

# THE COUNCIL OF THE CITY OF NEW YORK

Hon. Melissa Mark-Viverito  
Speaker of the Council

Hon. Darlene Mealy  
Chair, Civil Rights Committee



## Report on the Fiscal 2017 Preliminary Budget and the Fiscal 2016 Preliminary Mayor's Management Report Commission on Human Rights

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## Commission on Human Rights Overview

The New York City Commission on Human Rights (CCHR or the Commission) is 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 matters 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.

The Commission has two major bureaus – the Law Enforcement Bureau (LEB) and the Community Relations Bureau (CRB). The LEB is responsible for the intake, investigation, and prosecution of complaints alleging violations of the Law. The CRB 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.

This report provides a review of CCHR's Preliminary Budget for Fiscal 2017. In the section below, the Fiscal 2017 Budget is presented in a chart which details the CCHR's spending by Personal Services (PS) and Other Than Personal Services (OTPS), followed by the Financial Plan Summary chart which provides an overview of the CCHR's budget by unit of appropriation, funding source, headcount, and provides analysis of significant initiatives included in the November and Preliminary Financial Plans. The summary is followed by a review of relevant sections of the Preliminary Mayor's Management Report (PMMR) for Fiscal 2016.

## Fiscal 2017 Preliminary Budget Highlights

The City's Fiscal 2017 Preliminary Budget is \$82.1 billion, \$3.6 billion more than the Fiscal 2016 Adopted Budget of \$78.5 billion. The budget reflects the Administration's priority of ensuring the Commission is fully funded and staffed as positions added by the City Council at adoption have now been baselined.

## Financial Summary

The CCHR's budget consists of two program areas, identified by four units of appropriation (UA). They are: U/A - 001 (PS), U/A - 002 (OTPS), U/A - 003 (Community Development PS), and U/A - 004 - (Community Development OTPS). The following table, "CCHR Financial Summary", provides an overview of the Commission's actual expenditures for Fiscal 2014 and Fiscal 2015, the Adopted Budget for Fiscal 2016, and planned expenditures for Fiscal 2016 and Fiscal 2017 as proposed in the Fiscal 2017 Preliminary Plan.

<b>CCHR Financial Summary</b>						
<i>Dollars in Thousands</i>						
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Preliminary Plan</b>		<b>*Difference</b>
	<b>Actual</b>	<b>Actual</b>	<b>Adopted</b>	<b>2016</b>	<b>2017</b>	<b>2016 - 2017</b>
<b>Spending</b>						
Personal Services	\$4,075	\$4,898	\$8,332	\$7,871	\$8,571	\$239
Other Than Personal Services	1,507	897	1,991	3,109	2,253	262
<b>TOTAL</b>	<b>\$5,582</b>	<b>\$5,795</b>	<b>\$10,323</b>	<b>\$10,980</b>	<b>\$10,824</b>	<b>\$501</b>
<b>Budget by Unit of Appropriation</b>						
001 - Personal Services	\$907	\$1,185	\$4,639	\$4,178	\$4,782	\$143
002 - Other Than Personal Services	830	400	1,281	1,616	1,274	(7)
003 - Community Development - PS	3,169	3,713	3,693	3,693	3,789	96
004 - Community Development - OTPS	677	497	710	1,493	979	269
<b>TOTAL</b>	<b>\$5,583</b>	<b>\$5,795</b>	<b>\$10,323</b>	<b>\$10,980</b>	<b>\$10,824</b>	<b>\$501</b>
<b>Funding</b>						
City Funds	\$0	\$0	\$10,323	\$10,817	\$10,823	\$500
Federal - Other/ Equal Employment Opportunity Committee	0	0	0	164	0	0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,323</b>	<b>\$10,981</b>	<b>\$10,823</b>	<b>\$500</b>
<b>Budgeted Headcount</b>						
Full-Time Positions - Civilian	61	65	128	129	121	(7)
<b>TOTAL</b>	<b>61</b>	<b>65</b>	<b>128</b>	<b>129</b>	<b>121</b>	<b>-</b>

*\*The difference of Fiscal 2016 Adopted Budget compared to Fiscal 2017 Preliminary Budget.*

The CCHR's Fiscal 2017 Preliminary Budget of \$10.8 million is \$500,000 more than its Fiscal 2016 Adopted Budget of \$10.3 million. In June, the projected budget for Fiscal 2017 was approximately \$1.5 million less than the adopted budget. Since adoption of the Fiscal 2016 budget, the Financial Plan updates have introduced several changes to CCHR's Fiscal 2016 and 2017 budgets. For Fiscal 2016 and Fiscal 2017, these include new needs and other adjustments of \$658,000 and \$2 million respectively. The primary change is the addition of \$1.5 million in Fiscal 2017 to make permanent the staffing increase funded by the Council. It is anticipated that the increase in headcount will allow the Commission to proactively initiate investigations, decrease attorney caseload, and increase the availability of staff in its borough-based Community Relations Bureau offices. The budget also includes \$400,000 for OTPS operational needs of the agency. Combined, the above actions reconcile CCHR to its current budget of \$11 million for Fiscal 2016 and \$10.8 million for Fiscal 2017.

The Fiscal 2017 Preliminary Budget supports a workforce of 121 full-time positions, reflecting a reduction of eight full time equivalent positions that were added by the City Council at adoption and not included by the Administration as part of the baselined positions.

### Financial Plan Changes

- **Other Adjustments.** The Fiscal 2017 Preliminary Plan includes baselined funding of approximately \$405,000 beginning in Fiscal 2017 to support various agency operational needs. Of that amount, \$65,000 will support the salary for a new position within Human Resources assigned to manage payroll and the remaining funds are allocated for office supplies and materials, contractual expenses, and computer service maintenance.
- **Baseline Positions.** The Fiscal 2017 Preliminary Plan baselines \$1.55 million beginning in Fiscal 2017 to support 20 full-time positions that were added by the Council at adoption for Fiscal 2016.

### Budget and Staffing Highlights

For more than two decades, the Commission had been short-staffed and underfunded, having seen its budget drop from \$10.4 million in the 1990s to only \$6.7 million as recently as last year's Fiscal 2016 Preliminary Budget. During this time, funding was cut by 80 percent and staffing by more than 90 percent. In addition, federal Community Development Block Grant (CDBG) revenue accounted for \$4.2 million, or 62.7 percent of the budget. Employees for the Commission's Law Enforcement and Community Relations Bureaus, who are responsible for enforcing the NYCHRL and educating the community about it, were all federally funded. The staffing shortage was a critical issue as the Commission was not able to meet the mandates set forth by the NYCHRL or to carry out its mission effectively.

Through vigilant advocacy by the Council last year, the Fiscal 2016 Adopted Budget included an unprecedented amount of funding and a substantial headcount increase for the Commission. This funding and headcount restored the Commission to its 1990s levels. The Administration added \$1.9 million and 34 positions in the Fiscal 2016 Adopted Budget and the Council added another \$1.5 million and 28 positions (20 full-time and eight full-time equivalents.) The 54 new positions and associated headcount increased the Commission to its current budget of \$10.8 million and 121 positions. Under new leadership, the Commission has restructured its staffing. There are 42 staff budgeted in the CRB, 52 positions budgeted in the LEB, with the remaining 26 positions budgeted in other divisions. For Fiscal 2016, the Commission has an actual head of 85 positions.

**Funding Shift.** The Fiscal 2017 Preliminary Budget of \$10.8 million reflects an agency that is now fully funded with City tax-levy funding and not heavily reliant on non-city resources. The Fiscal 2016 Adopted Budget included a baseline technical adjustment which removed approximately \$4.3 million in federal CDBG funding used to support the Commission's Law Enforcement Program and the Neighborhood Human Rights Program and replaced it with City tax-levy funding. In October 2014, the U.S. Department of Housing and Urban Development issued a ruling that now requires the Commission to acquire the income of its

program participants to prove that everyone is within the income limits of 80 percent of the area median income. The Commission indicated that this was not a requirement in the past and that it would be difficult to attain this information, as the programs are available to everyone. In order to avoid this administrative burden, the Office of Management and Budget made the technical adjustment and shifted the CDBG funding to other City programs and used City tax-levy dollars for CCHR.

### **Fiscal 2016 PMMR Performance Measures**

The PMMR outlines the major services provided by CCHR and the goals associated with each. CCHR investigates an average of 1,800 allegations of discrimination in employment, housing and public accommodations, as well as bias-related harassment per year. In addition, the Commission initiates investigations and prosecutions of systemic Human Rights Law violations. The Commission provides pre-complaint intervention and promotes positive intergroup relations through conferences, workshops and training sessions conducted by its Community Relations Bureau.

Last year, Commissioner and Chair Carmen P. Malalis was appointed by the mayor to head the CCHR. Since her tenure, Commissioner Malalis has implemented changes to both the LEB and CRB. For the LEB, the Commissioner has both expanded its investigations and looked beyond the surface of an initial complaint to investigate whether a pattern or practice exists from the respondent. For the CRB, the Commissioner has revamped the training materials and hired a Deputy Commissioner to oversee the operation of the unit. These changes implemented by the Commissioner have in some cases either decreased or increased within the PMMR indicators when comparing them on an annual basis or during the four month reporting period of previous years.

The CCHR has two service goals which are to 1) enforce the City's Human Rights Law and 2) educate the community on the Human Rights Law. CCHR collects data on its caseload and community awareness efforts and reports the data in the PMMR. The following chart from the PMMR provides performance statistics for Fiscal 2013-2015, target data where applicable for Fiscal 2015 and 2016, and 4-month actual data which compares Fiscal 2015 and 2016.

**Law Enforcement Bureau Performance Measures.** The LEB investigates, prosecutes and resolves complaints of discrimination and bias-related harassment. The Department uses a case tracking system to generate reports on the types of cases handled. The Commission hired seven new agency attorneys and three supervising attorneys to address the increase in cases and to help improve case processing time.

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%
- 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

- In Fiscal 2015 and during the first four months of Fiscal 2016, the CCHR did not mediate any cases and the PMMR does not indicate why.
- In Fiscal 2015, CCHR filed 697 cases, 40 percent more than the 497 cases filed in Fiscal 2014. In the first four months of Fiscal 2016, CCHR filed 272 cases compared to just 260 in the same period of the previous year.
- 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 PMMR reflects a decrease in the number of case closures in the first four months of Fiscal 2016 compared to the first four months of Fiscal 2015, from 246 to 78. According to the PMMR this is due to the Commission strengthening the LEB unit by expanding the number of investigations.
- The PMMR reflects a decrease during the four-month reporting period on the percentage of cases closed due to determination of no probable cause. The number of cases in Fiscal 2016 decreased to three percent compared to 54 percent in Fiscal 2015, and the percentage of cases closed due to a probable cause determination in Fiscal 2016 was six percent, compared to 13 percent in the first four months of Fiscal 2015. According to the PMMR, this change is due to the Commission now requiring that anti-discrimination training, posting of a notice of rights, review of policies, and monitoring of compliance be completed prior to a case being closed.

- In Fiscal 2015, the average value of cash settlements for complainants increased to \$46,144 compared to just \$13,170 during the four month reporting period.

**Community Relations Bureau Performance Measures.** The CRB educates the community on the Human Rights Law and seeks to increase community awareness of the Human Rights Law. The CRB's research division tracks the different workshops and training sessions conducted by the Commission, including the number of instances where service was provided. The Commission has hired a Deputy Commissioner of Community Relations to improve the overall operations of the division and a Training and Development Director to oversee training content and implementation of all materials. These are directly correlated to the reduction of school-based training sessions.

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

- In Fiscal 2015, the Commission conducted 1,394 conferences, workshops, and training sessions for a variety of groups and community-based organizations about the Human Rights Law, cultural diversity and conflict resolution. However during the four-month reporting period only 341 were conducting in Fiscal 2016 compared to 406 in Fiscal 2016.
- In Fiscal 2015, the Commission conducted 326 school-based training sessions, compared to 272 in Fiscal 2014. In the first four months of Fiscal 2016 the Commission conducted only 13 sessions compared to 35 in Fiscal 2015. Workshops and training sessions covered issues relating to the Human Rights Law, cultural diversity, conflict resolution and peer mediation. Students, teachers, parents and administrators benefited from these sessions.
- The CRB provided community-based technical assistance in 18,369 instances in the first four months of Fiscal 2016, compared to 16,556 in the same period of Fiscal 2015. Technical assistance includes one-on-one or less formal group assistance to the community, individuals and professional groups. Field staff respond to human rights inquiries about disability, housing, immigration, pre-complaint intervention, and information on community concerns such as intergroup conflict and multicultural initiatives.



## Appendix A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2016			FY 2017		
	City	Non-City	Total	City	Non-City	Total
<b>CHR Budget as of the Adopted 2016 Budget</b>	<b>\$10,323</b>	<b>\$0</b>	<b>\$10,323</b>	<b>\$8,857</b>	<b>\$0</b>	<b>\$8,857</b>
<b>New Needs</b>						
Baseline Positions	\$0	\$0	\$0	\$1,552	\$0	\$1,552
Other Adjustments	487	0	487	406	0	406
<b>Subtotal, New Needs</b>	<b>\$487</b>	<b>\$0</b>	<b>\$487</b>	<b>\$1,958</b>	<b>\$0</b>	<b>\$1,958</b>
<b>Other Adjustments</b>						
Collective Bargaining - Staff Analyst OSA CBA	\$7	\$0	\$7	\$8	\$0	\$8
Equal Employment Opportunity Commission	0	164	164	0	0	0
<b>Subtotal, Other Adjustments</b>	<b>\$7</b>	<b>\$164</b>	<b>\$171</b>	<b>\$8</b>	<b>\$0</b>	<b>\$8</b>
<b>TOTAL, All Changes</b>	<b>\$494</b>	<b>\$164</b>	<b>\$658</b>	<b>\$1,966</b>	<b>\$0</b>	<b>\$1,966</b>
<b>CHR Budget as of the Preliminary 2017 Budget</b>	<b>\$10,817</b>	<b>\$164</b>	<b>\$10,981</b>	<b>\$10,823</b>	<b>\$0</b>	<b>\$10,823</b>