

# 2013 Annual Report



**NYC Commission on Human Rights**

PATRICIA L. GATLING, Commissioner/Chair

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NEW YORK CITY COMMISSION ON HUMAN RIGHTS



BILL DE BLASIO, MAYOR

PATRICIA L. GATLING, COMMISSIONER/CHAIR

**NEW YORK CITY COMMISSION ON HUMAN RIGHTS**

# Message from the Commissioner



As we wrap up our 12th year at the NYC Commission on Human Rights, I am proud of all we've accomplished during our administration so far and I look to the future, as we continue to uphold the human rights and human dignity of all individuals who live in, work in, or visit New York City. We have assisted many individuals with issues of discrimination that were important to them, but also took on issues that have a more wide-reaching effect, impacting entire communities. Our handling of these broader issues have motivated leaders and visitors from all over the world to use the Commission as a model on how to run their civil rights agencies.

In 2013, we commenced an investigation into the policies and procedures of many of the City's larger retail locations following allegations of racial profiling at some of those stores. We subpoenaed detention and loss prevention policies, and also requested information on what, if any presence NYC police officers have in the retail locations. This is an active investigation but I anticipate reporting conclusive findings by the fall. These instances of 'shop and frisk' were reminiscent of the racism that so many New Yorkers faced in the 1940s – including my father, a US Army Major who served in three wars – and there is no place for that type of profiling in this day and age.

We recently finished collecting data on a Fair Housing study we began in mid-2011 with Columbia University's Center for the Study of Development Strategies, in which we are studying the effectiveness of different types of anti-discrimination messaging and how these messages might determine the likelihood of a housing provider discriminating against potential renters. Once the data is analyzed, our findings could establish the most effective way for organizations to deliver anti-discrimination messages.

In what is considered a win for the entire disabled community, a Queens Supreme Court justice upheld a \$125,000 fine we levied against a Queens building owner; this was the largest fine ever levied in the Commission's history. The case involved a tenant who had been paralyzed since the late 1970s. For years, her husband had to carry her down a set of indoor steps for her to be able to exit the building. What made the case so egregious and the fine so high was that the building owner refused to provide a reasonable accommodation under the law after years of requests and instead placed two cameras outside the tenant's apartment, with one of the cameras catching her in various states of dress. In addition to the fine, we also ordered the owner make a structural modification to the apartment so the disabled tenant could enter and exit the building independently.

We had a number of other victories in 2013 under our equal access and disability program: we successfully negotiated the installation of a looping system at Grand Central Terminal, making ticket windows accessible for individuals with auditory disabilities; we obtained disability seating at all pricing levels at Barclays Center; and we worked with the Bronx Botanical Gardens to make their grounds, buildings, and

transportation fully accessible to individuals with disabilities. These modifications will have a long-term positive effect for thousands of individuals.

As part of our testing program, we filed a Commission-initiated complaint against a pub after one of our testers spotted an online ad the pub posted stating: “Being British definitely works in your favor.” It would have been perfectly legal had the pub owners advertised for someone who was knowledgeable of that particular food and culture, but under the City Human Rights Law, it is illegal to express a preference for one group over another. The pub’s underlying message was obvious – unless you look like me or talk like me, you need not apply. The NYC Human Rights Law was established over 50 years ago to protect individuals from discrimination and ensure equal opportunity when seeking employment and housing.

We have been successfully resolving pregnancy discrimination claims since I became Commissioner in 2002, but a recent amendment was made to our law that more clearly defines the protections that pregnant women have. In 2013, we continued providing employers and employees with information about the amendment, including prominently featuring our Pregnancy & Employment Rights poster on our website in seven languages and including the information in all our presentations. As of January 30, 2014, employers in New York City with four or more employees are required to give written notice to their employees regarding the right to be free from discrimination in relation to pregnancy, childbirth, or a related medical condition. Our Pregnancy & Employment Rights posters meet this requirement and can be printed directly from our website at [www.nyc.gov/cchr](http://www.nyc.gov/cchr).

Because nearly 70% of our cases involve employment discrimination, we focused many of our public education efforts last year in that area through our programs: Immigrant Employment Rights, Discrimination in Employment, Equal Access, and Fair Business Practice. We were able to educate thousands of New Yorkers – including new citizens, immigrants, adult English-language learners, unemployed individuals, and those seeking to reenter the workforce, including the formerly incarcerated, and individuals with disabilities – about their rights under the NYC Human Rights Law. Just as importantly we reached employers with pertinent information about their responsibilities under our law.

Our law is always expanding, and in 2013, two new amendments went into effect. One prohibits discrimination based on one’s unemployment status; if an individual is denied a job or not even considered for the position because he or she was unemployed but available to work, the person could potentially have a claim of discrimination. The other amendment makes bias-based profiling by law enforcement illegal under the NYC Human Rights Law.

These are just a few of the areas and issues we have been involved in. I invite you to read more about the work of our Law Enforcement and Community Relations Bureaus in this 2013 Annual Report.

I am proud to serve as this City’s Human Rights Commissioner, bringing justice to so many individuals who have sought resolutions to their issues of discrimination, and promoting and protecting the civil rights of all New Yorkers and visitors to our City.

  
Patricia L. Gatling

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# Introduction

The New York City Human Rights Law is one of the most comprehensive civil rights laws in the nation. The Law prohibits discrimination in employment, housing and public accommodations based on race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status and partnership status. In addition, the Law affords protection against discrimination in employment based on unemployment status, arrest or conviction record and status as a victim of domestic violence, stalking and sex offenses. In housing, the Law affords additional protections based on lawful occupation, family status, and any lawful source of income. The City Human Rights Law also prohibits retaliation, bias-related harassment (including cyberbullying), and bias-based profiling by law enforcement.

The New York City Commission on Human Rights is charged with the enforcement of the Human Rights Law, Title 8 of the Administrative Code of the City of New York, and with educating the public and encouraging positive community relations. The Commission 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 Law. The Community Relations Bureau helps cultivate understanding and respect among the City's many diverse communities through its borough-based Community Service Centers and numerous educational and outreach programs.

# Law Enforcement Bureau

The Commission's Law Enforcement Bureau (LEB) enforces the NYC Human Rights Law. LEB is responsible for the intake, investigation, and prosecution of complaints alleging violations of the Law.

The number of new cases the Commission filed in 2013 was 564; 69% of those cases were in employment, 18% in housing, 12% in public accommodation, and 1% were bias-related harassment. In addition, the Commission successfully resolved 199 potential complaints of discrimination through pre-complaint intervention; 187 of those are in the area of disability accommodations. Pre-complaint intervention assures a speedy resolution without the necessity of filing a complaint, avoiding costly and lengthy litigation.

The following three examples illustrate successful pre-complaint interventions.

- One pre-complaint intervention involved a disabled tenant who was medically prescribed the use of a comfort animal to alleviate the effects of her disability. The building owner commenced eviction proceedings against the tenant because she had the comfort animal. LEB successfully intervened, getting the eviction proceeding withdrawn and getting the landlord to permit the tenant use of the comfort animal.
- LEB successfully intervened on behalf of a tenant whose disability prevented her from navigating a large step in the lobby of her building – ultimately preventing her from leaving her apartment. The building management refused a request from the tenant to build a ramp until LEB spoke to the management company. An interior ramp was constructed and the tenant can now enter and exit the building.

- LEB also successfully intervened on behalf of a disabled veteran, who was denied a uniform from a maintenance vendor for the US Open and told that he might have to run up the stadium steps and clean while running. LEB spoke with the company's manager, who admitted that there were other less rigorous cleaning jobs and would put the man on the work schedule.

In addition to the 199 allegations resolved through pre-complaint intervention, the Commission resolved 591 filed cases. The average amount of time it took to resolve all these cases was 320 days. The Commission's two-pronged approach – an intensive initial interview of the complainant followed by an immediate investigation of the facts alleged – provides investigators with a greater ability to gather evidence, identify witnesses, and build the strongest case. This successful approach is responsible for a significant increase in Probable Cause Determinations and Settlements since 2002.

During 2013, 89% of the pending cases at the Commission were under one year old, as compared to just 14% in 2002. In 2013, there were 2 cases older than three years as compared to 2002, when there were 2,224 cases at the Commission three years or older. The overall reduction in cases since 2002 has given investigators the ability to focus on current cases and not be burdened with overwhelming case loads.

## Orders

In 2013, the Commission issued four post-trial Orders.

- In July 2013, the Commission ordered a Brooklyn housing provider to pay a \$10,000 fine to the City of New York for posting an advertisement for a rental apartment which stated 'no programs'

accepted and then reiterated that message in a phone conversation with a Commissioner tester who posed as a Section 8 recipient.

- In September 2013, the Commission ordered a Queens bakery owner to pay a \$15,000 fine to the City of New York, \$10,000 in damages to the complainant, and undergo anti-discrimination training after posting a want ad and then refusing to hire a job applicant based on her race.
- In October 2013, the Commission ordered a Queens realty company to pay a \$7,500 fine to the City of New York after posting advertisements for residential apartments and stating in Spanish ‘absolutely no vouchers’, a violation of the NYC Human Rights Law.
- In November 2013, the Commission ordered a homeowner to pay a \$7,500 fine to the City of New York and \$5,000 in damages to a potential renter after the homeowner refused to rent an apartment to the complainant and his partner because they had children.

## Fines

In 2013, the Commission assessed fines totaling \$193,500.

## Settlements

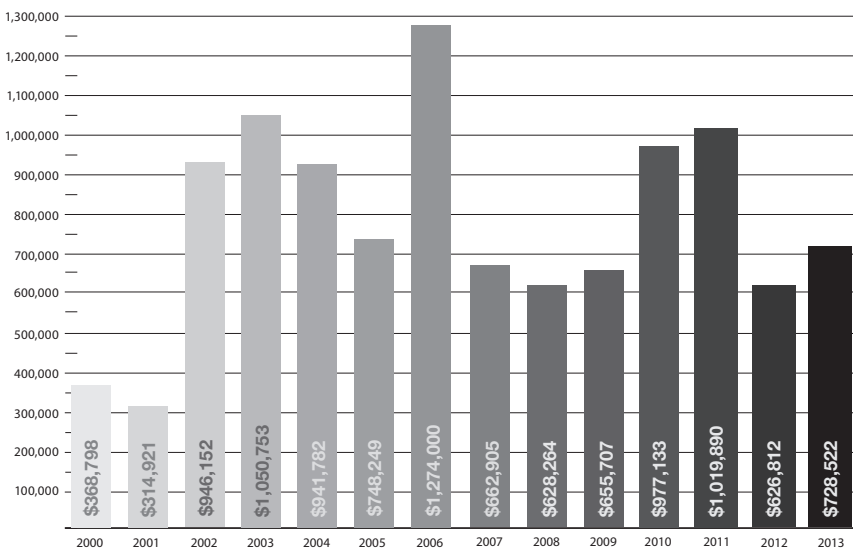
The Commission has the authority to obtain cash settlements for those aggrieved by violations of the Human Rights Law. In 2013, the total dollar value of the settlements was \$728,522. Non-cash settlements successfully negotiated by the Commission include rehiring, policy changes, and modifications for accessibility.

## Disability Access

Many of New York’s buildings, stores, and other public accommodations are not accessible to people with disabilities. As a result of its aggressive efforts in 2013, the Commission successfully negotiated 192 modifications for individuals with disabilities; more than double the amount in 2002.

*Continued on page 7*

## SETTLEMENTS

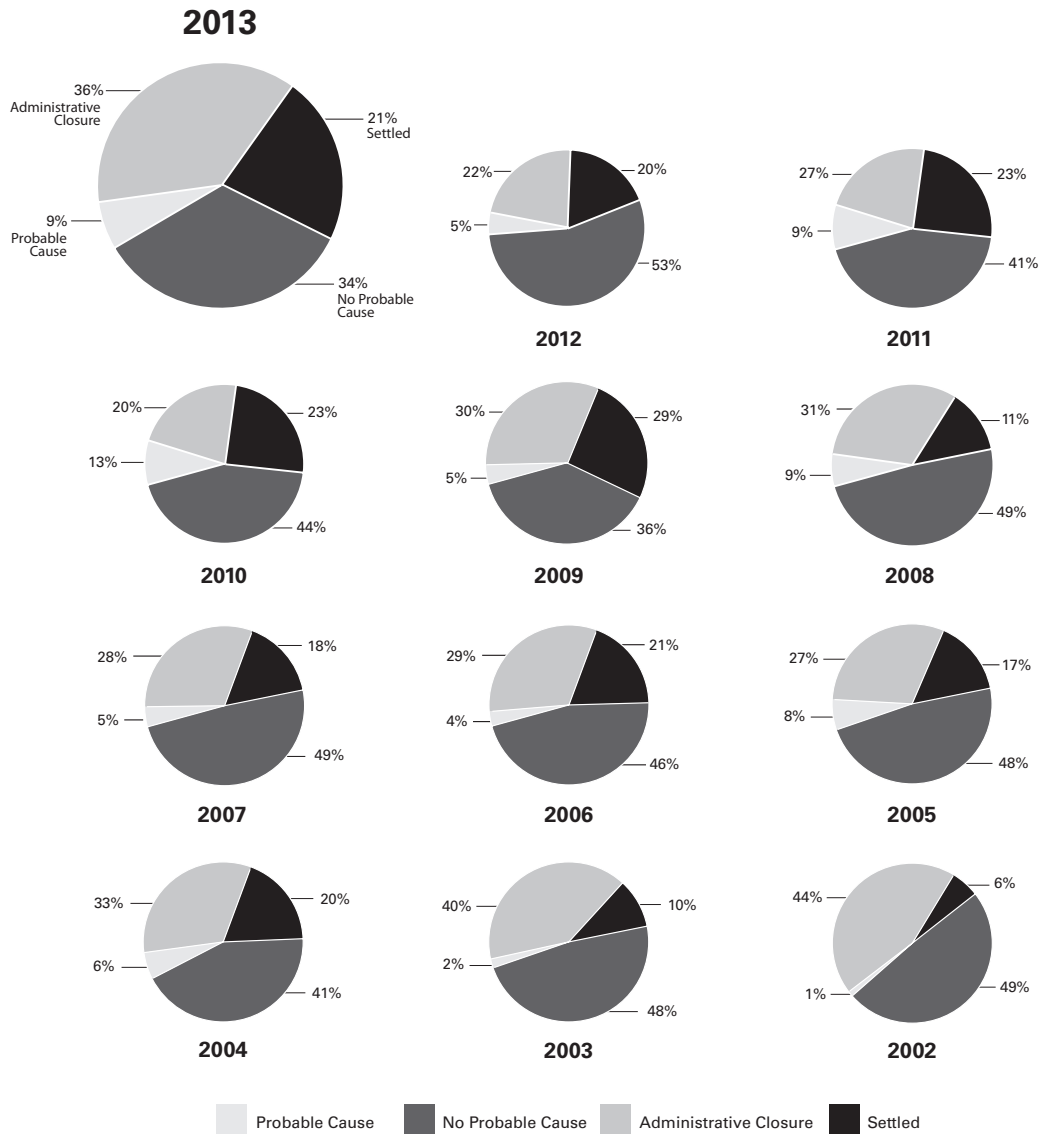




### Determinations and Resolutions

The chart below indicates the percentage of cases that resulted in determinations, settlements, and administrative closures.

## DETERMINATIONS AND RESOLUTIONS



Most of these modifications were accomplished through pre-complaint intervention.

The Equal Access Program assists the disabled community by identifying architectural and financial resources that are available, advocating for the disabled when dealing with landlords and/or service providers, and assisting with legal action if intervention fails.

Modifications secured through the Commission include: installing permanent and portable interior and exterior ramps, electronic doors, railings, accessible bathrooms and toilets in residential buildings, restaurants, and stores, bells and signage, including grab bars; decreased door pressure, tenant moved to an accessible apartment at the same rent, tenant compensated for other living accommodations while elevator under repair, kitchen cabinets lowered, mailboxes lowered, accessible gym equipment provided, accessible check-out lines and credit card swipes installed, luncheon specials provided to disabled at tables rather than the bar,

policy changes at restaurants to permit service animals, accessible parking space, and widening of aisles at a market.

Accommodations in 2013 that have a wider impact on more individuals include: the installation of electronic doors in all buildings at a Queens housing complex; installation of new elevator, ramp, gift shop access with widening of aisles, electronic door installed at café along with lower counters, and a new accessibility map printed at a city botanical gardens; a looping system installed at a major train terminal making ticketing windows accessible to people with auditory disabilities; and disability seating provided at all pricing levels at a major sports complex.

**LEB Staff**

The Law Enforcement Bureau consists of 16 attorneys, 4 Human Rights Specialists, including two retired NYPD officers, and 4 support staff members.

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**COMPLAINT PROCESS**

INTAKE	Attorneys conduct the interview and try to intervene and resolve the issue before generating a complaint.
COMPLAINT IS FILED	Office of Docketing files and serves the complaint; sometimes parties are invited to mediate.
INVESTIGATION	Attorneys interview witnesses, review documents.
DETERMINATION	Probable Cause: refer to OATH for trial. No Probable Cause: case is dismissed, complainant may appeal to the Commissioner.
THE HEARING PROCESS	Administrative Law Judge holds a pre-trial conference. If case does not settle, Administrative Law Judge conducts a hearing and issues a Report and Recommendation.
FINAL DECISION AND ORDER	The Commission issues a Final Decision and Order. If no liability found: case dismissed. If liability found: relief ordered.

## CASES FILED

<b>EMPLOYMENT Protected Classes</b>	2013
Age	32
Creed	17
Disability	114
Alienage	0
Color	14
National Origin	59
Sexual Orientation	15
Race	71
Gender*	134
Arrest Record	6
Conviction Record	17
Domestic Violence	4
Citizenship Status	2
Partnership Status	0
Marital Status	2
Retaliation***	62
Interference with Protected Rights***	0
Violation of Coalition Agreement***	0
Relationship by Association***	5

<b>HOUSING Protected Classes</b>	2013
Age	2
Creed	4
Disability	41
Alienage	1
Lawful Source of Income	14
Gender*	7
Color	6
Marital Status	3
National Origin	8
Sexual Orientation	9
Race	17
Presence of Children**	7
Lawful Occupation	1
Citizenship Status	0
Partnership Status	1
Retaliation***	4
Interference with Protected Rights***	0
Violation of Coalition Agreement***	0
Relationship by Association***	7

<b>PUBLIC ACCOMMODATION Protected Classes</b>	2013
Age	0
Creed	4
Disability	23
Alienage	1
Color	10
National Origin	7
Sexual Orientation	8
Race	25
Gender*	8
Citizenship Status	1
Partnership Status	0
Retaliation***	3
Interference with Protected Rights***	0
Violation of Coalition Agreement***	0
Relationship by Association***	0

<b>BIAS-RELATED Protected Classes</b>	2013
Disability	0
National Origin	1
Sexual Orientation	0
Race	1

<b>BOYCOTT/BLACKLISTING Protected Classes</b>	2013
Race	0
Color	0

<b>MEDIATION Protected Classes</b>	2013
Cases	22
Closed	2
Successfully Settled	20
Unsuccessful, returned to LEB	0
Conferences	1

**Note: Many cases are filed under several protected classes. Protected classes vary among protected areas i.e. employment, housing, and public accommodations.**

**\*Includes Gender Identity and Sexual Harassment.**

**\*\*Includes children that are, may be, or would be residing there.**

**\*\*\*Not a protected class but an area of jurisdiction.**

# Inquiries

**TOTAL: 4,763**

2013 Protected Classes	Employment	Housing	Public Accommodation	Bias-Related Harassment	Other*	Total
Age	55	31	16	1	57	160
Religion/Creed	26	11	10	1	30	78
Disability	126	147	89	0	192	554
Alienage/ Citizenship Status	5	6	3	0	6	20
Color	105	39	86	2	137	369
National Origin	88	37	37	5	99	266
Sexual Orientation	22	20	19	2	29	92
Race	146	62	108	4	154	474
Gender**	69	27	32	3	68	199
Arrest Record	36	3	4	2	27	72
Conviction Record	33	7	4	0	22	66
Domestic Violence	2	2	0	0	6	10
Partnership Status	2	2	0	0	2	6
Marital Status	3	5	2	0	3	13
Lawful Source of Income	0	42	0	0	41	83
Lawful Occupation	0	1	0	0	17	18
Presence of Children***	0	25	0	0	2	27
Retaliation****	14	4	1	0	7	26
Unemployment	0	0	0	0	0	0
Bias-Based Profiling	0	0	0	0	0	0
Non-stated*****	481	417	286	11	1,330	2,525

LIMITED ENGLISH PROFICIENCY Languages	2013
Arabic	2
Bengali	3
Cantonese	14
Chinese	0
Farsi	0
French	0
Haitian Creole	4
Hebrew	1
Japanese	0
Korean	1
Mandarin	27
Polish	3
Portuguese	0
Punjabi	0
Romanian	0
Russian	13
Spanish	398
Tagalog	0
Turkish	0
Ukrainian	0

\*Inquiries based on a protected class but not an area of jurisdiction.

\*\*Includes Gender Identity and Sexual Harassment.

\*\*\*Includes children that are, may be, or would be residing there.

\*\*\*\*Not a protected class but an area of jurisdiction.

\*\*\*\*\*Inquiries that did not state a protected class.

# Community Relations Bureau

The Law charges the Commission with educating the public about the protections of the Law and encouraging understanding and respect among New York City's many communities. To address this mission, the Community Relations Bureau (CRB) provides services through the Commission's five borough-based Community Service Centers.

The various services of the Community Relations Bureau's field operation compose its Neighborhood Human Rights Program (NHRP). The NHRP works on a local level with block, tenant, religious, educational, merchant, and community groups to improve and stabilize communities by: supporting civic leadership and community organizations, educating community members about the protections they have under the Human Rights Law, and connecting them to the Commission's law enforcement functions and other City services.

Each field office, or Community Service Center, offers the Commission's many services including: Immigrant Employment Rights training; Equal Access (disability access) investigations, workshops, and pre-complaint resolutions; School Program sessions (NYC Human Rights Law, Sexual Harassment, Cyberbullying, and Conflict Resolution); Peer Mediation Training in high and middle schools; Employment Discrimination workshops in workforce development settings, Employment Discrimination workshops for incarcerated and formerly incarcerated individuals; Fair Housing activities and Mortgage Counseling and Predatory Loan Prevention; and Fair Business Practice trainings to help small business owners understand the NYC Human Rights Law. Dedicated teams of Human Rights Specialists staff each borough office.

As part of a comprehensive public education campaign, the Commission published its informational booklet in top languages spoken by New Yorkers, including Chinese, English, French, Haitian Creole, Korean, Russian, and Spanish. The booklets appear on the Commission's website: [www.nyc.gov/cchr](http://www.nyc.gov/cchr). In addition to those languages, some of the Commission's info cards are printed in Arabic, Italian, Polish, and Urdu.

The Commission maintains its aggressive public education through the programs it provides.

## Immigrant Employment Rights

The Commission conducted 68 workshops, ESOL classes, and other outreach events during 2013 to inform immigrant workers, employers, and immigrant advocacy organizations about their rights and obligations under Federal and City laws. These discussions, instructions in adult literacy classes, presentations to new citizens, literature, and other workshops explained discrimination based on national origin and citizenship or alienage status. The citywide presentations were conducted in English, Spanish, Chinese, Russian, and French.

The Commission's ESOL classes teach immigrant employment rights to adult students at the beginning/intermediate and advanced levels using an interactive level-appropriate DVD workbook. The Commission has also prepared beginning/intermediate and advanced workbooks for ESOL teachers with lesson plans and supplemental information. While advancing the students' literacy goals, the classes teach key points in hiring (I-9 form, interview questions, acceptable documents for work authorization, E-Verify, and establishing identity) and discrimination on the job (English-only policies, dress, accent). The Commission conducted 29 ESOL sessions, reaching 447 students and teachers with this important information.

## Discrimination in Employment

During 2013, CRB continued its workforce development program *Working for Real: Employment Rights and Discrimination in the Workplace*. This anti-discrimination program provides workshops throughout the City's many workforce development and other back-to-work agencies. The program highlights employment information, recognizing and responding to employment discrimination, sexual harassment in the workplace, and specific resources for the disabled, individuals with arrest and/or conviction records, and victims of sexual harassment. Recessionary economics and high

unemployment have supported the need for these workshops at multi-site organizations such as Goodwill Industries, FECS, and many other community-based venues.

The Commission also expanded its workshop format for people who are incarcerated or formerly incarcerated, conducting 241 workshops for 8,857 individuals through a large re-entry network including, for example, ComALERT, Serendipity 1 and 2, NYC Dept. of Probation's Neighborhood Opportunity Network Program, NYC Dept. of Correction and Community Supervision, Hour Working Women Program, and the Women's Prison Association. Weekly workshops at one of the 16 Rikers Island facilities are coordinated through the City's Department of Correction. These workshops emphasize employment protections under the Law, City-wide services, voting rights, and helpful resources.

### **Equal Access**

The CRB staff continued its effective Equal Access Program in conjunction with LEB by regularly conducting workshops and investigations. They also provide pre-complaint intervention when individuals experience accessibility problems. As a result, CRB staff successfully negotiated 176 modifications during 2013 through pre-complaint intervention, and LEB negotiated an additional 11 modifications.

Examples of modifications secured in 2013 through the Commission are listed on page 7 in this report.

### **School Program**

Commission staff members visited 24 City schools and 30 youth centers in 2013. They conducted 323 sessions and taught over 7,217 students in grades 6-12. The classes cover: the Human Rights Law, Sexual Harassment, Conflict Resolution, Cyberbullying, and Peer Mediation. The Conflict Resolution workshops often lead to the schools' interest in the Commission's Peer Mediation Training Program.

The Commission's Peer Mediation Training Program establishes a program in the school and

prepares middle and high school students to become Peer Mediators. These student mediators then assist their peers in resolving differences before they escalate into violence. CRB's approach to teaching peer mediation is grounded in the principles that underlie the Human Rights Law -- tolerance, human dignity, and respect. The 8-10 week program also teaches these young students valuable life skills such as patience, persistence, active listening, and problem solving, while presenting alternatives to threats and violence. Students, faculty, and staff benefit from the program. The Commission uses its *Talk it Over: A Peer Mediator's Guide* to assist the student mediators with the mediation process. A Commission-authored training manual is left with the school to assist the school coordinator in training additional students to sustain the program.

During 2013, 73 high school students from 15 schools throughout the City graduated from the Peer Mediation Training Program.

### **Fair Housing**

The Commission participates in many activities to promote fair housing -- equal housing opportunity under the law. These activities include: fair housing training for providers and protected groups; resolution of informal housing complaints, particularly those that are disability-related; investigation of unlawful real estate practices; providing technical assistance to tenants as part of the Citywide Task Force on Housing Court; and active participation in community activities that encourage harmonious intergroup relations and neighborhood stability. In 2013, CRB delivered 177 Fair Housing workshops.

The Commission is collaborating with a research team from Columbia University's Center for the Study of Development Strategies on a housing discrimination study. Through testing, the study investigates the impact of administering different treatment messages targeted at landlords and brokers on levels of net discrimination against black and Hispanic testers who interact with these landlords and brokers.

The research is being funded by NYC

Department of Housing Preservation and Development, NYC Commission on Human Rights, the Russell Sage Foundation, and Columbia University.

## **Mortgage Counseling and Predatory Loan Prevention**

The Commission's 4 trained counselors are assigned to each of the Commission's borough-based Community Service Centers. The Commission is a HUD-certified Housing Counseling Agency, receiving most of its clients from HUD when homeownership is in jeopardy.

CRB staff members conduct outreach and counseling services to address the community instability created by predatory lending practices. These practices include excessively high fees and commissions, misrepresentation of the mortgage's terms and conditions, high interest rates, repeated financing of loans, balloon payments, and the financing of high-cost credit insurance. CRB staff provided 672 counseling sessions for 81 homeowners facing foreclosure.

The Commission continued its outreach campaign to complement its counseling services. Staff members distribute information and helpful resources, including consumer and banking information. The Commission also participates in homeownership seminars and predatory lending workshops in communities more vulnerable to this type of discrimination.

## **Fair Business Practice**

The Commission's Fair Business Practice Program educates neighborhood-based businesses about their rights and responsibilities under the Human Rights Law. A business in New York City is a public accommodation, and the NYC Human Rights Law protects individuals from discrimination in this area, guaranteeing consumers the right to full and equal enjoyment of goods, services, facilities, privileges, and advantages of a business. In addition, as employers, small business owners may be subject to the employment provisions of the Law.

Commission staff conducted 22 workshops for Business Improvement Districts, Chambers

of Commerce, and other business organizations, covering employment discrimination and public accommodations issues such as accessibility, refusal to serve because a patron is a member of a protected class, and discriminatory advertising. Additionally, Fair Business Practice flyers were created in six languages; 10,000 flyers were inserted into a Staten Island monthly business publication *Business Trends* and distributed in July and September 2013.

## **Other Activities**

CRB enhanced its public education completing production on four short educational videos for individuals seeking accessibility solutions and three Public Service Announcements (PSAs) that deal with discrimination based on gender identity and sexual orientation. The videos and PSAs are posted on the Commission's website, used in Commission presentations, and shown at schools and community workshops.

By year-end, the Commission delivered 82,696 units of service throughout the five boroughs.

The CRB staff delivered 172 workshops in a language other than English. Those languages were: Spanish - 98; Mandarin/Chinese - 25; French - 4; Russian - 41; Haitian Creole - 1; Japanese - 2; and Bengali - 2.

In addition, the Department of City Planning estimates that nearly 50% of all New Yorkers speak a language other than English at home and, of those, 49% are considered Limited English Proficient (LEP); meaning that 25% of all New Yorkers are LEP. The Commission would estimate that it has provided service to over 27,000 LEP individuals.

## **CRB Staff**

The Community Relations Bureau consists of 24 program and field staff and 4 support staff members.

## COMMUNITY PROGRAMS

IMMIGRANT EMPLOYMENT RIGHTS	<p>Program provides presentations and materials on employment and workplace protections for immigrants (City and Federal law ) including:</p> <ul style="list-style-type: none"> <li>• immigrant workers, employers, and immigrant advocacy organizations;</li> <li>• ESOL adult literacy students at all learning levels;</li> <li>• ESOL, ESL, GRE, and ABE instructors.</li> </ul>
EMPLOYMENT DISCRIMINATION AND THE WORKPLACE	<p>Program provides presentations considering employment rights for:</p> <ul style="list-style-type: none"> <li>• clients in workforce development agencies and other back-to-work programs;</li> <li>• individuals with disabilities;</li> <li>• individuals with arrest and/or conviction records;</li> <li>• victims of domestic violence.</li> </ul>
EMPLOYMENT DISCRIMINATION AND REENTRY: <i>TURNING THE GAME AROUND</i>	<p>Program provides presentations and materials considering employment rights for previously incarcerated individuals in:</p> <ul style="list-style-type: none"> <li>• reentry community organizations;</li> <li>• correctional institutions;</li> <li>• parole and probation orientations.</li> </ul>
EQUAL ACCESS	<p>Program provides:</p> <ul style="list-style-type: none"> <li>• investigation of individual inquiries (interviews, space assessment, code assessment, analyzing code compliance issues, discussion of the law);</li> <li>• intervention, i.e. educating and negotiating with owners;</li> <li>• group presentations regarding disability rights to consumers, business people, social service agencies, and hospitals;</li> <li>• drafting complaints and follow-up investigations.</li> </ul>
SCHOOL PROGRAM	<p>Program provides several curricula, including the "NYC Human Rights Law," "Sexual Harassment," "Cyberbullying," and "Resolving Conflict" to:</p> <ul style="list-style-type: none"> <li>• school classes (grades 6-12) or youth programs;</li> <li>• teacher or counselor, and parent groups.</li> </ul>
PEER MEDIATION & COMMUNITY MEDIATION	<p>Program provides:</p> <ul style="list-style-type: none"> <li>• response to mediate bias and other community disputes;</li> <li>• peer mediation programs in schools;</li> <li>• conflict resolution training to personnel from community groups, not-for-profit organizations and schools.</li> </ul>
FAIR HOUSING, MORTGAGE COUNSELING & PREDATORY LOAN PREVENTION	<p>Program provides:</p> <ul style="list-style-type: none"> <li>• fair housing training with HPD to contractors and developers;</li> <li>• community or parent group presentations on fair housing provisions of the Law;</li> <li>• weekly assistance in Housing Courts with the Citywide Task Force on Housing Court.</li> <li>• HUD-referred counseling for individuals facing the loss of their homes that includes: <ul style="list-style-type: none"> <li>■ reviewing in person their financial and mortgage status;</li> <li>■ writing letters to creditors or banks to negotiate payment;</li> <li>■ exploring alternatives to foreclosure with individuals and lending institutions;</li> <li>■ referring cases of suspected predatory lending;</li> <li>■ distributing literature and participating in housing coalitions;</li> <li>■ delivering community presentations on predatory lending and foreclosure prevention.</li> </ul> </li> </ul>
FAIR BUSINESS PRACTICE	<p>Program provides presentations and materials on the Human Rights Law covering employment rights and public accommodation issues like accessibility, refusal of services based on a protected class, and discriminatory advertising for:</p> <ul style="list-style-type: none"> <li>• Business Improvement Districts;</li> <li>• Chambers of Commerce;</li> <li>• Business organizations.</li> </ul>



# FY 2014 Budget

The Commission's funding comes primarily from City tax-levy monies and the Federal Community Development Block Grant (CDBG) administered by the US Department of Housing and Urban Development (HUD).

A contract with the Equal Employment Opportunity Commission (EEOC) provided additional funding.

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City Tax-Levy	\$2,234,755
Federal Community Development Block Grant	\$4,191,978
<b>TOTAL</b>	<b>\$6,426,733</b>

## **Additional Program Grant Funding**

EEOC Contract (Workshare agreement)	\$108,650
<b>TOTAL</b>	<b>\$108,650</b>

# Major Highlights

## **Court Upholds Largest Fine Levied in Commission's History**

A Queens Supreme Court Justice upheld the Commission's \$125,000 fine levied against a Queens landlord, the highest fine ever levied in the Commission's history. The Commission litigated the case and following a trial, ordered the landlord, who had been videotaping a paralyzed tenant, to pay the fine and make building alterations to allow the tenant independent access to and from her residence.

## **Data Collection for Anti-Discrimination Messaging Study in Housing Completed**

The Commission's data-collection aspect of a 2 ½ year study on the impact and effectiveness of messaging on discriminatory behavior has been completed. In July 2011, the Commission teamed up with Columbia University's Center for the Study of Development Strategies, with assistance from the NYC Department of Housing Preservation and Development, to conduct a research initiative studying the effectiveness of anti-discrimination messaging, i.e., moral, peer pressure or enforcement messages, and the effect they have on the likelihood that a housing provider will or will not discriminate. The results of this research could impact the manner with which all organizations deliver messages well into the future.

## **Launched New Commission Website**

The Commission, with assistance from the NYC Department of Information Technology and Telecommunications, launched a new website. The new website has up-to-date technology to include digital and social media, and educational videos. Additionally, it is more attractive, and easier to navigate and to access important information on the NYC Human Rights Law and the work of the Commission.

## **Enhanced Public Education With Videos and Public Service Announcements**

The Commission produced four short educational videos for individuals seeking accessibility solutions and three Public Service Announcements (PSAs) that deal with discrimination based on gender identity and sexual orientation. The videos and PSAs are posted on the Commission's website, used in hundreds of the Commission's annual presentations, and shown at schools and community workshops. The disability videos were funded through a grant from the Christopher and Dana Reeve Foundation and the PSAs received supplemental funding from the Tiger Baron Foundation. Commission staff worked with students from the Harvey Milk High School and The Lamp (Learning About MultiMedia Project) to produce the PSAs.

# Commission in the News

The Commission's Communications Division works closely with both the Law Enforcement and Community Relations Bureaus to develop a media strategy that would maximize the number of people the Commission reaches, informing them of the Commission's work and the NYC Human Rights Law. Part of this aggressive anti-discrimination campaign included highlighting the Commission's high-profile cases and events in mainstream, ethnic, and community press.

In 2013, the Commission appeared 536 times in the media, with the majority of media appearances prominently featuring the Commission. This number does not include each media outlet's online version of

the story. Additionally, two of the Commission's Public Service Announcements aired 1,890 times.

Significant placements in both print and electronic media included: The Associated Press, Reuters, BBC News, CBS NY, ABC News, NYC Media, *The NY Times*, *Daily News*, *NY Post*, *The NY Law Journal*, *Wall Street Journal*, *The Times of London*, *The Guardian*, *The Washington Post*, *El Diario/La Prensa*, *The Jewish Press*, *Metro NY*, *SI Advance*, *NY Amsterdam News*, *Women's Wear Daily*, *Vogue*, *Gothamist*, *NPR/WNYC 93.9 FM* and *AM 820*, *WBLS 107.5*, *CBS Radio 880 AM*, *1010 WINS Radio*, and *BBC Radio*. Below and the following page provide a sampling of the Commission's 2013 highlights in the media.

## WNYC News Blog

### Job Seekers With Criminal Record Face Higher Hurdles

Thursday, January 17, 2013 - 04:00 AM  
By Stan Alcorn



Job seekers in line at job fair (Scott Olson/Getty Images)

A few months ago, Melissa was standing outside her welfare-to-work program in Downtown Brooklyn, about to go to a job interview. It was the same routine she has performed for six months, every day, Monday through Friday. She projected confidence about her abilities and her experience, but not about her chance of getting the job.

"I'm a people person, and I always ace every interview I go on," she said. "It's just my background that's holding me back."

When Melissa was 15 years old, an older man began manipulating her, ultimately becoming her pimp.

WNYC 1/17/13

theguardian

### New York bar owners pay \$2,500 fine over favouring British job applicants

Owners of Brooklyn's Welsh-themed Longbow had argued an 'intimate knowledge of British culture' was necessary for work

Adam Gabbatt  
guardian.co.uk, Thursday 20 June 2013 17:11 EDT



Longbow's owner scoffed at the commission's suggestion that she 'train someone in Welsh and British culture'. Photograph: Peter Macdiarmid/Getty Images

The owners of a Welsh-themed bar have agreed to pay a \$2,500 (£1615) fine to the New York City Human Rights Commission after they posted a job advert which intimidated  
The Guardian 6/20/13

## New York Law Journal | NYLJ.COM

### Letters to the Editor

#### City Rights Law Has Strict Liability

The New York City Human Rights Law is one of the strongest anti-discrimination laws in the country, and its strict liability provisions are one of the many reasons this is true.

In her Outside Counsel article on Dec. 26, 2012, "Understanding and Mitigating Liability for Workplace Romances," Jennifer Rubin incorrectly states that the

New York City Human Rights Law only holds employers strictly liable for the discriminatory conduct of their managers and supervisors if the employer knew or should have known about the conduct and failed to take corrective action. In fact, there are three instances where an employer can be held strictly liable for the discriminatory actions of their employees, agents or independent contractors under the New York City Human Rights Law.

The first is if the employee who engaged in the discriminatory behavior is a manager or supervisor; the second is if the employer was aware of the conduct and failed to take corrective action; and the third is where the employer should have known about the conduct and failed to take corrective action.

Patricia L. Gatling  
Commissioner/Chair  
New York City Commission on Human Rights

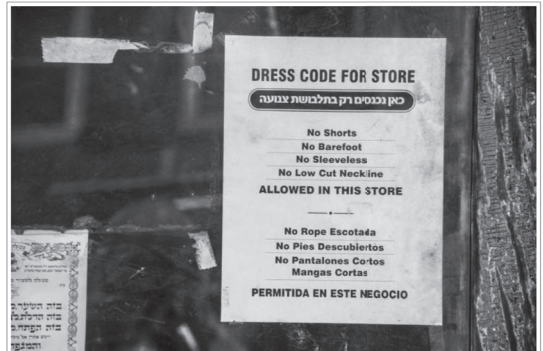
NY Law Journal 1/13/13



### Brooklyn, NY - NYC Sues Williamsburg Stores Over Tznius Signs

Published on: February 16, 2013 09:02 PM

By: Sandy Eller



FILE - The sign posted at one of the stores on Lee Ave. in Williamsburg on June 30 2012. Photo: Stefano Giovannini/VNNews.com

Brooklyn, NY - A group of storeowners in Williamsburg will be meeting with attorneys next month at a pre-trial meeting, after have been slapped with a lawsuit by the New York City Commission on Human Rights alleging that

Vos Iz Neias? 2/16/13

# Landlord Faces Big Fine for Conduct Toward Handicapped Tenant

BY JOHN CAMER

A QUEENS landlord that argued it could not structurally alter an apartment building to accommodate a handicapped tenant, and then installed surveillance cameras to videotape the paralyzed woman, has been hit with the highest fine ever levied by the New York City Commission on Human Rights.

complex in Astoria installed surveillance cameras in retaliation for Irene Politis asserting her right to an accommodation. He also awarded Politis \$60,000 for mental anguish. *Matter of Marine Holding LLC*, 10651 (2012). Hanged on whether the landlord could reasonably alter the apartment of a tenant who cannot walk and relies on relatives to carry her up and

would carry her and a wheelchair down the stairs, records show. In 2008, Joanne Politis, who has his own health issues and has increasing difficulty carrying his spouse, asked the landlord to build a ramp so his wife could have easier access to the apartment. Her own. When the landlord ignored the request, the Politis contacted the Commission on Human Rights, according to the decision.

An architect retained by the landlord said such a conversion would be "technically feasible." However, the architect stressed that he was not commenting on the structural stability of the proposal, and recommended consultation with an engineer. A structural engineer loathed in by the landlord issued a report in July 2010 concluding that the project was "structurally complex, har-

NY Law Journal 5/6/13

開用「應聘者失業與否」當作篩選資 成視殘疾人，根據美國殘疾人保護 會網站：www.nyc.gov/cchr / ◇



圖：10月22日晚曼哈頓地區檢察官辦公室在紐約律師協會小會中，向律師們發給一摞講義，紐約市人權委員會的專家考密亞(右)和紐約市律師協會主席余翠芬(中)針對紐約市的人權法律和職業工程師考試詳細介紹(一、新法/大紀元)

圖：紐約市殘疾人法禁止在工作場所、各級政府、公共場所、商業設施、交通運輸和電訊領域基於對殘疾人的歧視。(紐約市人權委員會網頁)

Epoch Times 10/2/13

# BAGGED BY 'RACISM'

Cops grilled her on \$2,500 buy

Plans to sue NYPD and Barneys

She says she was stopped by police in a shopping mall and asked to buy a pair of shoes. She says she was harassed and discriminated against because of her race. She plans to sue the NYPD and Barneys.

She says she was stopped by police in a shopping mall and asked to buy a pair of shoes. She says she was harassed and discriminated against because of her race. She plans to sue the NYPD and Barneys.



She says she was stopped by police in a shopping mall and asked to buy a pair of shoes.

METRO

# Hearing for Orthodox Jewish shops' modesty rules

By Philip Messing

September 30, 2013 | 1:42pm



Photo: Paul Mariani

The city's battle against Orthodox Jewish retail shops that require "modesty" of their customers should go to trial, an administrative judge has ruled.

Both sides have been fighting for months over signs that Satmar shops in Williamsburg put in their windows saying, "Entrance here only for those with modest attire. No Shorts, No Barefoot, No Sleeveless, No Low Cut Neckline ALLOWED IN THIS STORE."

The city argues that the signs are discriminatory against women, non-Jews and the non-religious by making them feel uncomfortable and unwelcome in the Lee Avenue stores.

"The whole key is, 'How does that sign make someone feel? How would a person feel looking at that sign [and] about whether he or she is welcome in that store?'" Clifford Mulqueen, of the city's Commission on Human Rights, said to The Post.

NY Post 9/30/13

107.5 WBLB

a day ago · 825 Views



Photo: Paul Mariani

WBLB 2/27/13

The New York Times

N.Y. / Region

# Brooklyn Pub Surrenders to Human Rights Commission

BY ANDY NEWMAN  
Published: June 20, 2013

The Welsh pub in Brooklyn that got in trouble for a want ad offering British applicants a leg up has given up its fight against the New York City Human Rights Commission.



Enlarge This Image  
Long Bow Pub and Pantry in Brooklyn agreed to pay a \$2,500 settlement to the city Human Rights Commission for

The owners of Longbow Pub and Pantry in Bay Ridge agreed to pay a \$2,500 settlement and undergo antidiscrimination training, one of the owners, Jennifer Colbert, said on Thursday.

Longbow landed in trouble after a spotter for the Human Rights Commission saw its ad for a bartender on Craigslist last year.

The NY Times 6/20/13



EXCLUSIVE  
SYNTHPLACE BERN DUNK  
AT THE Franboise Paroiserie in Middle Village, Queens the pastries are elegant, the cakes are colorful, and the applications for the bakers are discriminating.



EXCLUSIVE  
BAKED-IN RACISM  
Shop hit for shunning black worker

Daily News 9/29/13

December 2, 2013

# Macy's Hit With Subpoena

By LISA LOCKWOOD / (WWD-  
MASTHEAD/LISA-LOCKWOOD-1616414)

NYC COMMISSION ON HUMAN RIGHTS SUBPOENAS MACY'S: The New York City Commission on Human Rights has issued a subpoena to Macy's Law Department, ordering them to provide the commission with documents by Dec. 10, for all Macy's and Bloomingdale's locations in New York City, regarding information that pertains to their policies on loss prevention and approaching and detaining individuals suspected of theft.

According to Patricia L. Gatling, NYC Human Rights Commissioner, "It is disappointing that they have not fully cooperated in the Commission's investigation into recent allegations of racial profiling at some of the City's larger retail (http://wwd.com/retail-news?ci=mt\_int\_1001) stores and instead sought to dictate the terms and scope of our investigation. The commission will be issuing subpoenas to other stores that have been unresponsive, including Old Navy and Banana Republic."

Women's Wear Daily 12/12/13

16 Tuesday, December 3, 2013

# Race-profile subpoena for Macy's

THE CITY Commission on Human Rights issued a subpoena to Macy's Inc. last week demanding it turn over security policies and their data.

The subpoena gives Macy's and Bloomingdale's—both owned by Macy's Inc.—until Dec. 10 to comply, said Commissioner Patricia Gatling.

"It is disappointing that they have not fully cooperated... and instead sought to dictate the terms and scope of our investigation," said Gatling, whose first request was sent Nov. 13 to 17 retailers citywide.

Barneys and Macy's are at the heart

Barneys has already fulfilled the commission's request.

"We... are continuing to work toward an arrangement that satisfies the commission's legitimate investigatory needs and protects our proprietary business interests. We are hopeful that we can reach a mutually satisfac-

Daily News 12/03/13

BBC News 6/20/13

BBC NEWS

# New York Welsh pub Long Bow agrees fine for discrimination



The couple advertises the Long Bow as the only Welsh pub in New York

The owners of a Welsh bar in New York have agreed to pay a \$2,500 (£1,600) fine for advertising for staff with a knowledge of UK culture.

Michael Colbert, originally from Wrexham, and his American wife Jennifer had been accused of discrimination over the job advert.

The city's Commission of Human Rights said discrimination in the city was illegal and violators would pay.

# Executive Staff

**Patricia L. Gatling**

Commissioner/Chair

**Cliff Mulqueen**

Deputy Commissioner/General Counsel

**Lee Hudson**

Deputy Commissioner for Community Relations

**Carlos Vélez**

Executive Director for Law Enforcement

**Nimer Basha**

Assistant Commissioner for Human Resources

**Betsy Herzog**

Director of Communications

# Commissioners

The Human Rights Commissioners are appointed by the Mayor to serve in a non-salaried position, assisting the Commissioner and Chair, Patricia L. Gatling, in addressing issues of discrimination.

## **Reverend Dr. Calvin O. Butts III**

Pastor of the Abyssinian Baptist Church, one of the founders of the Abyssinian Development Corporation, and President of the State University of New York College at Old Westbury.

## **Dr. Eda F. Harris-Hastick**

ACSW, Ed.D., tenured Professor of Social Work at Medgar Evers College of the City University of New York and a licensed clinical social worker.

## **William Hibsher**

Esq., Litigation Partner at Bryan Cave, LLP in NYC.

## **Renee Lobo**

Producer, broadcast journalist, investigative reporter and anchor for International Television.

## **Rabbi Haskel Lookstein**

Rabbi of Congregation Kehilath Jeshurun and Principal of the Ramaz School.

## **Grace Lyu-Volckhausen**

President of the Tiger Baron Foundation.

## **Omar T. Mohammedi**

Esq., Private attorney specializing in employment discrimination and corporate and real estate transactions.

## **Dr. Derek Bryson Park**

Ph.D., Managing Director at Mahler & Emerson Inc.; Vice-Chair of the NYC Industrial Development Agency; Vice-Chair of the NYC Capital Resource Corporation.

## **Rabbi Joseph Potasnik**

Executive Vice President of the NY Board of Rabbis, Senior Rabbi at Congregation Mt. Sinai in Brooklyn Heights, author, and radio personality and commentator.

# Publications

## Booklets:

*NYC Commission on Human Rights*

English/Chinese  
English/French  
English/Haitian Creole  
English/Korean  
English/Russian  
English/Spanish

*Discrimination Against Muslims, Arabs and South Asians in New York City Since 9/11*  
Survey report

*Equal Access: It's the Law*  
English/Chinese  
English/French  
English/Korean  
English/Russian  
English/Spanish

*Fair Housing: It's the Law*  
English/Chinese  
English/French  
English/Korean  
English/Spanish

*Guidelines Regarding Gender Identity Discrimination*  
English/Spanish

*Making It Happen & Staying Home: Services For You\**  
English/Spanish  
Pocket guide for prisoners and formerly incarcerated

*Turning the Game Around: NYC Can Help*  
English/Spanish  
Pocket guide for prisoners and formerly incarcerated

*Race At Work: Realities of Race and Criminal Record in the NYC Job Market* by Dr. Devah Pager and Dr. Bruce Western  
Report on the impact of race, ethnicity and criminal records on securing entry-level positions in NYC

*Talk It Over—A Peer Mediator's Guide\**

*The NYC Human Rights Law: Administrative Code of the City of NY Title 8*

*The Right to Work: Understanding Immigrant Employment Rights*  
Beginner/Intermediate and Advanced Levels

## Cards:

Commission Offices, Law, and Services  
English/Spanish  
Cyberbullying  
English/Spanish

Domestic Violence and Employment Rights  
English/Arabic  
English/Chinese  
English/Haitian Creole  
English/Korean  
English/Polish  
English/Russian  
English/Spanish  
English/Urdu

Employment Discrimination  
English/Spanish

Equal Access  
English/Chinese  
English/Haitian Creole  
English/Korean  
English/Italian  
English/Russian  
English/Spanish

Fair Business Practice (Cards & Flyers)  
English/Chinese  
English/French  
English/Haitian Creole  
English/Korean  
English/Russian  
English/Spanish

Fair Housing  
English/Chinese  
English/French  
English/Haitian Creole  
English/Korean  
English/Russian  
English/Spanish

Gender Identity  
Housing Discrimination  
English/Chinese  
English/Haitian Creole  
English/Italian  
English/Korean  
English/Russian  
English/Spanish

Immigrant Employment Rights  
English/Chinese  
English/French  
English/Haitian Creole  
English/Korean  
English/Polish  
English/Russian  
English/Spanish

Mortgage Counseling  
English/Spanish

Peer Mediation  
Pregnancy and Employment Rights

English/Chinese  
English/French  
English/Russian  
English/Spanish

School Program

Sexual Harassment  
English/French  
English/Spanish

Unemployment Status  
English/Chinese

English/Haitian Creole  
English/Korean  
English/Italian  
English/Russian  
English/Spanish

## Brochure:

*Mediation Questions and Answers*  
*Sexual Harassment in the Workplace*  
English  
Spanish

## CCHR Newsletters:

2002 – 2010  
Immigrants and New Citizens  
2011 – 2014\*

## Annual Reports:

2002 – 2013 Available online:  
[www.nyc.gov/cchr](http://www.nyc.gov/cchr)

## Posters:

Fair Housing  
English  
Spanish  
Multi-lingual  
*From Many Countries, One City*  
Multi-lingual  
Pregnancy and Employment Rights  
Chinese  
English  
Russian  
Spanish

## CD-ROM:

*Discrimination and Race Relations: Selected Reports From the NYC Commission on Human Rights (1935 – 2005)*  
100 selected major reports, speeches, surveys, documents, testimony from public hearings, and policy papers since the Commission's earliest days in 1934 as a voluntary mayoral committee

## DVDs:

*Fighting for Justice: NY Voices of the Civil Rights Movement*  
Apollo Panel Discussion  
NYC TV Broadcast copy  
Esther Cooper Jackson  
Clifford L. Alexander, Jr.  
Elsie Richardson

## PSAs:

*Words Hurt Anywhere*  
*Bedrooms*  
*Texting*  
*Love is Love*  
*My Voice*  
*Thanks Man*

\*Currently not available online

# Office Locations/Contact Information

## Main Office

Dial 311 or Tel: (212) 306-7500

Fax: (212) 306-7658

NY Relay Services:

(800) 421-1220 English

(877) 662-4886 Spanish

711

## For Mortgage Counseling Services, call

Brooklyn and Queens

(718) 657-2465

Bronx

(718) 579-6900

Manhattan and Staten Island

(212) 306-5070

## Website

[www.nyc.gov/cchr](http://www.nyc.gov/cchr)

## Community Service Centers

### Manhattan

40 Rector Street, 10th Floor

New York, NY 10006

### Queens

153-01 Jamaica Avenue, 2nd Floor

Jamaica, NY 11432

### Bronx

1932 Arthur Avenue, Room 203A

Bronx, NY 10457

### Staten Island

60 Bay Street, 7th Floor

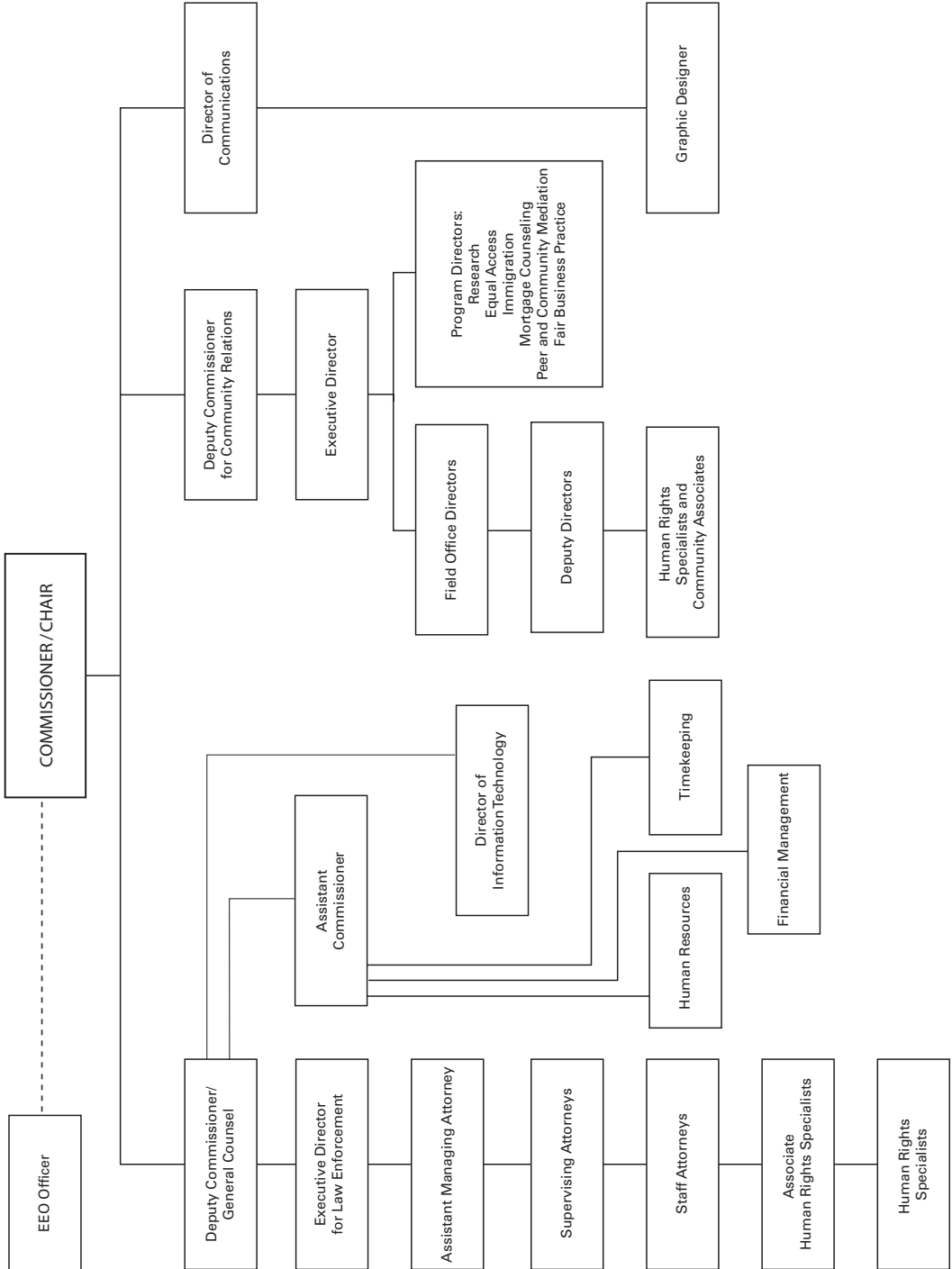
Staten Island, NY 10301

### Brooklyn

275 Livingston Street, 2nd Floor

Brooklyn, NY 11217







# NYC Commission on Human Rights

PATRICIA L. GATLING, Commissioner/Chair