



Commission on Human Rights

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NYC COMMISSION ON HUMAN RIGHTS ANNOUNCES HIGHEST DAMAGES FOR COMPLAINANTS EVER RECORDED IN AGENCY HISTORY

The Commission's FY2019 numbers show that the agency negotiated over \$5.3 million dollars in damages to complainants, nearly \$800,000 in civil penalties, and resolved more than double the number of pre-complaint interventions compared to FY 2018

NEW YORK—The NYC Commission on Human Rights announced today that Fiscal Year 2019 saw the highest damages awarded and civil penalties levied in the history of the agency. Fiscal Year-end data shows that the Law Enforcement Bureau reached \$5.3 million in damages for complainants and levied nearly \$800,000 in civil penalties, both representing the highest numbers in the history of the Commission. These figures far surpass the previous record of damages set in Fiscal Year 2018 of \$3.78 million and nearly doubles the civil penalties collected from that year, which was \$487,000. The average damages amount awarded in Fiscal Year 2019 was \$17,974.

“Since being appointed as Chair and Commissioner of the NYC Commission on Human Rights, I have made it my goal to establish the Commission as a credible venue for justice for all New Yorkers, said **Carmelyn P. Malalis**. “These numbers reflect the progress we have made toward that goal. I am incredibly proud of the hard work of the Commission's dedicated staff who have made this our most impactful year in its history. While we are pleased to have continued to break our previous records and have increased the amount of damages and penalties every year since I joined the agency in 2015, we know there is more work to be done. With communities under relentless attack, and with racism, transphobia, xenophobia, anti-Semitism and misogyny on the rise, the Commission will continue its efforts to make New York City a more equitable and supportive city for all.”

“Our Law Enforcement Bureau works every day to take complaints, investigate cases, and bring resolution to victims of discrimination and harassment,” said **Sapna V. Raj, Deputy Commissioner of the Law Enforcement Bureau at the NYC Commission on Human Rights**. “Across 26 protected classes, our attorneys fight to uphold the New York City Human Rights Law and get real results for New Yorkers. Our team creates and will continue to implement real change in New York City.”

Under Commissioner Carmelyn P. Malalis's leadership, the Commission has grown in size and mandate. During the five years prior to Commissioner Malalis's appointment to the agency, the Commission averaged approximately \$800,000 in damages and \$235,000 in penalties collected annually. Every year under Commissioner Malalis's leadership, that number has grown.

The Commission saw a slight increase in inquiries this year, up 300 from 2018. In an effort to address urgent matters quickly, more matters than ever before are now being routed to pre-

complaint intervention. Pre-complaint interventions increased more than 75% in the last year, from 193 in FY2018 to 537 in FY2019.

Some examples of successful case resolutions from FY2019 include:

Taylor Recycling Center and Its Successor Company Vee Recycling Inc. Pays \$60,000 in Emotional Distress Damages and \$50,000 in Civil Penalties to Settle Sexual Harassment Claim; Individually-Named Owner Must Perform 50 Hours of Community Service

A former employee filed a sexual harassment claim against her employer, Taylor Recycling Center, Inc. (“Taylor Recycling”), a recycling company, alleging egregious claims of sexual harassment by the owner that escalated from harassing comments to forcible physical touching. Taylor Recycling has ceased operations. The settlement was reached with Taylor Recycling and its successor company, Vee Recycling Inc. (“Vee”) to pay \$60,000 in emotional distress damages to the complainant, \$50,000 in civil penalties to the City of New York, to create and implement a written policy detailing its obligations under the New York City Human Rights Law, implement procedures for the prevention and detection of unlawful discriminatory practices and a meaningful and responsive procedure for investigating complaints, and display postings outlining its obligations under the New York City Human Rights Law, including the Stop Sexual Harassment Act Notice in English and Spanish. In addition, the individually named Respondent-owner must perform fifty (50) hours of community service working with organizations that provide services to the homeless population.

Montefiore Agrees to Pay Complainant \$111,000 in Damages, Pay \$50,000 in Civil Penalties, and Revise Policies in Fair Chance Act Case

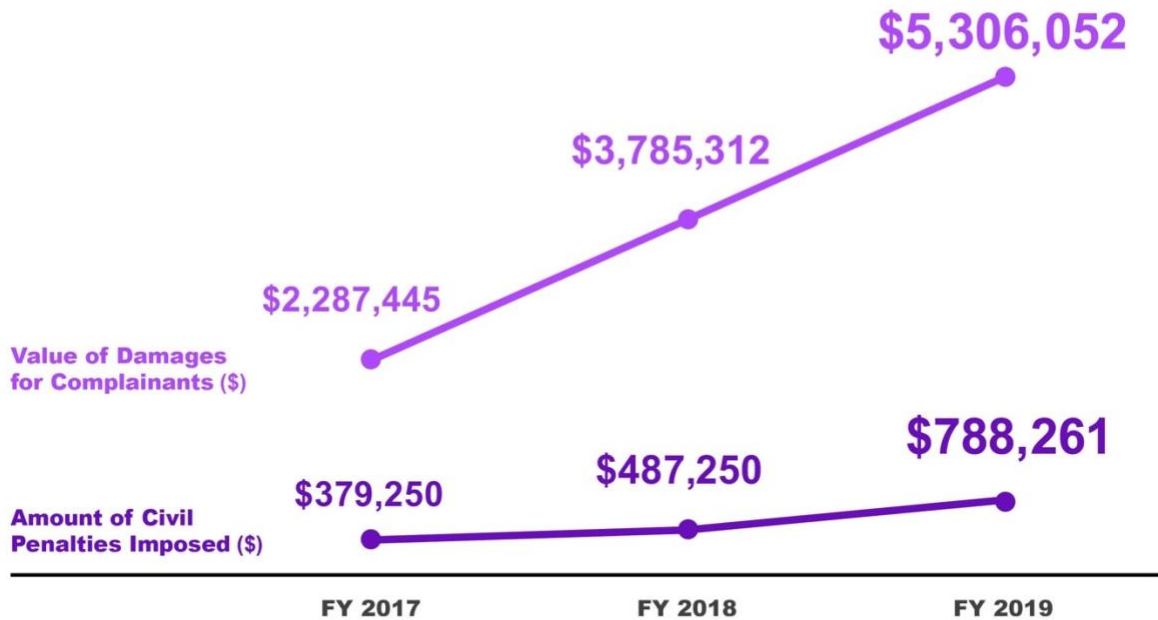
An employee who worked at the Albert Einstein College of Medicine before it was acquired by Respondent Montefiore Medical Center underwent a “re-hiring” process and a background check, during which it discovered his felony conviction from the early 1990s and refused to re-hire him. Following the investigation, the parties entered into a settlement agreement with Montefiore agreeing to create a comprehensive Fair Chance Act policy to properly assess applicants or employees with criminal conviction histories, train their staff, post a Notice of Rights and pay Complainant \$111,624 in backpay and damages, and a \$50,000 in civil penalties to the City of New York.

Landlord Pays \$45,000 in Emotional Distress Damages to Complainant Who Was Refused Housing Due to Use of Housing Voucher

A prospective tenant and the Commission jointly filed a complaint alleging that Respondent, the owner of three buildings containing affordable units, refused to accept Complainant’s SEPS Voucher. As part of a conciliation agreement paid \$45,000 in emotional distress and lost housing opportunity damages and \$35,000 in civil penalties to the City of New York. The landlord also agreed to adopt model policies regarding tenant screening, reasonable accommodations, and the use of criminal history information in making housing decisions, to train all employees with managerial authority or with job duties related to reviewing applications, and to post the Commission’s Fair Housing poster in all buildings they owned in New York City.

The Commission’s Community Relations Bureau (CRB) also saw a rise in its community outreach numbers. The number of New Yorkers served came in at over 97,000 in Fiscal Year

2019, an increase of 20% from 80,500 in Fiscal Year 2018. CRB employees responded to over 235 bias incidents in 2019 and conducted over 3,000 Human Rights Law and other trainings around the city. School-based trainings were also up 43% from FY 2018.



DAMAGES:

A monetary award to a complainant from a respondent to compensate them for the economic loss and/or emotional toll of the discrimination they experienced.

CIVIL PENALTIES:

A fine paid by a respondent to the general fund of the City of New York as punishment for violating the law.

The New York City Commission on Human Rights enforces the New York City Human Rights Law – one of the most protective in the nation. The law includes 26 protected classes in housing, employment, and public accommodations. The Commission’s annual report which details the types and numbers of cases by protected category, as well as Commission outreach efforts, is scheduled to be released on September 30, 2019.

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