medical
4 conditions, does not address accommodations for
5 pregnant women. While some have used the Americans
6 with Disabilities Act to require some
7 accommodations, pregnant women who are not
8 significantly disabled by their pregnancy cannot
9 expect such treatment. Additionally, though state
10 law does prohibit employers from forcing a pregnant
11 employee to take a leave of absence unless they are
12 unable to perform their job duties in a reasonable
13 manner, it does not explicitly require employers to
14 make accommodations for them, and while The
15 Commissioner on Human Rights interprets the human
16 rights laws definition of disability to include
17 pregnancy, thereby requiring employers to make
18 reasonable accommodations for pregnant women, the
19 law itself offers no explicit workplace protections
20 for pregnant women. The bill that we are voting on
21 today would address some of the weaknesses in
22 federal, state and local law. Proposed Intro 974-A
23 would amend the city's human rights law to prohibit
24 employers from discriminating against workers who
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2 are pregnant or have a medical condition related to
3 pregnancy or childbirth and require employers to
4 provide a reasonable accommodation to such workers
5 as long as it does not cause undue hardship.

6 Proposed Intro 974-A would also require The
7 Commission on Human Rights to create a written
8 notice regarding employees' rights related to
9 pregnancy for employers to provide to employees and
10 to educate the public on their rights and
11 obligations with regard to pregnant workers' rights
12 to be free from discrimination. Our city cannot
13 jeopardize the livelihood of its pregnant workers
14 simply because they need an accommodation to carry
15 on their professional responsibilities. This
16 legislation is a step in the right direction and
17 with that, I would like to turn the microphone over
18 to Council Member Vacca, and I'd like to thank
19 Julene... it's still Beckford, right?

20 JULENE BECKFORD: Yes.

21 CHAIRPERSON ROSE: Julene Beckford for
22 her assistance putting this committee information
23 and statement together.

24 CHAIR MEMBER VACCA: Thank you. Thank
25 you, Chair Rose and I want to thank you very much,

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2 Debbie, for all your help throughout this process
3 and you being there as this bill proceeded.

4 Today I'm here to urge a yes vote on
5 Into 974, and it's a bill that will ensure that
6 pregnant workers are afforded the accommodations
7 they need in the workplace. I want to thank also
8 not just Chair Rose, but I want to thank Miss
9 Beckford for her help and The Civil Rights
10 Committee staff for all their hard work. I want to
11 thank A Better Balance, specifically Dina Bakst,
12 who originally called to my attention this gap
13 between discrimination and disability law.

14 Thanks to The Federal Pregnancy
15 Discrimination Act, firing or demoting a woman
16 simply because she's pregnant is against the law.
17 The current Commission on Human Rights requires
18 accommodations for disabled employees and in some
19 cases includes pregnant women; however, there is
20 currently no specific protection in local law that
21 obligates employers to provide reasonable
22 accommodations to pregnant women in the workplace.
23 While the vast majority of employers do their best
24 to meet the needs of pregnant employees, there have
25 been stories of pregnant women in the city being

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2 fired or forced to take a leave because of simple
3 accommodations not being met; accommodations like
4 an extra bathroom break. Worse yet, these women
5 are denied the accommodations and then are fearful
6 of losing their jobs, sometimes work under the
7 conditions that exist and those conditions end up
8 being harmful to their health and to a pregnancy,
9 which should otherwise be a healthy one. Those who
10 seek action against this type of discrimination may
11 go through a long process with no results.

12 Pregnancy's only 40 weeks long and expecting
13 mothers do not have time to wait for the results of
14 an investigation, especially considering how
15 important it is for women to continue to earn
16 income to care for their child. Women need the
17 accommodations now, not after a long investigative
18 process. Furthermore, there have been instances
19 where action in court does not provide recourse in
20 cases where judges do not deem the complainant's
21 condition a disability.

22 We're here today to vote on legislation
23 that provides a proactive channel for a woman to
24 seek a reasonable medically necessary accommodation
25 as long as that accommodation does not cause an

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2 employer undue hardship. If women are given this
3 option, not only can we pave the way for women to
4 keep their jobs and maintain a healthy working
5 environment for the duration of their pregnancies,
6 we can also reduce the number of related
7 discrimination claims filed just by taking care of
8 simple things up front.

9 The bottom line is this: no woman
10 should ever be forced to choose between the health
11 of her unborn child and her job. This bill will
12 create essential protection and I hope that my
13 colleagues will support me today by voting yes.
14 Again, thank you to all and I'll turn the chair
15 back to Chair Rose.

16 CHAIRPERSON ROSE: And now having a
17 quorum, we'll open it up for a vote.

18 WILLIAM MARTIN: William Martin,
19 Committee Clerk. Roll call vote Committee on Civil
20 Rights Introduction 974-A. Council Member Rose.

21 COUNCIL MEMBER ROSE: Happily aye.

22 WILLIAM MARTIN: Chin.

23 COUNCIL MEMBER CHIN: I just wanted
24 to thank Council Member Vacca for this important
25 legislation. I vote aye.

COMMITTEE ON CIVIL RIGHTS

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WILLIAM MARTIN: King.

COUNCIL MEMBER KING: I'd like to

explain my vote. First, I want to thank Council Member Vacca for putting this piece of legislation together, and Council Member Rose for your leadership in the Civil Rights Committee. I thought slavery was over, but I guess not. That we still today have to put forth legislation to protect our mothers and our women; I'm a little confused behind us even having to be seated here and passing this because none of us would be here if some woman didn't get pregnant, alright, and that's keeping it real and for the people who are making these decisions, they wouldn't be standing here if their mothers didn't get pregnant, so it's appalling that people in the workplace, that our mothers and our women have to go through such discomfort while they are looking forward to bringing forth life. I understand businesses have businesses to run, but if there aren't people there to benefit from the services and the products that they're trying to put out in the community, it's all for naught so I proudly and gladly vote yes and

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COMMITTEE ON CIVIL RIGHTS

looking forward to changes for all our women and
our mothers. Thank you.

WILLIAM MARTIN: By vote of three in
the affirmation, zero in the negative and no
abstentions, item has been adopted. Members,
please sign the Committee Report. Thank you.

CHAIRPERSON ROSE: Thank you. I'm
going to move to keep the vote open. No? We don't
need to. Oh, oh, okay. Well, hearing that, the
ayes have it, bill passed. Well, it doesn't pass
yet, but Committee has voted to accept it and this
meeting is now adjourned.

[gavel]

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 there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 09/30/2013