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BUREAU OF AUDIT

May 25, 2022

By Electronic Mail

Annabel Palma
Chair and Commissioner
New York City Commission on Human Rights
22 Reade Street
New York, NY 10007

Re: Final Audit Letter Report the New York City Commission on Human Rights' Compliance with Local Law 120 of 2020 Regarding the Creation of an Anti-Discrimination Poster (Audit # SZ22-065AL)

Dear Commissioner Palma:

This Final Audit Letter Report concerns the New York City Comptroller's audit of the New York City Commission on Human Rights' (CCHR's) creation of an anti-discrimination poster. Local Law 120 is intended to make City agencies, and ultimately the City as a whole, aware of forms of discrimination prohibited by the New York City Human Rights Law. The objective of the audit was to determine whether CCHR is complying with Local Law 120 of 2020.

Background

CCHR is the agency responsible for enforcing the New York City Human Rights Law (City Human Rights Law), educating the public about their rights and responsibilities under the law, and encouraging positive community relations.¹ CCHR is divided into two major bureaus: Law Enforcement and Community Relations. The Law Enforcement Bureau is responsible for the intake, investigation, and prosecution of complaints alleging violations of the City Human Rights Law, while the Community Relations Bureau works to provide public education about the City Human Rights Law and to help cultivate understanding and respect among the City's many diverse communities through its borough-based Community Service Centers and numerous educational and outreach programs. The public can report discrimination in several ways including calling CCHR at (212) 416-0197, calling 311, or submitting a claim through CCHR's website. The

¹ The New York City Human Rights Law prohibits discrimination in employment, housing, and public accommodations based on race, color, religion/creed, age, national origin, immigration or citizenship status, gender (including sexual harassment), gender identity, sexual orientation, disability, pregnancy, marital status, and partnership status among other protections.

Commissioner Palma

May 25, 2022

Page 2 of 4

number of inquiries CCHR has received from the public regarding incidents of discrimination and alleged violations of the City Human Rights Law has sharply increased from 5,296 in Calendar Year 2015 to 11,393 in Fiscal Year 2019.

In November 2020, the New York City Council passed Local Law 120 which requires CCHR to create an anti-discrimination poster that addresses the forms of discrimination prohibited by the City Human Rights Law, including age discrimination, and provides contact information for CCHR. Local Law 120 also requires CCHR to include informational resources on age discrimination as part of its regular outreach and education efforts. Furthermore, the anti-discrimination poster and informational resources on age discrimination must be available on its website. Additionally, each City agency must display the anti-discrimination poster in conspicuous areas of its locations including employee break rooms or other common areas where employees gather.

Findings and Recommendation

The auditors found that CCHR complied with Local Law 120 of 2020. CCHR developed the required anti-discrimination poster, also known as the Notice of Rights poster, which provides information on the forms of discrimination prohibited by the City Human Rights Law including age discrimination in employment, housing, public accommodations, discriminatory harassment, bias based profiling by law enforcement, and lending practices. The poster also includes information on contacting CCHR, scheduling an appointment, filing a complaint, and requesting training. CCHR's anti-discrimination poster specifies that the City Human Rights Law prohibits retaliation for opposing a discriminatory practice, filing a complaint of discrimination, assisting in an investigation of discrimination, or testifying in a proceeding related to a discrimination case. The auditors also received documentation from CCHR illustrating that the poster is displayed on the wall of employee areas within its Community Service Centers.

Furthermore, CCHR includes informational resources on age discrimination as part of its regular outreach and education efforts. The auditors found that CCHR created legal enforcement guidance on age discrimination in the workplace, a press release to announce the legal enforcement guidance on age discrimination, and a discriminatory harassment brochure and discriminatory harassment fact sheet which include information on age discrimination. Moreover, CCHR facilitates its *CCHR Overview of the City Human Rights Law* training, which covers age discrimination, and created the *Human Rights Law and Age Discrimination in Employment* workshop, which provides information about age discrimination in employment and protections against age discrimination under the City Human Rights Law for all workers. The workshop discusses examples of age discrimination in employment and best practices for employers. Information on age discrimination is also included in CCHR's *About CCHR* and *Businesses and Discrimination Protections Under NYC Human Rights Law* brochures.

Additionally, CCHR utilizes its website to provide information and resources on discrimination including CCHR's services/programs, bureaus, Community Service Center locations, contact

Commissioner Palma

May 25, 2022

Page 3 of 4

information, getting help, workshops/events, scheduling appointments, reporting discrimination, and the discrimination complaint process. Accordingly, the City Human Rights Law, the anti-discrimination poster, and other informational resources on age discrimination including the press release, legal guidance on age discrimination in the workplace, discriminatory brochure and discriminatory harassment fact sheets are available on its website. Moreover, the website provides notice that the anti-discrimination poster is required to be displayed conspicuously for certain employers, businesses, and housing providers and provides the public the ability to report discrimination complaints directly through the *Report Discrimination* form on the website.

The auditors recommend that CCHR continue to maintain its compliance with Local Law 120 to ensure that it effectively maximizes awareness regarding the forms of discrimination protected by the City Human Rights Law to help reduce discrimination and encourage positive community relations.

CCHR's Response: The Commission agreed with this recommendation.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was November 19, 2020 through March 4, 2022. The methodology for this audit consisted of the following steps; specifically, the auditors:

- Reviewed Local Law 120 of 2020.
- Reviewed the New York City Human Rights Law and New York State Human Rights Law.
- Obtained and reviewed CCHR's anti-discrimination poster to determine whether it addresses the forms of discrimination prohibited by the New York City Human Rights Law, including age discrimination and provides contact information for CCHR.
- Obtained and reviewed images of CCHR's anti-discrimination poster within its community service centers to determine whether it was displayed in common areas where employees gather.
- Assessed CCHR's outreach and education efforts including brochures, fact sheets and workshops to determine whether the materials included informational resources on the various discrimination including age discrimination.

Commissioner Palma

May 25, 2022

Page 4 of 4

- Obtained and reviewed a copy of CCHR's Human Rights Law and Age Discrimination in Employment Workshop.
- Reviewed CCHR's website to determine whether the anti-discrimination poster and informational resources on age discrimination were available.
- Obtained and reviewed email submitted to Agency Personnel Officer of City agencies regarding the required posting of the anti-discrimination poster.

Obtained and reviewed the *CCHR Overview of the City Human Rights Law* training, which included age discrimination, as part of *DCAS Citywide Training Center's Course Catalog*.

- Reviewed CCHR's Annual Reports for Calendar Year 2017, Fiscal Year 2018, Fiscal Year 2019, and Fiscal Year 2020.

The matters covered in this Final Audit Letter Report were discussed with CCHR officials throughout the audit and they agreed that a Preliminary Draft Audit Letter Report and an exit conference were not necessary. On May 10, 2022, we submitted a Draft Audit Letter Report to CCHR officials with a request for written comments. We received a written response from CCHR on May 11, 2022. In its response, CCHR agreed with the audit's findings and recommendation, stating, "We appreciate the acknowledgement of the Commission's creation of an anti-discrimination poster and efforts to make City agencies, and ultimately the City as a whole, aware of forms of discrimination prohibited by the New York City Human Rights Law."

The full text of CCHR's response is included as an addendum to this report.

Sincerely,

DocuSigned by:

Maura Hayes-Chaffe

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Maura Hayes-Chaffe

cc: Damion Stodola, General Counsel, CCHR
David Rozen, Deputy General Counsel, CCHR
JoAnn Kamuf Ward, Deputy Commissioner for Policy and External Affairs, CCHR
Daniel Steinberg, Director, Mayor's Office of Operations
Doug Giuliano, Associate Director, Programs, Mayor's Office of Operations



Commission on
Human Rights

ADDENDUM

Page 1 of 1

Office of the General Counsel

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New York, NY 10007

May 11, 2022

Maura Hayes-Chaffe
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One Centre Street
New York, NY 10007

Re: Draft Audit Letter Report the New York City Commission on Human Rights'
Compliance with Local Law 120 of 2020 Regarding the Creation of an Anti-
Discrimination Poster (Audit # SZ22-065AL)

Deputy Comptroller Hayes-Chaffe:

Thank you for the opportunity to respond to the draft audit letter report dated May 10, 2022, which confirmed the Commission's compliance with Local Law 120 of 2020.

We appreciate the acknowledgment of the Commission's creation of an anti-discrimination poster and efforts to make City agencies, and ultimately the City as a whole, aware of forms of discrimination prohibited by the New York City Human Rights Law. The Commission agrees with the audit's recommendation, and to continue to maintain its compliance with Local Law 120 to ensure that it effectively maximizes awareness regarding the forms of discrimination protected by the City Human Rights Law to help reduce discrimination and encourage positive community relations.

If you require further information, please contact me at (212) 416-0135.

Best,

David A. Rozen
Deputy General Counsel