



Legislation Text

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Res. No. 947

Resolution calling upon the Council of the City of New York to impose sanctions, as recommended by the Committee on Standards and Ethics, against Council Member Allan W. Jennings, who was found to have created a hostile work environment for two employees, to have improperly terminated an employee, and to have improperly used public resources.

By the Committee on Standards and Ethics:

Whereas, Under the Rules of the New York City Council, the Committee on Standards and Ethics ("the Committee") has jurisdiction over issues involving the Council's Ethics, which includes complaints made against any member; and

Whereas, Allegations were made against Council Member Jennings by five separate women claiming sexual harassment and discriminatory conduct that would, if substantiated, violate the Speaker's Statement of Policy and Directive Re: Prohibition Against Harassment and Discrimination (the "Speaker's Policy") and/or the New York City Charter; and

Whereas, These allegations were initially raised in two federal Equal Employment Opportunity Commission ("EEOC") complaints filed by two of Council Member Jennings's female staff members against the Council for actions alleged to have been committed personally by Council Member Jennings; and

Whereas, The Speaker's Office referred these EEOC complaints to the Committee in December, 2003, for its consideration; and

Whereas, The Committee undertook an investigation of these complaints, which were later augmented, first by the complaints of two additional women employed on the Council's central staff and then by a complaint reported by a female Council Member; and

Whereas, Procedures that afforded full due process rights and protection were adopted by the

Committee to consider, and, if necessary, conduct a hearing should charges be preferred against Council Member Jennings; and

Whereas, On June 29, 2004, the Committee adopted Superseding Charges which contained five counts that served as the basis for the disciplinary hearing against Council Member Jennings; and

Whereas, The Committee conducted hearings over 26 separate dates, consisting of almost 104 hours of testimony, that concluded with testimony from Council Member Jennings himself; and

Whereas, The Committee then proceeded to deliberate on the extensive record and found, based upon a clear preponderance of the evidence, that Council Member Allan W. Jennings violated the Speaker's Policy and Charter §45 by creating a hostile work environment based on sexual harassment/gender discrimination and racial discrimination for two staff members, and by improperly terminating the employment of one employee in retaliation for the filing of a complaint based on claims of sexual harassment and discrimination; and for violation of §§1116 and 1118 of the Charter based on the inappropriate use of public resources; and

Whereas, The Committee has prepared and adopted an extensive report that provides a detailed summary of the Committee's procedural history and testimony taken by the Committee; and an analysis of the Committee's findings and conclusions, that fully supports its decision; and

Whereas, After conducting a pre-sentencing hearing that included presentations by Robert J. Ellis, Esq., Counsel for Council Member Jennings, and Loretta E. Lynch, Esq., Special Counsel for the Committee, with each proposing alternative sanctions; and

Whereas, The Committee has deliberated on the sanctions to impose for all substantiated Counts, it now recommends that the following sanctions be impose against Council Member Allan W. Jennings:

1. A \$5,000 penalty;
2. Mandatory participation in court-certified anger management and gender, racial and harassment sensitivity training that will be approved by the Chair of the Committee;
3. A public censure by the Council conducted at a stated meeting;

4. Suspension from all committee assignments;
5. Appropriate monitoring of Council Member Jennings's compliance with the Speaker's Policy Directive on Discrimination and Harassment dated May 14, 2004 (the "Speaker's Directive"), to be overseen by the Chair of the Committee and to commence within ten days of adoption of this Resolution by the full Council;
6. The monitoring of all staff terminations by Council Member Jennings to verify compliance with the Speaker's Directive;
7. Additional sexual harassment and discrimination training will be made available to all of Council Member Jennings's staff; and

Whereas, The Committee strongly supports its penalty recommendations and requests that they be adopted in full without modification by the entire Council; now, therefore, be it

Resolved, that the Council hereby adopts the following sanctions to be imposed against Council Member Jennings, as recommended by the Committee on Standards and Ethics, which are:

1. A \$5,000 penalty;
2. Mandatory participation in court-certified anger management and gender, racial and harassment sensitivity training that will be approved by the Chair of the Committee;
3. A public censure by the Council conducted at a stated meeting;
4. Suspension from all committee assignments;
5. Appropriate monitoring of Council Member Jennings's compliance with the Speaker's Directive to be overseen by the Chair of the Committee and to commence within ten days of adoption of the Resolution by the full Council;
6. The monitoring of all staff terminations by Council Member Jennings to verify compliance with the Speaker's Directive;
7. Additional sexual harassment and discrimination training will be made available to all of Council Member Jennings's staff; and, be it, further

Resolved, that Council Member Jennings is directed to expeditiously complete the requirements of the imposed sanctions and then report to the Chair of the Committee.

EFO'M
4/11/05