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NYC Commission on Human Rights, Elected Officials, Clergy, and Advocates Meet Job Seekers with Criminal Histories to Inform Them of Rights Under Law, Announce Citywide Enforcement Effort to Stop Discrimination

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Commission opened 77 investigations into criminal history discrimination in employment in 2015, 10 of which were initiated by Commission without a complainant

Commission educated millions of New Yorkers, including business owners, of employment rights and responsibilities under Law in 2015

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NEW YORK – Today, Commissioner and Chair of the NYC Commission on Human Rights Carmelyn P. Malalis, Council Member Jumaane Williams, Manhattan Borough President Gale A. Brewer, The HOPE Program Executive Director Jennifer Mitchell, National Employment Law Project Program Director Paul Sonn, Community Service Society of New York President and Chief Executive Officer David Jones, VOCAL-NY member Andre Centeno, and Riverside Church Senior Minister Emeritus Rev. Dr. James Forbes met with job seekers with criminal histories at The HOPE Program in Brooklyn to inform them of their rights under the New York City Human Rights Law, including recently added criminal and credit history protections.

Commissioner Malalis announced that investigations into criminal history discrimination quadrupled in 2015, with 77 new investigations compared to 12 in 2014. Overall, employment discrimination-related investigations accounted for more than half of all new investigations opened at the Commission (or 53 percent) in 2015. The Commission also demonstrated its continued commitment to educating businesses and workers about their rights under the law. In 2015, the Commission educated millions of New Yorkers, including businesses, about their rights and obligations. The Commission also announced partnerships with city businesses associations to encourage business owners to develop equitable employment practices.

“Every New Yorker deserves a fair chance at employment, regardless of their background,” said **Commissioner and Chair of the NYC Commission on Human Rights Carmelyn P. Malalis**. “The job seekers we met today prove that those with barriers to employment deserve an opportunity at an economic future. The Commission aggressively investigate and prosecute all employment discrimination complaints and work with employers to ensure that everyone in New York City enjoys the same rights and opportunities under the Law.”

The Fair Chance Act, which makes it illegal for both public and private employers in New York City to inquire about a job applicant's criminal history until after a conditional offer of employment has been made, was added to the Law in June and went into effect in October 2015. The previous month, the Stop Credit Discrimination in Employment Act prohibiting employers from discriminating against employees and applicants on the basis of credit history went into effect. Together, these laws make New York City's Human Rights Law one of the strongest in the nation in protecting workers against discrimination.

Two graduates of The HOPE Program — a group that empowers New Yorkers facing employment challenges through job training, placement and career advancement — spoke about how the Fair Chance Act helped them overcome barriers to employment. Alysha Lopac, 44 of Brooklyn, served three years in prison for a marijuana felony. Today, she is employed at a pet daycare.

"I've made some mistakes — haven't we all — but I have so much to offer as an employee and a member of this community," said **HOPE graduate Alysha Lopac**. "Now, there's one less barrier to me proving it. I'd like to thank HOPE for their help and the City for the Fair Chance Act."

"When I was younger, I thought that criminal behavior was the way to live," said **HOPE graduate Clyde Williams**, 59 of Brooklyn. "I was into guns and drugs. I'm not proud of any of it. I'm standing here today celebrating nearly a year of full-time employment with benefits at a leading food establishment. I'm excited about the Fair Chance Act. My felonies don't hold me back in the workplace. I put everything I have into the job as though the restaurant were my own."

The Commission has educated millions of New Yorkers on their rights and obligations under the Fair Chance Act through an aggressive public outreach campaign that includes multilingual ads in subways, newspapers, and on ethnic and community radio stations. The Commission is also working with business communities through workshops and one-on-one trainings to ensure that employers understand their obligations under the law. The Commission has an ongoing collaboration with business associations like the Partnership for New York City, the Brooklyn Chamber of Commerce, and other stakeholders to ensure widespread compliance. In 2015, the Commission held more than 300 in-person workshops for employees and business owners to learn about new protections under the Law. For more information on how to sign up for trainings, visit nyc.gov/humanrights.

"The Fair Chance Act is one of the strongest Ban the Box laws in the nation," said **Council Member and Council Deputy Leader Jumaane D. Williams**. "It ensures that all New Yorkers, including those with convictions for previous mistakes, have an equal opportunity to compete for jobs they qualify for. I applaud the Commission's effort in aggressively enforcing this law and look forward to strengthening other employment protections."

"We're all better off when every New Yorker is free to build a better future," said **Manhattan Borough President Gale A. Brewer**. "The Fair Chance Act ensures that qualified workers get their foot in the door and are considered for their skills, not their past. I was proud to have

sponsored this bill in partnership with Council Member Williams, and am thrilled to see that it's being properly enforced."

Under the Fair Chance Act, if the employer does not wish to hire a candidate based on criminal history after a conditional offer of employment has been made, the employer is required to provide the person with an analysis of the relationship between the person's conviction record and the job, as well as a copy of the person's criminal history considered by the employer. Employers are also required to keep the job open for three days to provide the candidate with an opportunity to respond to such information. To help businesses comply with the law, the Commission developed legal guidance, fact sheets, and a Fair Chance Notice Form on which employers can perform the required analysis.

"The HOPE Program was founded over 30 years ago with a firm belief in second chances," said **HOPE Program Executive Director Jennifer Mitchell**, "We empower New Yorkers facing multiple challenges through job training, placement and career advancement. When our graduates, particularly those who have been involved with the criminal justice system, secure meaningful employment, they build brighter futures for themselves and contribute to stronger communities. We are so appreciative of the City's increased commitment to empowering all New Yorkers, regardless of their backgrounds, to get back to work."

"A criminal record should not mean a lifetime of unemployment and no chance at a decent job," said **VOCAL-NY Political Director Alyssa Aguilera**. "The Fair Chance Act gives job seekers an opportunity to be evaluated on their qualifications first, and their criminal records later - providing people with records an opportunity to compete for jobs without being unfairly discriminated against. Thank you to Mayor de Blasio and the City Council for championing this important issue that will help millions of New Yorkers find work."

"The new law is helping ensure that every qualified job applicant has a fair chance at a job, and help mitigate the stigma of a record," said **National Employment Law Project Executive Director Christine Owens**. "Now that the Fair Chance Act is the law, we are pleased to see that the Commission is both enforcing aggressively and making sure that workers and employers are aware of their rights and responsibilities under it,"

"The Community Service Society applauds the Commission for its uncompromising enforcement of the Fair Chance Act," said **Community Service Society President and Chief Executive Officer David R. Jones**. "The Act has only been effective for three months, but it has literally changed the conversation: when the criminal record question is removed from the initial stages of the process, employers evaluate applicants on their merits, and we are seeing results. We thank the Mayor and the City Council for their support of this groundbreaking law."

Exempted from the law are positions with public and private employers that require criminal background checks by law, along with several City positions, including those at the Police Department, Fire Department, Department of Corrections, and Department of Probation and certain titles identified by the Department of Citywide Administrative Services.

Employers, job applicants, and employees can visit the Commission's website at www.nyc.gov/fairchancenyc to download a copy of the Fair Chance Notice Form, the Legal

Enforcement Guidance, and fact sheets for employers and potential or current employees. Also available is information about weekly events and instructions on how to file a complaint at the Commission. Informational brochures are available in English, Spanish, French, Russian, Haitian Creole, Urdu, Chinese, Bengali, Korean, and Arabic.

If members of the public believe they have been discriminated against on the basis of a criminal history or credit, or are being asked for criminal or consumer credit history during the application process, they can call 311 and ask for the Commission on Human Rights to discuss their situation and set up a meeting with a Law Enforcement Bureau attorney.

For more information, visit www.nyc.gov/humanrights and follow @NYCCHR on [Twitter](#), [Facebook](#) and [Instagram](#).

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