

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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March 26, 2018

Start: 1:22 p.m.

Recess: 3:12 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: MATHIEU EUGENE
Chairperson

COUNCIL MEMBERS: Daniel Drum
Ben Kallos
Brad S. Lander
Bill Perkins
Ydanis A. Rodriguez
Helen K. Rosenthal

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

Carmelyn P. Malalis, Commissioner and Chairperson
NYC Commission on Human Rights

Brittany Saunders, Deputy Commission for Strategic
Initiatives, NYC Commission on Human Rights

Lauren Elfant, Chief of Staff, NYC Commission on
Human Rights

Santano Boca (sp?)

Andre Hermes, Representative
3rd Railman MTA Metro North Railroad

Gabriel Leader-Rose, Good Call

2 [sound check] [gavel]

3 CHAIRPERSON EUGENE: Good afternoon, and
4 welcome to the Committee on Civil and Human Rights
5 for the Fiscal 2019 Preliminary Budget. My name is
6 Mathieu Eugene and I am the Chair of the Civil and
7 Human Rights Committee. In keeping with the budget
8 process that is mandated by the Charter by the City-
9 City Charter, and which will ultimately lead to the
10 adoption of the Fiscal 2019 Budget. Today we will
11 hear testimony from Carmelyn P. Malalis, Commissioner
12 for the Commission in Human Rights. Commissioner,
13 it's a pleasure to see you again, and welcome again,
14 you and your staff. In today's hearing, we will
15 discuss highlights of the Fiscal 2019 Preliminary
16 Budget and the 2018 Preliminary Mayor's Management
17 Report for the Commission on Human Rights. The
18 Fiscal 2019 Preliminary Budget for the Commission on
19 Human Rights totals \$14.1 million including \$11
20 million for the personnel services supporting 156
21 full-time employee, and \$2 million in other than
22 personnel services. Fiscal 2019 Preliminary Budget
23 shows a decrease of \$622,000 or 4% when compared with
24 \$14.7 million in Fiscal 2018 Adopted Budget. The
25 Fiscal 2018 Budget for the Commission as presented in

2 the Preliminary Plan shows a decrease of \$98,000
3 since adoption due in large part to a reduction and
4 the PS and OTPS Budget of the Administration. We
5 look forward to hearing from the Commission on Human
6 Rights and its operation in Fiscal 2019 Expense
7 Budget. Before I turn it over to the Commissioner, I
8 would like to thank my committee staff, Sheila
9 Johnson, Financial Analyst; Walkeze Wright Marid
10 (sp?), Committee Counsel and my staff, Rosie Danville
11 (sp?) and Adam Wynn (sp?) in my office. Once again,
12 I want to thank everyone for being here today, and
13 now I turn it over for the first part of this room to
14 the Commissioner of Human Rights. Commissioner,
15 please.

16 LEGAL COUNSEL: Please raise your right
17 hands. Do you affirm to tell the truth, and nothing
18 but the truth before this committee, and to answer
19 Council Member questions honestly?

20 COMMISSIONER MALALIS: [off mic] Yes. [on
21 mic] Good afternoon, Chairperson Eugene and Council
22 Member Lander, and members of commission-Committee
23 staff. I want to thank you for convening this
24 afternoon's hearing. My name is Carmelyn P. Malalis,
25 and I'm the Commissioner and Chairperson of the New

2 York City Commission on Human Rights. Today, I'm
3 joined by Brittany Saunders, who's our Deputy
4 Commission for Strategic Initiatives, as well as
5 Lauren Elfant. She's my Chief of Staff. February
6 marked my third year as Commissioner and Chairperson
7 that the Commission, and I'm happy and excited to be
8 with you here today to share some of what we've been
9 accomplishing over the course of 2017. In a year
10 that saw the city like jurisdictions across the
11 country attempting to orient itself to the new and
12 troubling federal reality. I'm happy to report that
13 the Commission has continued to build upon its legacy
14 of leadership in civil and human rights, and has
15 fought every day to meet the challenges of our times.
16 Note that I'm focusing my comments, unless otherwise
17 noted, on the Commission's work and accomplishments
18 during calendar year 2017, which is consistent with
19 our testimony in prior budget hearings. With the
20 enactment of Local Law 63 of 2018, which passed on
21 December 19, 2017, the Commission is transitioning to
22 reporting on fiscal year basis in line with the
23 Mayor's Management Report. Although we're not
24 required to public a report during this transition
25 period, we are in the process of developing on in an

2 effort to showcase all that my dedicated staff has
3 accomplished by working with different communities
4 throughout the city in 2017, and you will have that
5 in the coming days. Thanks to the support of the
6 Administration and the Council, the Commission has
7 nearly tripled its headcount. This is thanks to the
8 investments that the Administration and the Council
9 have made in our agency, most recently with a
10 baselined investment in Fiscal Year 18 Adopted Budget
11 of just over \$1.8 million to expand our law
12 enforcement capacity, and \$750,000 to support the
13 agency's critically important communications efforts.
14 We are immensely grateful for these investments.
15 When I began my tenure in February of 2015, we had a
16 headcount of 56. As of today, the Commission has a
17 headcount of 156, with 145 of these lines currently
18 occupied. I am pleased to note that as we have hired
19 into these positions, there have been many people
20 dedicated to fighting for human rights who are eager
21 to bring their experience and talents to the
22 Commission. Some applicants approach the work from a
23 very personal place as they come from communities or
24 families that have experienced discrimination or
25 harassment first hand. Others come from careers

1 demonstrating a deep commitment to inclusion, and
2 fostering dignity and respect amongst the city's most
3 vulnerable communities. Still others are using the
4 skills they developed within the private sector or
5 other spaces to answer the call to public service now
6 at this when the responsibility for protecting
7 vulnerable communities is falling more heavily upon
8 the shoulders of the local government. As a result,
9 most of our new staff are themselves representative
10 of the communities we have been reaching out to or
11 come with well developed relationships to those
12 communities. Across the agency, our staff speak more
13 than 35 languages up from six just three years ago,
14 and are well positioned to work closely with impacted
15 communities. As noted above, we were thrilled to
16 receive funding for 26 new lines as part of the
17 Fiscal Year 2018 Adopted Budget. Those additional
18 lines are allow us to expand our general case
19 management capacity in the Law Enforcement Bureau as
20 well as to create new units dedicated to streamlining
21 intake, addressing discrimination on the basis of
22 lawful source of income, investigating
23 discriminatory, harassment reports more
24 expeditiously, and handling alleged violations under
25

the Fair Chance Act. In 2017, inquiries from members of the public to the Commission continued to increase. Frontline staff fielded 9,772 inquiries via email, phone calls and letters over the course of the year. Since 2015, the number of inquiries the agency receives annually has increased by nearly 85% from 5,296 in 2015 to 9,772 in 2017. This includes 888 inquires communicated in 18 languages other than English. The Law Enforcement Bureau filed complaints in 747 cases alleging a range of discriminatory practices. Fifty percent of those cases were in employment and 35% were in housing. Disability related claims were the most common protected class implicated with 20% of claims residing in that category. Race discrimination was the next most common claim at 16% with gender following at 13% and national origin at 10%. Strengthening the Commission's capacity to undertake affirmative investigations has been a priority since my appointment in 2015, and with recent shifts in civil rights enforcement, and a retreat from the ethos of inclusion at the federal level, our focus on affirmative investigations at the local level is as important as ever. LEB is empowered to open such

1 investigations. Into violations of the city's Human
2 Rights Law through information provided anonymously
3 by members of the public or when the media or
4 community stakeholders report information about
5 general trends of discrimination. In 2017, the
6 Commission initiated 450 commission initiated
7 investigations into potential violations, and
8 increase from 426 in 2016. As in the previous year,
9 the greatest number of commission initiated
10 investigations, 228, were in the area of employment,
11 and within that category Fair Chance Act protections
12 were the most frequently raised. Commission
13 initiated investigations into housing were the next
14 most common with 203 investigations in this area, and
15 the overwhelming majority focused on discrimination
16 on the basis of lawful source of income. When
17 Commission initiated investigations into public
18 accommodations were concerned, the most frequently
19 implicated class was disability. The Commission has
20 also deployed its enforcement resources to address
21 blatant acts of discrimination and harassment by
22 those who have been emboldened by the recognized
23 emergence of white supremacy in our national
24 discourse. Such was the case last August when the
25

2 Commission announced an investigation into
3 allegations of tenant harassment at a Queens building
4 were Nazi and Confederate imagery, Swastikas and
5 other hate symbols had been displayed in the lobby.
6 The investigation followed reports from the Council
7 member's office that tenants and condo owners were
8 being subjected to a hostile environment, and tenant
9 harassment by their property manager. In launching
10 this investigation, which was resolved by February of
11 this year, the Commission sent a powerful signal that
12 discrimination and harassment would not be tolerated.
13 Testing remains an important investigative tool for
14 LEB, allowing the bureau to understand whether
15 landlords, real estate brokers, restaurants, stores,
16 hospitals and other public accommodations, treat
17 individuals differently on the basis of their
18 membership in a protected class. In 2017, LEB
19 performed 577 tests compared to the 557 that were
20 conducted the previous year. In 2017, 335 tests were
21 conducted to investigate discrimination on the basis
22 of conviction or arrest record or salary history in
23 the area of employment. In the housing context, 2016
24 tests were carried out to investigate discrimination
25 on the basis of source of income, race, the presence

of children, disability and immigration status, and in the public accommodations context, 36 tests were carried out to investigate discrimination on the basis of disability or gender. Another priority of the Commission in the last three years has been establishing the agency as an equivalent venue for justice to state or federal court. As I have noted in the past, do so required raising the standard of investigations, conducting in-depth investigations to identify pattern and practice violations, and obtaining respondents' full compliance with all areas of the city's Human Rights Law. The Commission also remains committed to ensuring that complainant recoveries through settlement, conciliation or litigation are equivalent to what they would receive if they chose to litigate their claim in State or Federal Court. As a result, LEB case processing time has slightly increased from 536 days in 2016 to 581 days in 2017. This average time reflects the fact that the Commission continues to see an increase in reporting from the public for the second year in a row. At the same time, LEB continued its approach of conducting in-depth investigations into discrimination to ensure entities were fully

2 complying with the city Human Rights Law, spending
3 more time reviewing policies and interviewing
4 witnesses and victims to determine whether there were
5 additional violations, and notably, the Commission
6 closed significantly more cases in 2017 than in
7 previous years, 609 cases, which is up from 436 in
8 2016 and 354 in 2015. The Commission's Community
9 Relations Bureau is charged with cultivating
10 understanding and respect among the city's many
11 diverse communities. At a time when the forces of
12 hate and division seem to be disturbingly empowered,
13 CRB is working to counter these forces through
14 education, outreach and relationship building. Our
15 CRB Community Service Centers or CSCs located in all
16 five boroughs, work actively with local communities,
17 community leaders, community boards, house of
18 worship, elected officials, small businesses,
19 community based organizations, and schools to provide
20 vital Know Your Rights and Know Your Obligations
21 information. CRB hosts quarterly trainings and
22 workshops in our CSEs, and strive to deliver
23 programming and services that reflect the needs of
24 the surrounding communities. In 2017, the
25 Commission's newly enforced—excuse me—the

2 Commission's newly formed Bias Response Team
3 responded to 86 bias incidents primarily arising from
4 incidents of targeting based on perceived gender
5 identify and religion. The Bias Response Team
6 contacted victims to inform them of their rights,
7 provided instructions on how to file complaints and
8 engaged in community based actions including
9 literature drops, local events, and days of action.
10 Instance of Bias Response Team intervention reflect
11 the disturbing trends we have all observed in recent
12 years. For example, the team responded to tenant
13 harassment in Queens. It conducted workshops for
14 Bronx Community Board 7 in the wake of anti-Semitic
15 incidents at a local institution, and the team also
16 provided our Know Your Rights Training at an Islamic
17 center in Bay Ridge following an incident of
18 Islamophobic vandalism. The commission has also
19 develop programming that is responsive to biased
20 incidents, racism and xenophobia. In 2017, racial
21 justice emerged as an important focus for some of
22 those efforts. In May for example after ab immigrant
23 street vendor for Burkina Faso was brutally assaulted
24 in the South Bronx, the commission hosted its first
25 annual forum for African immigrant communities at the

2 Metropolitan College of New York. CRB staff educated
3 participants about their rights under the city Human
4 Rights Law, and over 20 community based organizations
5 and city agencies are on hand to provide information
6 government resources and legal protections for
7 African Immigrants. The Commission also hosted a
8 series of events focused on racial justice. These
9 included a panel discussion on the impact of
10 gentrification in Bed-Stuy; a mobile legal services
11 clinic at a neighborhood church in Bed-Stuy, and a
12 community response effort that included providing
13 Know Your Rights information and legal screening to
14 Brooklyn community members following the reports of
15 racial discrimination in a local restaurant. In
16 Harlem, we've been partnering with community based
17 organizations with a similar focus in order to
18 identify how to the commission's outreach and
19 enforcement resources can support community
20 residents. We look forward to even deeper engagement
21 in Bed-Stuy, Harlem and other parts of the city in
22 2018 as part of our Racial Justice efforts. CRB also
23 has an important role to play in the Commission's
24 efforts to combat housing discrimination. In 2017,
25 the agency continued to educate housing providers and

community groups on their rights and obligations under the law offering 263 fair housing workshops and presentations, and hosting its fifth annual Fair Housing Symposium at Hostos College in the Bronx. Commission staff providing our Know Your Rights Workshops to over 200 tenants, advocates, service providers, attorneys and tenant organizations with a special focus on combatting Lawful Source of Income discrimination. As is our practice, we also brought our Law Enforcement Bureau's mobile intake lawyers to this community event ensuring that attorneys were onsite to address questions and take housing complaints on the spot from attendees. CRB's Project Equal Access is central to the agency's efforts to address discrimination faced by individuals with disabilities. PEA, short for Project Equal Access identifies barriers to accessibility in housing, work spaces and public accommodations resolving them prior to intervention by LEB. In situations where immediate intervention rather than going through a litigation process, allows people to engage in basic life functions like leaving one's home. PEA is invaluable. PEA's staff regularly conduct workshops and engage in collaborative discussions with the

relevant parties to address accessibility issues and encourage quick resolutions. In 2017, PEA successfully negotiated 215 (sic) modifications across the city. These included accessibility improvements like the addition of ramps and automatic door openers in restaurants and apartment buildings. The creation of accessible supermarket check-checkout lanes and the addition of lifts in medical facilities. As a result of PEA's work, not only are access issues addressed on a faster timeline, but cases are diverted from the LEB pipeline saving valuable enforcement resources. In the three years since I established the Office of the Chair, it has grown into a critically important department. It is the point of contact for the Commission's Interagency and external partnerships, and negotiates legislation and promulgates rules and legal guidance. It convenes our appointed commissioners on a quarterly basis and serves the commission's adjudicatory functions including issuing decisions and orders. Increasingly the-the Office of the Chair has been responding to legal inquiries from the public regarding the Commission's work often about newly implemented changes to the law. Building upon its

work in the last two years the Office of the Chair was intensely active in 2017. The Commission issued new rules with the with the Fair Chance Act, which requires employers to consider and applicant's qualifications and extend the conditional offer of employment before inquiring into their criminal history, and new rules of the Stop Credit Discrimination and Employment Act, which prohibits consideration of an applicant's credit history for most jobs in New York City. Both sets of rules represent the first substantive rulemaking by the Commission in decades. In 2017, two new protections were added to the city's Human Rights Law. As of October 31st the law prohibits employers from asking job applicants about their salary history during the hiring process. To provide transparency on the commission's enforcement of the new provision, we issued an FAQ and materials advising applicants and employers of their respective rights and obligations under the law. Consistent with the Commission's commitment to transparency in public education, the agency also convened a roundtable with employers, and met with hundreds of employment lawyers to help inform the city's employers and business communities

about the law's new salary history protections.

Also, in partnership with the Department of Veterans

Services, the commission published educational

materials to inform the public about new protections

for current and former members of the military

against discrimination and employment, housing and

public accommodations, which went into effect on

November 19, 2017. The Office of the Chair also

provided guidance about pre-existing protections that

frequently impact veterans including protections

based on disability and lawful source of income. I'm

especially proud of the efforts that the Commission

has made this year to both drive and be responsive to

the public dialogue on civil and human rights. One

such effort was another project coordinated by the

Office of the Chair, the Commission's 2017 Survey of

Muslims, Arabs, South Asian, Jewish and sick New

Yorkers, which was conducted at a time when reports

of hate and bias used as a tactic against these

groups were on the rise. The agency collected data

from members of these communities across the five

boroughs in order to understand their experiences

with discrimination, with bias, and bias motivated

harassment and violence. More than 3,000 New Yorkers

completed the survey, which was available in Arabic, Bengali, English, French, Hindi, Conjabi, Russian, Urdu, and Yiddish, among other languages. The data collected will inform a report to be published in 2018, and our hope is that the recommendations that are in it will inform the Commission and other city agencies about how to better address and combat bias motivated harassment, discrimination and violence against these communities. Months before the Me, Too movement achieved its current prominence, the Office of the Chair also began planning a public hearing on Sexual harassment in the workplace. On December 6, 2017, the Commission convened the citywide hearing which was the first commission hearing on gender discrimination since one of my predecessors now Congressperson Eleanor Holmes Norton held the country's first public hearings on sexual harassment in the workplace over 40 years ago. The December hearing furnished an opportunity for workers, advocates, activists from a wide range of industries among them construction, fashion, media, domestic work tech, finance, hospitality and others to speak about the harassment and discrimination that they or others in their field have experienced. People also

1 testified regarding the challenges whether related to
2 Byzantine policies, unsupportive employers or
3 outright retaliation involved in addressing the
4 behavior. The commission heard testimony from some
5 of New York City's most vulnerable workers, including
6 women in male dominated industries, women of color,
7 immigrant worker, low-wage workers, workers in
8 isolated work spaces and LGBTQ workers. We also
9 continued to receive written testimony through the
10 end of the year. The agency is currently analyzing
11 all the submissions of this analysis from the basis
12 of a report and policy recommendations that will be
13 released later this year. The commission also
14 published seven decision and orders in 2017. These
15 cases involved gender discrimination and retaliation
16 in employment, law source of income discrimination in
17 housing, disability based discrimination and
18 harassment among other issues. In the decisions and
19 orders we have mandated tens of thousands of dollars
20 in damages as well as civil penalties. We're proud
21 of the role that each of these findings plays in
22 reinforcing the discrimination and harassment won't
23 be tolerated by the Commission or in New York City.
24 In 2017, the Office of Communications and Marketing
25

2 at the Commissions of Works to amplify not only the
3 work of the Commission, but the values that
4 distinguished this city. In 2017, the Commission
5 garnered some 700 earned media hits, publicity gained
6 through commercial efforts other than paid media
7 advertising across print, online TV and radio. This
8 is nearly double its press coverage from 2016. This
9 office has managed to do this while also prioritizing
10 reaching vulnerable New Yorkers who need our
11 resources the most. In 2017, almost half of all
12 press hits were in ethnic and community media
13 providing accessible means for New Yorkers to learn
14 about their rights regardless of language, religion
15 or national origin. In 2017, we built upon previous
16 experience fielding compelling, timely campaigns such
17 as BUNYC and I Am Muslim NYC to launch new effort.
18 In June, the Commission launched a citywide anti-
19 discrimination campaign, You Do Have Rights NYC to
20 affirm every New Yorkers' right to live, work and
21 pray free from discrimination and harassment. The
22 campaign, which comes—which was accompanied by the
23 #You Have Rights NYC, helped to further establish the
24 Commission as a venue for justice for three target
25 audiences: New Yorkers of faith, people of color and

immigrants. These target audiences were selected base on data from complaints and biased based incidents occurring across the city. With power eye-catching imagery and text, the campaign conveyed a simple yet power message that no New Yorker deserves to be subjected to discrimination or harassment and those who do can count on the commission for support. Over the course of the six-week campaign more than 3,400 placements were made citywide. Advertisements appeared in 25 ethnic and community new papers and radio stations, and 77 million impressions generated through online and outdoor media. Campaign videos garnered nearly a million views on the Facebook, HULU and YouTube. The Commission has continued its focus on investing in New York City's rich ethnic and community media outlets. Through these outlets the commission provides essential information to our city's most vulnerable and hard to reach communities. In 2017, 100% of our radio and print advertising budget was either in community or ethnic media. The Commission regularly produces and places advertisements on its initiatives and programs on ethnic media, and social media in various languages other than English including in Arabic, Spanish,

2 Chinese, Korean and Urdu. The office also played an
3 instrumental role by developing and disseminating
4 materials to educated New Yorkers about changes to
5 the city's Human Rights Law including the ban on
6 salary history increase and protections from members
7 of the uniformed services. The Commission's Annual
8 Budget for Fiscal Year 2018 was \$14,856,979 in city
9 tax levy money and grants, and approximately \$350,000
10 in additional grant funding through a contract with
11 the EEOC pursuant to our work shore (sic) agreement.
12 The Mayor's Preliminary Budget tax levy for Fiscal
13 Year 2019 provides for a budget of \$14,137,300. As I
14 review our accomplishments in 2017, I'm extremely
15 proud of both the good we have been able to do in the
16 service of people of New York, and the ways in which
17 we have strengthened the agency consistent with its
18 legacy. With the support of the Administration and
19 the Council, we have demonstrated the power of
20 strategic enforcement as well as the flexibility to
21 dynamically adjust to the changing political
22 environment. We've expanded and deepened our
23 relationships with New Yorkers and their
24 understanding of their rights and obligations to one
25 another. We have leveraged the agency's policy

2 making capacity and partnered with city-city's sister
3 agencies and offices for deeper impact, and we have
4 lifted our voices across a variety of platforms to
5 stand up for the values that make the city great.
6 While our current landscape is a challenging one, I
7 am grateful to this work each day, and deeply
8 appreciate your continued partnership. Thank you
9 again for convening this hearing, and thank you for
10 your support of the commission as we continue to
11 rebuild and invigorate it, and I look forward to your
12 questions.

13 CHAIRPERSON EUGENE: Thank you very much,
14 Commissioner. Before I start asking you some
15 questions, I want to acknowledge that we have been
16 joined by Council Member Lander and Council Member
17 Perkins. Thank you very much, colleagues. [pause]
18 Commissioner have the Commission discussed with the
19 Office of Management and Budget the restructure of
20 its unit a appropriation as for example as the city,
21 you know, the budget called to accurately reflect the
22 operation of the agency. For example, unit of
23 appropriation is 003 and 004. Isn't it-oh, 004 is
24 named Community Development, which reflects that
25 commission's major funding source prior to Fiscal

2 2016. Is there any communication, any dialogue, any
3 talking in terms of doing a restructuring of those
4 units?

5 COMMISSIONER MALALIS: Just to be clear
6 on the question, are you asking me if there is
7 communications between the Commission and OMB
8 regarding changes in the appropriation of our budget
9 between 2016--Fiscal Year 2016 and the present?

10 CHAIRPERSON EUGENE: Yes.

11 COMMISSIONER MALALIS: Yes.

12 CHAIRPERSON EUGENE: Does the Commission
13 have sufficient resources to carry out--let me say
14 that before, could you tell us in detail what is the
15 goal, what is the mission? I know that you spoke
16 about that, but I wanted to talk a little bit more
17 about the detail, about the goal and also the--the
18 role of the Commission for Human Rights.

19 COMMISSIONER MALALIS: What is the
20 mission and the goal of our agency?

21 CHAIRPERSON EUGENE: Yes, of the agency.

22 COMMISSIONER MALALIS: So, I would say
23 the commission and the goal of the Commission on
24 Human Rights is to combat discrimination and
25 harassment across the city, and we have different

2 tools in our toolbox in order to do that. Some of
3 it's civil law enforcement, some of it is community
4 engagement and education. Some of it's policy and
5 legislation and others are communication and just
6 forms of public education in different community
7 media and through community organizations and
8 different stakeholders in New York City, but broadly
9 speaking it's to combat discrimination and harassment
10 across the city.

11 CHAIRPERSON EUGENE: I know that you
12 mentioned that during your testimony, but what I want
13 to ask—I want to ask: Do—do you have enough
14 resources to carry out, you know, this goal, to reach
15 out the goal?

16 COMMISSIONER MALALIS: Yeah, you know, I—
17 so I've been the Chair and the Commission for the
18 agency for a little bit over three years now, and I
19 think in the last three years we've seen the agency
20 grow significantly. You know, as I said in my
21 testimony, we grew from an agency of 55 to now we're
22 at a total headcount of 156, and so, you know, as
23 with prior years, I always look forward to working
24 with both the Administration and folks at the Council

2 to make sure that the agency has the resources it
3 needs to continue growing.

4 CHAIRPERSON EUGENE: Well, did you
5 identify any new needs of the agency that require
6 more funding, and did you submit also those needs to
7 the Administration, to the Mayor's Office?

8 COMMISSIONER MALALIS: Yeah. So, I
9 think, you know, as-as we've done in prior years,
10 we've been engaged in a back and forth with the
11 Council and looking, you know, also kind of taking
12 account of how we've used the resources that we've
13 been provided in the most recent budget editions.
14 You know we received 26 newlines to really take into
15 account how we can best use additional resources, if
16 any.

17 CHAIRPERSON EUGENE: You know,
18 Commissioner, I think I mentioned that during the
19 first meeting that we all know that New York City is
20 home to so many people, so many immigrants, people
21 coming from all over the world, and people who speak
22 different languages, and I'm so happy and I commend
23 you for that. I commend the Commission because I-
24 through your testimony, you mentioned that your staff
25 speaks several languages. That's great, but could

2 you tell us about the demographic component of your
3 staff?

4 COMMISSIONER MALALIS: The demographic
5 components of my staff?

6 CHAIRPERSON EUGENE: Component, the
7 ethnic component yeah.

8 COMMISSIONER MALALIS: Demographic, are
9 there certain numbers?

10 CHAIRPERSON EUGENE: Do you have—let me
11 put it another way.

12 COMMISSIONER MALALIS: Yeah.

13 CHAIRPERSON EUGENE: We want to know the
14 diversity of your staff because your staff is very
15 diverse.

16 COMMISSIONER MALALIS: Uh-hm.

17 CHAIRPERSON EUGENE: Do we have people
18 from across in New York City? So, we say we—we—we
19 know that, and I say that, and you know that New York
20 City in New York City we have people from all over
21 the place. If you're not talk about human rights, so
22 we are talking about the right of everybody whether
23 they speak English or not.

24 COMMISSIONER MALALIS: Uh-hm.

2 CHAIRPERSON EUGENE: Born in the United
3 States or not. It doesn't matter the race, the place
4 of birth or gender or faith or religion. So, what
5 I'm trying to figure out do you have in your staff
6 people that reflect the communities that the
7 commission serves?

8 COMMISSIONER MALALIS: I do. You know,
9 I'm also—I'm somebody who thinks of diversity as
10 being, you know, something that could also always
11 improve. So, I think that our—our agency, I'm proud
12 frankly of the level of diversity that we have in
13 terms of race and ethnicity and gender and gender
14 identity and expression and sexual orientation and
15 religion and any host of factors. I think that—I
16 said earlier that across our staff, our staff speak
17 more 35 languages. I think that's in part indicative
18 of the level of diversity we have. I can tell you
19 that, you know, if you look even at my most senior
20 staffing level, 85% of my most senior staffing are
21 women, women led and then, you know, we've been—we've
22 been very fortunate that a lot of the—the people who
23 are I think attracted to work at the Commission are
24 folks who are coming from communities across the city
25 in all five boroughs where they're—they're—they are

2 attracted to work at the agency because they see how
3 the agency is making real efforts to reach out to
4 different communities across the city.. So, I'm—I'm
5 happy with the diversity that we have. I'm not
6 resting on, you know, my—my laurels on that. I'm
7 always looking to increase and improve diversity just
8 like I think any leadership should.

9 CHAIRPERSON EUGENE: Before I continue
10 with my questions, I just want to mention that we
11 have been joined by Council Member Rosenthal. Thank
12 you very much Council Member. It seemed that there—
13 there was no report for 2017, annual report for 2017.
14 When the report will be released? Can we expect it?

15 COMMISSIONER MALALIS: [interposing] So,
16 the report will be released seeing our Annual Report
17 in the next few weeks. So, in prior years we were
18 required by statute to recruit—to release an annual
19 report in early March of the year that covered the
20 calendar year. This is the first year that we are no
21 long required by statute to do that because, as I
22 said earlier, by—by a Local Law that was passed in
23 December of 2017, we are now transitioning from
24 reporting from a calendar year to—to the fiscal year
25 to mirror the Mayor's Management Report, but even

2 though we're not required to provide an annual report
3 this year, we will be providing one in the next few
4 weeks.

5 CHAIRPERSON EUGENE: But we are seeing
6 also there's a substantial growth in the budget and
7 then also in the headcount of the institution. Could
8 you tell us if there have been also some modification
9 and structure and some effort to make sure that the
10 growth of the budget and headcount reflects also the-
11 the-the job that the Commission is doing?

12 COMMISSIONER MALALIS: Yes, I think, you
13 know, I think there has been-again, I'm very
14 appreciative of the process that's taking place
15 between the Administration and the Council in the
16 last three years. The last three years I think have
17 been very interesting to say at least in the field of
18 civil and human rights, and the types of inquiries
19 and the quantity of inquiries that have come into our
20 agency, have reflected that, and what we have tried
21 to do I mean going from again a staff of 56 to a
22 staff of 156 is considerable growth within a three-
23 year period. And so, we have been, you know, very
24 heavily engaged in what I think of as kind of
25 dynamically staffing the agency. There have been

2 several modifications I think probably across the
3 agency in each of those three years to make sure that
4 with our resources, you know, we—we've grown
5 considerably, but we're still quite a small agency
6 when you consider the vast mandate of the agency.
7 So, we—we have tried to dynamically figure out how we
8 had to readjust given the demands that have been
9 coming into the commission. So, for example if I
10 look at 2016 [coughs] you know at that end of 2016 we
11 had a 60% increase in reporting to the agency. In
12 2017, that has—that has consistently increased, and
13 so, you know, when we saw that there was an increase
14 in that reporting, we had worked with the Council
15 and—and the Administration to increase our—mostly
16 our—our Law Enforcement Bureau capacity, which is
17 where most of the 26 new lines came in in the last
18 fiscal year. [background comments]

19 CHAIRPERSON EUGENE: Yes, I've been
20 listening. Okay.

21 COMMISSIONER MALALIS: Thanks.

22 CHAIRPERSON EUGENE: You know that the
23 Commissioner has been providing a lot at CUNY and
24 workshops everywhere, but could you tell us about
25

2 CUNY online? Do you—does the Commission provide us
3 all CUNY Online?

4 COMMISSIONER MALALIS: We do not
5 currently provide online training.

6 CHAIRPERSON EUGENE: Oh, you don't for it.

7 COMMISSIONER MALALIS: We do not.

8 CHAIRPERSON EUGENE: So, why?

9 COMMISSIONER MALALIS: I mean I will say,
10 you know, my background is as an advocate in the
11 private sector. I personally preferred in-person
12 trainings to online trainings because I think--I
13 think you know, the—the amount of people that you can
14 reach it's tougher to reach, you know, larger
15 quantities of people with in-person trainings, but
16 trainings tend to be a lot more effective. And as
17 we've been trying to, you know, rebuild the
18 reputation of this agency, and get people again to
19 trust the work of the agency, having in-person
20 trainings has been a good mechanism to have people
21 actually meet commission staff and have human
22 relationships with the people they're working with at
23 this agency.

24 CHAIRPERSON EUGENE: You know, I
25 probably—I don't blame you for that because I love

2 also the direct contract with the people, with the
3 people in the community--

4 COMMISSIONER MALALIS: Yes.

5 CHAIRPERSON EUGENE: --which are goodly
6 (sic) people, but because of we are in the era of
7 technology, so, do feel that also it would good to
8 extend the training to the live, you know,
9 opportunity?

10 COMMISSIONER MALALIS: You know, it could
11 be in some areas. It's--it's definitely become--

12 CHAIRPERSON EUGENE: [interposing] Again,
13 that--again, you know, I love the way you approach,
14 you know, the out--outlook, the outreach of the people
15 because I love contacting people, also going to the
16 community, you know, reach out to people directly.
17 But I, since we are using so much technology, many
18 people rely on technology, go on online to find out
19 information and see what's going on. Don't you
20 believe that that would be a good thing also to
21 extend the outreach, you know, through Internet or
22 online social media and so for that?

23 COMMISSIONER MALALIS: Yes, it's
24 certainly under consideration. I'm most concerned
25 with the effectiveness of trainings, and so we have

2 been considering different ways that we could roll
3 out web based trainings that would be similarly
4 effective, and impact the audience of those
5 trainings.

6 CHAIRPERSON EUGENE: That's it. It seems
7 that the Commission has been only certifying U and T
8 Visas agency since 2016. Why so late? Why not
9 before?

10 COMMISSIONER MALALIS: I will point out
11 that we are the first such local agency to certify
12 for U Visas and provide T Visa declarations. I don't
13 know that— First of all, I would have to go back in
14 my mind to find out when U and T Visas actually
15 became available through Federal Immigration
16 enforcement, but we're the first local such agency to
17 do so. I don't know that there was great
18 understanding that local agencies like the Commission
19 on Human Rights would be able to provide them. So, I
20 think we're actually early to the game, not late to
21 the game.

22 CHAIRPERSON EUGENE: So, my other—the—the
23 commission is certified. It's a certified agency
24 for U and T Visas. Did you identify new challenges
25

2 because of the certification because of this new task
3 imposed on the commission?

4 COMMISSIONER MALALIS: New challenges
5 associated with--

6 CHAIRPERSON EUGENE: New challenges
7 since--

8 COMMISSIONER MALALIS: You know, I think
9 today we've been pretty pleased with the way our
10 certification program has--has functioned. You know,
11 recently the Mayor's Office of Immigrant Affairs
12 released report, State of our Immigrant City Report,
13 and if you look at that report, you'll see in 2017 I
14 think there was a total of 709 law enforcement
15 certifications that were issued across the city by
16 different city agencies. So, we are--we are certainly
17 a contributor to that, but in order for us to certify
18 your-U certifications or T declarations, there has to
19 be a nexus with the city's Human Rights Law. So,
20 there has to be qualifying crime that is also a
21 violation of the city Human Rights Law. So, we are
22 inherently dealing with a more limited population of
23 claims.

24 CHAIRPERSON EUGENE: So that means you
25 don't believe that--that we have an impact on the

2 budget of the Commission? You don't believe there
3 will be a need for additional resources to address
4 this very important issue?

5 COMMISSIONER MALALIS: Yeah, it's
6 something that we're thinking about, you know, in
7 consideration of all the other things that the
8 Commission has been engaged in in the last few years,
9 but it does not specifically stand out as something
10 in my mind.

11 CHAIRPERSON EUGENE: Okay. In Fiscal
12 Year 2018 adopted the 75th 2000 (sic) was baselined
13 in the Other Than the Personnel Services, OTPS Budget
14 for communication in Fiscal Year 2018 to 2021. Could
15 you tell us what projects have been included in the
16 Fiscal Year 2018 and 2019? What type of project?

17 COMMISSIONER MALALIS: I'm sorry, what
18 was that?

19 CHAIRPERSON EUGENE: What project has
20 been included in-between 2018 and 2019 for this
21 amount of money?

22 COMMISSIONER MALALIS: So, one of our
23 priorities in the last three years had been making
24 sure that, you know, across the city people are aware
25 of what the commission does and the Commission's work

2 through different citywide public campaigns, and
3 usually they consist of, you know, campaign posters
4 in transit stations like the subways, and bus
5 shelters at city kiosks. Also, public service—public
6 service announcement type videos that run on NYC
7 media and in other—and in other venues and, you know,
8 consistent with what we've done in the past last
9 year, we had released a citywide campaign that I
10 think of as a very kind of evergreen type campaign
11 for what the commission's work is. It was entitled
12 You Do Have Rights NYC. I said earlier that we saw a
13 60% increase in inquiries to the agency. A lot of
14 theme were based on religion or national origin or
15 race. So, we wanted a campaign to kind of capture
16 what some of those complaints, how they manifested,
17 the type of discrimination, how that manifested
18 across the city. So, that was one way that we did it
19 by running this citywide campaign similarly to the
20 others in transit stations, with videos. As we look
21 forward into—into this year, we are looking again
22 similarly to run a campaign, this one based on sexual
23 harassment since that has obviously been a—a very big
24 topic of conversation, and it's very important that

2 folks know locally how they can file cases and claims
3 with the Commission on Human Rights.

4 CHAIRPERSON EUGENE: And we know that the
5 Commission has been doing a lot of effort to reach
6 out to New Yorkers to make sure that people are
7 informed or educated about the human rights issues
8 and their rights and reference somebody also (sic).
9 We know that the Commission had been providing a lot
10 of CUNY's workshops, but what is admitted for
11 evaluation? How do you evaluate the efficiency of
12 the campaign, the impact of the campaign on the
13 community, all the communities that you serve?

14 COMMISSIONER MALALIS: So, we have the,
15 you know, we have the general metrics that one would
16 look at when looking at campaign results. So, we can
17 look at, for instance, if we're looking at any of
18 the--the campaign that was in digital format. You
19 were mentioning technology earlier. So anything on
20 social media. I can say that, you know, we've had 10
21 million impressions generated from across digital
22 media from our campaigns, 148,000 clicks to the
23 Commission's Salary History Campaign page, and this
24 is just looking at as an example what we did with
25 salary history since that was as new provision of the

2 law that became effective on October 31st. We had
3 more than 3,000 new likes on the Commission's
4 Facebook page, 3,598 shares of campaign
5 advertisements on Facebook. So, that's just an
6 example of looking at one individualized campaign and
7 what we were able to look at, and the metrics we were
8 able to look at based on social media.

9 CHAIRPERSON EUGENE: Based on your
10 evaluation of salvation (sic) do you believe they are
11 other steps, new steps that should be taken to
12 improve the outreach or the education of the people?
13 Any other thing that you believe that should be done
14 that can implement, you know, empower what you—the
15 commission is doing in terms of reaching out to
16 people, educating people?

17 COMMISSIONER MALALIS: Uh-hm. You know, I
18 think that there's always a great combination of kind
19 of the in-person type outreach that happens to our
20 community service centers and our community relations
21 bureau as well as what we find in communications
22 related materials like the campaigns that I was just
23 mentioning, and we are always thinking of, you know,
24 what are the better forms that campaigns can take
25 based on the different populations that might be

2 disparately impacted or disproportionately targeted
3 depending on what those—those different provisions of
4 the law are. So, we're—we're always considering
5 that.

6 CHAIRPERSON EUGENE: Okay, again it's,
7 you know, one of the things that I'm very concerned
8 about is reaching out to people, educating people. I
9 think we discussed that when we met. When we talk
10 about human rights, if people don't know exactly what
11 we are talking about the situation is going to be
12 casualty (sic) regardless of what we are doing, and I
13 am so pleased that you have big portion of your
14 efforts, you know, go—that goes to education and
15 CUNY. Now, I'm going to call up Council Member
16 Lander for some questions. Council Member, please.

17 COUNCIL MEMBER LANDER: Thank you, Mr.
18 Chair and I'm going to follow up on a number of the
19 things you've asked, and Commissioner, as always it's
20 good to see you and your—and your team here, and I
21 certainly heartily agree that the—the growth in your
22 work both it's just the resources and the headcount
23 and the diligence you've brought to it have been,
24 would have been necessary in any case, and obviously
25 have been just so, so important these last couple of

2 year. So thank you to you and your team, and
3 obviously, you know, we've—we've worked hard together
4 and we pushed last year, and we were able to add some
5 resources and headcount. I do just want to start by
6 asking it's a relatively modest decrease, but the
7 budget is—the budget for this year is less than the
8 budget for last year. So, it looks like that's
9 mostly in OTPS like just get a really good health
10 insurance rate or something. You know, what's the—
11 what's—what accounts for the--?

12 COMMISSIONER MALALIS: So, you know, in
13 order to—to fit then new PS related lines in our—in
14 our physical space, we had to make certain
15 adjustments to our physical space, you know,
16 additions of cubicles and figuring out different
17 technological issues with regards to—to having that
18 additional space, and so that OTPS money really
19 accounts for the—the work that had to be done to our
20 physical space in order to accomplish that.

21 COUNCIL MEMBER LANDER: Last year's money
22 was a one-time--

23 COMMISSIONER MALALIS: [interposing] Yes.

24 COUNCIL MEMBER LANDER: --configuration
25 and furniture.

2 COMMISSIONER MALALIS: Yes, it was a
3 rollover from the prior year in order to make sure
4 that we would be able to actually add the—the
5 additional PS lines into our physical space.

6 COUNCIL MEMBER LANDER: Got it. So,
7 there isn't a cut of any recurring expenses? There
8 was a one-time expense associated with the space?

9 COMMISSIONER MALALIS: Correct.

10 COUNCIL MEMBER LANDER: Okay, that's
11 good. I will note some advocates certainly did the
12 math and noted that if we just took 1991, you know,
13 peak headcount and adjusted for inflation, not even
14 from New York City's 1.6 million addition people
15 since 1991, but just for inflation, you'd be, I think
16 about \$17 or \$18 million. So, we still are not, you
17 know, back at the peak budget, you know, of New York
18 City and adjusted for inflation for Human Rights at a
19 time when we sure need to be. So, I'll just flag that
20 where we know that it would be good to be able to do
21 even more of the work that—that you're doing, and I
22 guess I do want to start, you know, last year part of
23 the way we pushed hard to get increases was focusing
24 on the caseload processing time. You spoke to this a
25 little in your testimony about the fact that you are

2 looking increasingly at pattern and practices and
3 trying to make sure, but—so I wonder do you—is there
4 a way that you can pull those apart then? Obviously,
5 we've got an investigation that you're looking more
6 deeply into because it might connect with others.
7 You know, it makes sense that it might take a while,
8 but if we have a New Yorker with a very particular
9 complaint, who is just trying to get justice in the—
10 in the face of a civil rights violation, you know,
11 514 days is—that's a long time. So, talk a little
12 about I guess maybe it's two different questions.
13 What are you doing to try to make sure you're
14 processing those cases as quickly as you can given
15 the—the needs of the case, and are you able to
16 separate those where you are looking into connecting
17 it with others and doing pattern and practice
18 investigation from those where you're just trying to
19 deliver justice for the individuals.

20 COMMISSIONER MALALIS: Yeah, so I think
21 there's a few different issues in there. Thank you
22 for that question. It's—it's a great one. First of
23 all, you know, I'd note that the majority of the new
24 lines that were added to the commission, they were
25 literally on-boarded in December of 2017. So, I

1 think the full effect of those lines has not yet hit
2 our case processing time. I think as people have
3 acclimated to the agency and we're able to fully
4 utilize that new headcount, we will see a change. I
5 also think something that's been very important for
6 us, I mentioned our dynamic staffing model earlier,
7 and that means that, you know, even structurally
8 within departments. You know, structures have
9 changed, and part of that for us has been creating,
10 you know, new things like our—our Intake Unit
11 creating a source of income unit strengthening our
12 Equal Access, Project Equal Access type unit. So, I
13 think increasingly we're going to be thinking and
14 creating a bias response team. We're increasingly
15 looking at ways that we could be diverting things
16 from the Law Enforcement Bureau's pipeline of cases,
17 and trying to resolve cases that should be resolved
18 expeditiously and early on in that way. So, I think
19 increasingly as we look to dynamically staff the
20 agency, we'll be looking towards, you know, how do
21 we—how we—how do we do even more in the area of pre-
22 complaint intervention. And I know that, you know,
23 if I just look at 2017, Calendar Year 2017, our—our
24 pre-complaint interventions have again increased. So,
25

1 I think in 2017 we have something like 47 pre-
2 complaint related interventions, which meant there
3 were 47 situations in which rather than having to
4 file a complaint and go through the litigations
5 process, either through the Community Relations
6 Bureau or through one of the new units in the Law
7 Enforcement Bureau we were able to resolve those
8 claims, and I didn't have to even go into that
9 pipeline and we are increasingly looking to do that.
10 Source of income is another area, another issue. In
11 the past, it's been a third or our housing docket.
12 As we've been doing a lot more in the area of
13 housing, I think it's now a fifth of our docket
14 source of income related cases, and we—and we now
15 have a—a very specific Source of Income Unit that is
16 looking at violations of the law in that space. A
17 lot of the work that's been done in that unit, which
18 was again just staffed I think in January of 2018 has
19 been looking at ways that we can be using information
20 and leveraging that information to resolve situations
21 and get people into housing without having to file
22 complaints or—or file cases. So, I think we're still
23 seeing the benefits of the increased headcount, and
24

2 we're going to start seeing more benefits from the
3 new units.

4 COUNCIL MEMBER LANDER: And that, it will
5 be good hear, you know--

6 COMMISSIONER MALALIS: [interposing] Yes.

7 COUNCIL MEMBER LANDER: --both on case
8 processing, but also, as you know, the Council is
9 long on source of income--

10 COMMISSIONER MALALIS: [interposing] Yes.

11 COUNCIL MEMBER LANDER: --being eager to
12 find what more we can do. So, as you have some
13 results from those things, that would be great. You
14 mention this new Bias Response Team, and I wonder if
15 you could tell us a little more about it. Maybe
16 you've reported to the Council on--on that, but I--I
17 don't remember, you know, learning that much about
18 it.

19 COMMISSIONER MALALIS: Sure.

20 COUNCIL MEMBER LANDER: So, just tell us
21 a little more about it. How big is it? How should
22 we think about it in relationship to the NYPD, you
23 know, like if--if there's a, you know, a Swastika or
24 some hate, you know, Islamophobic graffiti. We
25 usually reach out to the NYPD. How--what's--how should

2 we understand this bias response team? What's it
3 doing so far? How big is it? How does it work with
4 the NYPD?

5 COMMISSIONER MALALIS: [pause]

6 COUNCIL MEMBER LANDER: I didn't mean it
7 as a trick question.

8 COMMISSIONER MALALIS: No, no, sure.

9 COUNCIL MEMBER LANDER: [laughs]

10 COMMISSIONER MALALIS: So—so it's again,
11 when I'm thinking of how we're trying to dynamically
12 staff the agency it was another one of the units
13 created to do that. So, it is primarily staffed by
14 Community Relations Bureau Human Rights Specialists,
15 and then also staffed by the Discriminatory
16 Harassment Investigators that came in as part of new
17 lines through last year's budget cycle. It's—it's a
18 relatively small unit right now. I want to say—I can
19 get you the—the total number later on after the
20 hearing. I want to say it's probably around ten
21 people, a little bit more, but if I—again, if I look
22 at what they were able to accomplish in—in 2017
23 alone, I think there were—there was something like 86
24 biased incidents that they were able to respond to
25 and—and those incidents were primarily in the areas

2 of discrimination based on perceived gender identify
3 and religion, and so what they would do is they would
4 go into the area, the specific communities where they
5 were seeing these type of biased incidents and they
6 would contact victims to inform them of their rights.
7 They would provide instructions on how they should be
8 filing complaints at the agency. They've engaged in
9 other types of community based actions like
10 literature drops or events or days action. It was
11 really—it's really an effort to come into the
12 effective community, and let them know both how they
13 can access the resources of the agency, and also
14 create awareness of rights in the space to try to
15 deter future bias incidents from happening in that
16 space.

17 MEMBER LANDER: So that makes a lot of
18 sense especially because what we've had before is
19 just the NYPD's hate crimes task force, and I mean,
20 of course, you want to look at a criminal incident as
21 a crime, and get the NYPD out there, but those are
22 often, you know, graffiti where it's hard to catch
23 the person and—and also where the broader issues are
24 really relevant. So, just focusing on who did it.
25 So, but just tell me a little more how—I mean, where

2 are people supposed to report these things. How do
3 you work with NYPD in terms of your numbers and their
4 numbers of incidents? How—how are those things
5 handled?

6 COMMISSIONER MALALIS: You know, we—we—we
7 work with NYPD in the sense that we get and analyze
8 their hate crime reports I want to say monthly, and
9 so we're able to take a look at that to see there's
10 things, if there are incidents that it makes sense
11 for us and our team with our resources to—to follow
12 up on. But mostly things get routed to our Bias
13 Response team from the other areas of the Commission.
14 So, they could get routed to the Bias Response Team
15 from, you know, intake or—or in the Law Enforcement
16 Bureau or from our website where they will isolate
17 it, see if this makes sense more to go for—to the
18 Bias response Team than it does for them to go to,
19 you know, the—the usual investigatory process for
20 LEB, and they take a hold of those cases. So, like
21 another example I think where we were able to
22 intervene fairly quickly is folks heard about the
23 tenant harassment—there was a lot of media around
24 this tenant harassment issue in Sunnyside, Queens
25 where there was, you know, Nazi and Confederate

2 imagery up in the lobby of a building, and so the-the
3 tenants and residents of the building felt very
4 harassed by that. It was very intimidating, and so
5 our Bias Response Team initiated, you know, their-
6 their community outreach and that effort. They
7 worked with I want to say Council Member Van Bramer
8 in order to get more information in that-in that
9 scenario, and as a result of approaching the case in
10 that way, I think that case resolved I want to say
11 within four months. So, that was a pretty quick
12 timeline for-for one of those cases, and certainly
13 much more abbreviated than what would have happened
14 through a litigation context.

15 COUNCIL MEMBER LANDER: And one thing I
16 might suggest is for that unit for the public and
17 even for council members to like produce something
18 that lets us know-like I don't think of those-some of
19 these things we're talking about is things I would
20 have reached out to the Commission for-again, just
21 because we're kind of conditioned to go through the
22 NYPD Hate Crimes Task Force.

23 COMMISSIONER MALALIS: Yep.

24 COUNCIL MEMBER LANDER: So, it would be
25 useful. I mean it's good that you're routing things

2 from other places in the Commission, but let us know
3 what we should be sending your way here when it
4 unfortunately happens. My last question I—I noted
5 with interest this test—in your testimony on this
6 project Equal Access, which is a similar kind of pre-
7 complaint effort to focus on barriers to
8 accessibility, we've been working with the Department
9 of Small Business Services and the Mayor's Office for
10 People with Disabilities to enable SBS to be more
11 proactive with small businesses, to let them know
12 that a full, you know, a range of points about what
13 they can—can and should be doing, and then I noticed
14 that the Department of Consumer Affairs does a little
15 bit of that. They have a couple of proactive people
16 to try to let folks know about what to be looking for
17 before they get hit with a complaint from an
18 inspector, and it sounds like you guys have one, too,
19 but maybe it will be good to connect the dots between
20 those things and make sure, you know, folks are
21 comparing notes. We—we did this because some small
22 business in our neighborhoods were getting hit with
23 lawsuits, some legitimate and some a little more
24 questionable about lack of accessibility of sort of,
25 you know, storefronts and very old commercial

2 shopping strips where-- Anyway, buy it's really
3 important obviously to make those more accessible.
4 So, it's great you have this, but I might just suggest
5 checking in with those other agencies and seeing if
6 we can make sure that resources should be shared to
7 that we can get the word out to as many people as
8 possible, and help them make their--make their
9 workplaces in--

10 COMMISSIONER MALALIS: [interposing] I'll
11 also be coordinating with both of those agencies on
12 display related (sic) issues and other issues so--

13 COUNCIL MEMBER LANDER: Thank you.

14 COMMISSIONER MALALIS: Sure. Thank you.

15 COUNCIL MEMBER LANDER: Thank you, Mr.
16 Chair.

17 CHAIRPERSON EUGENE: Thank you very much,
18 Council Member Lander. We have been joined also by
19 Council Member Kallos. Thank you very much. I think
20 the Council Member Rosenthal would like to ask some
21 questions, but before I turn it over to her, related
22 to the Bias Team, I'm very, very sensitive to
23 culture, tradition of the different group of people
24 living in New York city. When you have advisement of
25 each team (sic) but I think we have to make sure that

2 we are people also that represent different
3 communities in New York City because if you are
4 somebody who is going to intervene in a situation,
5 and don't even have a clue of the traditions or the
6 culture of the person they are going to be in contact
7 with, so that can create a problem. Could you speak
8 a little bit about the diversity of the Bias
9 intervention team, please?

10 COMMISSIONER MALALIS: Sure. So, our-our
11 Bias Response Team speaks several different
12 languages. I could get back to you on how many there
13 are. They speak at least seven different languages.
14 Again, similar to commission staff, they're pulled
15 from, you know, many different areas of the city. In
16 addition to our Bias Response Team we also have lead
17 advisors in specific areas that that are specific to
18 communities that have been either I think targeted or
19 under attack or what we consider to be more
20 vulnerable communities within the city. So, for
21 instance, we have folks that are looking specifically
22 as lead advisers or liaisons to Muslim Arab salvation
23 communities in the city to Jewish communities
24 throughout the city, to African communities
25 throughout the city, to Transgender and gender non-

2 conforming communities throughout the city. So, a
3 range of different communities throughout the city.

4 CHAIRPERSON EUGENE: Thank you very much,
5 Commissioner. Council Member Rosenthal.

6 COUNCIL MEMBER ROSENTHAL: Thank you so
7 much, Dr. Eugene, Chair Dr. Eugene, great to see you,
8 Commissioner. I—I want to focus in on the new sexual
9 harassment legislation that we're all considering.
10 We had a hearing on. I guess my overall question is
11 do you feel you have the staffing needed to implement
12 the laws that we've been talking about, the added
13 responsibilities that you'll need to take on. You
14 know, specifically I'm thinking about requiring
15 information about sexual harassment to be made online
16 to make it part of your community outreach work, as
17 you're educating the community on the variety of
18 human rights laws. As you, you know, hopefully to be
19 honest with you get more and more complaints about
20 sexual harassment because people will know that your
21 Commission is there to serve them, and also changing
22 the limit—the time limits for filing a case from one
23 to three years.

24 COMMISSIONER MALALIS: So—so, I'm
25 thinking of like the 11 bills that I know have been

2 under consideration, and have been discussed quite a
3 bit I think through—with our agency and other
4 entities within the administration and the Council.
5 I think that we would have to look at how the—how
6 each of the bill kind of land to—to figure out what,
7 you know, what's needed to—in order to implement on—
8 on the bill. Some of those bills were bills in which
9 I think we—the Commission on Human Rights would have
10 direct responsibilities, and some of them were ones
11 where DCAS would have more direct responsibilities.
12 So, I think—I know that that process is still
13 underway, and I think as the—the bills are finalized
14 we'll have a better sense of, you know, what if any
15 needs we have with relation to those different bills.

16 COUNCIL MEMBER ROSENTHAL: It might be
17 possible that there are no needs?

18 COMMISSIONER MALALIS: You know, not
19 wanting to comment without having actually seen the
20 finalized bills, I—I really don't know. I really
21 can't say.

22 COUNCIL MEMBER ROSENTHAL: Do you expect
23 to be supported if additional staff are required in
24 making sure that those positions are funded?

2 COMMISSIONER MALALIS: I do. I think
3 that, you know, through prior-through prior budget
4 cycles I think that the administration and the
5 council worked very well together to-to support this
6 agency.

7 COUNCIL MEMBER ROSENTHAL: Great.

8 COMMISSIONER MALALIS: So, I do expect
9 that.

10 COUNCIL MEMBER ROSENTHAL: No, I'm
11 pleased to hear that. The Mayor's PPMR-PPMR, the
12 Management Report-[background comments]-looks at the
13 goal of educating the community on Human Rights Laws,
14 and interestingly, and I apologize if you were asked
15 this previously, but if you look at some of the
16 indicators, the numbers seem to be going down. I'm
17 really happy that the number for conferences,
18 workshops, and training sessions overall has doubled
19 over the last two years. So, that's amazing, but
20 community based technical assistance maybe it's the
21 change in the definition--

22 COMMISSIONER MALALIS: [interposing] Yes.

23 COUNCIL MEMBER ROSENTHAL: --but it seems
24 to drop by 40 or 50%, and same with the school based
25 trainings sessions conducted seems to have dropped by

2 75%, and I'm just wondering what your thoughts are
3 about those.

4 COMMISSIONER MALALIS: So, Council Member
5 Rosenthal, I think you were not here when I said this
6 earlier in my testimony, but no worries.

7 COUNCIL MEMBER ROSENTHAL: [off mic] I
8 was looking for it.

9 COMMISSIONER MALALIS: [laughs] But
10 basically, our—our annual budget testimony is
11 generally based off of our calendar year reports, and
12 this is the first year that we were not required to
13 do an annual report because we were actually
14 transitioning off the calendar year into the fiscal
15 year.

16 COUNCIL MEMBER ROSENTHAL: So, the PMMR
17 the Mayor's Management Report is—is not accurately
18 correct collecting the information because it has
19 like a half year value of something?

20 COMMISSIONER MALALIS: Well, I—I would
21 say it is to that, it is to the metrics that it's
22 capturing. So, what I'm saying is the—the numbers
23 and information I have are really regarding the—the
24 calendar year versus the Fiscal Year, which is what
25 the PMMR is looking at. So, I'd be happy to get back

2 to you on that. What I can say broadly is that I
3 think that the way that we look at some of the
4 Commission's work has re-shifted. So, you might look
5 at that and see that technical assistants in our
6 Community Relations Bureau has gone down. I think
7 you said the figure looks like it has gone down.

8 COUNCIL MEMBER ROSENTHAL: From 56,000 to
9 32,000.

10 COMMISSIONER MALALIS: The technical
11 assistants is generally again considered, you know,
12 one of the—the things that I was speaking to Council
13 Member Lander about, which is our pre-complaint
14 relate interventions. So, it's very possible that
15 the number that you—that we would have in the past
16 put into the—the technical assistants category are
17 not put into another category because they're all
18 part of what we now consider to be pre-complaint
19 intervention. Again, I'm happy to get you more
20 information.

21 COUNCIL MEMBER ROSENTHAL: [interposing]
22 No, no, that helps. So, if I look at pre-complaint
23 intervention, I am seeing the number of cases filed
24 go up from roughly 700 in 2015 to roughly 800 in '17.
25 So that's good, although between '16 and '17 it came

2 down by a hundred. I'm just looing at the Mayor's
3 Management--

4 COMMISSIONER MALALIS: [interposing]
5 Sure.

6 COUNCIL MEMBER ROSENTHAL: --Report
7 numbers, but this is by the tens of thousands, the
8 reduction in the community training Technical
9 Assistants. So, you know, I'm a big fan of
10 footnotes.

11 COMMISSIONER MALALIS: Yeah.

12 COUNCIL MEMBER ROSENTHAL: I mean if it's
13 that the Mayor's Management Report needs footnotes,
14 you know, I think that's—I would urge whoever is
15 looking at that now to include foot notes. It's hard
16 for the general—it would be hard. It is hard for me--
17 -

18 COMMISSIONER MALALIS: [interposing]
19 Yeah.

20 COUNCIL MEMBER ROSENTHAL: --as also a
21 member of general public—public to understand what's
22 going on here, and especially I'm—I'm most concerned
23 about it because we are shifting with the new sexual
24 harassment laws. You know, we are hopeful that
25 you're Pre-Complaint Office will be getting lots of

2 calls, and I-I'm concerned to see all those numbers.
3 I don't understand what's happening then, I guess,
4 with those numbers. So, I'd like an explanation of
5 that, if you could send that as a follow-up--

6 COMMISSIONER MALALIS: Sure.

7 COUNCIL MEMBER ROSENTHAL: --to know
8 whether or not you're in a place to accommodate the
9 hundreds more--

10 COMMISSIONER MALALIS: Sure.

11 COUNCIL MEMBER ROSENTHAL: --that we hope
12 to get.

13 COMMISSIONER MALALIS: I would also say
14 PMMR reporting is generally looking, as I understand
15 it year to date to year to date. So, probably a
16 better-a better-if you're-if you're looking to kind
17 of gauge activity in an area, it's probably best to
18 look at the MMR, which is the full year because let's
19 say you're having a slow first quarter or so, that--
20 those numbers might get made up in the latter part of
21 the year.

22 COUNCIL MEMBER ROSENTHAL: No, these are
23 annual.

24 COMMISSIONER MALALIS: Okay.

2 COUNCIL MEMBER ROSENTHAL: This is the
3 full year annual number. So, lastly this is so
4 helpful. Thank you and thank you for--

5 COMMISSIONER MALALIS: [interposing]
6 Sure, and we can get you further explanation on it.

7 COUNCIL MEMBER ROSENTHAL: Appreciate
8 that, and thank you for all the work that you're
9 doing on, you know, broad--thinking more broadly
10 about sexual harassment training, bystander training,
11 education. When we had our hearing, I think it was
12 the first day DCAS premiered its sexual harassment
13 training. Have you had a chance to review that? Is
14 that something that you would consider posting
15 online?

16 COMMISSIONER MALALIS: I guess two things
17 in that. One, we've been talking--we've been in
18 discussion with DCAS about their trainings since the--
19 the hearing date, and two, you know, I was--I was
20 saying earlier that we are--we are considering
21 different ways of releasing out to the public our
22 workshops and our trainings. Currently, all of our
23 workshops and trainings are--

24 COUNCIL MEMBER ROSENTHAL: [interposing]
25 Yeah.

2 COMMISSIONER MALALIS: --conceived of as
3 in-person trainings.

4 COUNCIL MEMBER ROSENTHAL: Right.

5 COMMISSIONER MALALIS: So, we are
6 thinking through the different ways that we might
7 adjust to put something online.

8 COUNCIL MEMBER ROSENTHAL: Yeah, I
9 appreciate it. I overheard that, and I get the in-
10 person--

11 COMMISSIONER MALALIS: [interposing] Yep.

12 COUNCIL MEMBER ROSENTHAL: --way more
13 important. Sort of that juggling. We're in that
14 juggling mode of ramping up from zero for so many
15 organizations. It's not clear they can do in-person
16 training.

17 COMMISSIONER MALALIS: Yep.

18 COUNCIL MEMBER ROSENTHAL: So, you want
19 to make sure you have something that's good enough.
20 So, I was wondering whether or not you thought the
21 DCAS was good enough. There are some other things
22 out there that are so much more eye-catching.

23 COMMISSIONER MALALIS: Uh-hm.

24 COUNCIL MEMBER ROSENTHAL: The David
25 Schwimmer things, which I know you have utilized in a

2 sort of different way so beautifully. So, that's why
3 I'm asking you because I thought you guys really get
4 this idea of trying to catch people's attention,
5 which is what the Schwimmer videos do in my mind's
6 eye. And lastly, you did an amazing forum on sexual
7 harassment in December, and I was wondering—it's now
8 March, the end of March, when you expect to have the
9 reporting findings from that, you have a draft, a
10 preliminary draft that the Council could look at,
11 anything you might have.

12 COMMISSIONER MALALIS: Our final report
13 should be out by the end of April.

14 COUNCIL MEMBER ROSENTHAL: Is there
15 anything in particular I mean just as a—again, as
16 taxpayer just sort of wondering why it takes more
17 than three months. Is there a particular hiccup
18 that's holding it back from being reported on? Do
19 you have maybe—do you have a video of that forum that
20 you could put online that the public could see while
21 we're waiting--

22 COMMISSIONER MALALIS: Sure.

23 COUNCIL MEMBER ROSENTHAL: --in the
24 interim for that report?

2 COMMISSIONER MALALIS: Sure. In think
3 the—the full video should be available on our
4 websites. It provides you—

5 COUNCIL MEMBER ROSENTHAL: It is?

6 COMMISSIONER MALALIS: --the link to
7 that—it provides you the link to that.

8 COUNCIL MEMBER ROSENTHAL: [interposing]
9 It's these things?

10 COMMISSIONER MALALIS: And the other
11 thing I would say is so we—we took in live oral
12 testimony during the hearing from several different
13 industries some of which I mentioned in my testimony,
14 but across industries like, you know, domestic
15 workers, construction, tech, media, modeling, several
16 different areas, buy then after the hearing we
17 continued to receive written testimony through the
18 end of the year. So, one, we wanted to give, you
19 know, appropriate and adequate attention to all the
20 testimony that we received, and some of them were
21 several pages long; and two, I think, you know, one
22 of the things that we're trying to do is to provide
23 helpful information over a range of different
24 industries. I really don't think that there's
25 anything else like that out there on this topic area

2 to that. So, in my mind I would respectfully think-
3 disagree with-with it taking a long time. I think
4 we're actually doing it in-in a fairly condensed
5 period given the range.

6 COUNCIL MEMBER ROSENTHAL: Does that-in
7 looking at this information, does that-and I like-I
8 appreciate that they're on this. I appreciate your
9 answer. My apologies because I really do appreciate
10 that thoroughness. One thing that I thought I heard
11 at our hearing about sexual harassment from the
12 different industries, was that each industry might
13 need a different type of-I don't-I don't want to go
14 so far as to say training, but just different
15 circumstances, and I'm wondering if that could affect
16 the poster-the piece of legislation that requires a
17 poster--

18 COMMISSIONER MALALIS: Uh-hm.

19 COUNCIL MEMBER ROSENTHAL: --that gets
20 put up in-in the private sector. I mean you could
21 imagine a poster at a modeling agency may be
22 different than a poster at a restaurant for the cooks
23 in the kitchen. Are you contemplating any of that as
24 you look at that legislation or that idea?

2 COMMISSIONER MALALIS: You know, I think
3 what's challenging is because we're in New York City
4 and there's just so many different types of
5 industries that—that are calling New York City home
6 or that take place in New York City. I think
7 actually what the challenge is to think of like what
8 is—what are the—the common elements across industry
9 that could provide enough information to—so that
10 people one, understand that they have rights in this
11 space, and two, who they should contact meaning that
12 they should contact the Commission on Human Rights to
13 get further information that might be more specific
14 to an industry because you're absolutely right,
15 industries are very different, and the way that they
16 have to deal with sexual harassment related
17 complaints or the challenges that I think one
18 experiences from different industries can be quite
19 different. There would be, you know, different
20 challenges experienced by someone who works in an
21 industry where for most of the day they're isolated
22 because they're out, you know, on location versus
23 somebody who is surrounded by, you know, a lot of
24 other co-workers in an office. So, I think—I think
25 the challenge in—in doing that type of poster or kind

2 of immediate frontline material is finding what's the
3 common elements that--that causes people to know that
4 they have rights, and then who they should contact.

5 COUNCIL MEMBER ROSENTHAL: I appreciate
6 you, Commissioner. I appreciate your work on this.
7 Thank you.

8 COMMISSIONER MALALIS: Thank you.

9 CHAIRPERSON EUGENE: Thank you very much,
10 Council Member Rosenthal. Council Member Kallos,
11 please.

12 COUNCIL MEMBER KALLOS: I want to start
13 by thanking the Chair Mathieu Eugene, Dr. Eugene for
14 his work on human rights internationally, and
15 bringing that focus from across the globe to here in
16 New York City. I'm looking forward to the great work
17 that he will be doing in this committee. I'd like to
18 also focus on the Preliminary Mayor's Management
19 Report like my colleague Council Member Rosenthal.
20 We may be the two nerdiest people in the Council, but
21 it is good company. I want to start with concern
22 about the mediation. The cases successfully mediated
23 in 2015 were zero, '16 zero, '17 zero, '18 for the
24 first four months zero, and there are no targets set

2 from '18 or '19. Is this—does the Human—does the
3 Commission on Human Rights do mediations?

4 COMMISSIONER MALALIS: Yes, we do. I
5 don't know the metrics used for that. Again, I—we
6 usually do not testify on the PMMR. I'm happy to
7 look back at it and get back to you. I can say in
8 calendar year 2017, our Office of Medication
9 successfully settled 11 cases, and was able to
10 recover about \$333,000 in those cases. Our—our
11 Office of Mediation has gone through significant
12 changes in remodeling since I got to the agency.
13 Three years ago, the—when I got to the agency, there
14 was no Office of mediation. So, we literally had to
15 rebuild it by brining in a line for a mediator, and
16 then restructure it to make sure that people who use
17 the agency or who were aware of our law enforcement
18 abilities would know how to avail of mediation in
19 these contexts. So, that's—in the past year, that's
20 included sweeping--

21 COUNCIL MEMBER KALLOS: [interposing] So,
22 let's just—would you work with the Mayor's Office of
23 Operations to make the corrections to PMMR and see it
24 reflected in the MMR?

2 COMMISSIONER MALALIS: Again, I cannot
3 speak to the number right now because I just don't
4 have it in front of me. I would look at it, and if a
5 correction needs to be made, we will certainly do
6 that.

7 COUNCIL MEMBER KALLOS: Fair enough.
8 This--this wouldn't be the first correction to the MMR
9 made at my request. The next item is so I--I have
10 particular interest in your agency. I guess one
11 question is do you believe that somebody should be
12 able to go to Housing Court like if a landlord who is
13 trying to evict you or--or do wrongful things to you
14 like removing your--your toilet so you don't have a
15 bathroom any more or engage in other ways without
16 facing discrimination for having gone to the court?
17 Should going to court against your landlord be a
18 human right?

19 COMMISSIONER MALALIS: I can speak to
20 what the categories or protection currently are under
21 the law.

22 COUNCIL MEMBER KALLOS: It's not
23 currently covered. So, we as a city are now funding
24 to the tune of I think more than a billion dollars
25 set aside for protection tenants from evictions.

2 COMMISSIONER MALALIS: Yep.

3 COUNCIL MEMBER KALLOS: And every single
4 one of those tenants is now on a Tenant Screening
5 Report blacklist of tenants who have been in housing
6 Court, and some of those folks can't get a new
7 apartment because they are now on this blacklist.
8 So, one of the items it's Introduction 85--we
9 introduced it previously--is to say that you should be
10 able to go to court without facing discrimination for
11 having been in court. So, that is a little bit of
12 why I'm focused on some on some of the numbers. So,
13 based on your testimony you're getting about nine--I'm
14 particularly focused on the Law Enforcement Bureau.
15 How many--what's your headcount there?

16 COMMISSIONER MALALIS: The total
17 headcount is something around 78, but I would have
18 to--

19 COUNCIL MEMBER KALLOS: So--so that is the
20 bulk of the agents, 76 and how many investigators or
21 attorneys, and so on?

22 COMMISSIONER MALALIS: It's primarily
23 staffed with attorneys, and the investigators are
24 actually mostly attorneys as well. So, there's an
25

2 intake unit or Infoline Unit, I should say, which
3 takes in calls of discrimination or harassment.

4 COUNCIL MEMBER KALLOS: And so, you've
5 got 9,772 inquiries and then how does an inquiry or
6 somebody filing or going through your website become
7 one of the 806 cases or as per your testimony 888.
8 Sorry, according the MMR you had 806 cases in Fiscal
9 Year 17. So, you get somewhere around 9,772
10 inquiries and then how—how do you narrow that down to
11 cases that are filed?

12 COMMISSIONER MALALIS: So, there are
13 inquiries that come in through various ways into the
14 agency. Sometimes they come in through the Community
15 Service Centers. They might come in through our
16 website or calling up 311 or calling up the agency
17 directly. We first make a determination to see if we
18 have jurisdictional authority to even take in
19 whatever that complaint is about. Sometimes people
20 are calling they think that we have jurisdiction over
21 something and, you know, we don't. It could be
22 because they're calling about their, you know,
23 wanting to make sure that they have heat or hot
24 water, and that wouldn't be our agency in most
25 instances. So, we first make sure that have

2 jurisdiction even to look at the complaint or to look
3 at the claim. Then once we decide that we do, if it
4 makes sense for it to go forward into an
5 investigation or for intake, it could get scheduled
6 for intake with one of our attorneys in the Law
7 Enforcement Bureau.

8 COUNCIL MEMBER KALLOS: Okay, so about
9 10%--so about 10% of the inquiries you get end up
10 being within your jurisdiction and then get an
11 intake, and that's called a case?

12 COMMISSIONER MALALIS: No, I-I mean I'd
13 have to look at the numbers, but some things could
14 go into the Law Enforcement Bureau and then even some
15 things go into the Law Enforcement Bureau. A
16 complaint could be filed. It could be tagged for the
17 Bias Response Team that I testified early about. It
18 could be tagged for pre-complaint intervention.
19 There's different ways that that issue could be
20 resolved depending on what the needs of the case are.

21 COUNCIL MEMBER KALLOS: And so in Fiscal
22 Year 17 there are about 310 pre-complaint resolutions
23 not necessarily interventions. So, maybe we're re-
24 aligning your metrics in the PMMR so that you have
25 the interventions and the resolutions broken out.

2 So, then once a case is opened, it appears that the
3 vast majority of them actually end up getting closed
4 without a positive resolution for the complaint, and
5 with about 24% that are settled and then others that
6 are referred on. So, can you help me with the—so,
7 806 cases were filed, 536 were closed, 65% were
8 closed because of administrative cause.

9 COMMISSIONER MALALIS: I don't know if
10 you were here, Council Member Kallos, when I said
11 this, but we generally testify on the calendar year.
12 So, you're using numbers that I'm actually not
13 familiar with. If you'd like, we could—we could
14 consult with the PMMR and then get back you on your
15 questions, but by statute, we are accustomed to
16 testifying on a calendar year basis.

17 COUNCIL MEMBER KALLOS: Sure, let's—let's
18 take this--

19 COMMISSIONER MALALIS: [interposing] So,
20 I can take your numbers, but it's academic to me
21 because I'm—I'm—I just don't have the numbers in
22 front of me.

23 COUNCIL MEMBER KALLOS: Fair enough. The
24 PMMR is single year. It's part of the Preliminary
25 Budget hearing, but let's take step back from the

2 numbers. So, there's this document here. The
3 numbers may be less useful, but so more than half of
4 the cases are closed because of administrative
5 causes. Are you familiar with what administrative
6 cause means and why so many of the cases that you're
7 pursuing?

8 COMMISSIONER MALALIS: Sure. So,
9 irrespective of the actual numbers, an administrative
10 closure is generally a situation where, you know,
11 it's within the—within the agency's interest to close
12 the case, but to not provide a probable cause or no
13 probable cause determination. Those could be
14 situations in which there has been an investigation
15 already initiated, but rather than come out with a
16 probable cause finding or no probable cause finding,
17 we want to actually preserve the complainant's
18 ability to refile in state court, rather than making
19 an election of their remedy at the agency.

20 COUNCIL MEMBER KALLOS: So, I guess what
21 can we do as a council whether it's the right to go
22 to Housing Court or bringing a remedy for sexual
23 harassment as Council Member Rosenthal is interested
24 in so that the—the pipeline that you're bringing in
25 of cases that you have capacity to deal with it, and

1 also that the cases have positive resolutions. I'm
2 seeing according the PMMR that it's just quite low
3 that probable cause determinations are only--been
4 determined 15% of the time in--in 2015 and then 6 and
5 4% in '16 and '17 respectively, and for the past four
6 months just at 6%. So, just making sure that when
7 somebody is making a complaint that something
8 positive is coming from it versus some of the adverse
9 actions that happen. I--I practiced employment law,
10 and I practiced before the State Commission on Human
11 Rights, and almost immediately whenever you bring a
12 complaint for harassment or whatnot, you're also
13 bringing a--a similar complaint for retaliation
14 because people usually end up facing some sort of
15 retaliation for having filed a complaint, which is
16 also a violation of human rights.

18 COMMISSIONER MALALIS: So, we are
19 actually a file by right agency. We are not like the
20 State Division of Human Rights. We're a file by
21 right agency, which means that most individuals who
22 want to file a complaint with us whether or not they
23 have the jurisdictional claim or not, we'll fin it,
24 and we accept it and it goes through the type of
25 assessment that I described earlier. So, again,

2 there are situations in which we deem it better for
3 the complainant, and I think the advocates would
4 agree that they deem it better for the complainants
5 to preserve their ability, and their election or
6 remedy which, of course, you're familiar with as a
7 former employment attorney to into state court.

8 COUNCIL MEMBER KALLOS: Fair enough, and
9 just our—one of our committee analysts found that the
10 cases mediated in Fiscal Year '13 were 5. Fiscal
11 Year '14 was 21 and then it drops down to 0 for the
12 remainder. So, just I—I guess—so there's this book,
13 it's called the Mayor's Management Report. They
14 publish 40 copies of it, about 1,000 people download,
15 but the hope would be that if this isn't a document
16 that's useful to you currently for managing your
17 agency, to realign it and change the indicators and
18 the critical indicators so it's something that you
19 can use for managing it year-to-year and quarter-by-
20 quarter as well as something that those of us on the
21 Council or the general public who care immensely
22 about your agency are able to reference and see where
23 things are, and what resources you need. Thank you
24 again to the Chair for his discretion and this line
25 of questioning. Thank you.

2 CHAIRPERSON EUGENE: Thank you very much
3 Council Member Kallos. Thank you. Commissioner, in
4 your testimony it seemed that—not it seemed, but the
5 budget for Fiscal—Fiscal Year 2019 would be less than
6 Fiscal year 2018. Could you tell us how this is
7 going to impact the work of the Commission, and what
8 area exactly is going to do? Which area is going to
9 be more impacted by the decrease in the budget?

10 COMMISSIONER MALALIS: Sure. I think
11 Council Member Lander had asked me the same question
12 earlier today. That—the difference in the budget is
13 accounted for by Other Than Personnel Services Budget
14 that was used for a one-time renovation of our
15 current physical space so that we could take in new
16 personnel lines. So, we only needed a rollover for
17 that one time renovation, and so I do not anticipate
18 it will have great impact.

19 CHAIRPERSON EUGENE: Okay. So, we have
20 civil amendments recently, civil amendments and I
21 think two of them are already in effect, already
22 effective. Let me see if I can see where they are.
23 [background comments, pause] Okay, here you go thank
24 you. We had some civil amendments that on fully—
25 fully beats (sic) employers who are inquire—inquiring

2 about a new line under the perspective of--for used
3 salary history effective on October 31' 201--

4 COMMISSIONER MALALIS: Yep.

5 CHAIRPERSON EUGENE: --and the other one
6 also an employee, it's discrimination on the basis of
7 uniformed service effective 19--2017--November 19,
8 2017. Could you tell us what steps or effort the
9 Commissions--the Commission is doing to implement
10 those amendments?

11 COMMISSIONER MALALIS: Sure.

12 CHAIRPERSON EUGENE: And if there will be
13 any challenges in term of resources also to implement
14 those amendments?

15 COMMISSIONER MALALIS: So, we are not
16 currently seeing any challenges to implementing
17 either of the amendments. Prior to both effective
18 dates we issues FAQs that were employee as well as
19 employer side for both of the new provisions so that
20 people would have notice as to what the change in the
21 law would be because of the salary history
22 protection, which was I think less straightforward
23 than the--the addition of uniformed services to our
24 Anti-discrimination laws. We called together a
25 roundtable of different employers and businesses and

2 their advocates, and we've been kind of on a road
3 show of going to different CLEs and convenings of
4 employers and employer and business advocates to make
5 sure people have it, their understanding of how we
6 were interpreting the law, which is I think a fairly
7 novel provision for any locality. We're actually the
8 first locality nationally to have such a provision in
9 the law effective, and we've just been responding to
10 to questions and comments from different business
11 based groups and advocates on that.

12 CHAIRPERSON EUGENE: You know, I love the
13 Community Development Bureau because this is a
14 wonderful job. This is a very important task that
15 the staff or the people in the Community Development
16 Bureau are doing, and the funding of the Community
17 Development Bureau accounts for 52% of the
18 department's total Fiscal 2019 Budget, and the
19 Administration account for 48%, but the majority of
20 the Community Development Bureau's funding is
21 dedicated to how to reach in the five boroughs
22 there's a Community Services Center that provides the
23 resources for New Yorkers to understand their rights,
24 and obligations under the New York City Human Rights
25 Law, and we know that we have five boroughs. Could

2 you tell us the location of this funding is equally
3 distributed to the five boroughs or any—if there is
4 any difference in terms of the funding of resources
5 allocated to each borough?

6 COMMISSIONER MALALIS: There's a lot of
7 collaboration between the different borough offices.
8 Some of them area like issue specific rather than
9 borough specific. So, community service center does
10 not manage its own budget. There's a general budget
11 that comes into play for the Community Relations
12 Bureau, and there's a lot of partnership and
13 collaboration amongst the different offices. So, for
14 instance I mentioned earlier in my testimony that we
15 put together a form for African immigrants. While
16 that occurred in the Bronx, there was representation
17 there from other boroughs as well both in terms of
18 our personnel as well as community based
19 organizations that were present.

20 CHAIRPERSON EUGENE: Thank you very much,
21 Commissioner.

22 COMMISSIONER MALALIS: Sure, thank you.

23 CHAIRPERSON EUGENE: I think that that
24 was my last question, but before we conclude, let me
25 commend you and also your wonderful staff for what

2 you are doing on behalf of the people of New York,
3 and we know that human rights is a very, very, very
4 important area, and all of us from government, from
5 private sectors, citizens, and God bless our
6 obligation (sic) to believe in a religion. We have
7 to make sure that we have a fair society where the
8 rights of people are respected, and I think that all
9 of us we should be part of the team, all of us we
10 should be part of the team, and very important also
11 especially in New York City and the United States of
12 America, and I mention that every time there are so
13 many people who came to New York who are living in
14 New York many of them they're powerless in the
15 system. Some of them they are afraid to raise their
16 voice, to raise their concern, and for many reasons
17 because of the country or where they came from
18 because of their culture, their tradition, they don't
19 want to be in trouble. They don't know some of them
20 that they have certain rights, and those rights
21 should be protected, and I think that the Human
22 Rights Commission has a very important task to do, an
23 honorable task to do to inform those people to
24 educate them in order for them to live like everyone
25 with dignity and respect. And I want to say that we

2 in the Committee of Human Rights and Civil and Human
3 Rights we are willing to work together with you to
4 make sure that we protect those people, we protect
5 their rights. Thank you very much--

6 COMMISSIONER MALALIS: Thank you.

7 CHAIRPERSON EUGENE: --and we are
8 fortunate to work together. Thank you. [background
9 comments, pause] Now, I want to call Santano Boca
10 (sic) please. [background comments, pause] Thank you
11 very much, Mr. Boca. Please state your name for the
12 record before you start. Make sure that your
13 microphone is on.

14 SANTANO BOCA: Is it on? Yes.

15 CHAIRPERSON EUGENE: Yes.

16 SANTANO BOCA: Alright.

17 CHAIRPERSON EUGENE: And number one, I
18 appreciate as you come to testify thank you much.
19 You are very welcome--

20 SANTANO BOCA: Thank you, Sir.

21 CHAIRPERSON EUGENE: --and I just want to
22 remind you that you have two minutes.

23 SANTANO BOCA: Two minutes is a little
24 short, but my name is Santo Boca, and since I only
25 have two minutes, you all have copies of my testimony

2 in writing. I'm not going to read it to you, but
3 just to hit the highlights, there's an increased
4 pressure on the New York City Humans Right Commission
5 because federally there is no enforcement
6 effectively, and at the state level, it was decided
7 about six years ago that the New York State Human
8 Rights Commission does not have jurisdiction over
9 public schools. So, what that means in practice is
10 that if you are victimized let's say at City
11 University, you are precluded from having any relief
12 from the New Your State Division of Human Rights.
13 This was decided in 2012, and as far as I know, this
14 remains the case today. I myself am disabled due to
15 a childhood brain injury and I found this out the
16 hard way because I was accepted at the Graduate
17 Center at CUNY, and when I asked them for
18 accommodations, I was expelled within an hour. This
19 was during a time when there was no enforcement at
20 the municipal level effectively. There was no
21 enforcement at that state level nor at the federal
22 level which, of course, makes it easy for them to
23 behave the way they choose to. This that I gave you
24 as part of the record, you can parse it. It you want
25 me to come back later, we can discuss it, but I

2 really think we need to have a serious discussion
3 about whether—how you are going to monitor, you know,
4 the actions and the status of cases before the
5 Commission and how you are going to be able to say
6 look, these were the people who came to you. These
7 are the resolutions that they had, and this is what
8 you decide in these cases and this is what you decide
9 in these. How did you make those decisions and why?
10 And let me close that that the reason I come to that
11 is because when I went to New York City Human Rights
12 Commission after my problems at CUNY, they were
13 extremely hostile, and they refused to speak to me on
14 several occasions. And at one point they told me
15 that I should wait out, and if I am still
16 discriminated against (sic) in the future maybe I
17 should come back then. I thought that I'm the first
18 person to have these problems or the last, and so, I
19 think it's really should be a requirement to have a
20 comprehensive ongoing out there of the commission and
21 to see who is making what claims, what the [bell]
22 resolutions and why, and I think that sounds mean--

23 CHAIRPERSON EUGENE: Thank you, very
24 much, Mr. Boca, and I would like to have your
25 testimony. If you will do that, and you--

2 SANTANO BOCA: I think it to Mr. Perez.

3 CHAIRPERSON EUGENE: Yes, okay, thank you
4 very much.

5 SANTANO BOCA: I even have it in writing
6 as well.

7 CHAIRPERSON EUGENE: We're going to look
8 into that, and we will get back to you.

9 SANTANO BOCA: Thank you sir.

10 CHAIRPERSON EUGENE: We'll be in contact
11 with you.

12 SANTANO BOCA: Thank you.

13 CHAIRPERSON EUGENE: Thank you for your
14 testimony. Thank you very much. [background
15 comments, pause] Mr. Andre Hermes. Thank you.
16 [background comments, pause] Gabriel Leader-Rose.
17 Thank you. [pause] Thank you very much to both of
18 you, and please state your names for the record, and
19 each one of you has two minutes. Thank you very
20 much.

21 ANDRE HERMES: Yes. My name is Andre
22 Hermes, and I represent the 3rd Railman over at the
23 MTA Metro North Railroad. I'm here due to violations
24 on civil and human rights, and I want to know what we
25 can do. We've been trying to ahead and get with

2 Labor Relations, diversity of all kinds. There's a
3 lot of racism happening there so much so that our
4 general supervisor we have pictures of this person
5 painted with black face, Afro and he's still sitting
6 there, you know, on top causing anybody who is a
7 minority there to go--undergo hardships that are not
8 necessary. These hardships have caused many of the
9 new people coming in both minorities and Caucasians
10 to suffer injuries and be out of work for X amount of
11 time. We have requested for safety protocols to be
12 carried out the way it should be, but we constantly
13 are denied, and not in a correct fashion, just simply
14 we're brushed off. We bring these things on. Nobody
15 does anything. The President of Metro North is aware
16 of these pictures as well. I, myself, at this moment
17 am out of service--is what they call it when they
18 suspend you--with no charges whatsoever. The only
19 answer they give is pending an investigation. Why?
20 Because I went ahead and wrote statements on the--the--
21 the inability of our supervisor to go ahead and
22 address the safety issues that the men are having.
23 I've been retaliated upon. I have a friend of mine
24 also who works there Neal Gonzalez who has been
25 terminated almost close to a year for the same exact

2 thing. He was a union rep. So, they're shutting
3 down the voice of the people there. We don't know
4 what to do. We go through the proper channels.
5 Nothing ever happens. I want to know--

6 CHAIRPERSON EUGENE: [interposing] Can
7 you--are you finished?

8 ANDRE HERMES: Yeah.

9 CHAIRPERSON EUGENE: Okay, after the
10 meeting can you wait for me, and we can speak.

11 ANDRE HERMES: Absolutely.

12 CHAIRPERSON EUGENE: Can you give me all
13 the information that you have, and I will go over, we
14 will go over the information, and we'll try and get a
15 meeting with you, and from there, we'll see how we
16 can help you and address that issue.

17 ANDRE HERMES: I appreciate it.

18 CHAIRPERSON EUGENE: And please try to
19 compile everything that you, the compiled (sic) and
20 all the documents that you have, and just for them to
21 also let us have them--

22 ANDRE HERMES: Okay.

23 CHAIRPERSON EUGENE: --and we'll have a
24 meeting with you to see, you know, how to better
25 handle the situation.

2 ANDRE HERMES: I appreciate that.

3 CHAIRPERSON EUGENE: And thank you for
4 your testimony.

5 ANDRE HERMES: Okay.

6 CHAIRPERSON EUGENE: Please don't go.
7 Wait for me after the meeting--

8 ANDRE HERMES: Absolute--

9 CHAIRPERSON EUGENE: --the hearing.
10 Thank you very much. Yes, sir.

11 GABRIEL LEADER-ROSE: [off mic] Hello.
12 Shall I begin my--my two minutes?

13 CHAIRPERSON EUGENE: Please state your
14 name first.

15 GABRIEL LEADER-ROSE: My name is Gabriel
16 Leader-Rose, and I'm here on--speaking on behalf of an
17 organization called Good Call. So, I--my organization
18 has put in a request for funding from the City
19 Council as citywide Speaker initiative. Good Call
20 runs a 24/7 hotline in the Bronx that allows anyone
21 to get in touch with a public defender right away in
22 case they or a loved one are arrested. Based on the
23 stories that we've seen and the data that we've seen
24 about individuals going through the Criminal Justice
25 System and interacting with police, individuals,

2 civil rights, their human rights and the Sixth
3 Amendment rights to an attorney are not fully
4 realized because they do not need a public defender
5 until right before going in front of the judge, which
6 opens them up to the opportunity to be interrogated
7 without understanding their rights, placed in line
8 without the involvement of a lawyer, and also can
9 create a lot of other issues for people in
10 communities dealing with frequent arrests and being
11 subject to that part of the Criminal Justice System.
12 Over the past 16 months of running our hotline in the
13 Bronx, we've connected over 500 people to free legal
14 support, and we've seen real evidence that having
15 access to a lawyer earlier in the arrest process
16 leads to fair outcomes and prevents some of the
17 unnecessary and unjust damages that can be caused by
18 a trivial arrest. And so, we hope that this
19 committee will support our proposal, and that the
20 City Council will help us expand this program from
21 the Bronx to cover all five boroughs of New York City
22 to make sure that all New Yorkers can have access to
23 justice when dealing with the Criminal Justice
24 System.

2 CHAIRPERSON EUGENE: Thank you very much,
3 sir. This is a very important kind of services, you
4 know, that you are providing to New York—to your
5 constituents, and I think to New Yorkers, and we need
6 the not-for-profit organizations to help us reach out
7 to people and better serve the people, but your
8 request is a budget request. So, we cannot really
9 discuss and all that in the hearing because it is a
10 budget request. So, I would advise you to contact
11 the Speaker—of the city and request the Speaker's
12 Office to contact the Speaker's Office and, of
13 course, we will look into your—your—your organization
14 also, and we always do everything that we can do
15 support organizations that are doing a wonderful job
16 for the city of New York. So I commend you for what
17 you are doing, and I thank you also for your
18 testimony.

19 GABRIEL LEADER-ROSE: Thank you.

20 CHAIRPERSON EUGENE: Thank you very much.
21 Thank you. [background comments, pause] Now, since
22 we don't have no other speaker, the meeting is
23 adjourned. [gavel]

24

25

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 April 23, 2018