

Testimony of Dana Sussman
Deputy Commissioner for Policy and Intergovernmental Affairs
New York City Commission on Human Rights
Before the Committee on Public Safety jointly with the Committee on the Justice System,
the Committee on Civil and Human Rights, and the Committee on Consumer Affairs and
Business Licensing
February 27, 2019

Good afternoon Chairs Richards, Lancman, Eugene, and Espinal and committee members. I am Dana Sussman, Deputy Commissioner for Intergovernmental Affairs and Policy at the Commission on Human Rights. I am pleased to be here to testify on Intro. 1445, a bill that would prohibit New York City employers from requiring a prospective employee to submit to testing for the presence of any tetrahydrocannabinols (THC), the active ingredient in marijuana, in an prospective employee's system as a condition of employment under the City Human Rights Law.

Because the Commission has not had the opportunity to appear before the Committee on the Justice System previously, I'll briefly describe the work of the agency. By statute, the Commission has two main functions. The first is as a civil law enforcement agency, enforcing the City's anti-discrimination law, called the City Human Rights Law, one of the most comprehensive anti-discrimination and anti-harassment laws in the country. The Commission's Law Enforcement Bureau (LEB) investigates complaints of discrimination from the public, initiates its own investigations on behalf of the City, and utilizes its in-house testing program to help identify entities breaking the law. The law includes 24 categories of protection, most of which protect against discrimination and harassment in practically all areas of City living – employment, housing, public accommodations, on the streets, in transit, and other spaces.

Allegations of discrimination come to the Commission's Law Enforcement Bureau for investigation in several ways. Members of the public may file a complaint with the LEB about their own experience. A lawyer may file a complaint on a person's behalf. Service providers, community organizations, members of faith communities, elected officials, or any other individual may bring specific incidents or potential patterns of discrimination to LEB's attention, and LEB can initiate its own investigation. The Commission can obtain money damages for the complainant and require that the wrongdoer change policy, undergo training, complete community service, among other forms of affirmative relief, and pay civil penalties to the City of New York.

The second main function of the Commission is to perform community outreach and provide education on the City Human Rights Law and human rights-related issues, which is why the Commission also has a Community Relations Bureau comprised of Community Service Centers in each of the City's five boroughs. The Community Relations Bureau provides free workshops on individuals' rights and businesses, employers' and housing providers' obligations under the City Human Rights Law and creates engaging programming on human rights and civil rights-related issues.

The Office of the Chairperson focuses on policy, legislation, rulemaking, legal enforcement guidance, and oversees major Commission projects. In addition, the Office of the Chairperson, serves as the adjudicatory body for the Commission, hearing appeals from closed Law Enforcement Bureau matters and issuing final Decisions and Orders on cases that have been litigated through the Office of Administrative Trials and Hearings (OATH) process.

The Commission is supportive of the goals of Intro. 1445 and we look forward to working with the City Council and our partners in the Administration on this bill. Thank you for convening the hearing today on this important legislation and I look forward to your questions.