



Fighting for Justice

New York Voices of the Civil Rights Movement

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

2009
Annual Report

In memory of former
NYC Human Rights Commissioner/Chair

Dennis deLeon

1948 - 2009

2009 Annual Report

NEW YORK CITY COMMISSION ON HUMAN RIGHTS



MICHAEL R. BLOOMBERG, MAYOR
PATRICIA L. GATLING, COMMISSIONER/CHAIR
NEW YORK CITY COMMISSION ON HUMAN RIGHTS

Message from the Mayor



A little over 400 years ago, Henry Hudson sailed into our harbor looking for success in a new world, and since that day, the world has never stopped coming – your ancestors and mine, dreamers from every corner of the earth searching for a better life. This City belongs to us, and to them, and to everyone who ever hoped to make a brand new start of it.

This wealth of diversity and culture of acceptance has built and shaped our City, and the belief in the promise and unlimited opportunities the City offers has sustained us through so many years. This is what makes New York

City so special and why it is the greatest city in the world.

Yet, we are now are faced with new challenges. The national recession has hit hard all across the nation and has not spared New York City. In these tough times, the various diverse communities who helped build this City are often the most vulnerable to prejudice and discrimination.

This City's commitment to demanding and achieving progress in every area has not waned. That includes vigorously enforcing the City's Human Rights Law, one of the most comprehensive civil rights laws in the nation, which ensures that everyone is treated equally and fairly. Under the Law, individuals who live in, work in, or visit the City are protected from discrimination in employment, housing, and public accommodations.

That is why eight years ago I appointed a tough Brooklyn prosecutor -- Patricia L. Gatling -- to head this City's anti-discrimination efforts. She and her dedicated team of attorneys and human rights specialists have continued to build upon protecting and advancing the civil rights of all New Yorkers and visitors.

The Commission on Human Rights has been more vigilant than ever in aggressively investigating complaints of discrimination, testing for systemic abuse, and educating the community at a grass roots level. I am proud of what they have achieved, including their ambitious online civil rights museum. I invite you to learn more about that and the Commission's work in their 2009 Annual Report.


Michael R. Bloomberg

Message from the Commissioner



Here at the Commission on Human Rights, we enforce the NYC Human Rights Law – the oldest and strongest civil rights law in the nation. But an equally challenging part of our mission is to teach New Yorkers and visitors about the Law. Education about the *letter* of the law leads to discrimination cases filed, and education about the *spirit* of the law leads to a better understanding among the hundreds of different communities in our great City.

Fighting for Justice: New York Voices of the Civil Rights Movement – reflected in this year’s Annual Report cover – is part of that education.

We recently created an online Civil Rights Museum (www.nyc.gov/fightingforjustice) featuring three short films we co-produced with NYC Media. The films, *Fighting for Justice: New York Voices of the Civil Rights Movement*, highlight the work of Esther Cooper Jackson, Clifford L. Alexander, Jr., and Elsie Richardson, whose contributions helped pave the way toward progress for equal justice for African-Americans, and whose stories begin to tell about New York City’s formative place in the national Civil Rights Movement. Through films and other related materials, the website will illustrate that New York City was the hub of a struggle to achieve equality and justice that so many other movements have looked to for strategy and strength.

Also, along with our partners, NYC Media, and in collaboration with the Apollo Theater Education Program, we presented a public screening of the *Fighting for Justice* film at the Apollo Theater followed by a panel discussion. In addition to Mrs. Jackson and Mr. Alexander, panelists included: author and Baruch College Professor Dr. Clarence Taylor; author and Northwestern University Associate Professor Dr. Martha Biondi; and documentary filmmaker Shola Lynch. Keith Brown, Senior Vice President of News and Public Affairs at BET Networks, moderated the discussion.

The website, films, and Apollo Theater event stem from a project we launched two years ago when we began filming interviews with some of New York City’s living legends. So far, we have interviewed 16 notable individuals and plan on more interviews, making them available on our website.

Let me share a few of our other highlights.

We have continued to monitor the hiring practices of the 15 advertising agencies that signed historical diversity agreements with us in 2006. In March of this year, we issued our second summary chart, which

highlighted that most of the ad firms had either met or exceeded their 2008 hiring goals, while the others, as per our agreements, hired outside assistance to meet those goals. Although the 3-year agreements ended at the close of 2009, we are examining other avenues to ensure diversity in employment in the advertising industry remains on the “front burner.”

Since reorganizing our Law Enforcement Bureau (LEB) in 2008 and utilizing our attorneys to handle all the cases filed with the agency, our productivity has dramatically increased. We have been able to close 36% more cases than the year before. Additionally for the same time period, settlements have risen 10% and the number of cases we have referred to the Office of Administrative Trials and Hearings has increased dramatically. And our total number of pending cases has decreased by 29%.

Our employment discrimination-testing program continues to be an important part of our work. The program encompasses sending out matched pairs of testers (Caucasians and African-Americans or Latinos) who apply for the same jobs with equivalent résumés, testing for race and gender discrimination. We have referred approximately 10% of the total number of tests conducted to our Law Enforcement Bureau for further investigation into possible discriminatory practices and have thus far collected \$157,500 in fines from employers since launching the program in 2007.

During 2009, housing discrimination complaints composed nearly 30% of the total amount of complaints we received, due in large part to the March 2008 amendment to the Human Rights Law, which added “lawful source of income” as a new protected class in housing. Our increased educational efforts and aggressive enforcement of the Law were also factors in the larger number of housing complaints. We resolved nearly 60% of these types of complaints, and have been able to obtain apartments for 142 complainants who were initially denied housing because they received government assistance for their rent.

We have also maintained our aggressive anti-discrimination efforts through the community programs we provide, reaching thousands of individuals.

Nearly 45% of the Commission’s workshops focus on a program we initiated a little over a year ago, *Working for Real: Employment Rights and Discrimination in the Workplace*. We reached over 15,000 individuals in workforce development agencies and other back-to-work programs during 2009, emphasizing workplace-related issues such as discrimination in employment, sexual harassment, and conflict resolution. Clients learn how to better understand and address these issues within the dynamics of the workplace environment.

The adult literacy curriculum we provide for ESOL classes (English for Speakers of Other Languages) throughout the City continues to be an important part of our Immigration-Related Employment Discrimination Program. The program reaches a large group of individuals who are vulnerable to this type of discrimination due to their national origin or citizenship status, while also advancing their language proficiency that is so essential for job acquisition, retention and advancement. The six hours of coursework we designed, including a workbook in teacher and student formats, *The Right to Work: Understanding Immigrant Employment Rights*, are an integral part of the ESOL classes conducted at public libraries, community colleges, and workforce development agencies. Both workbooks, with accompanying DVD, are available on our website and can also be viewed on the US Department of Justice’s website.

For some individuals, especially the elderly and disabled, installing a ramp at their building entrance has enabled many of them to enter and exit on their own for the first time in years. As part of our Equal Access Program, we continue to successfully negotiate disability modifications in housing, public accommodations, and employment for such individuals. For the seventh year in a row, we have obtained over 150 modifications such as ramps, grab bars, and bell and buzzer systems.

Looking ahead, we will continue to build our NYC Civil Rights online museum, *Fighting for Justice: New York Voices of the Civil Rights Movement*, with additional interviews and related materials, preserving some of the stories that helped shape this City's role in the national Movement.

We expect to kick off a new presentation series at parole and probation orientation sessions alerting men and women recently released from prison about the protections they have, under the NYC Human Rights Law, against discrimination in employment based on their arrest or conviction record. We are also producing a bi-lingual booklet, *Turning the Game Around: NYC Can Help*, that will contain other helpful job and housing information for the formerly incarcerated, who are often quite vulnerable to discrimination, especially in a tough economy.

We will expand our popular Immigrant Employment Rights Program that includes daily presentations to new citizens, the instruction in ESOL classes I previously mentioned, and workshops for employers.

Because we are constantly looking to maximize the number of people we reach, especially youth, we will expand our community educational services through our website. This will consist of videos and photos, links and resources – including curriculum, fact sheets, and timelines.

Since 2002, we have brought justice to thousands of individuals seeking resolutions to their issues of discrimination through vigorous enforcement of the City Human Rights Law, and we have also educated tens of thousands of individuals about the Law. We have served New Yorkers and visitors effectively, efficiently, and compassionately, and our commitment to fighting discrimination is reflected in our achievements.

I am proud to serve as this City's Human Rights Commissioner, enforcing one of the strongest civil rights laws in the nation and protecting New Yorkers and its visitors from discrimination.



Patricia L. Gatling

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Introduction

The New York City Human Rights Law is one of the most comprehensive civil rights laws in the nation. The Law 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, marital status and partnership 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 protections based on lawful occupation, family status, and any lawful source of income. The City Human Rights Law also prohibits retaliation and bias-related harassment.

The New York City Commission on Human Rights is charged with the enforcement of the Human Rights Law, Title 8 of the Administrative Code of the City of New York, and with educating the public and encouraging positive community relations. The Commission is divided into two major bureaus -- Law Enforcement and Community Relations. The Law Enforcement Bureau is responsible for the intake, investigation, and prosecution of complaints alleging violations of the Law. The Community Relations Bureau 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.

Law Enforcement Bureau

The Commission's Law Enforcement Bureau (LEB) enforces the NYC Human Rights Law. LEB is responsible for the intake, investigation, and prosecution of complaints alleging violations of the Law.

The number of new cases the Commission filed in 2009 was 430. In addition, the Commission successfully resolved 262 allegations of discrimination through pre-complaint intervention. Pre-complaint intervention assures a speedy resolution without the necessity of filing a complaint, avoiding costly and lengthy litigation.

An example of a pre-complaint intervention involved a single mother in the Bronx who was initially denied an apartment based on her lawful source of income. LEB successfully intervened on behalf of the mother, who was provided with a two-bedroom apartment.

LEB also successfully intervened on behalf of an elderly Russian-speaking woman who resides in Queens. She became eligible for housing assistance and wanted to remain in her current apartment but the housing provider refused to accept the woman's Section 8 rent voucher until the Commission informed him of the Human Rights Law.

LEB successfully intervened on behalf of a couple, both wheelchair users, who had been told by a ticket agent that the Broadway theatre they wanted to go to could only accommodate one wheelchair user. The Commission called that theatre, which instituted a policy-change, enabling the couple to attend the show together.

In addition to the 262 allegations resolved through pre-complaint intervention, the Commission resolved 680 filed cases in 2009. The Commission's two-pronged approach -- an intensive initial interview of the complainant followed by an

immediate investigation of the facts alleged -- provides investigators with a greater ability to gather evidence, identify witnesses, and build the strongest case. This successful approach is responsible for a significant increase in Probable Cause Determinations and Settlements since 2002. More importantly, the Commission restructured LEB to maximize its efficiency, using staff attorneys to conduct all of its investigations, while shifting away from the use of Human Rights Specialists. This has enabled the Commission to increase its caseload and decrease the amount of time it takes to issue a determination.

During 2009, 344 of the 388 pending cases at Commission were under one year old, as compared to just 14% of the total amount at the beginning of this administration. In 2009, there were no cases seven years or older as compared to 2002, when there were 1,500 cases at the Commission seven years or older. The overall reduction in cases since 2002 has given investigators the ability to focus on current cases and not be burdened with overwhelming case loads.

Orders

In 2009, the Commission took four cases to trial and issued six post-trial Orders.

On February 19, 2009, the Commission ordered the owner of a dry cleaner to pay a \$1,000 fine to the City and \$640 in compensatory damages to the complainant, whose termination was based on her age. The \$640 represents wages over a 4-week period, the time it took her to find another job.

On February 19, 2009, the Commission ordered the owner of a car service and an employee to pay a \$3,000 fine to the City and \$1,000 in compensatory damages to the complainant who was

ordered to pay his fare in advance, was not dropped at the requested location, and was subjected to derogatory comments about his race and color.

On July 7, 2009, the Commission ordered an impound yard to pay a \$15,000 fine to the City and \$1,000 in compensatory damages to the complainant after an employee made racist and disparaging remarks, expressed her dislike for foreigners, and made the complainant wait an unusually long time to retrieve her vehicle.

On August 12, 2009, the Commission ordered a car service to pay a \$15,000 fine to the City and \$7,000 in compensatory damages to the complainant after refusing to transport the complainant because she uses a wheelchair.

On September 25, 2009, the Commission ordered a housing provider to pay the complainant, a tenant, a refund of \$5,682.50 -- the amount of excess rent the tenant paid because the respondent refused to accept the tenant's section 8 voucher.

On December 10, 2009, the Commission ordered a housing provider to pay a \$50,000 fine to the City and \$30,000 in compensatory damages to the complainant, an elderly disabled woman, after denying permission to install a walk-in shower in place of her tub at no cost to the building owner.

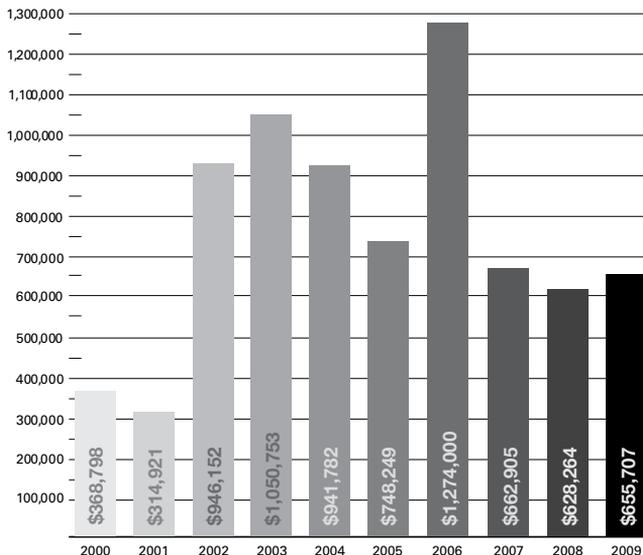
Fines

In 2009, the Commission assessed and collected fines totaling \$184,750.

Settlements

The Commission has the authority to obtain cash settlements for those aggrieved by violations of the Human Rights Law. In 2009, the total dollar value of settlements was \$655,707. Non-cash settlements successfully negotiated by the Commission include rehiring, policy changes, and modifications for accessibility.

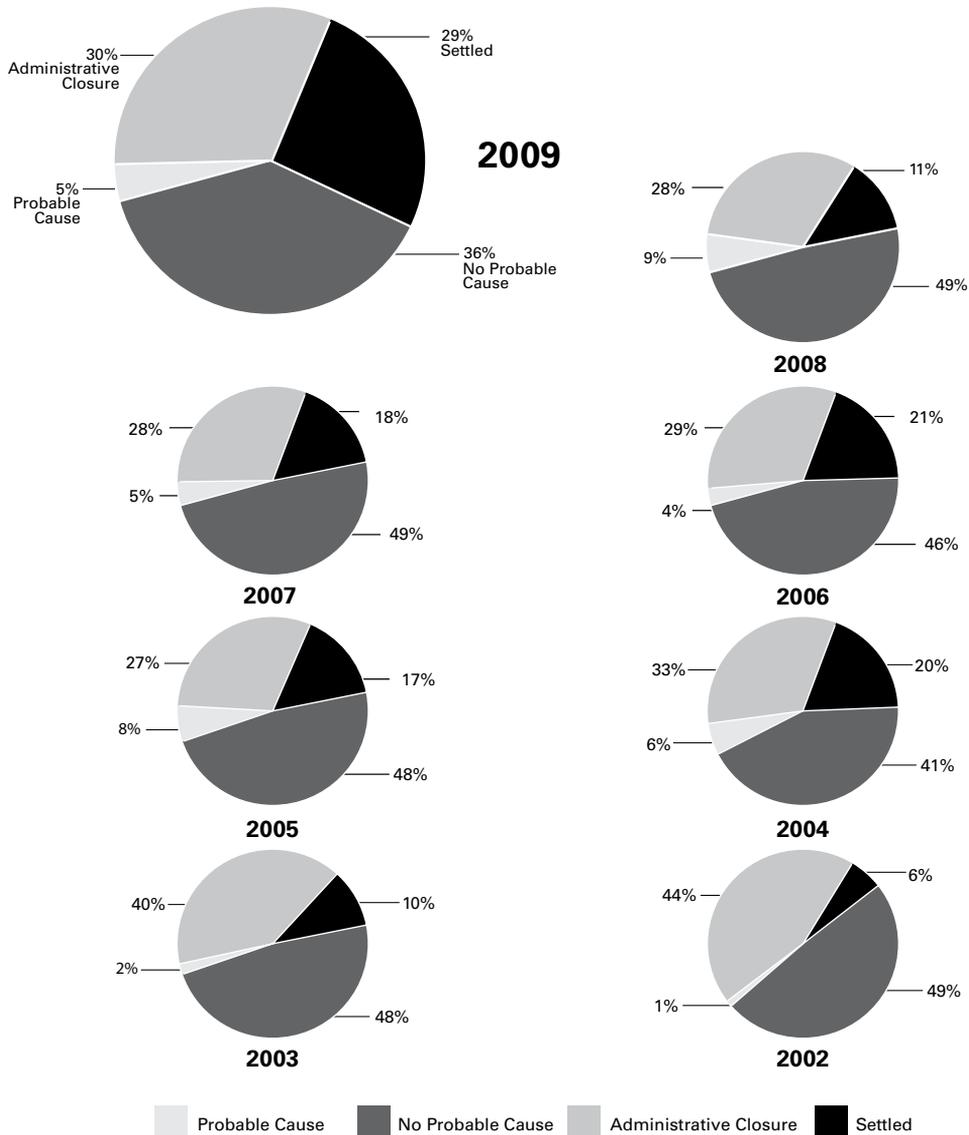
SETTLEMENTS



Determinations and Resolutions

Since 2002, Settlements have dramatically risen as the Determinations and Resolutions chart illustrates.

DETERMINATIONS AND RESOLUTIONS



Disability Access

Many of New York’s buildings, stores, and other public accommodations are not accessible to people with disabilities. As a result of its aggressive efforts in 2009, the Commission successfully negotiated 212 modifications for individuals with disabilities; more than double the amount in 2002. Most of these modifications were accomplished through pre-complaint intervention.

The Equal Access Program assists the disabled community by identifying architectural and financial resources that are available, advocating for the disabled when dealing with landlords and/or service providers, and assisting with legal actions if intervention fails. Community Relations staff members, trained in conducting investigations at various sites requiring disability access, have coordinated their efforts with the Law Enforcement Bureau.

Modifications secured through the Commission include: installing permanent and portable ramps, both interior and exterior, bell

and buzzer systems for entry to stores, offices, and apartment buildings, hand rails, grab bars, accessible fitting rooms, and bathrooms; widening of aisles; permitting guide dogs in residences where dogs are prohibited; moving disabled individuals to accessible apartments or buildings; removal of cart corrals and gates; permitting a disabled tenant to have a washing machine in the apartment; lowering of tub, kitchen cabinets, microwave, and an air conditioner; widening the kitchen and bathroom doors; removal of turnstiles and making entrance accessible; widening of check-out aisle and keeping it open all hours the business is open; disability parking spaces with signage; new crosswalks; installation of electric doors; the use of side locked entrances; and seating in all price ranges for theatre goers at 3 locations.

LEB Staff

The Law Enforcement Bureau consists of 17 attorneys, 4 Human Rights Specialists, including one retired NYPD officer, and 4 support staff members.

COMPLAINT PROCESS

INTAKE	An investigator or attorney conducts the interview and tries to intervene and resolve the issue before generating a complaint.
COMPLAINT IS FILED	Office of Docketing files and serves the complaint; parties are invited to mediate.
INVESTIGATION	Investigator or attorney interviews witnesses, reviews documents.
DETERMINATION	Probable Cause: assignment to an attorney for prosecution. No Probable Cause: case is dismissed, complainant may appeal to the Commissioner.
THE HEARING PROCESS	Administrative Law Judge holds a pre-trial conference. If case does not settle, Administrative Law Judge conducts a hearing and issues a Report and Recommendation.
FINAL DECISION AND ORDER	The Commission issues a Final Decision and Order. If no liability found: case dismissed. If liability found: relief ordered.

Community Relations Bureau

The Law charges the Commission with encouraging understanding and respect among New York City's many communities. To address this mission, the Community Relations Bureau (CRB) provides services through the Commission's five borough-based Community Service Centers.

The various services of the Community Relations Bureau's field operation compose its Neighborhood Human Rights Program (NHRP). The NHRP works on a local level with block, tenant, religious, educational, merchant, and community groups to improve and stabilize communities, educate them about the protections they have under the Human Rights Law, and connect them to the Commission's law enforcement functions and other City services.

Each field office, or Community Service Center, offers the Commission's many services including: Immigrant Employment Rights training; Equal Access (disability access) investigations, workshops, and interventions; School Program sessions with three separate curricula (NYC Human Rights Law, Sexual Harassment, and Conflict Resolution); Peer Mediation Training in high and middle schools; and Mortgage Counseling and Predatory Loan Prevention to reduce predatory lending practices. Dedicated teams of Human Rights Specialists staff each borough office.

As part of a comprehensive public education campaign, the Commission published its informational booklet in several languages, including Chinese, English, French, Haitian Creole, Korean, Russian, and Spanish. The contents of these books appear on the Commission's website: www.nyc.gov/cchr. In addition to those languages, some of the Commission's info cards have also been printed in Arabic, Urdu, and Polish.

The Commission maintains its aggressive outreach campaign to the public through the programs it provides.

Immigrant Employment Rights

The Commission conducted 343 workshops, ESOL classes, and other outreach events during 2009 to inform immigrant workers, employers, and

immigrant advocacy organizations about their rights and obligations under Federal and City laws. The discussions, instructions in adult literacy classes, presentations to new citizens, literature, and other presentations explained discrimination based on national origin and citizenship or alienage status. The citywide presentations were conducted in English, Spanish, Haitian Creole, and Russian.

Discrimination in Employment

During 2009, CRB fully implemented a new program *Working for Real: Employment Rights and Discrimination in the Workplace*, which had been developed and piloted in 2008. This program provides workshops throughout the City's many workforce development and other back-to-work agencies. This anti-discrimination program also provides information and resources for members of the disabled community, individuals with arrest and/or conviction records, and victims of sexual harassment. Recessionary economics and rising unemployment have expanded the need for these workshops at organizations such as Goodwill Industries and FEG. The Commission also piloted a new curriculum for people who were formerly incarcerated with workshops conducted through Hour Children—Women Returning from Prison in Queens and the Arbor Back-to-Work Program in Brooklyn.

Equal Access

The Commission continues to expand its Equal Access Program. In conjunction with LEB, CRB staff regularly conducts investigations and provides pre-complaint intervention when individuals experience accessibility problems. As a result, CRB staff successfully negotiated 176 modifications during 2009 through pre-complaint intervention, and LEB negotiated an additional 36 modifications. Modifications secured through the Commission include: installing permanent and portable ramps, both interior and exterior, bell and buzzer systems for entry to stores, offices, and apartment buildings, hand rails, grab bars, accessible fitting rooms and bathrooms; widening of aisles; permitting guide dogs

in residences where dogs are prohibited; moving disabled individuals to accessible apartments or buildings; removal of cart corrals and gates; permitting a disabled tenant to have a washing machine in the apartment; lowering of tub, kitchen cabinets, microwave, and an air conditioner; widening the kitchen and bathroom doors; removal of turnstiles and making entrance accessible; widening of check-out aisle and keeping it open all hours the business is open; disability parking spaces with signage; new crosswalks; installation of electric doors; the use of side locked entrances; and seating in all price ranges for theatre goers at 3 locations.

School Program

Commission staff members visited 23 City schools and 23 youth centers, conducting 181 sessions and teaching over 3,910 students in grades 6-12 three basic curricula: the Human Rights Law, Sexual Harassment, and Conflict Resolution. The Conflict Resolution workshops are the most requested and often lead to the schools' interest in the Commission's Peer Mediation Training Program.

The Commission's Peer Mediation Training Program prepares middle and high school students to become Peer Mediators. These students then assist their peers in resolving differences before they escalate into violence. CRB's approach to teaching young students how to be peer mediators is grounded in the principles that underlie the Human Rights Law -- tolerance, human dignity, and respect. The 8-10 week after-school program also teaches these young students valuable life skills such as patience, persistence, active listening, and problem solving, while presenting alternatives to threats and violence. Students, faculty, and staff experience benefits from the program. Approximately 20 students per school participate in the Peer Mediation Training Program. The Commission once again revised and published *Talk it Over: A Peer Mediator's Guide* to assist the student mediators with the mediation process.

During the 2008–2009 school year, 120 high school students from 8 schools throughout the City graduated from the Peer Mediation Training Program.

Fair Housing

The Commission participates in many activities to promote fair housing -- equal housing opportunity under the law. These activities include: fair housing training for providers and protected groups; resolution of informal housing complaints, particularly those that are disability-related; investigation of unlawful real estate practices; providing technical assistance to tenants as part of the City-wide Task Force on Housing Court; and active participation in community activities that encourage harmonious intergroup relations and neighborhood stability in areas undergoing ethnic change. In 2009, CRB delivered 82 Fair Housing workshops.

Mortgage Counseling and Predatory Loan Prevention

The Commission's 5 trained counselors are assigned to each of the Commission's borough-based Community Service Centers. The Commission is a HUD-certified Housing Counseling Agency, receiving most of its clients from HUD when those individuals are behind in their mortgage payments and their homeownership is in jeopardy.

CRB staff members conduct outreach and counseling services to address the community instability created by predatory lending practices. These practices include excessively high fees and commissions, misrepresentation of the mortgage's terms and conditions, high interest rates, repeated financing of loans, balloon payments, and the financing of high-cost credit insurance. CRB staff provided 1,471 counseling sessions for 252 homeowners facing foreclosure and also conducted 6 workshops, advising people about the services the Commission provides.

The Commission continued its aggressive outreach campaign to complement its counseling services. Staff members distribute information and helpful resources, including consumer and banking information. The Commission also participates in homeownership seminars and predatory lending workshops in communities vulnerable to this type of discrimination.

Other Activities

CRB was awarded another grant from the US Department of Justice Office of Special Counsel for Federal Fiscal Year 2010 to support the Commission’s ESOL program *The Right to Work: Immigrant Employment Rights*. The student and teachers’ workbooks are posted on the Commission’s website and are also available though the US Department of Justice’s Civil Rights Division’s website.

By year-end, the Commission delivered

86,018 units of service throughout the five boroughs.

The Commission’s educational programs and services were supplemented in 2009 with funding by: U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices; JPMorgan Chase; and the Tiger Baron Foundation.

CRB Staff

The Community Relations Bureau consists of 33 program and field staff and 5 support staff members.

COMMUNITY PROGRAMS

IMMIGRANT EMPLOYMENT RIGHTS	Presentations and materials on employment protection for immigrants (City law and Federal law) for: 1) immigrant workers; 2) employers; 3) immigrant advocacy organizations.
DISCRIMINATION IN EMPLOYMENT AND THE WORKPLACE	Presentations to individuals seeking new employment or reentering the workforce for: 1) clients in workforce development agencies and other back-to-work programs; 2) individuals with disabilities; 3) individuals with arrest and/or conviction records; 4) victims of sexual harassment.
EQUAL ACCESS	The Program provides: 1) investigation of individual inquiries (interviews, space assessment, code assessment, analyzing possibilities of code compliance, discussion of the law); 2) intervention, i.e. educating and negotiating with owners (calls, letters, visits); 3) group presentations regarding disability rights to consumers, business people, social service agencies, and hospitals; 4) drafting complaints and follow-up investigations.
SCHOOL PROGRAM	Present three basic curricula, the “NYC Human Rights Law,” “Sexual Harassment,” and “Resolving Conflict”: 1) to school classes (grades 6-12); 2) to parent groups.
PEER MEDIATION & COMMUNITY MEDIATION	The Mediation Program: 1) responds to requests to mediate bias and other community disputes; 2) sets up peer mediation groups in schools (grades 6-12); 3) delivers conflict resolution training to community groups as well as not-for-profit and school personnel.
FAIR HOUSING, MORTGAGE COUNSELING & PREDATORY LOAN PREVENTION	HUD-referred counseling for individuals facing the loss of their homes that includes: 1) reviewing in person their financial and mortgage status; 2) writing letters to creditors or banks to negotiate payment; 3) exploring alternatives to foreclosure with individuals and lending institutions; 4) referring cases of suspected predatory lending; 5) distributing literature and participating in housing coalitions; 6) community presentations on predatory lending and foreclosure prevention, and Fair Housing

FY 2010 Budget

The Commission's funding comes primarily from City tax-levy monies and the Federal Community Development Block Grant (CDBG) administered by the US Department of Housing and Urban Development (HUD). A contract with the Equal Employment Opportunity Commission (EEOC) and a supplemental grant from the US Department of Justice provide additional funding.



City Tax-Levy	\$2,408,443
Federal Community Development Block Grant	\$4,494,356
TOTAL	\$6,902,799

Additional Program Grant Funding

EEOC Contract (Workshare agreement)	\$85,450
US Department of Justice	\$65,453
TOTAL	\$150,903

Major Highlights

Summary Chart Issued on Ad Agencies

In March 2009, the Commission issued its second summary chart on whether 15 of the City's largest advertising agencies had met their 2008 hiring goals. The numbers revealed that most of the agencies that signed the ground breaking diversity agreements in 2006 either met or exceeded their own goals. As part of the historic agreements, they must establish minority recruitment goals for 3 years in the creative and managerial positions and report annually to the Commission whether they have met those goals. The agencies that fell short hired outside assistance, under the terms of the agreements. The Commission will continue to monitor the agencies' progress through 2009, when the agreements expire. The agencies are: Arnold Worldwide; Avrett, Free & Ginsberg; BBDO; DDB; Draft FCB; Euro RSCG Worldwide; Gotham, Inc.; Grey Direct; Grey Interactive; Kaplan Thaler Group, LTD.; Merkley + Partners; Ogilvy & Mather; PHD USA; Saatchi & Saatchi; and Young & Rubicam.

Fighting for Justice: New York Voices of the Civil Rights Movement

The Commission and NYC Media Group have produced three 12-13 minute films as the beginning of a collection of short profiles of individuals highlighting New York City's formative place in the national Civil Rights Movement. The films focus on the lives and contributions of Esther Cooper Jackson, Clifford L. Alexander, Jr., and Elsie Richardson, and are prominently displayed on the Commission's new website. The website, an online Civil Rights museum, illustrates the City's prominent role in the Movement through the films and other materials. The Commission and NYC Media Group, in collaboration with the Apollo Theater Education Program, presented a preview screening followed by a panel discussion at the Apollo Theater.

Back-to-Work Agencies

The Commission launched *Working for Real: Employment Rights and Discrimination in the Workplace*, a workshop series for clients in workforce development agencies and other back-to-work programs. These presentations emphasize workplace-related issues such as discrimination in employment, sexual harassment, and conflict resolution. Clients learn how to better understand and address these issues within the dynamics of the workplace environment. Nearly 45% of the Commission's workshops focus on this program, reaching over 15,000 individuals annually.

Immigration-Related Employment Discrimination

The Commission's adult literacy curriculum *The Right To Work: Understanding Immigrant Employment Rights* is being delivered in ESOL (English for Speakers of Other Languages) classes at public libraries, community colleges, and workforce development agencies reaching individuals likely to experience employment discrimination due to their national origin or citizenship status, while advancing their language proficiency essential for job acquisition, retention and advancement. The Commission continues to offer daily presentations to new citizens, instruction in ESOL classes, and workshops for employers – currently reaching nearly 1,000 individuals a week.

Employment Discrimination Testing

Under the Commission's testing program in employment for race and gender discrimination, matched pairs of testers (Caucasians and African-Americans or Latinos) who apply for the same jobs with similar résumés, have conducted nearly 650 tests since the program kicked off in January 2007. CCHR has referred approximately 10% of these tests to its Law Enforcement Bureau for investigation into possible discriminatory hiring practices. The Commission has collected \$157,500 in fines from employers.

Closures

The Commission closed 36% more cases in FY 2009 compared to FY 2008, due in part, to the reorganization of its Law Enforcement Bureau and the fact that attorneys handle all the cases filed with the agency. Additionally, for the same time period, settlements have risen 10% and the number of cases referred to the Office of Administrative Trials and Hearings has increased dramatically. This reorganization has also resulted in the number of total pending cases decreasing by 29%.

Lawful Source of Income Efforts

Since the March 2008 passage of an amendment to the City's Human Rights Law that protects Section 8 and other government assistance recipients from housing discrimination, the Commission has filed 204 cases and settled 97 complaints. Additionally, the Commission has resolved 41 allegations of discrimination through pre-complaint intervention, resolving the allegation before a formal complaint is filed. The Commission has assessed fines against building owners totaling \$31,500 and has obtained cash settlements for complaints totaling \$33,093. Also as a result of the Commission's efforts, 142 complainants have received apartments they were initially denied because of their lawful source of income.

Commission in the News

The Commission's Communications Division worked closely with both the Law Enforcement and Community Relations Bureaus to develop a media strategy that would maximize the number of people the Commission reaches, informing them of the Commission's work and the NYC Human Rights Law. Part of this aggressive anti-discrimination campaign included highlighting the Commission's high-profile cases and events. The Commission also focused on reaching the City's diverse communities through the ethnic and community press.

Since 2002, the Commission has appeared approximately 950 times in the media, including 55 times during 2009, with the majority prominently

featuring the Commission. These numbers do not include each media outlet's online version of the story, the multiple times a story was broadcast, or blogs.

Significant placements in both New York's print and electronic media included: *The Associated Press*, *NY 1 News*, *The New York Times*, *The NY Law Journal*, *NY Daily News*, *NY Post*, *Staten Island Advance*, *El Diario La Prensa*, *Advertising Age*, *The Chief Leader*, *Black Enterprise*, *Vos Iz Neias*, *Laurelton Times*, *Queens Chronicle*, *City News*, *Gotham Gazette*, *WWRL 1600 AM*, *1010 WINS*. The following two pages provide a sampling of the Commission's 2009 highlights in the media.

Muere de León: luchador feroz contra VIH/SIDA

GOZALDO ARBURTO/ELDP

NUYVA YORK — Dennis De León, uno de los más reconocidos líderes nacionales en la lucha contra el VIH/SIDA, falleció ayer por la mañana a los 61 años en Manhattan.

De ascendencia mexicana, Dennis Lawrence De León nació en Los Angeles el 16 de julio de 1946, hijo de Jess y Josephine Muñoz de León. Realizó sus estudios universitarios en el Occidental College y se graduó como abogado de Stanford Law School en 1974. Ejerció la abogacía y trabajó en el Departamento de Justicia en Washington D.C.

De León inició su carrera en el servicio público en los años 80, primero como director ejecutivo de la Comisión de Asuntos Hispánicos (1982), formada por el entonces alcalde Edward I. Koch. También fue vicepresidente del condado de Manhattan (1986) y comisionado de Derechos Humanos en la administración del alcalde David Dinkins

munications y uno de los colaboradores más cercanos de De León por los pasados 20 años, indicó sentir emociones encontradas de tristeza, dolor y coraje. Cosme señaló que la comunidad ha perdido un gran líder: "Vengo de una generación marcada por el miedo y el sufrimiento por la pérdida de tantos amigos y familiares y su muerte reabre esas heridas". Indicó que en su memoria espera continuar su lucha.

Guillermo Chacón, actual presidente de la Comisión Latina sobre el SIDA, declaró en un comunicado: "Dennis fue un maestro, amigo y ejemplo de lo que un líder latino nacional debe ser. Es un legado para el espíritu humano y el poder de perseverancia. Su dedicación y trabajo para la comunidad no se olvidarán".

Jesús Aguais, presidente y director ejecutivo de *Aid for Aids*, apuntó: "Dennis fue un líder y visionario para identificar e impulsar un nuevo liderazgo



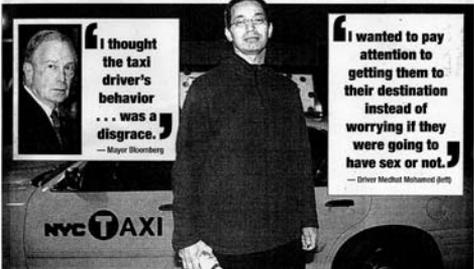
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CORTESIA YANIRA ARIAS
Dennis De León durante una de sus intervenciones en una manifestación.

Recordando a Dennis

El Diario / La Prensa 12/15/09

MIKE WHACKS HACK



Calls boot for gay couple 'a disgrace'

By JON NAMAHO
Tribune Staff Writer

Whether you're gay, straight or anything else, you have the right to ride in a NYC taxi. But Mike Whacks Hack, a taxi driver, says he would not take a gay couple from his taxi because they were "booging."

"I thought the taxi driver's behavior... was a disgrace," says Mayor Bloomberg.

"I wanted to pay attention to getting them to their destination instead of worrying if they were going to have sex or not," Whacks Hack said.

Whacks Hack says he is not anti-gay, but he is anti-gay booging. He says he has heard more on the road and less on the back seat.

"I don't know the facts or what the cabdriver said. I'm just telling you that a cabdriver shouldn't worry about the reactions of the people that get in the taxi cab," he said.

"The cabdriver's job is to get them there safely, as expeditiously as possible."

Bloomberg never played the taxi industry saying, "Hey, hey, the cabdriver makes a good living because we want more people to become cabdrivers."

"If it was another worker, Mayor Bloomberg would be behind the wheel for much longer."

Tribune and Laborer Commission

State Human Rights Law Is Amended to Protect Domestic Violence Victims From Workplace Bias

BY JOEL STASHENKO
ALBANY

ALL DOMESTIC violence victims in New York have gained protection against employment discrimination under a new amendment to the state's Human Rights Law.

Legislation recently signed by Governor David A. Paterson prohibits an employer from firing or refusing to hire someone because they are victims of domestic violence or from discriminating against them in compensation or other conditions of their employment.

New York City has had a similar provision in its Human Rights Law since 2001. The city's Administrative Code §8-107.1 prohibits hiring, firing or discriminating against employees based on their status as a victim of

domestic violence, sex offenses or stalking.

The state law (A755/S958) adds an individual's status as a domestic violence victim to other characteristics employers cannot discriminate against under Executive Law §296(1)(a), including a worker's age, race, religion, gender, national origin, sexual orientation or military status.

The new law defines a domestic violence victim as someone who has been subject to acts that would constitute a family offense under §812(1) of the Family Court Act. Such misconduct includes harassment, menacing, stalking, disorderly conduct and criminal mischief.

"Frequently, an abuser will not only victimize a person physically, they will also try to limit their options by invading their workplaces, making it impossible for them to live a

normal life outside the house," said Commissioner Glenn D. Kirland of the Division of Human Rights.

The new law's chief Assembly sponsor, Amy Paulin, D-Scarsdale, said victims of domestic violence should not be penalized for needing time off to be in court or to meet with attorneys, law enforcement personnel, counselors and other professionals. Victims also need their jobs more than ever when they have become domestic violence victims as a way of becoming independent, she said.

"We are making a statement that employers should be taking the side of the domestic violence

Online
Links to legislation are posted at nycj.com

NY Law Journal 7/30/09

Judge Upholds City Ban On Section 8 Rent Bias

Ruling Says Law Covers Existing Tenants

By MANNY FERNANDEZ
A New York City law that makes it illegal for landlords to discriminate against tenants who receive government subsidies has passed its first major legal test, after a justice in Manhattan upheld a broad interpretation of the law.

The law, which went into effect last March, prohibits landlords from discriminating against tenants based on their use of federal rent subsidies known as Section 8 vouchers, or any other form of local, state or federal government assistance.

Tenants and housing advo-

ruled on Tuesday that the law applied to both existing and prospective tenants. Justice Goodman called the argument by lawyers for the landlords a "strained interpretation" that was inconsistent with the purpose of the law.

The justice's ruling was praised by tenant advocates and City Council members who had pushed for passage of the law, known as Local Law 10. Mayor Michael R. Bloomberg opposed the bill, stating in part that it was the job of the government to make its program more attractive to private landlords, instead of forcing them to participate —

Horror landlord \$oaked

Nixed 'disabled' tub

By DAVID SEPPAN
City Staff Bureau Chief
A Brooklyn landlord faces \$80,000 in penalties, all because he refused to pay two words: "I approve."

For nearly two years, according to the city's Human Rights Commission, King Chai Choi wouldn't give permission for a walk-in shower to be installed in the apartment of an elderly, disabled tenant. In hopes she'd move from her home of 40 years, a \$20-a-month rent-controlled sublet had at 392 Nassau Ave. in Greenpoint.



The installation would have cost the landlord nothing. Since the 77-year-old tenant, Ruth Russell, was suffering from emphysema, heart disease, schistos and rheumatoid arthritis, United Central Policy agreed to put it in for free to replace a bathtub she was afraid to use. "He wants me out," Russell

walk-up. "But he's not getting me out until my legs give out."

For months, Russell battled only every other day. Sometimes, she walked several blocks to bathe at a friend's house. Other times, she'd call one of her children before and after bathing so they could rush to her aid in case of an accident.



CLASH: Greenpoint landlord King Chai Choi (left) faces an \$80,000 hit for blocking an accessible bathroom to aging tenant Ruth Russell (right), which a judge said he had to push her out of her rent-controlled apartment.

Choi ignored every letter sent to him from Russell and the city.

On May 17, when an official got Choi on the phone, he stated that Ms. Russell only pays \$20 per month in rent and wages. Mr. Russell got to a nursing home," the commission said.

On Sept. 25, administrators

"wanton failure to participate" in any proceeding. He also ordered that he pay Russell \$50,000 for mental suffering. Finally, the judge ordered that the shower be installed at Choi's own expense.

Asked last week why he blocked the shower installation for so long, Choi stated he doesn't understand English. The one thing he did manage to say

Bucks Business Network forum



Bucks Business Network forum

Added by Melinda Gottlieb on July 2, 2009 at 10:44 AM

Gathered at the Bucks Business Network forum on avoiding immigration-related employment discrimination, held yesterday at the Renaissance, Grant City, are, from left, Thomas Shea, New York Immigration Coalition Director; Robin Stutman, U.S. Department of Justice and keynote attorney; Patricia Gelling, New York City Human Rights Commissioner; Jeff Henck, Bucks president; and George Fehling, member of Bucks. STATEN ISLAND ADVANCE/IRVING SILVERSTEIN

Staten Island Advance 7/02/09

**Know Your Rights
City Human Rights Law
Deemed More Beneficial**



By JAMES A. BROWN

In this column, I have repeatedly advised readers that there exist not only Federal and state laws which protect against workplace discrimination, but also a local city law. In 2005, I highlighted the New York City Human Rights Law when it was amended by the Local Civil Rights Restoration Act. See "New Spin on an Old Law," (Oct. 21, 2005 issue). The 2005 amendments, which direct that the city law be "liberally construed," clearly make the local law more employee-friendly than its Federal and state counterparts.

Notwithstanding the passage of the 2005 amendments, it has often been a struggle to get judges to accept that

to accomplish its "uniquely broad and remedial purposes." With such a clear expression of legislative intent, the court concluded that the city law was entitled to receive an "independent liberal construction" — one that offers greater protection regarding all discriminatory practices, i.e., hostile work environments, disparate treatment and retaliation.

Harassment Standard Eased

The city law's advantages are perhaps most evident in sexual harassment cases. In a major advance for employees, Williams holds that a plaintiff alleging harassment in violation of the city law is no longer

The Chief 5/29/09

**FEUD MADE TO GO
Furor over 'no Harlem' delivery snub**

By REUVEN BLAU

East Harlem is not on the menu. Area residents are outraged that some East Side restaurants refuse to deliver 15 blocks north to their predominantly minority neighborhood — yet are willing to trek a mile to fill orders on the wealthy Upper East Side. The restaurants include Chinese Mirch on Second Avenue between 94th and 95th streets, and One Fish Two Fish on Madison Avenue and 97th Street. Both establishments refused to deliver dinner 15

blocks north to Spanish Harlem when called by a Post reporter posing as a customer. But they readily offered to make a longer, 20-block trek in the opposite direction. The iron curtain of cuisine "smacks of racism," said Harlem state Sen. Bill Perkins. "The difference between north and south is black and white," he said. The manager of One Fish Two Fish denied any bias, even though his eatery refused to make a delivery to 122nd Street and Madison Avenue, but did fill the reporter's order farther away

on 77th Street. "We can do that," the man who answered the phone said of the order to the tony Upper East Side. Chinese Mirch refused to send food to 110th Street and Second Avenue but had no problem going to faraway 75th Street. "Yeah, you just arrived on the radius. We don't deliver past there," the restaurant told the reporter. The owner of Chinese Mirch declined to comment when confronted with The Post's findings. One Fish's manager, a man who called himself

Veronica and would not give a last name, maintained that the seafood place does deliver to East Harlem. "We are like an urban Cheeser," he said. "We cater to an African-American and Hispanic clientele. We are a multicultural restaurant. We do not discriminate according to areas." He said the eatery's delivery radius extends only 10 blocks in each direction, which is why the order may have been refused. But the Post was able to fill an order 20 blocks south. And Brian Connolly, 42, claimed he had a

similar experience. He said he recently moved, returned to 105th Street and Third Avenue — only eight blocks north of One Fish — but couldn't get them to deliver. "It's just frustrating," the environmental scientist said. "I'm not far away from them, and I was shocked that they wouldn't deliver." "Generally, people in the area told that restaurants would not deliver above 96th Street." The city Human Rights Commission said it would investigate. bit.ly/nypost.com

NY Post 11/08/09

Agencies not only lack black workers, they pay them less

Mehri, NAACP say don't blame the victims, lay groundwork for suit

By MARRISSA MELEY and KEN WHEATON nyajp.com

WHAT'S LONG BEEN anecdotal now has quantitative evidence: A study spearheaded by the Madison Avenue Project and released last week proves that the ad industry doesn't simply have a diversity problem. According to project leader Cyrus Mehri, it is guilty of pervasive racial discrimination that not only underpays and segregates African-Americans but pays them 80 cents for every dollar it pays comparable white employees.

DIVERSITY NUMBERS

Estimates of the black-white earnings gap among college graduates in the advertising industry

1999-2000



Advertising Age 1/12/09

Riverbay required to install lobby door

By Michael Horowitz
Co-op City is required to install a new, handicapped-accessible lobby door for John Rose, Co-op City's leading advocate for the disabled community. Rose and Co-op City's management officials agreed, prior to a hearing at the New York City Human Rights Commission in Lower Manhattan, that

among the community's disabled and elderly populations. Rose noted that management officials have agreed to install a new lobby door in his building that will make it possible for him to enter his building with a coded key. The agreement on the lobby door was limited to Rose's building, but could

they are made. Interviewed this week, Rose, who has been wheelchair-bound from cerebral palsy since birth, withheld comment on whether he intended to organize the disabled community to require the installation of handicapped-accessible doors through Co-op City. Rose noted, "Riverbay's decision to install

to open the door for me when I'm by myself. Federal and state law clearly stipulate, whether Riverbay likes it or not, that entrance ways to most buildings need to be accessible for people like me." Rose added, "I was distressed and dismayed that my fellow shareholders were unwilling to join me in my fight for a new lobby door. They told me that they were afraid of

retribution from Co-op City's management if they supported me. That's really terrible! No one in this community should feel so intimidated that he or she can't express his or her point of view."

to stand up for accountability in open court have done just that and named things around. Terrence Lattini of MCM Mergo stood up and said change would change. Rick Koronovich of Wells Fargo said his company would support its supplier diversity. Law tactics stood up for the New Chrysler. All these men took a stand, and they changed the man, and your world will stop at your presence. And you

HOW TO WIN THE DIVERSITY BATT

If you want results, reinvent yourself and spend time out of your comfort zone

By JO MUSE

MAKER NO MISTAKE about it: Advertising is a career full of strong of mind and spirit, and for those who think winning should occur easily and without great exertion, I learned what it takes to be successful in this crazy business from my teenage years in Southwest Detroit. At least, that's where I learned to work hard, fight dirty, and win street fights with dirt, money and large doses of bravado. But when the problems multinational holding-company executives are facing, it seems the masters of the advertising universe, and everything that's sweet to it, are getting pushed by some crazy New York street fighters. Being an adman, I would like to see any agency survive. So do that will take shelling their perspective and rethinking how to fight like they mean it. So in the spirit of winning the diversity war, here are five things advertising agencies should

environment you've grown used to. It requires stepping into a tight corner of walking away from it. Doesn't it seem just a little odd to you that the owner of Nancy Hill, president-CEO of the American Association of Advertising Agencies, stood up for you at the latest hearing, and the size and nature of the problem seemed to shift. You, in your current moral and spiritual conviction, are a poor match for the courage, nerve and passion of a New York City Council. Get off it. Now is the time to find yourself the moral backbone to match up with those who stand against you. Step away from the safety of the crowd you now stand in. Approach the audience with the power of your conviction and the will to win. Stand up for what you stand for. It may not be Global Holding Company CEO 101, but it is what's wanted and needed for your organization and the industry.

2. STOP FEARING YOUR CLIENTS. Clients don't be as pathetic about it. Always like to see courage, not I



MUSE: Advertising agencies that think winning should occur easily.

Check out other stories in this series

A look at previous articles that ran as part of our Black History Month focus.

Marketers Shouldn't Bypass African-Americans
Marketers make mistakes by talking to majority target nearly 20 billion more.

For Diversity Officers, No Good Deed Goes Unpunished
Three things to increase diversity: Read results come to the criticism.

Sanford Moore Speaks Out

Do Ethnic Shops Have a Future?
It may be far in distance, but

Gay NYC couple accuse taxi driver of bias

By Associated Press
November 05, 2009, 9:12AM

NEW YORK -- New York City officials are investigating a gay couple's claim that a cab driver threw them out of his taxi for hugging.

The Commission on Human Rights and the Taxi & Limousine Commission are looking into the complaint about an incident Monday in Manhattan.

Paul Bruno said the driver pulled over two blocks into the ride and told them to get out.

Bruno said the driver told them hugging wasn't allowed.

Driver Medhat Mohamed told the New York Post in Thursday's editions that things were heating up, and that was distracting him. He said he'd treat a

The Associated Press 11/05/09

Advertising Age 2/23/09

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The Human Rights Commissioners are appointed by the Mayor to serve in a non-salaried position, assisting the Commissioner and Chair, Patricia L. Gatling, in addressing issues of discrimination.

Reverend Dr. Calvin O. Butts III

Pastor of the Abyssinian Baptist Church, one of the founders of the Abyssinian Development Corporation, and President of the State University of New York College at Old Westbury.

Dr. Eda F. Harris-Hastick

ACSW, Ed.D., tenured Associate Professor of Social Work at Medgar Evers College of the City University of New York and a licensed clinical social worker.

William Hibsher

Esq., Litigation Partner at Bryan Cave, LLP in NYC.

Renee Lobo

Producer, broadcast journalist, investigative reporter and anchor for International Television.

Rabbi Haskel Lookstein

Rabbi of Congregation Kehilath Jeshurun and Principal of the Ramaz School.

Grace Lyu-Volckhausen

President of the Tiger Baron Foundation.

Omar T. Mohammedi

Esq., Private attorney specializing in employment discrimination and corporate and real estate transactions.

Derek Bryson Park

Ph.D., investment banker; Vice-Chair of the NYC Industrial Development Agency; Vice-Chair of the NYC Capital Resource Corporation.

Rabbi Joseph Potasnik

Executive Vice President of the NY Board of Rabbis, Senior Rabbi at Congregation Mt. Sinai in Brooklyn Heights, author, and radio personality and commentator.

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Publications

Booklets:

NYC Commission on Human Rights

English/Chinese
English/French
English/Haitian Creole
English/Korean
English/Russian
English/Spanish

Discrimination Against Muslims, Arabs and South Asians in New York City Since 9/11
Survey report

Equal Access: It's the Law
English/Chinese
English/Korean
English/Russian
English/Spanish

Fair Housing: It's the Law
English/Chinese
English/Korean
English/Spanish

Guidelines Regarding Gender Identity Discrimination
English/Spanish

*Making It Happen & Staying Home: Services For You**
English/Spanish
Pocket guide for prisoners and formerly incarcerated

Race At Work: Realities of Race and Criminal Record in the NYC Job Market by Dr. Devah Pager and Dr. Bruce Western
Report on the impact of race, ethnicity and criminal records on securing entry-level positions in NYC

*Talk It Over—A Peer Mediator's Guide **

The NYC Human Rights Law: Administrative Code of the City of NY Title 8

The Right to Work: Understanding Immigrant Employment Rights

Cards:

Commission Offices, Law, and Services

Domestic Violence and Employment Rights
English/Arabic
English/Chinese
English/Haitian Creole
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English/Spanish
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Employment Discrimination (English/Spanish)

Gender Identity

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Brochure:

*Mediation Questions and Answers **

Sexual Harassment in the Workplace
English
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CCHR Newsletters:

Winter 2003
Spring 2003
Summer/Fall 2003
Winter/Spring 2004
Summer/Fall 2004
Summer/Fall 2005
Summer/Fall 2006
Summer/Fall 2007
Summer/Fall 2008
Immigrants and New Citizens 2008-2009*

Annual Reports:

2002 – 2009 Available online: www.nyc.gov/cchr

Posters:

Fair Housing
English
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From Many Countries, One City
Multi-lingual

CD-ROM:

*Discrimination and Race Relations: Selected Reports From the NYC Commission on Human Rights (1935-2005) ***

100 selected major reports, speeches, surveys, documents, testimony from public hearings, and policy papers since the Commission's earliest days in 1934 as a voluntary mayoral committee

DVD:

Fighting for Justice: NY Voices of the Civil Rights Movement
Esther Cooper Jackson
Clifford L. Alexander, Jr.
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*Currently not available online

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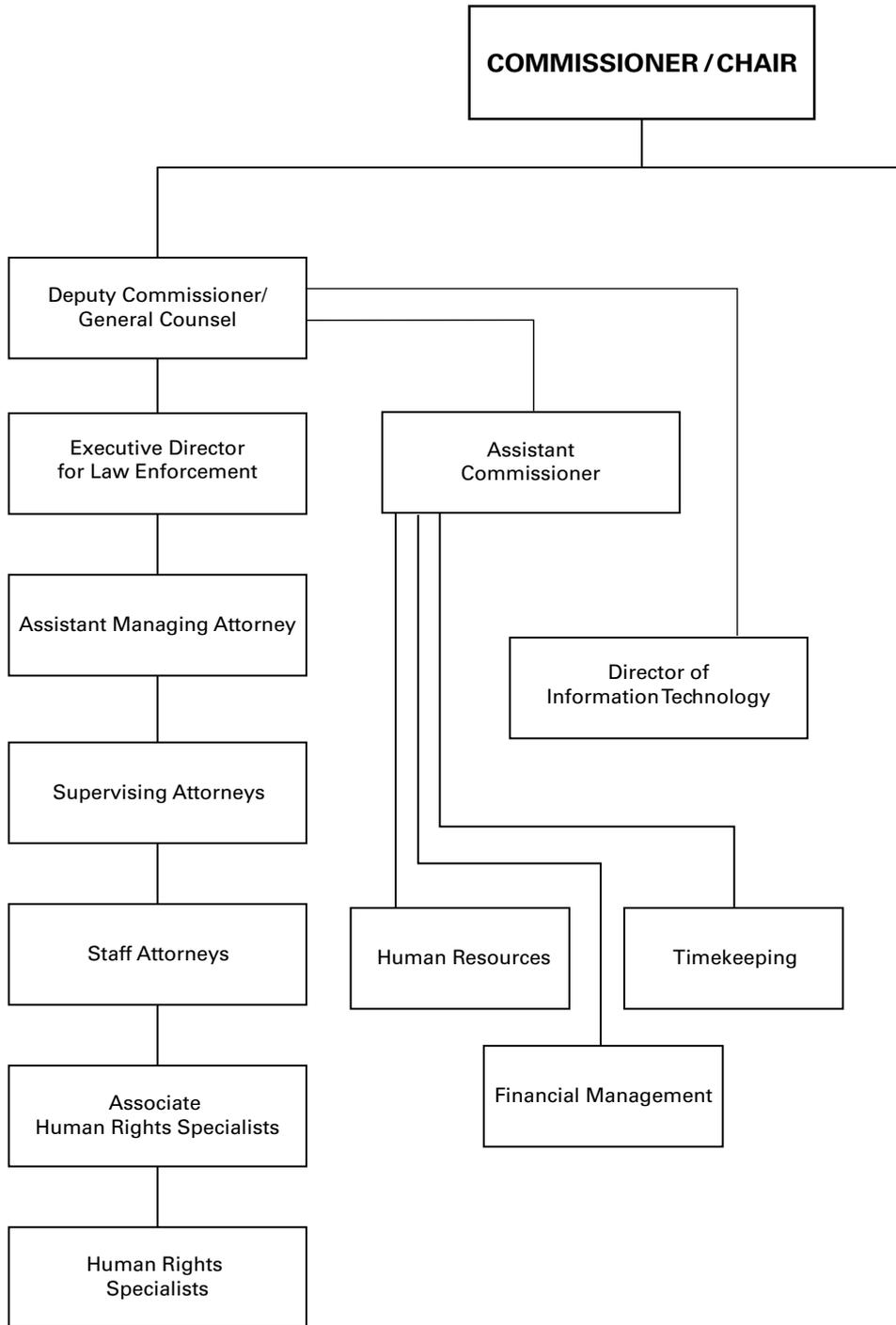
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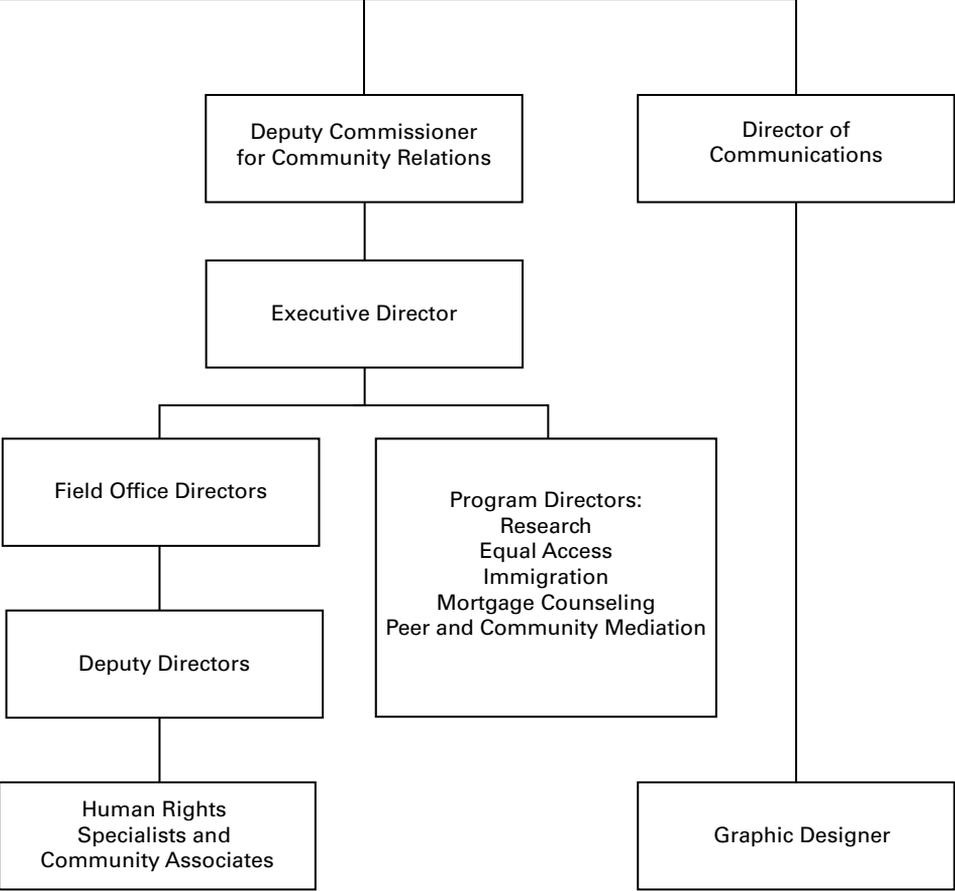
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