

# CITY COMMISSION ON HUMAN RIGHTS

Carmelyn P. Malalis, Commissioner/Chair



## WHAT WE DO

The New York City Commission on Human Rights (CCHR) is the agency charged with enforcing the New York City Human Rights Law (NYCHRL), which 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, marital or partnership status, and status as a veteran or active military service member. Additional protections are included in employment based on arrest or conviction record; status as a victim of domestic violence, stalking and sex offenses; caregiver status; unemployment status; salary history, and credit history. More protections are afforded in housing based on lawful occupation, lawful source of income, the presence of children, and status as a victim of domestic violence, stalking and sex offenses. CCHR is empowered to investigate and prosecute NYCHRL violations, including systemic violations. CCHR educates New Yorkers about their rights and responsibilities under the NYCHRL; provides pre-complaint intervention and dispute resolution; and promotes positive intergroup relations through conferences, workshops and training sessions, among other initiatives conducted by its Community Relations Bureau. CCHR also offers confidential post-complaint mediation services through its Office of Mediation and Conflict Resolution.

## FOCUS ON EQUITY

More than three years after a new Commissioner and Chair took office, the agency continues to vigorously prosecute violations of the NYCHRL while expanding awareness of the NYCHRL to the City's underserved communities and most vulnerable residents through a creative intersectional approach to outreach and programming that emphasizes restorative justice.

In response to the needs of the City's most vulnerable communities and their advocates, CCHR continues to pursue enforcement actions initiated through proactive testing and Commission-initiated investigations. During the first four months of Fiscal 2019, CCHR closed twice as many cases through pre-complaint resolutions as during the same period last fiscal year. The total amount of compensatory damages ordered in cases during this period was \$1,275,812, compared to \$1,153,394 last period.

In its ongoing response to the challenges in the national sociopolitical climate, the Commission followed up last year's successful survey of incidents of hate and bias experienced by Arab, Jewish, Muslim, Sikh, and South Asian communities in New York City by developing a referral network aimed at supporting those communities. CCHR has advisors with the expertise and cultural competence to provide dedicated outreach and education services to these communities.

From July to October 2018, CCHR invested resources in intake, early intervention, and focused resources on source of income discrimination in housing. Following its historic sexual harassment hearing last year, the Commission has provided extensive outreach and training to NYC businesses and individuals to help them comply with the City's new sexual harassment protections.

During the reporting period, CCHR executed successful media outreach efforts (including the creation of new outreach materials and citywide ad campaigns) across various platforms, including digital and mobile, citywide, ethnic and community radio, TV, and print, and public transportation and neighborhood storefront ads. The main areas of focus were on sexual harassment, protections for immigrant, religious, and LGBTQ communities, and employment protections against inquiries into salary history.

## 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 2019, the Law Enforcement Bureau (LEB) opened 590 new matters across all types of cases: pre-complaint interventions, matters undergoing testing, cases in which a complaint was filed, and cases in which a complaint is in the process of being drafted. During the reporting period, 302 complaints were filed with LEB.
- At the end of the reporting period, there are 2,749 open matters across all types of cases: pre-complaint interventions, matters undergoing testing, cases in which a complaint was filed, and cases in which a complaint is in the process of being drafted. The total caseload of filed complaints under investigation was 1,822 at the close of this period.
- LEB resolved 86 cases through pre-complaint resolution, more than twice the number of cases so resolved in the first four months of last fiscal year. The Office of Mediation and Conflict Resolution successfully mediated 11 cases during this period.
- In order to work towards maintaining a sustainable caseload while also conducting in-depth investigations, LEB continued to successfully increase case closures, closing 319 cases with filed complaints during the reporting period, compared to 238 such closures in the first four months of Fiscal 2018. Notably, despite an increase in filed complaints, LEB resolved more complaints than were filed, underscoring the success of the Bureau's case processing strategies.
- The total amount of compensatory damages awarded this reporting period was \$1,275,812 and the total amount of civil penalties was \$165,000. By comparison, the Commission awarded \$1,153,394 in compensatory damages and handed down \$49,500 in civil penalties during the same period last year.
- LEB continued to dedicate resources towards strategic enforcement: in the first four months of Fiscal 2019, LEB tested 139 entities and opened 193 new Commission-initiated investigations. LEB filed 10 complaints alleging pattern or practice violations, double the number of such complaints filed in the same time period last year.
- In the first four months of Fiscal 2019, the Community Relations Bureau (CRB) conducted 1,051 conferences, workshops and training sessions to New Yorkers, a 14 percent increase from the same period of Fiscal 2018.
- CRB's Bias Response Team responded to 103 bias incidents in the first four months of Fiscal Year 2019, a 243 percent increase from the same period of Fiscal 2018. This can be attributed to CRB's dedicated outreach to impacted and marginalized communities to encourage reporting; as well as closer collaboration with other agencies, such as the NYPD, when these incidents occur.
- During the first four months of Fiscal 2019, the Commission offered 19 external sexual harassment trainings to a total of 551 New Yorkers.
- CRB offered 48 school-based trainings in the first four months of Fiscal 2019. During the first four months of Fiscal 2019, CRB served 42,374 New Yorkers.

## 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	
	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Inquiries received	NA	NA	9,513	*	*	3,310	3,450
Matters initiated	NA	NA	1,576	*	*	338	590
Complaints successfully mediated	0	0	26	*	*	0	11
Pre-complaint resolutions	200	310	193	*	*	61	86
★ Complaints filed	908	806	805	*	*	214	302
Complaints closed	336	536	730	*	*	238	319
– Cases closed (%) - no probable cause determination	5%	7%	4%	*	*	2%	5%
★ – Cases closed (%) - probable cause determination	6%	4%	5%	*	*	6%	5%
– Cases closed (%) - administrative cause	62%	65%	68%	*	*	73%	58%
★ – Cases closed (%) - settlement	27%	24%	23%	23%	23%	19%	32%
Complaints referred to the Office of Administrative Trials and Hearings	21	21	36	*	*	16	15
Modifications for accessibility for people with disabilities	191	307	90	*	*	38	26
★ Average age of complaint caseload (days)	340	468	553	300	300	514	561
Open complaints	1,318	1,643	1,829	474	474	1,679	1,822
Complaints pending by age - less than one year	837	728	721	414	414	635	789
Value of damages for complainants (\$)	NA	\$2,287,445	\$3,785,312	*	*	\$1,153,394	\$1,275,812
Amount of civil penalties imposed (\$)	NA	\$379,250	\$487,250	*	*	\$49,500	\$165,000
Open matters	NA	NA	NA	*	*	NA	2,749
★ Critical Indicator      "NA" Not Available      ⬆️⬇️⬆️ Directional Target      * None							

## 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	
	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Conferences, workshops and training sessions	2,397	2,947	3,127	3,000	3,000	924	1,051
School-based training sessions conducted	79	173	186	250	250	45	48
People served	38,435	69,087	80,454	80,000	80,000	30,329	42,374
Responses to bias-based incidents	NA	NA	146	*	*	30	103
★ Critical Indicator      "NA" Not Available      ⬆️⬇️⬆️ Directional Target      * None							

## AGENCY CUSTOMER SERVICE

Performance Indicators	Actual			Target		4-Month Actual	
	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Customer Experience							
Letters responded to in 14 days (%)	98.0%	86.7%	83.0%	*	*	93.5%	98.0%
E-mails responded to in 14 days (%)	100.0%	97.3%	98.0%	*	*	96.3%	99.0%
Completed customer requests for interpretation	1,671	1,425	1,756	*	*	577	580
Average wait time to speak with a customer service agent (minutes)	11	9	6	*	*	5	6
CORE customer experience rating (0-100)	100	98	99	*	*	NA	NA
★ Critical Indicator    "NA" Not Available    ↑↓ Directional Target    * None							

## AGENCY RESOURCES

Resource Indicators	Actual			Sept. 2018 MMR Plan	Updated Plan	Plan	4-Month Actual	
	FY16	FY17	FY18	FY19	FY19 <sup>1</sup>	FY20 <sup>1</sup>	FY18	FY19
Expenditures (\$000,000) <sup>2</sup>	\$8.8	\$10.4	\$12.8	\$13.5	\$13.9	\$14.2	\$4.5	\$4.7
Personnel	89	108	142	162	162	165	118	141
Overtime paid (\$000)	\$7	\$5	\$11	\$15	\$15	\$15	\$1	\$2
<sup>1</sup> February 2019 Financial Plan <sup>2</sup> Expenditures include all funds    "NA" - Not Available								

## SPENDING AND BUDGET INFORMATION

Where possible, the relationship between an agency's goals and its expenditures and planned resources, by budgetary unit of appropriation (UA), is shown in the 'Applicable MMR Goals' column. Each relationship is not necessarily exhaustive or exclusive. Any one goal may be connected to multiple UAs, and any UA may be connected to multiple goals.

Unit of Appropriation	Expenditures FY18 <sup>1</sup> (\$000,000)	February 2019 Financial Plan FY19 <sup>2</sup> (\$000,000)	Applicable MMR Goals <sup>3</sup>
Personal Services - Total	\$9.5	\$11.2	
001 - Personal Services	\$3.3	\$4.0	All
003 - Community Development	\$6.2	\$7.1	All
Other Than Personal Services - Total	\$3.3	\$2.8	
002 - Other Than Personal Services	\$1.6	\$0.5	All
004 - Community Development	\$1.7	\$2.2	All
Agency Total	\$12.8	\$13.9	
<sup>1</sup> Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2018. Includes all funds. <sup>2</sup> Includes all funds. <sup>3</sup> Refer to agency goals listed at front of chapter.    "NA" Not Available    * None			

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- In this PMMR, the Commission retires 'Community-based technical assistance' and replaces it with the more accessibly-named 'People served.'
- In this PMMR, the Commission retires 'Average value of case settlement for complainant (\$)' as it has been often found to give a false impression that cases at the Commission are intrinsically valued at an average amount. In its place, the

Commission will report on two new indicators reflecting the monetary impact of the Commission's law enforcement work: 'Value of damages for complainants (\$)' and 'Amount of civil penalties imposed (\$).'

- To provide a more comprehensive picture of the quantifiable aspects of the Commission's work, the Commission has added four additional new indicators: 'Inquiries received,' 'Matters initiated,' 'Open matters,' and 'Responses to bias-based incidents.' In the interest of clarity, the indicator 'Caseload' has been renamed 'Open complaints.'

## ADDITIONAL RESOURCES

For more information on the agency, please visit: [www.nyc.gov/cchr](http://www.nyc.gov/cchr).

