

CITY COMMISSION ON HUMAN RIGHTS

Carmelyn P. Malalis, Commissioner/Chair



WHAT WE DO

The New York City Commission on Human Rights (the “Commission”) is the agency charged with enforcing the City’s human rights law. The New York City Human Rights Law (NYCHRL) is one of the most comprehensive anti-discrimination laws in the country. It includes protections in public accommodations, housing, and employment based on race, religion/creed, color, age, national origin, alienage or citizenship status, gender, gender identity and expression, sexual orientation, pregnancy, disability, and marital or partnership status. Additional protections are included in employment based on arrest or conviction record; status as a victim of domestic violence, stalking, sex offenses; unemployment status; and credit history. More protections are afforded in housing based on lawful occupation, lawful source of income, and the presence of children. And, as of May 4, 2016, the law will include protections based on status as a caregiver.

In Fiscal 2015, the Commission’s Law Enforcement Bureau (LEB) investigated nearly 1,800 allegations of discrimination. The Commission is empowered to investigate and prosecute NYCHRL violations, including those that raise systemic violations. The Commission also provides pre-complaint intervention and promotes positive intergroup relations through conferences, workshops and training sessions, among other initiatives conducted by its Community Relations Bureau (CRB).

FOCUS ON EQUITY

In February 2015, a new Commissioner and Chair took office at the Commission on Human Rights and brought a renewed commitment and energy to fulfill the Commission’s mission to enforce the NYCHRL while revamping and restructuring its outreach and training efforts to the City’s communities, businesses, and housing providers through a centralized CRB. The NYCHRL is meant to ensure that all those who live in, work in, or visit New York City are treated fairly, and with dignity and respect. Toward those ends, the Commission is committed to expanding the reach of the NYCHRL to the City’s underserved communities and most vulnerable residents. In the last three years, the number of complaints the Commission resolved increased from 480 to over 600 per year and, in Fiscal 2015, the Commission obtained over \$600,000 in damages for complainants, nearly \$200,000 in fines from offenders, and 155 building modifications for disability access. The Commission also reaches hundreds of thousands of individuals each year, from every walk of life, through CRB’s education and outreach efforts.

OUR SERVICES AND GOALS

SERVICE 1 Enforce the NYC Human Rights Law.

- Goal 1a Investigate, prosecute and resolve complaints of discrimination, discriminatory harassment, and bias-based profiling in a timely and efficient manner.

SERVICE 2 Educate the community on the NYC Human Rights Law.

- Goal 2a Increase community awareness of the NYCHRL through know-your-rights presentations aimed at the general public; know-your-obligations presentations aimed at housing providers, employers and small businesses; and other initiatives.

HOW WE PERFORMED

- In the first four months of Fiscal 2016, the Commission increased its caseload along with its efforts to strategically expand investigations. The Commission’s caseload increased to 952, compared to 598 for the same period in Fiscal 2015, and cases pending for less than one year increased to 645, from 433 a year earlier. The increase in caseload reflects several changes undertaken by LEB. LEB now considers not only whether respondents are violating the law in the manner alleged in the complaint, but whether respondents are violating any other provision of the NYCHRL. Further, LEB also regularly investigates whether the facts present a pattern or practice violation. LEB has expanded Commission-initiated investigations in light of the protections added to the NYCHRL through the Stop Credit History in Discrimination Act and the Fair Chance Act, which took effect in Fiscal 2016.
- The average age of a pending complaint was 312 days for the Fiscal 2016 four-month period, compared to 243 for the same period of the previous year. The increase was attributable to the increase in caseload volume and the more time-intensive and thorough LEB investigations noted above. In the first four months of Fiscal 2016, the Commission hired seven new agency attorneys and three supervising attorneys to address the increase in cases and help improve case processing time.
- The Commission also had a decrease in the number of case closures in the first four months of Fiscal 2016 from the same period a year earlier, due to increased intensification of LEB investigations described above. The number of cases closed was 78, down from 246 in the comparable period of Fiscal 2015. The percentage of cases closed due to determination of no probable cause decreased to three percent from 54 percent compared to the same time in Fiscal 2015, and the percentage of cases closed due to a probable cause determination was six percent, compared to 13 percent in the first four months of Fiscal 2015. A case is not deemed closed until all the terms of conciliation have been met, and to increase compliance with the NYCHRL, the Commission has enhanced conciliation terms, which now regularly include anti-discrimination training, posting of a notice of rights, review of policies, and monitoring of compliance.
- The Commission increased the percentage of cases it closed due to settlement to 33 percent compared to 20 percent during the same time period in Fiscal 2015. The increase in percentage of closures due to settlement reflects LEB’s increased focus on exploring settlement to resolve cases. In the first four months of Fiscal 2016, the average value of cash settlement for complainants increased to \$46,144 compared to \$13,170 during the same period in Fiscal 2015, an increase of approximately 250 percent.
- The number of school-based training sessions conducted by the Commission in the Fiscal 2016 four-month period decreased to 13, from 35 in the comparable period in Fiscal 2015. This decrease was due to the Commission’s complete review and overhaul of all training materials. The Commission anticipates increasing its school-based trainings toward previous levels upon completion of the updated training materials in the second half of Fiscal 2016. Additionally, the Commission recently hired a Deputy Commissioner of Community Relations to supervise CRB and a Training and Development Director to oversee training content and implementation of all training materials.

SERVICE 1 Enforce the NYC Human Rights Law.

Goal 1a Investigate, prosecute and resolve complaints of discrimination, discriminatory harassment, and bias-based profiling in a timely and efficient manner.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Cases successfully mediated	5	21	0	*	*	0	0
Pre-complaint resolutions	163	189	165	*	*	52	56
★ Cases filed	522	497	697	*	*	260	272
★ Cases closed	480	602	608	*	*	246	78
- Cases closed (%) - no probable cause determination	43%	45%	43%	*	*	54%	3%
★ - Cases closed (%) - probable cause determination	12%	8%	15%	*	*	13%	6%

★ Critical Indicator “NA” - means Not Available in this report * No Target ↕↑ shows desired direction

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
- Cases closed (%) - administrative cause	25%	21%	20%	*	*	13%	58%
★ - Cases closed (%) - settlement	20%	26%	22%	23%	23%	20%	33%
Cases referred to the Office of Administrative Trials and Hearings	59	47	89	*	*	31	5
★Average value of cash settlement for complainant (\$)	\$14,273	\$15,250	\$10,755	*	*	\$13,170	\$46,144
Modifications for accessibility for disabled	156	185	155	*	*	52	51
★Average age of complaint caseload (days)	314	297	250	300	300	243	312
Caseload	583	567	667	474	474	598	952
Cases pending by age - less than one year	467	496	505	414	414	433	645

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SERVICE 2 Educate the community on the NYC Human Rights Law.

Goal 2a

Increase community awareness of the NYCHRL through know-your-rights presentations aimed at the general public; know-your-obligations presentations aimed at housing providers, employers and small businesses; and other initiatives.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Conferences, workshops and training sessions	1,114	1,288	1,394	1,000	1,000	406	341
Community-based technical assistance	22,537	53,426	56,016	40,000	40,000	16,556	18,369
School-based training sessions conducted	392	272	326	250	250	35	13

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AGENCY CUSTOMER SERVICE

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Customer Experience							
Letters responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
E-mails responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
Completed customer requests for interpretation	1,515	1,097	1,126	*	*	500	430
Average wait time to speak with a customer service agent (minutes)	10	10	10	*	*	10	12
CORE facility rating	94	97	98	*	*	NA	NA

"NA" - means Not Available in this report * No Target

AGENCY RESOURCES

Resource Indicators	Actual			Sept. 2015 MMR Plan	Updated Plan	Plan	4-Month Actual	
	FY13	FY14	FY15	FY16	FY16 ¹	FY17 ¹	FY15	FY16
Expenditures (\$000,000) ²	\$6.1	\$5.6	\$5.8	\$10.3	\$11.0	\$10.8	\$1.8	\$2.2
Personnel	61	62	66	130	131	123	65	78
Overtime paid (\$000)	\$1	\$4	\$9	\$11	\$11	\$11	\$1	\$1

¹January 2016 Financial Plan

²Expenditures include all funds

"NA" - Not Available in this report

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- Goal 1a has been updated to increase its consistency with the types of cases received and handled by CCHR and with the NYCHRL, which includes the terms “discriminatory harassment” and “bias-based profiling” in its descriptions of the bases of complaints.

ADDITIONAL RESOURCES

For more information on the agency, please visit: www.nyc.gov/cchr.