

# **THE COUNCIL OF THE CITY OF NEW YORK**

Hon. Corey Johnson  
Speaker of the Council

Hon. Mathieu Eugene  
Chair, Committee on Civil and Human Rights



Report of the Finance Division on the  
Fiscal 2021 Preliminary Plan and the  
Fiscal 2020 Preliminary Mayor's Management Report for the  
**Commission on Human Rights**

March 23, 2020

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## Commission on Human Rights Overview

The New York City Commission on Human Rights (CCHR or the Commission) enforces the New York City Human Rights Law (NYCHRL), one of the most comprehensive laws of its kind in the country. The NYCHRL protects individuals from discrimination in employment, housing, and public accommodations. CCHR enforces the law and implements civil rights policies, but also conducts outreach to the public through media campaigns, community engagement, and education.

NYCHRL requires that discrimination complaints must be filed within one year of the last alleged act of discrimination, or three years for gender-based harassment. The protected classes include discrimination based age, religion/creed, color, race, gender, gender identity, sexual orientation, disability, national origin, citizenship status, marital or partnership status, pregnancy, and status as a military service member or veteran. Protections in employment further extend to arrest record, caregiver status, credit history, unemployment status, salary history, and status as a victim of domestic violence or sex offenses. Additionally, protections in housing extend to occupation, source of income, presence of children, and status as a victim of domestic violence or sex offenses.

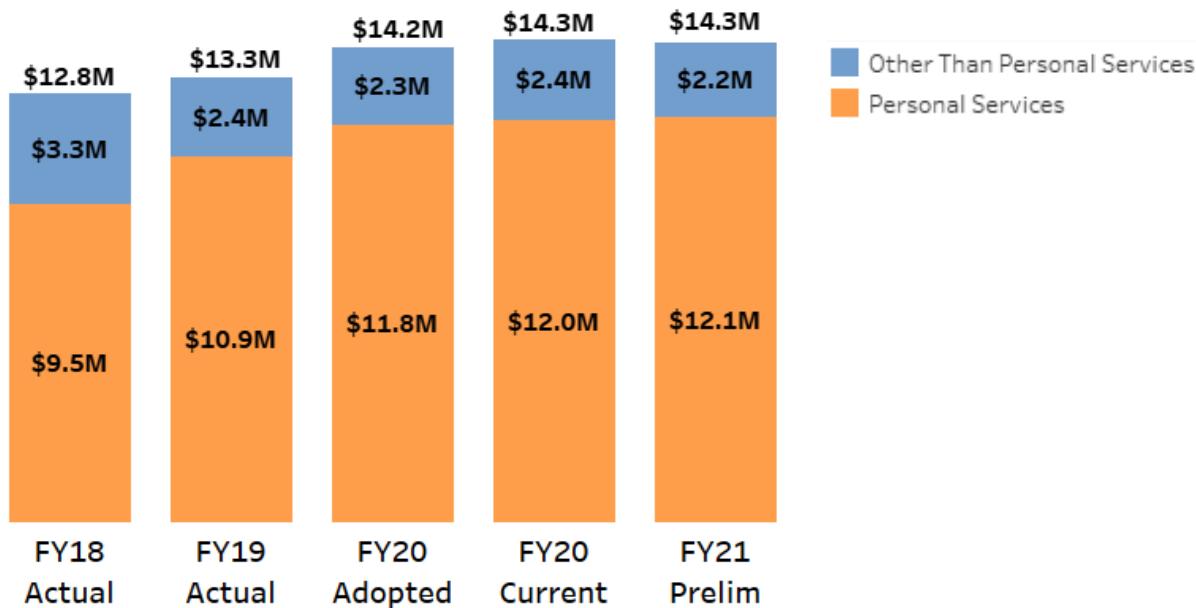
Structurally, the Commission has three bureaus: the Law Enforcement Bureau (LEB), the Community Relations Bureau (CRB), and the Executive Office. LEB is responsible for enforcing human rights laws by investigating alleged violations, negotiating matters, providing early intervention services, and prosecuting cases before an independent judge. CRB develops relationships with the public through education, community events, and partnerships with small businesses to build awareness of human rights in the City. The Executive Office is the policy arm of the agency: it analyzes key issues, publishes reports, and implements new laws and legal guidance, and issues decisions.

This report provides a review of CCHR's Fiscal 2021 Preliminary Budget and the Fiscal 2020 Preliminary Mayor's Management Report (PMMR). The first section presents highlights and budget changes to the Fiscal 2020 and Fiscal 2021 Budgets. The second section provides an overview of the Commission's headcount and a review of the Fiscal 2020 PMMR.

## Fiscal 2021 Preliminary Budget Highlights

The Fiscal 2021 Preliminary Budget totals \$14.3 million, including \$12.1 million for Personal Services (PS) and \$2.2 million in Other Than Personal Services (OTPS). The Fiscal 2021 Preliminary Budget shows an increase of \$140,000, or slightly less than one percent, when compared to the \$14.2 million Fiscal 2020 Adopted Budget. The increase represents a minimal change for the Commission, and is primarily due to collective bargaining adjustments. See Appendix A for a list of all the changes to the Fiscal 2020 and Fiscal 2021 Budgets since adoption of the Fiscal 2020 Budget.

### CCHR Budget by Year, Fiscal 2018-2021



### Financial Plan Summary

The Financial Plan Summary below provides details on the expense budget, funding sources, and headcount. The changes in the budget include only a couple major changes: a \$232,152 increase in spending on salaries, and a \$90,000 decrease in contract spending. The salary costs continue to provide funding for 160 positions, but the increase is due to collective bargaining and other salary adjustments. The two new budget actions for Fiscal 2021 occurred in the November 2019 Financial Plan which added approximately \$158,000 for collective bargaining, and a savings of \$3,000 from a phone plan review. A full list of actions can be found in Appendix A.

CCHR's budget supports 160 full-time positions, and four part-time, or full-time equivalent, positions. The headcount is divided into two sections, the largest of which is the Law Enforcement Program with 111 positions. The remaining 49 positions are divided into the following divisions: 24 positions in the Executive Office, 20 in the Community Relations Bureau, two in Management Information Services, two in the Public Information Division, and one in the Financial Management Division. The actual headcount, as of December 2019, was 129 personnel, indicating 31 vacancies.

<b>CCHR Financial Summary</b> <i>Dollars in Thousands</i>						
	<b>FY18 Actual</b>	<b>FY19 Actual</b>	<b>FY20 Adopted</b>	<b>Preliminary Plan</b>	<b>*Difference</b>	
				<b>FY20</b>	<b>FY21</b>	<b>FY20-21</b>
<b>Spending</b>						
Personal Services	\$9,457	\$10,888	\$11,843	\$11,986	\$12,075	\$233
Other Than Personal Services	3,301	2,369	2,315	2,363	2,222	(93)
<b>TOTAL</b>	<b>\$12,758</b>	<b>\$13,257</b>	<b>\$14,157</b>	<b>\$14,350</b>	<b>\$14,297</b>	<b>\$140</b>
<b>Personal Services</b>						
Full-Time Salaried - Civilian	\$9,169	\$10,441	\$11,431	\$11,575	\$11,663	\$232
Additional Gross Pay	228	376	250	250	250	0
Overtime - Civilian	11	3	15	15	15	0
Unsalaried and Other P.S.	49	68	147	147	148	1
<b>SUBTOTAL</b>	<b>\$9,457</b>	<b>\$10,888</b>	<b>\$11,843</b>	<b>\$11,986</b>	<b>\$12,075</b>	<b>\$233</b>
<b>Other Than Personal Services</b>						
Other Services & Charges	\$1,423	\$1,290	\$1,440	\$1,223	\$1,437	(\$3)
Contractual Services	1,084	830	668	862	578	(90)
Property, Equipment, & Supplies	794	249	207	278	207	0
<b>SUBTOTAL</b>	<b>\$3,301</b>	<b>\$2,369</b>	<b>\$2,315</b>	<b>\$2,363</b>	<b>\$2,222</b>	<b>(\$93)</b>
<b>TOTAL</b>	<b>\$12,758</b>	<b>\$13,257</b>	<b>\$14,157</b>	<b>\$14,350</b>	<b>\$14,297</b>	<b>\$140</b>
<b>Funding</b>						
City Funds			\$14,157	\$14,303	\$14,297	\$140
State			0	47	0	0
<b>TOTAL</b>	<b>\$12,758</b>	<b>\$13,257</b>	<b>\$14,157</b>	<b>\$14,350</b>	<b>\$14,297</b>	<b>\$140</b>
<b>Budgeted Headcount</b>						
Full-Time Positions - Civilian	140	129	160	160	160	0
<b>TOTAL</b>	<b>140</b>	<b>129</b>	<b>160</b>	<b>160</b>	<b>160</b>	<b>0</b>

\*The difference of Fiscal 2020 Adopted Budget compared to Fiscal 2021 Preliminary Budget.

## Historical Headcount Additions

In the Fiscal 2021 Preliminary Budget, there were no significant additions to the Commission's budget or headcount. Although the headcount has not changed in this financial plan, CCHR's significantly expanded its capabilities between 2015 and 2018. The table below shows new needs that expanded CCHR's headcount since the beginning of the current mayoral administration.

### New Need Headcount Additions CY 2015-2018

Year	Description	Positions
2015	Expansion of Commission on Human Rights	32
	IT Staff	2
2016	Baseline Positions	20
	Deputy Commissioner for Strategic Initiatives	1
2017	Immigration and Human Rights Hotline Call Takers	8
	Law Enforcement Bureau Expansion	26
2018	Sexual Harrassment and Retaliation Unit	4
	<b>Grand Total</b>	<b>93</b>

Through advocacy supported by the Council, significant headcount additions were funded in the Fiscal 2016 Adopted Budget and Fiscal 2017 Preliminary Budget. The 54 positions allowed the Commission

to, at the time, increase its headcount by approximately 80 percent. CCHR was able to allocate staff in all areas of its organization, enhancing efforts to implement the NYCHRL, initiate investigations, and conduct outreach to communities. For example, by adding staff to increase outreach, in Fiscal 2019 CCHR received an agency high of 9,000 inquiries regarding discriminatory harassment.

Following the large expansion, were two additions for a total of nine personnel: one Deputy Commissioner position responsible for strategic partnerships and policy development, and eight call takers for incoming calls regarding discrimination and bias that increased following the 2016 presidential election. In the Fiscal 2018 Adopted Budget, CCHR received an increase in headcount of 26 positions for its Law Enforcement Bureau. This allowed for a restructuring of this division and helped to reduce caseloads.

Lastly, one year later, in the Fiscal 2019 Adopted Budget the Commission received four positions to create a Sexual Harassment and Retaliation Unit to focus specifically on sexual harassment in the private sector, and which in 2019, launched an online training module for all employers with 15 or more employees to complete annually. In total, these headcount changes allowed CCHR to more than double its headcount to the current 160 personnel.

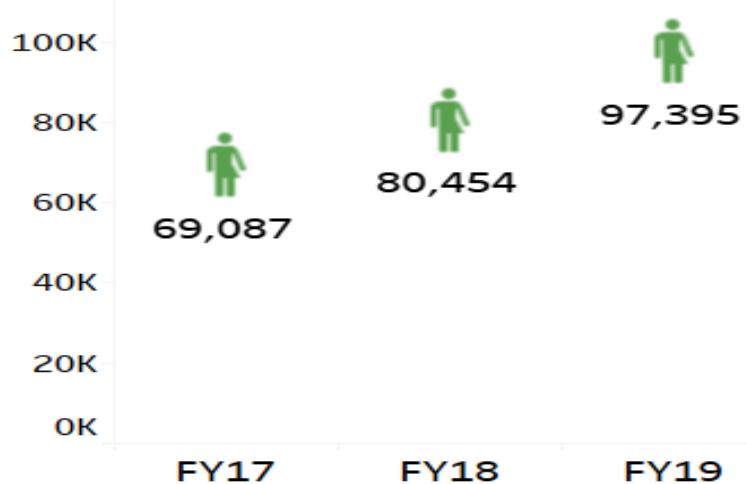
## Community Relations Bureau

Through the Community Relations Bureau, the Commission educates New Yorkers about their rights and responsibilities under NYCHRL, and seeks to increase community awareness of the law. The CRB provides services through the Commission's five borough-based community service centers. Services provided at the service centers includes regularly scheduled workshops and trainings on the human rights law, as well as tailored workshops on specific discriminatory topics. The Fiscal 2021 Budget for CRB is \$2.9 million.

The Bias Response Team, part of the CRB, responds to incidents of hate and discrimination. According to the PMMR, in Fiscal 2018 there were 146 responses, which increased to 235 responses in Fiscal 2019, including responses to multiple incidents of hate violence and harassment. Further, the first four months of Fiscal 2020 saw responses to 124 incidents, a 20 percent increase from the previous year over the same period. In response to recent anti-Semitic incidents, the CRB developed print and digital materials to advertise the NYCHRL and provide contact information for CCHR. In addition, several trainings and community events were held.

The Community Relations Bureau held 3,060 workshops and presentations in Fiscal 2019, including 266 to reach young people. Two new youth workshops were developed regarding the NYCHRL and on discrimination based on race and color. Although the number of total workshops decreased from Fiscal 2018, the number of people reached increased due to CCHR presentations being held at larger events.

### People Reached by CRB Increases Each Year

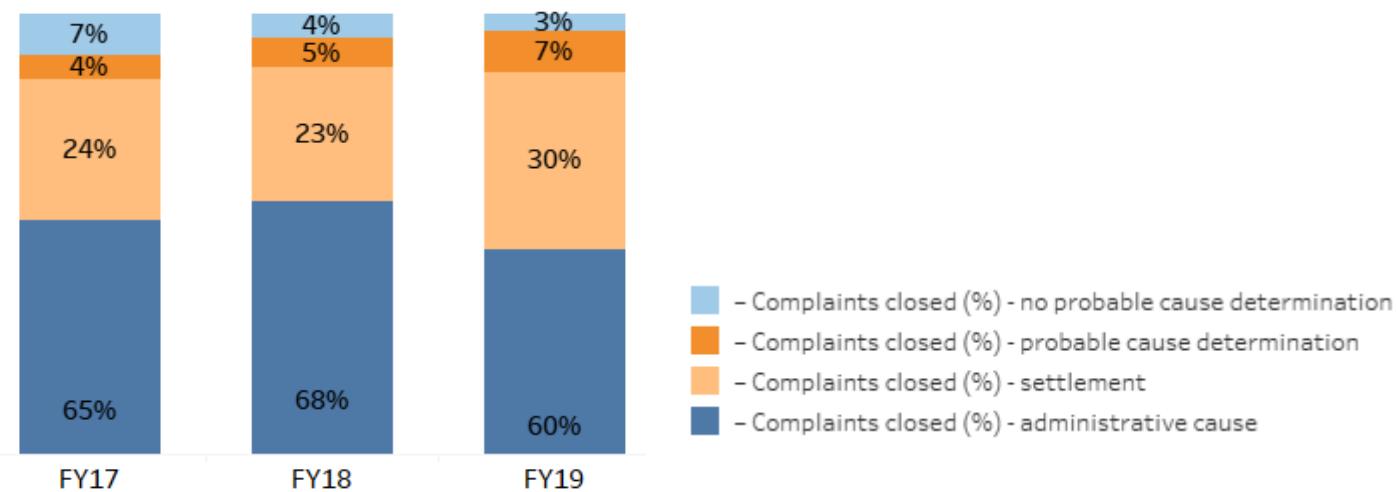


## Law Enforcement Bureau

As the City's civil law enforcement agency, the Law Enforcement Bureau takes discrimination complaints from the public, initiates investigations and identifies entities that are breaking the law through its internal testing program. Cases where LEB finds probable cause for unlawful discriminatory practice are either mediated by its Office of Mediation and Conflict Resolution or prosecuted by LEB in the Office of Administrative Trials and Hearings. The Law Enforcement Bureau's budget for Fiscal 2021 is \$6.3 million, representing 44 percent of the agency's total budget.

For Fiscal 2019, CCHR filed 792 complaints, of which the most common reasons include 17 percent of complaints filed for disability discrimination, 15 percent for race discrimination, 15 percent for gender discrimination, and 8 percent for national origin claims. Out of the 986 closed complaints in Fiscal 2019, LEB settled or found probable cause in 37 percent of cases. The remaining cases were withdrawn, closed for administrative reasons, or found to have no probable cause.

### Outcome of Closed Complaints FY17-FY19



The Law Enforcement Bureau also performs self-initiated investigations by having testers contact organizations or public accommodations to ascertain whether bias exists towards different protected

classes. In Fiscal 2019, CCHR tested 899 entities and filed 56 complaints, indicating that six percent of entities allegedly committed some form of discrimination. The primary source of discrimination was for employment with 41 complaints filed, followed by housing with 13, and public accommodations with two complaints.

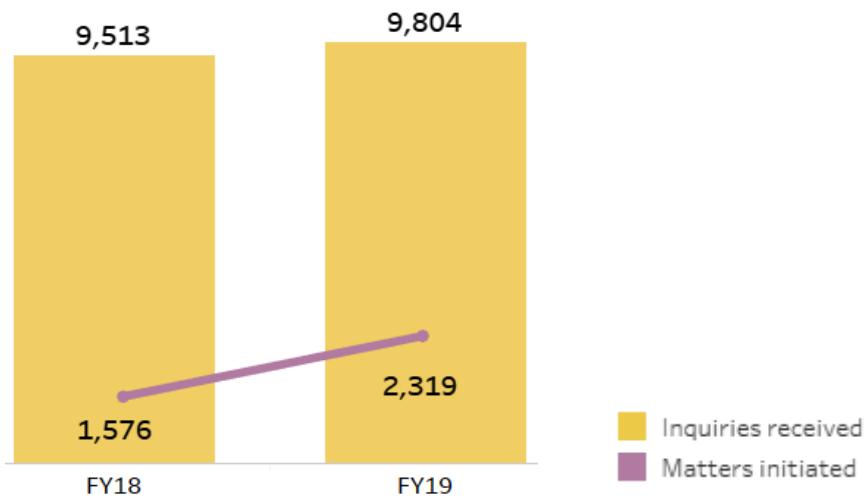
In addition, rapid intervention in a potential case is managed by LEB through three units: the Early Intervention Unit, the Source of Income Unit, and the Gender-Based Harassment Unit. These units seek to address issues quickly by sending cease and desist letters and mandating trainings, which helps to avoid lengthy investigations and also aids the complainant in seeking redress for necessary accommodations. For example, the Source of Income Unit may support a person in finding housing by negotiating a settlement with landlords discriminating against the use of housing vouchers.

## The 2020 Preliminary Mayor's Management Report

CCHR has two service goals, which are 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.

- In the first four months of Fiscal 2020, CCHR opened 366 matters, which includes several types of cases: pre-complaint investigations, matters undergoing testing, cases in which a complaint was filed, and cases in which a complaint is in the process of being drafted. This is a decrease of 38 percent from the 590 cases opened in the same period for Fiscal 2019. The PMMR does not offer an explanation for the decrease.
- The number of inquiries received for Fiscal 2019 reached a record high for the agency at 9,804. The predominant jurisdictions these inquiries related to include 967 disability inquiries, 602 race inquiries, 563 gender related inquiries, and 495 source of income inquiries.

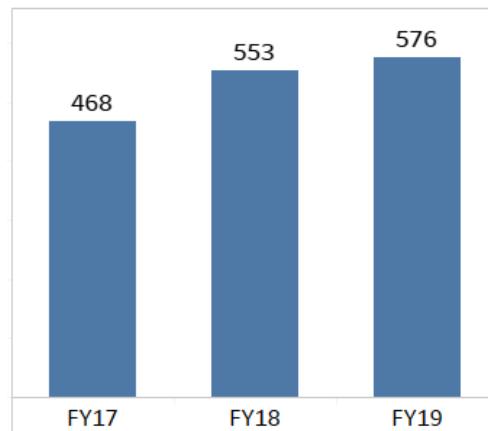
**Inquiries Received and Matters Initiated FY18-FY19**



- Complaints filed remained relatively stable at 792 complaints in Fiscal 2019, although complaints closed increased 35 percent to 986. Of the complaints closed 296 were settled and 18 were determined to have probable cause. However, complaints closed due to administrative cause increased from 497 to 592, although this may be due to the higher number complaints closed in total.

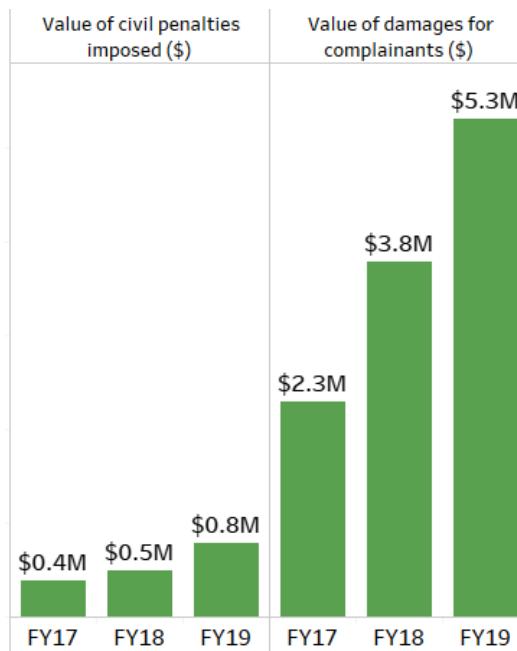
- The average age of case in days increased from 553 to 576 days in Fiscal 2019. And the first four months of Fiscal 2020 saw a further increase to 612 days, or roughly 20 months. This has been of particular concern for the Council; although CCHR has onboarded new staff, the number of complaints received has also risen.

**Average Ave in Days of Complaints FY17-FY19**



- In the first four months of Fiscal 2020, LEB tested 410 entities and filed seven Commission-initiated complaints compared to 10 for the same period last fiscal year.
- The total value of damages for complainants in Fiscal 2019 was \$5.3 million, an increase of 40 percent. In addition, the first four months of Fiscal 2020 saw a further increase from the same period in Fiscal 2019, from \$1.3 million to \$2.1 million.

### Value of Imposed Damages FY17-FY19



- To increase awareness, CCHR conducted 3,060 conferences, workshops, and trainings in Fiscal 2019 which was an increase from the previous fiscal year. However, the first four months of Fiscal 2020 saw a decline from the same period in Fiscal 2019, from 1,051 to 484. However, due to larger events, the number of people served only decreased slightly from approximately 42,000 to 39,000. The number of youth-based sessions increased from 48 to 52.
- CCHR's goal to provide services to all New Yorkers, regardless of language, is illustrated through the 1,677 completed requests for interpretation in Fiscal 2019. CCHR has accomplished this through its efforts in hiring staff who speak more than 35 languages.
- The average wait time when reaching CCHR customer service agents by phone was six minutes in Fiscal 2019, remaining unchanged from the previous fiscal year.

## Appendices

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

<i>Dollars in thousands</i>	FY20			FY21		
	City	Non-City	Total	City	Non-City	Total
<b>CCHR Budget as of the FY20 Adopted Budget</b>	<b>\$14,158</b>	<b>\$0</b>	<b>\$14,158</b>	<b>\$14,142</b>	<b>\$0</b>	<b>\$14,142</b>
<b>Other Adjustments</b>						
Agency Phone Plan Review	(1)		(1)	(3)		(3)
CSBA Collective Bargaining	143		143	158		158
Doris Grant	47		47			
Lease Adjustment	3		3			
<b>TOTAL</b>	<b>192</b>		<b>192</b>	<b>155</b>	<b>0</b>	<b>155</b>
<b>CCHR Budget as of the Preliminary FY21 Budget</b>	<b>\$14,350</b>	<b>\$0</b>	<b>\$14,350</b>	<b>\$14,297</b>	<b>\$0</b>	<b>\$14,297</b>

### B: CCHR Contract Budget

<b>CCHR FY21 Preliminary Contract Budget</b>				
<i>Dollars in Thousands</i>				
<b>Category</b>	<b>FY20 Adopted</b>	<b>Number of Contracts</b>	<b>FY21 Preliminary</b>	<b>Number of Contracts</b>
Printing Contracts	\$450	1	\$450	1
Professional Services- Computer Services	97	3	97	3
Contractual Services – General	90	1	0	0
Cleaning Services	14	2	14	2
Data Processing Equipment	6	1	6	1
Maintenance and General Repairs	5	6	5	6
Office Equipment Maintenance	5	2	5	2
<b>TOTAL</b>	<b>\$668</b>	<b>16</b>	<b>\$578</b>	<b>15</b>

## C: PMMR Performance Data

SERVICE 1: Enforce the NYC Human Rights Law	Actual			T		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Inquiries received	NA	9,513	9,804	*	*	3,450	3,641
Matters initiated	NA	1,576	2,319	*	*	590	366
Pre-complaint resolutions	310	193	537	*	*	86	131
Modifications for accessibility for people with disabilities	307	90	174	*	*	26	25
Complaints filed	806	805	792	*	*	302	187
Complaints closed	536	730	986	*	*	319	263
– Complaints closed (%) - no probable cause determination	7%	4%	3%	*	*	5%	0%
– Complaints closed (%) - probable cause determination	4%	5%	7%	*	*	5%	6%
– Complaints closed (%) - administrative cause	65%	68%	60%	*	*	58%	55%
– Complaints closed (%) - settlement	24%	23%	30%	*	*	32%	39%
Complaints successfully mediated	0	26	37	*	*	11	12
Complaints referred to the OATH	21	36	38	*	*	8	9
Value of damages for complainants (\$)	\$2,287,445	\$3,785,312	\$5,306,052	*	*	\$1,275,812	\$2,094,863
Value of civil penalties imposed (\$)	\$379,250	\$487,250	\$788,261	*	*	\$165,000	\$460,000
Open matters	NA	NA	3,968	*	*	2,749	2,713
Open complaints	1,643	1,829	1,697	*	*	1,822	1,635
Average age of complaint caseload (days)	468	553	576	↓	↓	561	612
Complaints pending by age - less than one year	728	721	668	*	*	789	561
<b>SERVICE 2: Educate the community on the NYC Human Rights Law</b>							
Conferences, workshops and training sessions	2,947	3,127	3,060	3,000	3,000	1,051	484
Youth-based training sessions conducted	173	186	266	250	250	48	52
People served	69,087	80,454	97,395	80,000	80,000	42,374	38,923
Responses to bias-based incidents	NA	146	235	*	*	103	124
<b>Agency Customer Service</b>							
Letters responded to in 14 days (%)	86.70%	83.00%	96.00%	*	*	98.00%	100.00%
E-mails responded to in 14 days (%)	97.30%	98.00%	99.00%	*	*	99.00%	100.00%
Completed customer requests for interpretation	1,425	1,756	1,677	*	*	580	557
Average wait time to speak with a customer service agent	9	6	6	*	*	6	5
CORE customer experience rating (0-100)	98	99	NA	*	*	NA	NA
* Critical Indicator     "NA" Not							

Source: Preliminary Mayor's Management Report