

THE COUNCIL OF THE CITY OF NEW YORK

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Speaker of the Council

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



Report of the Finance Division on the
Fiscal 2019 Preliminary Budget and the
Fiscal 2018 Preliminary Mayor's Management Report for the
Commission on Human Rights

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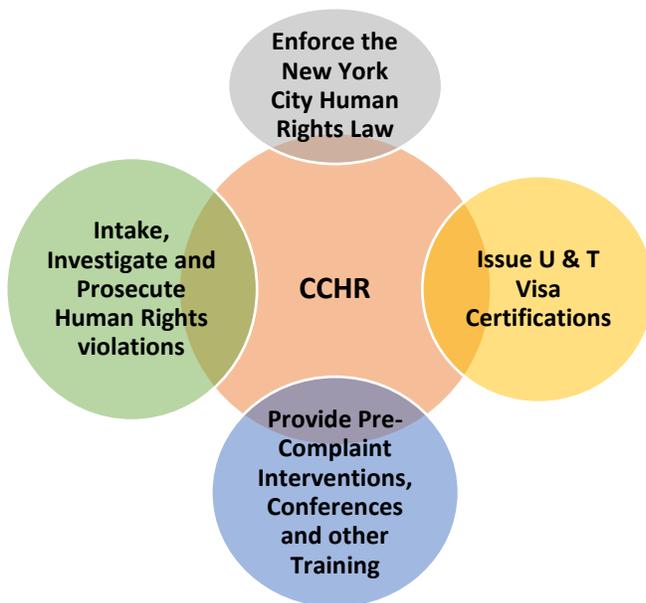
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Commission on Human Rights Overview

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 in the country.

Structurally, the Commission has three primary divisions: the Office of the Chairperson, the Law Enforcement Bureau (LEB) and the Community Relations Bureau (CRB). Collectively, CCHR’s staff speaks 29 languages, which include Spanish, Haitian Creole, Arabic, Hindi, Urdu, Korean, Bengali, Russian, French and Chinese.

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 prosecuted by LEB in the Office of Administrative Trials and Hearings. Administrative law judges provide reports and recommendations on liability, damages and penalties to the Office of the Chairperson. The Commissioner reviews the case and issues a final decision and order that is reviewable in New York State Court.



Additionally, the Commission through its Community Relations Bureau, educates New Yorkers about their rights and responsibilities under NYCHRL, provides pre-complaint intervention, dispute resolution and promotes positive intergroup relations through conferences, workshops and training sessions. Post-complaint mediation services are also offered through its Office of Mediation and Conflict Resolution. The diagram outlines CCHR’s primary responsibilities as the City’s anti-discrimination agency.

This report provides a review of CCHR’s Fiscal 2019 Preliminary Budget and the Fiscal 2018

Preliminary Mayor’s Management Report (PMMR). The first section presents highlights of the \$14.1 million Fiscal 2019 Preliminary Budget. The second section provides an overview of the Commission’s units of appropriation and a review of the Fiscal 2018 PMMR. The appendices list budget actions in the November 2017 and Preliminary Financial Plans for Fiscal 2018-2022, CCHR’s Fiscal 2019 Contract Budget and unit of appropriation budget details.

New York City Human Rights Law

The New York City Human Rights Law (NYCHRL), prohibits discrimination in New York City. Individuals are prohibited from discrimination in many areas based on the protected classes under NYCHRL. Coverage areas include employment, housing, public accommodations, discriminatory harassment, retaliation and bias-based profiling by law enforcement.

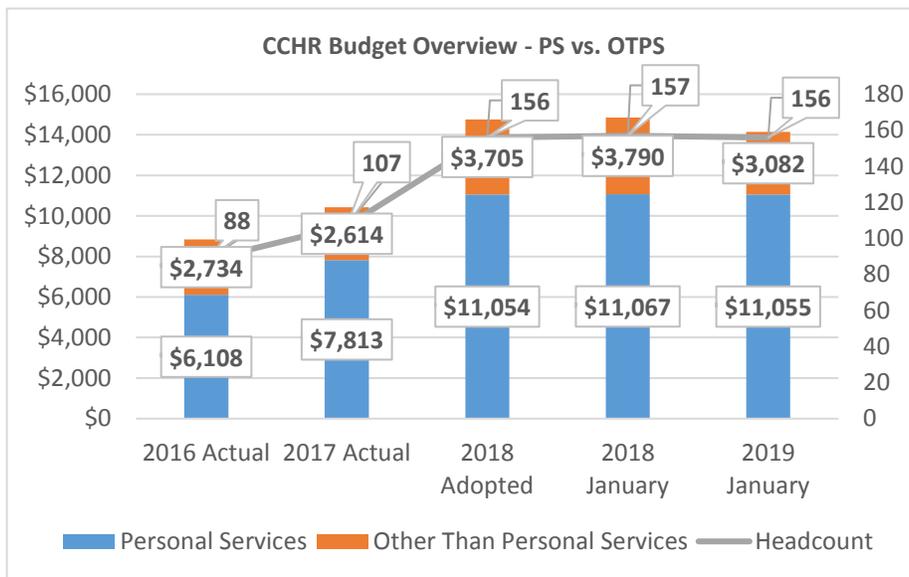
NYCHRL Protected Classes

NYCHRL requires that discrimination complaints must be filed within one year of the last alleged act of discrimination. The alleged act of discrimination must have taken place within, or have sufficient connection, to the five boroughs of New York City for a complaint to be filed with the New York City

Commission on Human Rights. The protected classes include age, religion/creed, disability, alienage (immigration status)/citizenship status, color, national origin, sexual orientation, race, gender (include. gender identity and gender expression, arrest record, conviction record, status as a victim of domestic violence, stalking and sex offenses (employment and housing), partnership status, marital status, lawful source of income (housing), lawful occupation (housing), presence of children (housing), unemployment status, credit history, retaliation, caregiver, bias-based profiling in housing and pregnancy accommodation.

Fiscal 2019 Preliminary Budget Highlights

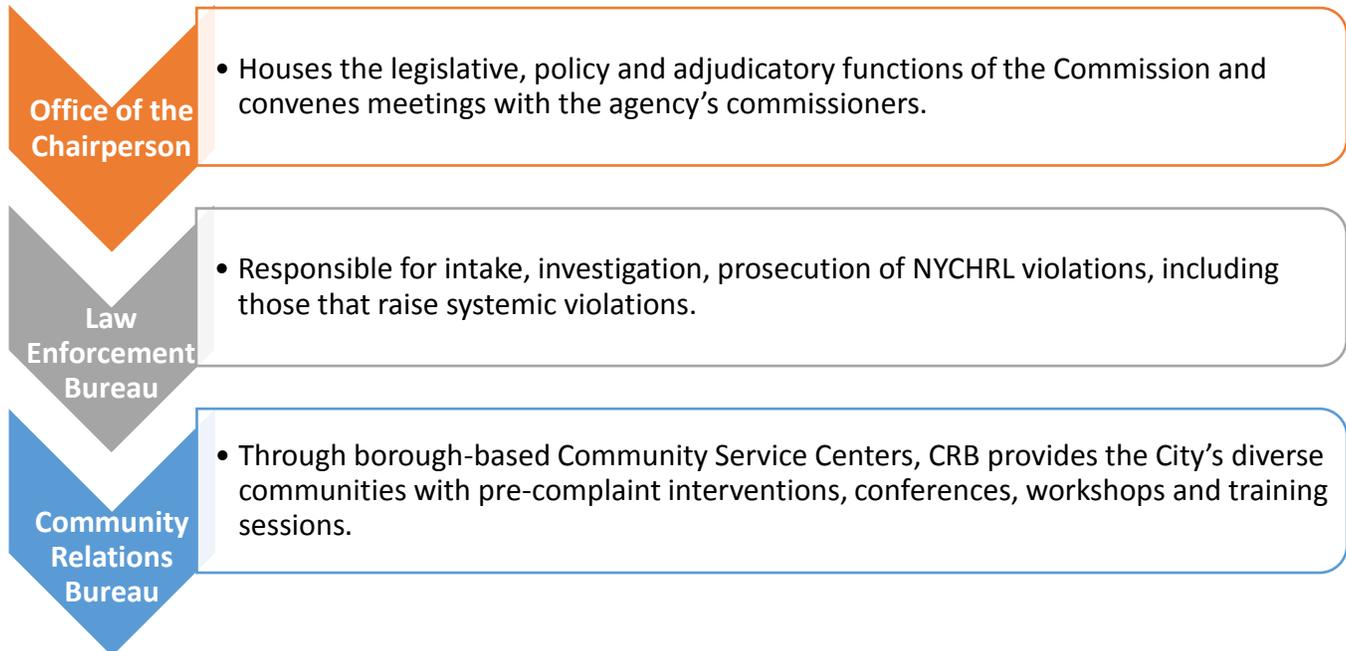
The Fiscal 2019 Preliminary Budget totals \$14.1 million, including \$11 million for Personal Services (PS) to support 156 full-time employees and \$3 million in Other Than Personal Services (OTPS). The Fiscal 2019 Preliminary Budget shows a decrease of \$622,000 or four percent when compared with \$14.7 million in the Fiscal 2018 Adopted Budget.



The Fiscal 2018 budget for CCHR as presented in the Preliminary Plan shows a decrease of \$98,000 since adoption. The current Fiscal 2018 budget includes a headcount of 157; budgeted headcount drops to 156 positions in the Fiscal 2019 Preliminary Budget. See Appendix A for a list of all the changes to the Fiscal 2018 and Fiscal 2019 Budgets since adoption of the Fiscal 2018 Budget.

Budget Structure

The Commission has four units of appropriation (U/A), two for Personal Services (PS) and two for Other Than Personal Services (OTPS) that support the program areas: Office of the Chairperson (OC), Law Enforcement Bureau (LEB) and Community Relations Bureau (CRB). CCHR’s budget should include three U/A pairs, one for each programmatic area to reflect the operations of the agency.



Financial Plan Summary

The table below provides an overview of DOI’s actual expenditures for Fiscal 2016 and Fiscal 2017, the Adopted Budget for Fiscal 2018 and planned expenditures for Fiscal 2018 and Fiscal 2019 as proposed in the Preliminary Plan.

CCHR Financial Summary						
<i>Dollars in Thousands</i>						
	2016	2017	2018	Preliminary Plan		*Difference
	Actual	Actual	Adopted	2018	2019	2018 - 2019
Budget by Unit of Appropriation						
001 - Personal Services	\$2,254	\$2,972	\$5,566	\$5,579	\$5,566	\$0
002 - Other Than Personal Services	1,421	685	1,691	1,776	1,269	(422)
SUBTOTAL	\$3,675	\$3,657	\$7,257	\$7,355	\$6,835	(\$422)
003 - Community Development - PS	3,854	4,841	5,488	5,488	5,489	1
004 - Community Development - OTPS	1,313	1,929	2,014	2,014	1,813	(201)
SUBTOTAL	\$5,167	\$6,770	\$7,502	\$7,502	\$7,302	(\$200)
TOTAL	\$8,842	\$10,427	\$14,759	\$14,857	\$14,137	(\$622)
Funding						
City Funds			\$14,759	\$14,759	\$14,137	(\$622)
State			0	68	0	0
Other Categorical			0	30	0	0
TOTAL	\$8,842	\$10,427	\$14,759	\$14,857	\$14,137	(\$622)
Budgeted Headcount						
Community Development - Full-Time Positions	62	75	81	81	81	0
PS/OTPS - Administration - Full-Time Positions	26	32	75	76	75	0
TOTAL	88	107	156	157	156	0

*The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Preliminary Budget.

The Preliminary Plan did not introduce any changes to the Department’s budget. The November 2017 Plan included in Fiscal 2018, \$98,000 in other adjustments for a State grant and the Mayor’s Technology Grant. The Fiscal 2019 Preliminary Budget for CCHR totals \$14.1 million supporting 156 positions, down \$622,000 or four percent from the \$14.7 million in Fiscal 2018 Adopted Budget. The change is due to reductions in the Other than Personal Services budget for both Administration and Community Development program areas. See Appendix A for budget actions impacting CCHR’s budget for Fiscal 2018 and Fiscal 2019. Funding for CCHR’s Fiscal 2019 Preliminary Budget and Fiscal 2018 Budget are entirely City tax-levy.

The agency reports an active headcount of 139 with 17 vacancies. The Commission intends to fill the vacancies before the end of Fiscal 2018.

The Fiscal 2018 Budget is \$690,000 more than the projected \$14.1 million in the Fiscal 2019 Preliminary Budget. In Fiscal 2018, the budget shows a reduction of \$98,000 in the Administration program area, which includes a decrease of \$85,000 in Personal Services and \$13,000 in the Other Than Personal Services. The Community Development program area budget had no changes in Fiscal 2018, however, when comparing the Fiscal 2018 Adopted Budget to Fiscal 2019 Preliminary Plan, there is a reduction of \$201,000 in the OTPS budget. The technical adjustments in CCHR’s Fiscal 2018 reflect a State grant and the Mayor’s technology grant that were recognized mid-year in the budget.

Funding for the Community Development Bureau accounts for 52 percent of the Department’s total Fiscal 2019 Budget and the Administration accounts for 48 percent. The majority of Community Development Bureau’s funding is dedicated to outreach in CCHR’s five borough-based Community Service Centers that provide resources for New Yorkers to understand their rights and obligations under the New York City Human Rights Law. The other 48 percent is primarily for agency operations and the Law Enforcement Bureau, which enforces NYCHRL.

Agency Infrastructure Changes – Fiscal 2018

CCHR has changed its organizational structure and aligned it with its renewed mission to improve supervision and enforcement of the New York City Human Rights Law. In Fiscal 2018, \$1.9 million was baselined to support 26 new positions in the Law Enforcement Bureau, which will enable CCHR to proactively initiate investigations, decrease attorney caseloads and increase the availability of staff in its borough-based Community Relations Bureau offices. As of March 2018, 24 positions have been filled with two vacancies – one for Supervising Attorney and one for Discriminatory Harassment Investigator.



Law Enforcement Bureau Restructuring

The Office of Mediation and Conflict Resolution will establish new parameters for case referrals and is still developing a new program that will expedite mutually accepted outcomes. According to CCHR, the staff additions in LEB will allow the Commission to revise its team structure to provide more

support for agency attorneys. Previously, all of LEB's Agency Attorneys reported to four supervising attorneys--two with employment expertise and two with housing expertise. Each of these agency attorneys, manage a caseload of roughly 80 cases and would consult these supervising attorneys, who had a caseload themselves of about the same number. The old structure did not provide for sufficient oversight of all cases, which was one of the factors contributing to lengthy case processing times. The Commission is now moving to a new system that will provide the necessary support for agency attorneys. Smaller teams within General LEB, as well as the Source of Income Team, Early Intervention Team and Infoline Team. Each team will consist of 10-12 agency attorneys, who will be overseen by two supervising attorneys, one with expertise in employment and one with experience in housing and public accommodations. In this new structure, each General LEB team will carry a caseload of 40-50 cases, which will reduce case processing times.

Community Relations Bureau Restructure

In Fiscal 2018, CCHR has added two Discriminatory Harassment Investigator positions in CRB to increase investigative and outreach capacity. For example, one of the two Discriminatory Harassment Investigators (DHI) funded in Fiscal 2018 responds to bias incidents in Manhattan, Staten Island and the Bronx. DHI also collect data for trend analysis on bias incidents for best outreach practices.

Other organizational restructure includes the renaming of the CRB Training and Development Division to the Education, Restorative Justice and Development Division to reflect the expanded scope of work. In addition, CCHR has focused on reaching the City's most vulnerable by appointing lead advisors to provide dedicated outreach, capture data on bias and hate incidents and education services in the Arab, Jewish, Muslim, Sikh and South Asian communities.

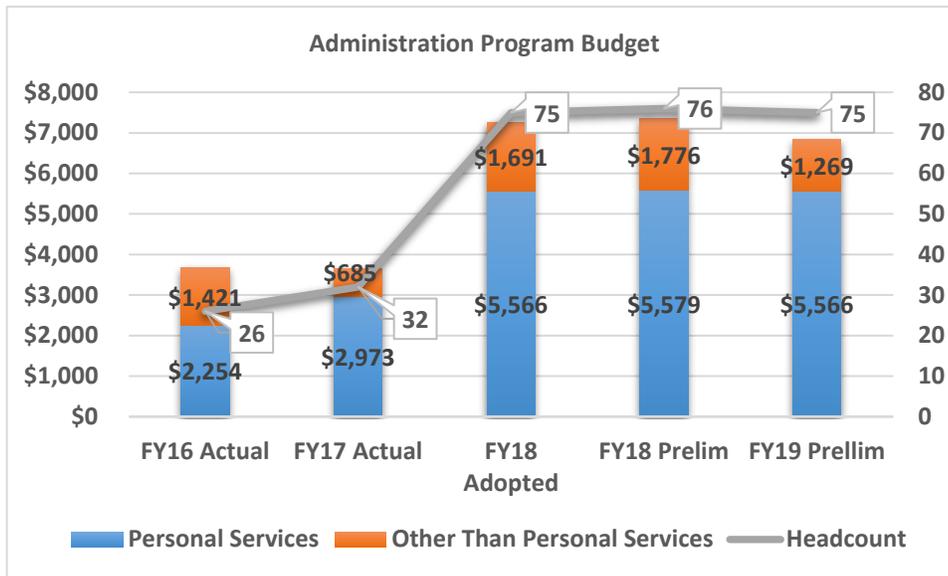
Collaboratively, CRB and LEB have been working on ways to fast track Equal Access cases for individuals with disabilities. This will result in increasing the number of building access modifications by landlords and business owners in New York City.

Bias Response Team

The Commission created a Bias Response Team within the Community Relations Bureau. This team monitors discrimination and harassment across the City and responds to bias incidents.

In 2017, the Bias Response Team (BRT) continued its work in support of New Yorkers impacted by bias incidents and their communities by responding to 86 bias incidents, primarily incidents of discrimination based on perceived gender identity an religion. Responses included contacting victims to inform them of their rights, providing instructions on how to file complaints, and engaging in community-based actions, including literature drops, events, and days of action.

Administration



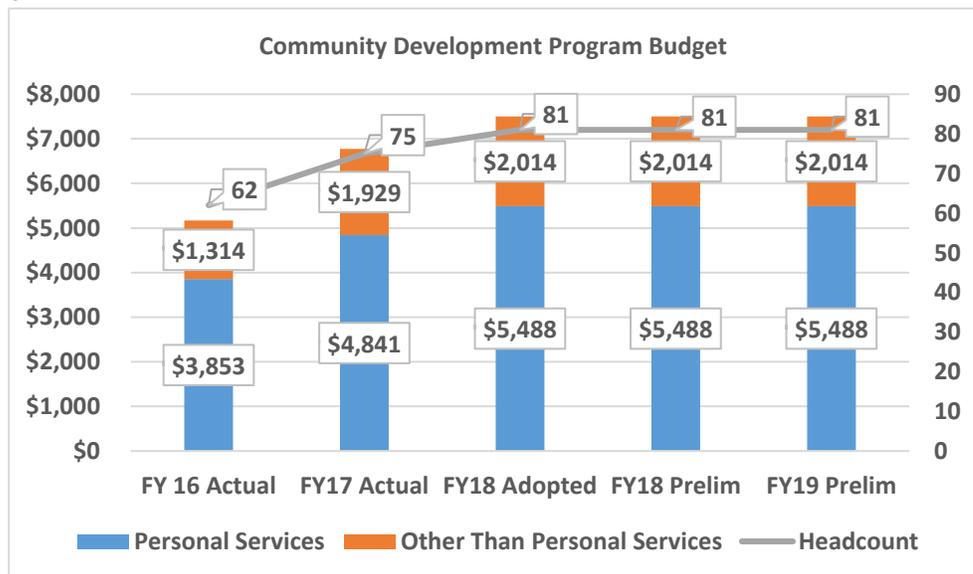
Administration is funded through a U/A pair, which supports the executive staff, who manage the operations of the Commission. This U/A also includes, but is not limited to operations, public affairs and information services. The Administration program area accounts for 48 percent of the Department.

Fiscal 2019 Preliminary Budget for PS and OTPS - Administration includes \$6.8 million supporting a staff of 75, a decrease of \$422,000 or five percent compared to \$7.2 million in the Fiscal 2018 Adopted Budget. Changes are primarily due to re-estimates in the Other than Personal Services budget.

The Fiscal 2018 Budget as presented in the Preliminary Plan is \$422,000 more than the Fiscal 2019 Preliminary Plan. Changes in Fiscal 2018 from the Preliminary Plan to Adopted Plan includes adjustments of \$98,000 in recognized grants.

Community Development

Community Development is funded through a U/A pair, which supports the Law Enforcement and Community Relations Bureaus. The Law enforcement and community relations programs are designed to promote equal opportunity through the investigation, prosecution, and adjudication of



individual discrimination complaints, and to eliminate patterns of discrimination through enforcement, crisis intervention-resolution, and education efforts. The Community Development program area accounts for 52 percent of the Department.

Fiscal 2019 Preliminary Budget for Community Development includes \$7.3 million supporting a staff of 81, a decrease of \$200,000 or three percent compared to \$7.5 million in Fiscal 2018 Adopted.

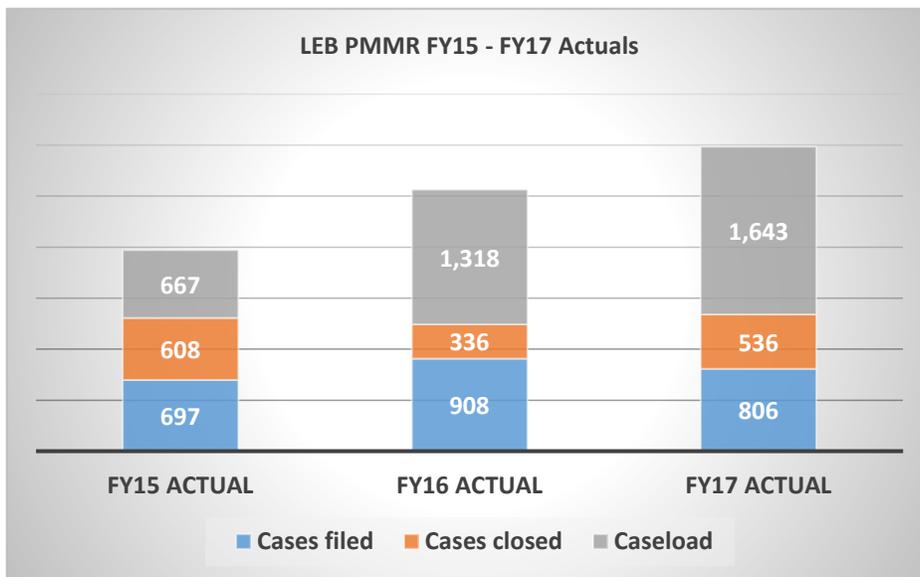
Changes are primarily due to re-estimates in the Other Than Personal Services budget. Headcount in Fiscal 2018 and Fiscal 2019 remain unchanged. Additionally, the Fiscal 2018 Budget as presented in the Preliminary Plan is \$200,000 more than the Fiscal 2019 Preliminary Plan.

The Commission PMMR 2018 Performance Goals

The PMMR outlines the major services provided by the Commission and the goals associated with each. CCHR investigates allegations of discrimination in employment, housing and public accommodations, as well as bias-related harassment per year. In addition, the Commission initiates investigations and prosecutions of systemic Human Rights Law violations. The Commission provides pre-complaint intervention and promotes positive intergroup relations through conferences, workshops and training sessions conducted by its Community Relations Bureau.

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. The following chart provides actual performance statistics for Fiscal 2015-2017, target data where applicable for Fiscal 2018 and 2019 and 4-month actual data, which compares Fiscal 2017 and 2018.

Law Enforcement Bureau PMMR Measures

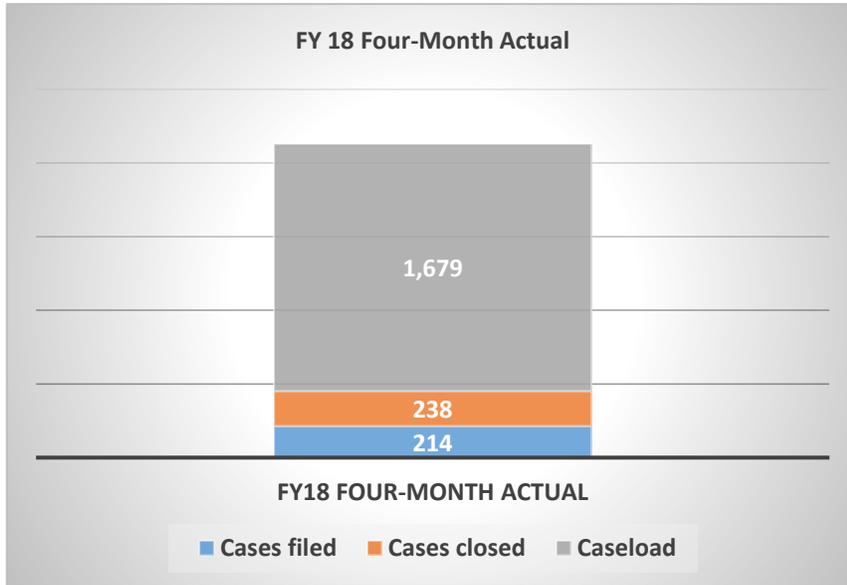


The Law Enforcement Bureau (LEB) endeavored to maintain sustainable caseload while conducting investigations, which is shown by the 59 percent increase in case closures from 336 in Fiscal 2016 to 536 in Fiscal 2017.

Cases filed has gone down by 11 percent from 908 in Fiscal 2016 to 806 in Fiscal 2017. However, cases that were referred to the Office of the Administrative Trials

and Hearings remained flat at 21 from Fiscal 2016 to 2017. Notable change this year is LEB utilizing the provision of the NYCHRL authorizing the Commission to dismiss complaints when prosecution of the complaint does not serve the public interest. In an effort to efficiently use resources, the Commission used this approach during the first four months of Fiscal 2018 by identifying cases where probable cause is unlikely.

Additionally, four-month actuals for Fiscal 2018 is already 44 percent of the Fiscal 2017 actual of 536.



Pre-complaint resolutions went up 55 percent from 200 in Fiscal 2016 to 310 in Fiscal 2017. Four-month actuals for pre-complaint resolutions at 38 in Fiscal 2018 is already 12 percent of the Fiscal 2017 actual of 310, which reflects the vigilance of the LEB to provide solutions before the complaints are cycled into an adjudicated case. However, average age of complaint caseload in days has gone up 37 percent, likely due to the in-depth investigations that are associated with it.

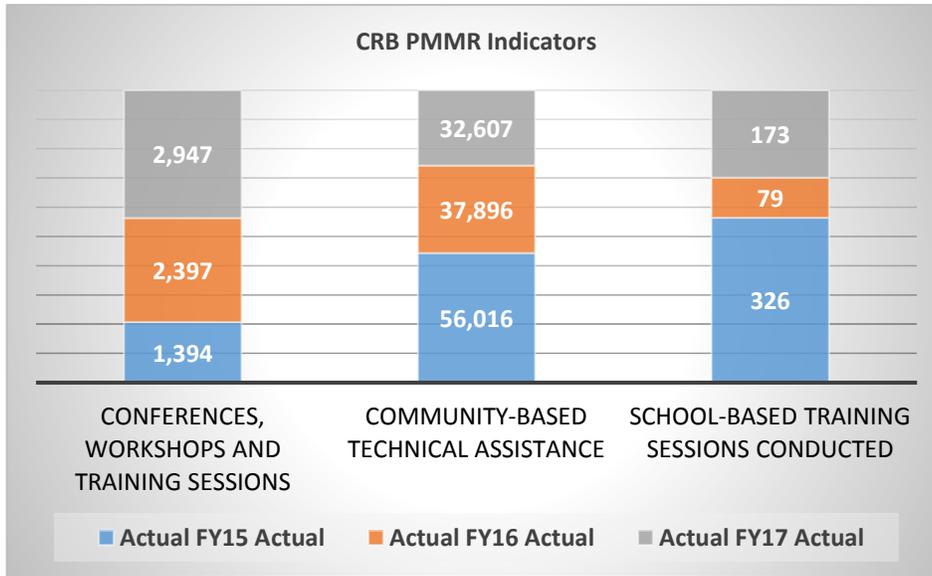
Notably, modifications for accessibility for disabled individuals went up 60 percent from 191 in Fiscal 2016 and 307 in Fiscal 2017. Modifications’ four-month actuals of 40 in Fiscal 2018 are already 13 percent of Fiscal 2017 actuals, which positions LEB to exceed its numbers from the previous year.

In Fiscal 2018, the average cash settlement went up to \$34,951, five percent higher than Fiscal 2016 actuals and 69 percent higher in Fiscal 2017 actuals. Civil penalties imposed, remained high at \$49,500.

Strategic enforcement conducted through CCHR’s testing program of protected classes yielded 110 tests in housing, 21 tests in public accommodations and 70 tests in employment. The first four months of Fiscal 2018 has resulted in 130 Commission-initiated investigations and five complaints alleging pattern or practice violations.

While the Commission has made various strategic enhancements in how cases are filed, pre-complaint resolutions, civil penalties imposed and cash settlements, two areas that requires attention before the next Mayor’s Management Report is cases successfully mediated and the average age of caseloads.

Community Relations Bureau PMMR Measures



The Community Relations Bureau has significantly increased its education, outreach and school-based training sessions. From Fiscal 2016 to Fiscal 2017, CCHR has increased the offerings of conferences by 23 percent and in school-based training, the increase has more than doubled at 118 percent. In four-month actuals for Fiscal 2018, CRB has

already provided 31 percent of the Fiscal 2017 actuals in conferences, workshops and training sessions. In school-based sessions, CRB has already achieved 26 percent of the Fiscal 2017 actual. CRB is successfully exceeding its targets for the three performance indicators shown, the Commission should increase the targets that would more accurately measure its increased performance in these areas.

Appendices

A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2018			FY 2019		
	City	Non-City	Total	City	Non-City	Total
CCHR Budget as of the Adopted 2018 Budget	\$14,759	\$0	\$14,759	\$14,137	\$0	\$14,137
Other Adjustments						
Realize Doris Grant	\$0	\$68	\$68	\$0	\$0	\$0
Mayor's Fund Tech Exchange FEL	\$0	30	30	\$0	\$0	\$0
Subtotal, Other Adjustments	\$0	\$98	\$98	\$0	\$0	\$0
TOTAL, All Changes	\$0	\$98	\$98	\$0	\$0	\$0
CCHR Budget as of the Preliminary 2019 Budget	\$14,759	\$98	\$14,857	\$14,137	\$0	\$14,137

B: CCHR Contract Budget

Commission on Human Rights Fiscal 2019 Preliminary Contract Budget				
<i>Dollars in Thousands</i>				
Category	Fiscal 2018 Adopted	Number of Contracts	Fiscal 2019 Preliminary	Number of Contracts
Maintenance. & Rep. General	\$5	6	\$5	6
Office Equipment Maintenance	\$5	2	\$5	2
Data Processing Equipment	\$6	1	\$6	1
Cleaning Services	\$22	2	\$22	2
Printing Services	\$450	0	\$450	1
Professional Services - Computer Services	\$106	3	\$97	3
TOTAL	\$594	14	\$585	15

C: Program Areas

PS and OTPS Administration

PS and OTPS Administration						
<i>Dollars in Thousands</i>						
	2016	2017	2018	Preliminary Plan		*Difference
	Actual	Actual	Adopted	2018	2019	2018 - 2019
Spending						
Personal Services						
Full-Time Salaried - Civilian	\$2,090	\$2,919	\$5,414	\$5,444	\$5,414	\$0
Overtime - Civilian	6	5	0	0	0	0
Additional Gross Pay	157	31	49	49	49	0
Additional Gross Pay - Labor Reserve	1	0	0	0	0	0
Other Salaried	0	0	3	3	3	0
Unsalaries	0	16	100	84	100	0
P.S. Other	0	1	0	0	0	0
Subtotal	\$2,254	\$2,972	\$5,566	\$5,579	\$5,566	\$0
Other Than Personal Services						
Contractual Services	\$115	\$55	\$12	\$146	\$12	\$0
Contractual Services - Professional Services	20	33	7	138	7	\$0
Fixed & Misc. Charges	0	0	0	0	0	\$0
Other Services & Charges	1,078	510	1,253	459	1,184	(\$69)
Property & Equipment	214	46	299	362	11	(\$288)
Supplies & Materials	(5,279)	41	120	671	55	(\$65)
Subtotal	\$1,421	\$685	\$1,691	\$1,776	\$1,269	(\$422)
TOTAL	\$3,675	\$3,656	\$7,257	\$7,355	\$6,835	(\$422)
Funding						
City Funds			\$7,257	\$7,257	\$6,835	(\$422)
Other Categorical			0	30	0	0
State			0	68	0	0
TOTAL	\$3,675	\$3,656	\$7,257	\$7,355	\$6,835	(\$422)
Budgeted Headcount						
Full-Time Positions - Civilian	26	32	75	76	75	0
TOTAL	26	32	75	76	75	0

*The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Preliminary Budget.

Community Development

Community Development						
<i>Dollars in Thousands</i>						
	2016	2017	2018	Preliminary Plan		*Difference
	Actual	Actual	Adopted	2018	2019	2018 - 2019
Spending						
Personal Services						
Full-Time Salaried - Civilian	\$3,669	\$4,637	\$5,234	\$5,234	\$5,234	\$0
Full-Time Salaried - Uniformed	0	3	0	0	0	0
Overtime - Civilian	0	0	11	11	11	0
Additional Gross Pay	175	167	205	205	205	0
Other Salaried	0	4	1	1	1	0
Unsalaries	9	30	37	37	37	0
Subtotal	\$3,853	\$4,841	\$5,488	\$5,488	\$5,488	\$0
Other Than Personal Services						
Contractual Services	\$92	\$360	\$476	\$513	\$476	\$0
Contractual Services - Professional Services	29	225	99	317	90	(9)
Fixed & Misc. Charges	0	1	0	0	0	0
Other Services & Charges	1,005	1,059	1,291	1,060	1,099	(192)
Property & Equipment	132	229	76	90	76	0
Supplies & Materials	56	56	72	35	72	0
Subtotal	\$1,314	\$1,929	\$2,014	\$2,014	\$1,814	(\$200)
TOTAL	\$5,167	\$6,770	\$7,502	\$7,502	\$7,302	(\$200)
Funding						
City Funds	\$5,167	\$6,770	\$7,502	\$7,502	\$7,302	(\$200)
TOTAL	\$5,167	\$6,770	\$7,502	\$7,502	\$7,302	(\$200)
Budgeted Headcount						
Full-Time Positions - Civilian	62	75	81	81	81	0
TOTAL	62	75	81	81	81	0

*The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Preliminary Budget.

D: PMMR Performance Data

Law enforcement Bureau Performance Indicators	Actual			Target		4-Month Actual	
	FY15	FY16	FY17	FY18	FY19	FY17	FY18
Cases successfully mediated	0	0	0	*	*	0	0
Pre-complaint resolutions	165	200	310	*	*	91	38
Cases filed	697	908	806	*	*	291	214
Cases closed	608	336	536	*	*	170	238
- Cases closed (%) - no probable cause determination	43%	5%	7%	*	*	6%	2%
- Cases closed (%) - probable cause determination	15%	6%	4%	*	*	2%	6%
- Cases closed (%) - administrative cause	20%	62%	65%	*	*	67%	73%
- Cases closed (%) - settlement	22%	27%	24%	23%	23%	25%	19%
Cases referred to the Office of Administrative Trials and Hearings	89	21	21	*	*	4	16
Average value of cash settlement for complainant (\$)	\$10,755	\$34,775	\$20,680	*	*	\$18,960	\$34,951
Modifications for accessibility for disabled	155	191	307	*	*	87	40
Average age of complaint caseload (days)	250	340	468	300	300	375	514
Caseload	667	1,318	1,643	474	474	1,457	1,679
Cases pending by age - less than one year	505	837	728	414	414	818	635

Community Relations Bureau Performance Indicators	Actual			Target		4-Month Actual	
	FY15	FY16	FY17	FY18	FY19	FY17	FY18
Conferences, workshops and training sessions	1,394	2,397	2,947	1,000	1,000	964	924
Community-based technical assistance	56,016	37,896	32,607	40,000	40,000	16,545	6,127
School-based training sessions conducted	326	79	173	250	250	20	45