

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Melissa Mark-Viverito  
Speaker of the Council

Hon. Darlene Mealy, Chair  
Committee on Civil Rights



## Hearing on the Fiscal Year 2015 Preliminary Budget & the Fiscal 2014 Preliminary Mayor's Management Report

Commission on Human Rights

**March 13, 2014**

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## Commission on Human Rights Fiscal 2015 Budget Overview

The New York City Commission on Human Rights (CCHR) enforces the City's Human Rights Law ("the Law") and educates the public about its scope. The law is comprehensive; it 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, and marital status. In addition, the law affords protection against discrimination in employment based on arrest or conviction record and status as a victim of domestic violence, stalking and sex offenses. In housing, the Law affords additional protection based on lawful occupation and family status. The City's Human Rights Law also prohibits retaliation and bias-related harassment.

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 the Commission on Human Right's Preliminary Budget for Fiscal 2015. In the section below, the Fiscal 2015 Budget is presented in a Financial Plan Summary table which provides an overview of the Commission's budget by Personal Services and Other than Personal Services, Units of Appropriation, funding sources and headcount. The summary is followed by a review of relevant sections of the Preliminary Mayor's Management Report (PMMR) for Fiscal 2014 and CCHR's Fiscal 2015 contract budget which identifies expenditures for contractual services.

### Commission on Human Rights Financial Plan Summary

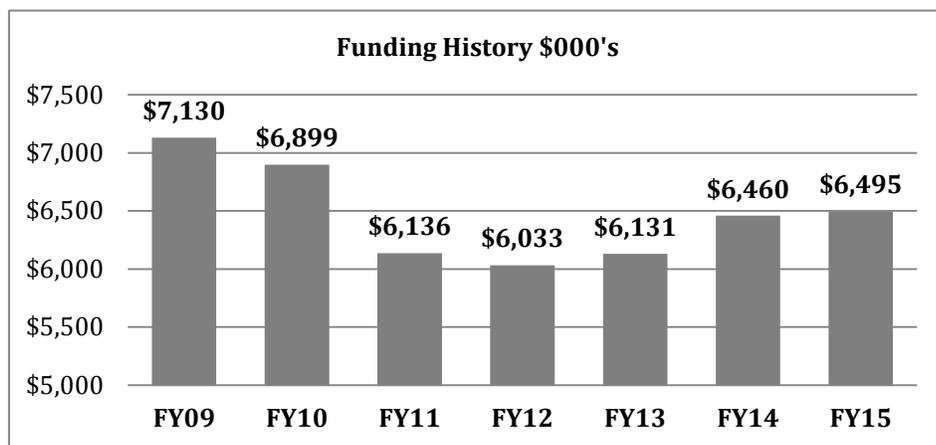
<i>Dollars in Thousands</i>	2012 Actual	2013 Actual	2014 Adopted	2014 Prelim. Plan	2015 Prelim. Plan	*Difference 2014 - 2015
Personal Services	\$1,640	\$1,821	\$4,583	\$4,692	\$4,583	\$0
Other Than Personal Services	4,394	4,310	1,704	1,768	1,912	208
<b>TOTAL</b>	<b>\$6,034</b>	<b>\$6,131</b>	<b>\$6,287</b>	<b>\$6,460</b>	<b>\$6,495</b>	<b>\$208</b>
<b>Budget by Unit of Appropriation</b>						
001 - Personal Services	\$1,075	\$1,051	\$1,101	\$1,210	\$1,101	\$0
002 - Other Than Personal Services	933	1,145	994	1,059	1,202	208
003 - Community Development - PS	3,319	3,260	3,482	3,482	3,482	0
004 - Community Development - OTPS	707	676	710	710	710	0
<b>TOTAL</b>	<b>\$6,034</b>	<b>\$6,132</b>	<b>\$6,288</b>	<b>\$6,460</b>	<b>\$6,495</b>	<b>\$208</b>
<b>Funding</b>						
City Funds	N/A	N/A	\$2,232	\$2,232	\$2,440	\$208
Federal - Community Development Block Grants	N/A	N/A	4,055	4,055	4,055	0
Federal - Other/ Equal Employment Opportunity Committee	N/A	N/A	0	109	0	0
Intra City - Housing Discrimination HPD	N/A	N/A	0	64	0	0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,287</b>	<b>\$6,460</b>	<b>\$6,495</b>	<b>\$208</b>
<b>Headcount</b>						
CDBG Funded	57	61	55	55	55	0
City Funded	11	11	11	11	11	0
<b>TOTAL</b>	<b>68</b>	<b>72</b>	<b>66</b>	<b>66</b>	<b>66</b>	<b>0</b>

\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan funding.

The Commission on Human Right’s Fiscal 2015 Preliminary Budget is \$6.5 million The Commission’s budget is comprised of both City-tax levy and Federal-Community Development Block Grant (CDBG) funding. CDBG revenue accounts for \$4 million or 62.5% of the budget and the remaining \$2.4 million or 37.5% is City-tax levy. The Fiscal 2015 Preliminary Budget supports a workforce of 66 positions. Eleven are City funded and 55 are CDBG funded. The headcount remains unchanged since Fiscal 2014 Adoption.

The Fiscal 2015 Preliminary Budget of \$6.5 million is \$208,000 higher than the Fiscal 2014 Adopted budget of \$6.3 million. At the time of adoption for Fiscal 2014, the Fiscal 2015 budget was already \$208,000 higher and remains unchanged since June 2013. The Commission’s 66-person headcount for Fiscal 2015also remains unchanged. Since Fiscal 2014 adoption, the Fiscal 2014 budget includes \$173,000 in non-city grants.

**Budget and Headcount History**



	2009	2010	2011	2012	2013	2014	2015
<b>Personal Services (PS)</b>	\$5,130	\$4,947	\$4,727	\$4,394	\$4,310	\$4,692	\$4,583
<b>Other Than Personal Services (OTPS)</b>	\$2,000	\$1,951	\$1,409	\$1,640	\$1,821	\$1,821	\$1,912
<b>Headcount</b>	77	70	68	72	66	66	66

- In the last five years CCHR’s has spent an average of \$6.5 million. Actual spending was less in the last three fiscal years as the both the City-tax levy and CDBG budgets were reduced.

## Performance Measures

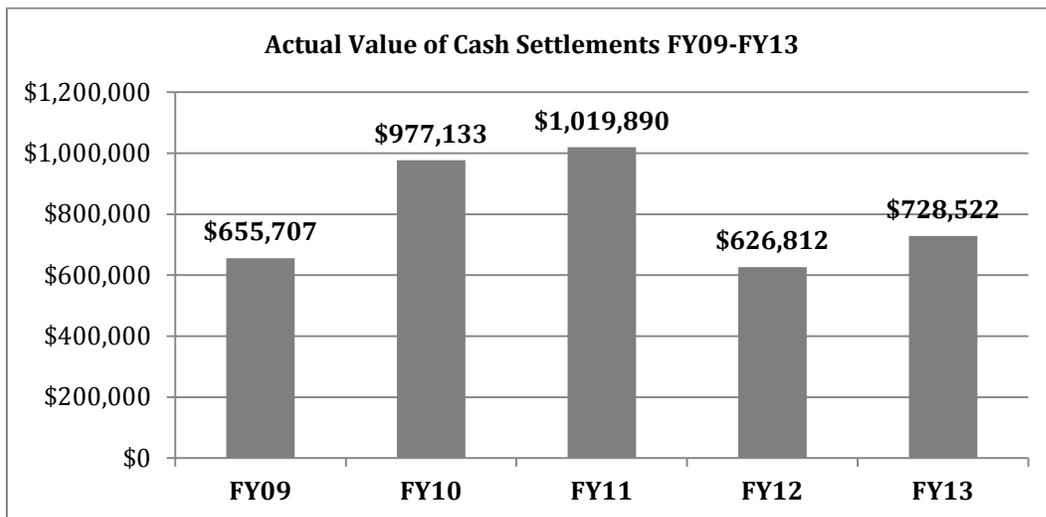
The PMMR outlines the major services provided by CCHR and the goals associated with each. CCHR investigates an average of 1,000 allegations of discrimination in employment, housing and public accommodations, as well as bias-related harassment per year. In addition, the Commission initiates investigations 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.

According to the PMMR, 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 Years 2010-2013, target data where applicable for Fiscal 2014 and 2015, and 4-month actual data for Fiscal 2012 and 2013.

**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 Fiscal 2015 Preliminary Budget includes \$1.5 million in funding to support the work of 24 positions in the law enforcement bureau. The LEB has 16 attorneys, 4 Human Rights Specialists, including two retired NYPD officers, and 4 support staff members.

Performance Statistics	Actual				Target		FY13 4-Month Actual	FY14 4-Month Actual
	FY10	FY11	FY12	FY13	FY14	FY15		
Cases successfully mediated	9	5	11	5	*	*	0	0
Pre-complaint resolutions	210	182	190	163	*	*	64	52
Cases filed	410	444	335	522	*	*	163	182
Cases filed (%) - employment discrimination	56%	66%	66%	67%	*	*	54%	67%
Cases filed (%) - housing discrimination	33%	21%	19%	19%	*	*	26%	21%
Cases filed (%) - public accommodation discrimination	11%	12%	14%	13%	*	*	19%	11%
Cases filed (%) - bias-related harassment	0%	1%	1%	1%	*	*	1%	1%
Cases closed	441	462	440	480	*	*	158	215
Cases closed (%) - no probable cause determination	35%	44%	45%	43%	*	*	56%	51%
Cases closed (%) - probable cause determination	8%	13%	5%	12%	*	*	4%	9%
Cases closed (%) - administrative cause	25%	25%	24%	25%	*	*	23%	22%
Cases closed (%) - settlement	32%	18%	26%	20%	23%	23%	17%	18%
Cases referred to the Office of Administrative Trials and Hearings	37	59	23	59	*	*	7	9
Average value of cash settlement for complainant (\$)	\$17,918	\$11,846	\$15,173	\$14,273	*	*	\$18,443	\$9,733
Modifications for accessibility for handicapped	173	187	193	156	*	*	58	54
Caseload	438	524	474	583	562	550	496	568
Average age of complaint caseload (days)	315	306	335	314	330	300	338	299
Cases pending by age - less than one year	353	438	358	467	450	400	404	499
Cases pending by age - 1-3 years old	77	81	114	111	100	70	91	67
Cases pending by age - 3-5 years old	8	5	2	5	10	2	1	2
Cases pending by age - older than 5 years	0	0	0	0	2	2	0	0

- In Fiscal 2013, CCHR successfully mediated five cases, down from 11 in Fiscal 2012. This represents the number of cases resolved through a conflict resolution process. CCHR has not mediated any cases this fiscal year and the PMMR does not indicate why.
- In Fiscal 2013, CCHR filed 56% more cases with 522 cases filed, up from 335 in Fiscal 2012. In the first four months of Fiscal 2014 CCHR filed 182 cases compared to just 163 in the same period of the previous year.
- CCHR closed 215 cases in the first four months of Fiscal 2014 an increase of 36 percent from 158 during the same period of the previous year.
- In the first four months of Fiscal 2014, 88 percent of the Commission’s caseload was less than one year old, compared to 81 percent during the same period of the previous year.
- In the first four months of Fiscal 2014 CCHR had achieved a 40 percent reduction in cases pending from one to three years, to 67 cases, compared to the 111 such cases it had at the end of Fiscal 2013. At the start of Fiscal 2014, the Commission continued its effort to resolve older cases by reviewing all of its pending investigations, concentrating on the oldest cases first.
- In Fiscal 2013 there were 467 cases pending that were less than one year old. Pending cases of one to three years in age account for nearly the entire CCHR inventory of cases over one year old.
- In Fiscal 2013 the average value of cash settlements was \$14,273. In the last five years the average value of cash settlement for complainants was \$14,042. The graph below provides the total value of cash settlements in the last five years as reported in CCHR’s 2013 annual report.



**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 instances where service was provided. The Fiscal 2015

Preliminary Budget includes \$1.4 million in funding to support the work of 28 staff members in the Bureau. The CRB has 24 program and field staff and 4 support staff members.

Performance Statistics	Actual				Target		FY13	FY14
	FY10	FY11	FY12	FY13	FY14	FY15	4-Month Actual	4-Month Actual
Conferences, workshops and training sessions	1,108	1,206	1,217	1,114	1,000	1,000	456	400
Community-based technical assistance	17,574	17,055	17,297	22,537	13,000	13,000	7,728	23,134
School-based training sessions conducted	370	327	401	392	325	325	119	35

According to the PMMR, although the Community Relations Bureau held 12 percent fewer conferences, workshops and school-based training sessions in the reporting period than in the previous year, instances of CCHR community-based technical assistance increased nearly 200 percent.

- In Fiscal 2013, the Commission conducted 1,114 conferences, workshops and training sessions for a variety of groups and community based organizations about the Human Rights Law, cultural diversity and conflict resolution.
- In Fiscal 2013 the Commission conducted 392 school based training sessions, compared to 401 in Fiscal 2012. In the first four months of Fiscal 2014 the Commission conducted only 35 sessions compared to 119 in the previous year. Workshops and training sessions covered issues relating to the Human Rights Law, cultural diversity, conflict resolution and peer mediation. Students, teachers, parents and administrator benefited from these sessions. The PMMR does not indicate why the CRB has conducted so few school-based sessions this fiscal year.
- The CRB provided community based technical assistance in 23,134 instances in the first four months of Fiscal 2014, compared to 7,728 in the same period of Fiscal 2013. Technical assistance includes one-on-one or less formal group assistance to the community, individuals and professional groups. Field staff respond to human rights inquires about disability, housing, immigration, pre-complaint intervention and information on community concerns such as intergroup conflict and multicultural initiatives. According to the PMMR, this increase reflects the change in CCHR activities at federal courts during swearing-in ceremonies. Previously, CCHR faced the court attendees to give a presentation, which it counted toward its workshop data. The court then decided that only federal agencies should fill that presentation role. CCHR now hands out its newsletters at court openings, and speaks with each individual, which it counts as technical assistance to help court attendees understand the Human Rights Law.

## Appendix A

### Budget Actions since Adoption

<i>Dollars in Thousands</i>	FY 2014			FY 2015		
	City	Non-City	Total	City	Non-City	Total
<b>CHR Budget as of Fiscal 2014 Adoption</b>	\$2,232	\$4,055	\$6,287	\$2,440	\$4,055	\$6,495
<b>Other Adjustments</b>						
Equal Employment Commission Intra-City Revenue	\$0	\$109	\$109	\$0	\$0	\$0
Fair Housing Intra-City Revenue with Commission	0	64	64	0	0	0
<b>Total Other Adjustments</b>	0	173	173	0	0	0
<b>Total All Changes</b>	<b>\$0</b>	<b>\$173</b>	<b>\$173</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>CHR Budget as of Fiscal 2015 Preliminary Budget</b>	<b>\$2,232</b>	<b>\$4,228</b>	<b>\$6,460</b>	<b>\$2,440</b>	<b>\$4,055</b>	<b>\$6,495</b>

## Appendix B

### Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the Other Than Personal Services (OTPS) portion of the City's Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

The following table provides the CCHR's Preliminary Contract Budget for Fiscal 2015.

Contract Category	Number	Budgeted	Pct of (CCHR) Total
Maintenance & Repairs General	5	\$5,137	9.65%
Office Equipment Maintenance	2	5,225	9.82%
Data Processing Equipment	1	6,288	11.81%
Cleaning Services	1	21,800	40.96%
Professional Service Computer Services	1	14,777	27.76%
<b>Preliminary Budget</b>	<b>10</b>	<b>53,227</b>	<b>100.00%</b>