



**Division of  
Human Rights**

# Annual Report FY 2018-2019

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NYS Division of Human Rights  
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## Our mission...

New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen **“an equal opportunity to enjoy a full and productive life.”**

This law prohibits discrimination in employment, housing, credit, places of public accommodations, and educational institutions, based on age, race, national origin, sex, sexual orientation, marital status, gender identity or expression, disability, military status, and other specified classes.

The New York State Division of Human Rights was created to enforce this important law. The mission of the agency is to ensure that "every individual . . . has an equal opportunity to participate fully in the economic, cultural and intellectual life of the State."

It does so in many ways, including the following:

- Through the vigorous prosecution of unlawful discriminatory practices;
- Through the receipt, investigation, and resolution of complaints of discrimination;
- Through the creation of studies, programs, and campaigns designed to, among other things, inform and educate the public on the effects of discrimination and the rights and obligations under the law; and
- Through the development of human rights policies and proposed legislation for the State.

The Division makes every effort to protect New Yorkers from discrimination. In addition, we continue to be actively engaged in the fight against hate crimes.

The Division will continue to take the necessary steps to fulfill the agency's mission and the Human Rights Law's mandate.

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# History

The New York State Division of Human Rights can trace its history back to the State War Council of the State of New York Temporary Committee on Discrimination in Employment, created in 1942. One of the main accomplishments of the Committee was the passage of the 1945 Ives-Quinn Anti-Discrimination Bill. Signed on March 12, 1945 by Governor Thomas E. Dewey, the law effectively made New York the first state in the nation to enact legislation prohibiting discrimination in employment based on race, creed, color, and national origin. In doing so, New York also became the first state to establish a permanent agency to enforce such legislation, the State Commission Against Discrimination (SCAD). Federal institutions such as the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development were not established until 1965.

In 1968, the Ives-Quinn Anti-Discrimination Law was renamed the Human Rights Law, and the State Commission Against Discrimination was renamed the New York State Division of Human Rights. In its inception, SCAD had jurisdiction only over employment issues and dealt strictly with discrimination based on race, color, creed, and national origin. In subsequent years, the Law was expanded to stay current with the changing culture and needs of New Yorkers.

For example, in 1955, the Law was amended to prohibit discrimination in certain publicly-assisted housing; in 1964, the Law was amended to include almost all housing accommodations, public and private, with minor exceptions; in 1974, the Law was broadened to protect people with disabilities; in 1991, the Law was amended to protect families in the area of housing; in 1997, the Law was changed to include an express provision requiring reasonable accommodations in employment for persons with disabilities; in 2002, the Law was amended to protect both religious practices and religious observances; in 2003, the Law was broadened to include sexual orientation among the protected traits/characteristics; and in 2003, the Law was extended to encompass military status.

In 2009, the Law was amended to provide protections for domestic violence victims from employment discrimination, and in 2011, it was amended to protect domestic workers from sexual harassment and discrimination based on gender, race, religion or national origin.

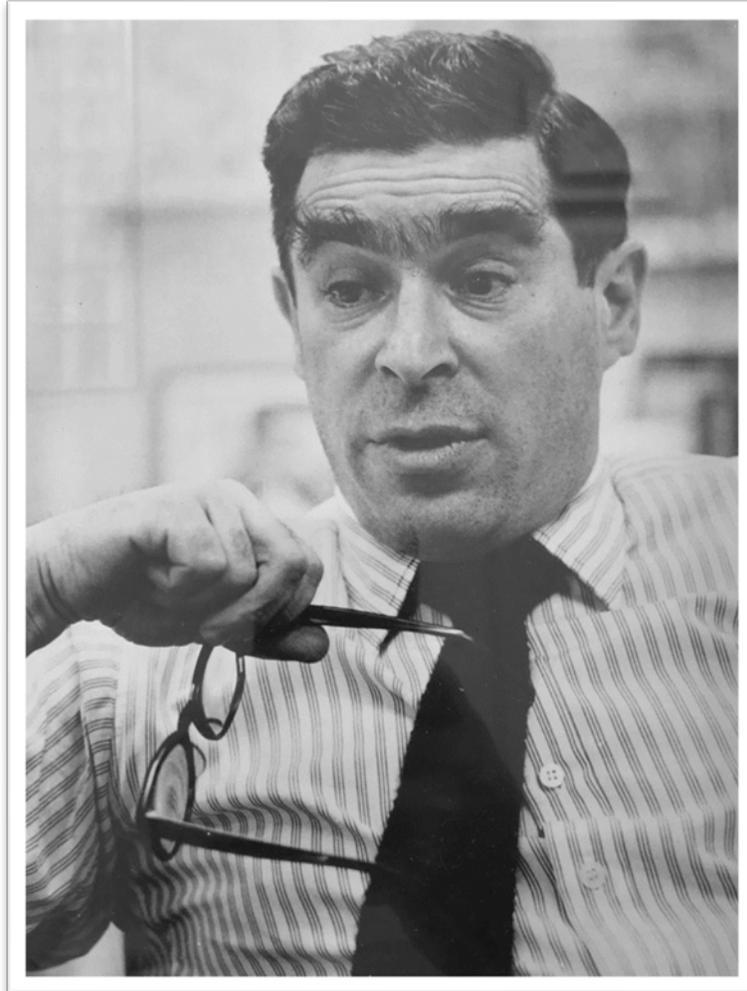
In 2014, the Law was amended to include protections for unpaid interns from harassment and other forms of unlawful discrimination in the workplace.

In 2015, the Law was amended to expand the definition of “employer” in sexual harassment cases to cover all employers within New York, so that an employee of any business can file a workplace sexual harassment complaint. Additionally, the Law was amended to prohibit employers, employment agencies, licensing agencies, or labor organizations from discriminating against workers based on their familial status. The Law was also amended to clarify that employers must perform a reasonable accommodation analysis for pregnant employees.

In 2019, the Law was amended to add gender identity or expression as a protected category in all areas it covers.

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## PEEK BACK IN TIME



Werner Kramarsky, DHR Commissioner from 1975 to 1982, passed away on August 22, 2019, at the age of 93. We offer our condolences to Commissioner Kramarsky's friends and family. Among the notable achievements of his tenure, was establishing DHR's first work-sharing agreement with the U.S. Department of Housing and Urban Development.

A New York Times article points out:

*"As commissioner of the State Division of Human Rights under Gov. Hugh L. Carey from 1975 through 1982, Mr. Kramarsky ruled that a minimum height requirement for male prison guards was discriminatory; that the New York City Marathon must allow competitors in wheelchairs to participate; that tennis clubs could not offer discounts for married couples; and that job applicants could not be denied work simply for being obese or drug users in treatment."*

# The Law

***New York State Human Rights Law has jurisdiction in various areas for protecting people from unlawful discrimination based on their protected class status across the state of New York. The statute of limitations to file is one year from the last incident of alleged discrimination.***

## Jurisdictions

### Employment

The New York State Human Rights Law protects employees against discrimination in hiring, firing, and wages, and in terms, conditions, and privileges of employment, including apprentice training programs. The Law protects individuals from discrimination during interviews for employment, promotion, or transfer.

Interview inquiries should be concerned only with a person's ability to do their job. Age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, military status, disability, pregnancy-related condition, domestic violence victim status, genetic predisposition or carrier status, familial status, and marital status are protected classes in the jurisdiction of employment. Those with an arrest record resolved in their favor, sealed records, or a youthful offender adjudication are also protected.

Within New York State, employment agencies, labor organizations, joint labor management boards, all agencies of state and local governments, and employers of four or more individuals must comply with the Human Rights Law. On February 8, 2020, the Law will expand to cover all employers regardless of number of employees.

### Housing

The Human Rights Law guarantees all New York residents equal opportunity to purchase, rent, or lease housing, land, or commercial space. Age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, military status, disability, pregnancy-related condition, familial status, and marital status are protected classes in the jurisdiction of housing. Sellers, owners, landlords, real estate brokers and salespeople cannot deny a person a housing accommodation or discriminate against any person in the terms, conditions, or privileges of the sale, rental, or lease of housing, or in the furnishing of facilities or services in connection therewith. Racial steering, block busting, and redlining are also illegal.

### Public Accommodation

Places of public accommodation include hospitals, nursing homes, clinics, doctors' and dentists' offices, hotels, restaurants, public transportation, amusement parks, sports facilities, garages, entertainment and cleaning establishments, and retail and wholesale stores.

Race, color, sex, sexual orientation, gender identity or expression, creed, disability, marital status, military status and national origin are protected classes in areas of public accommodation.

### Education

Non-sectarian, tax-exempt educational institutions cannot deny the use of their facilities to any person otherwise qualified. Race, color, sex, sexual orientation, gender identity or expression, creed, disability, marital status, military status and national origin are protected classes in education. The Human Rights Law was amended effective July 25, 2019 to include public schools and public colleges and universities.

### Credit

Banks, trust companies, savings and loan associations, foreign banking institutions, credit unions, insurance agencies, credit card issuers, mortgage companies, mortgage brokers, wholesale and retail merchants, and any person or institution that extends or arranges for extensions of credit cannot discriminate against applicants. Protected classes in credit include age, arrest and conviction records, child bearing potential, creed, disability, familial status, gender identity or expression, marital status, military status, national origin, race, color, sex and sexual orientation. Unlawful discrimination occurs when a person is denied a mortgage due to national origin; is offered different credit terms or conditions due to marital status; or is subject to income discounting due to a disability.

### Volunteer Firefighters

Volunteer fire departments may not discriminate in their membership practices on the basis of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, familial status, or marital status.

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## Bases of Discrimination

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### Race & Color

Race and color pertain to a person's racial background or skin color.

### Creed

Creed pertains to a person's religious beliefs. The wearing of religious garb and the observance of religious holidays and practices are protected under the Human Rights Law.

### National Origin

National origin pertains to one's national group and includes one's ancestry.

### Sexual Orientation

Discriminating against an individual based on sexual orientation is prohibited under the New York State Human Rights Law in all areas covered by the Human Rights Law, including public accommodation, housing, educational institutions and credit transactions. The law defines sexual orientation as "heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived."

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## Military Status

A person may not be discriminated against based on his/her military status under the Human Rights Law in all covered areas, including employment, housing, public accommodation, educational institutions and credit transactions. The law defines military status as a person's participation in the military service of the United States or the military service of the State including The Armed Forces of the United States, The Army National Guard, The Air National Guard, The New York Naval Militia, The New York Guard, and other forces as may be created by federal or state government as authorized by law.

## Age

The Human Rights Law protects persons age 18 or older. A person cannot be discriminated against on the basis of their age in all covered jurisdictions, except public accommodation. Employees cannot be forced to retire except for very limited situations relative to tenured professors and certain highly paid executives.

## Sex

Discrimination on the basis of sex includes unequal treatment in the workplace, sexual harassment, and pregnancy discrimination. Under the Human Rights Law, men and women are entitled to equal pay, benefits, working conditions, and seniority rights; men and women are entitled to be free from unwelcome sexual advances, requests for sexual favors, physical or verbal conduct of a sexual nature, and a hostile work environment; and pregnant women are guaranteed the right to work, and to enjoy the same medical, vacation and disability leave policies as non-pregnant co-workers.

## Marital Status

A person may not be discriminated against on the basis of whether they are married, divorced, single, separated or widowed.

## Disability

A disability is a physical, mental, or medical impairment resulting from anatomical, physiological, or neurological conditions that prevent the exercise of a normal bodily function or is demonstrable by clinical or laboratory diagnostics techniques.

If a person has a record of a disability or is perceived by others to have a disability, whether or not that person does, they are also protected under the Human Rights Law. Under the jurisdiction of employment, a person is protected when the disability does not interfere with the ability to reasonably perform job duties. It is illegal to discriminate against people who have, are perceived to have, or perceived to be at risk for HIV/AIDS. The definition of disability under New York State's Human Rights Law is much more comprehensive and includes disabilities that are not covered by the Americans with Disabilities Act (ADA).

## Familial Status

Discrimination in the rental, purchase, or lease of housing on the basis of familial status is prohibited. Familial status means any person who is pregnant or has a child or is in the process of securing legal

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custody of any individual under the age of 18: or one or more individuals under the age of eighteen, living with a parent, a legal guardian, or a designee of a parent.

## Gender Identity or Expression

Gender identity or expression means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender. A transgender person is an individual who has a gender identity different from the sex assigned to that individual at birth. Gender dysphoria is a recognized medical condition related to an individual having a gender identity different from the sex assigned at birth.

## Retaliation

Each time a person makes a charge of discrimination, whether internally, with the Division, or with a third party, that person runs the risk of being retaliated against. Under the Human Rights Law, complainants and their witnesses are protected against retaliation.

## Arrest or Conviction Record

It is unlawful for any person, agency, bureau, corporation or association, including the State and any political subdivision thereof, to deny employment because of an individual's conviction record, where such denial is in violation of Article 23-a of the Correction Law. A potential employer cannot make any inquiry about an arrest record but can inquire if a potential employee has been convicted of a crime.

## Predisposing Genetic Characteristics

Employment discrimination on the basis of a predisposing genetic characteristic is prohibited by the Human Rights Law. A predisposing genetic characteristic is defined as “any inherited gene or chromosome, or alteration thereof, and determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.” The legislature added this protection to the law in 1996.

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## Updates to the Law this Fiscal Year

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### **Sexual Harassment Protections for Non-employees in the Workplace**

Effective April 12, 2018, non-employees that worked in a workplace, such as contractors, subcontractors, vendors, consultants or others providing services in the workplace, were protected against sexual harassment.

### **Gender Expression Non-Discrimination Act (GENDA)**

On January 25, 2019, Governor [Cuomo signed the Gender Expression Non-Discrimination Act \(GENDA\)](#). The law went into effect on February 24, 2019 and explicitly added gender identity or expression as a protected class under the New York State Human Rights Law.

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# Complaint Process

## ▼ Complaint is filed

If an individual feels they have been the victim of illegal discriminatory behavior, a complaint can be filed at any of our 12 offices throughout the state within one year of the date the last discriminatory incident occurred. Complaints can be filed in person in any of our offices, or they can be downloaded from the Division's website at [www.dhr.ny.gov](http://www.dhr.ny.gov), completed as instructed, signed before a notary public and mailed to our offices. Complaint forms can also be obtained by requesting them from any of the Division's offices.

## ▼ DHR investigates

Once a complaint is filed, an investigator will be assigned to investigate the complaint. This may be done through, among other methods, written correspondence, telephone interviews, and visits to the site where the alleged discrimination took place. Based on the evidence collected during the investigation, a determination will be made as to whether there is probable cause that unlawful discrimination occurred. A determination of no probable cause will result in the dismissal of the case. If the Division determines that there is probable cause that illegal discrimination took place, the case will advance to the hearing process.

The Division emphasizes conciliation whenever possible, since it offers all parties the possibility of a speedy and mutually beneficial resolution. The conciliation process is negotiated by the investigator, who identifies the main issues of the complaint, determines where the complainant and respondent agree and disagree, identifies what may be offered and what may be accepted, and develops an appropriate strategy for resolving the dispute.

## ▼ DHR holds an administrative hearing

An Administrative Law Judge will conduct a hearing based on the allegations in the complaint. During the hearing both sides will be able to present evidence to support their positions. The Division will provide an attorney free of charge to present the case in support of the complaint. Complainants may also bring their own attorneys.

## ▼ Case resolution

Based on the evidence presented at the hearing, the Administrative Law Judge will issue a recommended order advising the parties and the Commissioner how they believe the case should be resolved. The Commissioner will review the allegations, evidence, and the recommended order and will issue a final Commissioner's Order. If the ruling is in favor of the complainant, the Order will specify a remedy. In housing cases, remedies may include a change of policy or practice, provision of services, compensation for emotional distress, punitive damages, and/or civil fines and penalties, among others. In employment cases, remedies may include change in policies and practice, back pay with interest or benefits lost due to the discriminatory practice and/or compensation for emotional distress.

When the respondent is not in compliance with the Commissioner's Order, the Division takes appropriate action to ensure compliance.

### ▼ Appeals

Any final order of the Division can be appealed to the New York State Supreme Court within 60 days after it is issued. Appeals from Commissioner's Orders after hearing are transferred to the Appellate Division for disposition.

## Budget & Finances

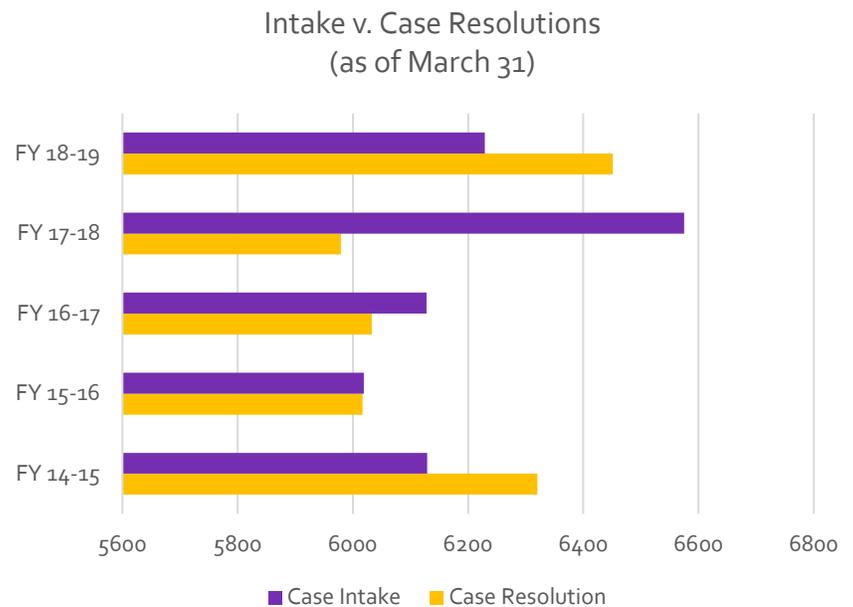
The State of New York operates on a fiscal year commencing each April 1, ending the following March 31. Governor Cuomo submitted the SFY 2018-2019 Executive Budget for consideration by the legislature in January 2018, with amendments following in February. This year's budget was enacted by the Legislature in April 2018.

The Division's enacted budget for the 2018-2019 fiscal year provided for an all-funds appropriation of \$18,153,000, same as last fiscal year, consisting of \$12,135,000 in General Fund (State tax-levy) appropriations and \$6,018,000 in Special Revenue Funds, which are monies provided by the federal government for the Division's program contracts with the U.S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

# Operating Statistics

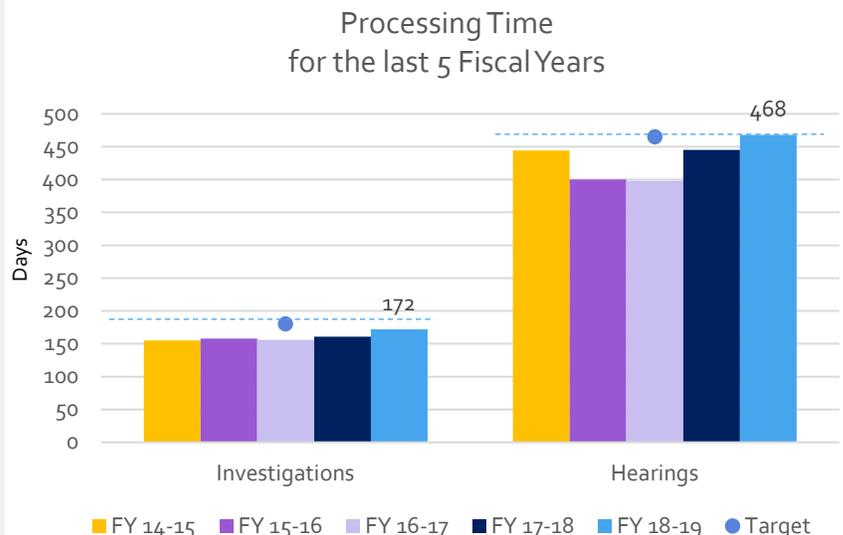
## Complaints Numbers

- ▶ There were a total of **6229** cases filed during the 2018-2019 fiscal year.
- ▶ There was a significantly lower number of complaints opened this fiscal year, than last year, but in line with previous years.
- ▶ A total of **6451** cases met a resolution during the fiscal year.
- ▶ There were approximately twice as many complaint resolutions this year, compared to last year.



## Processing Time

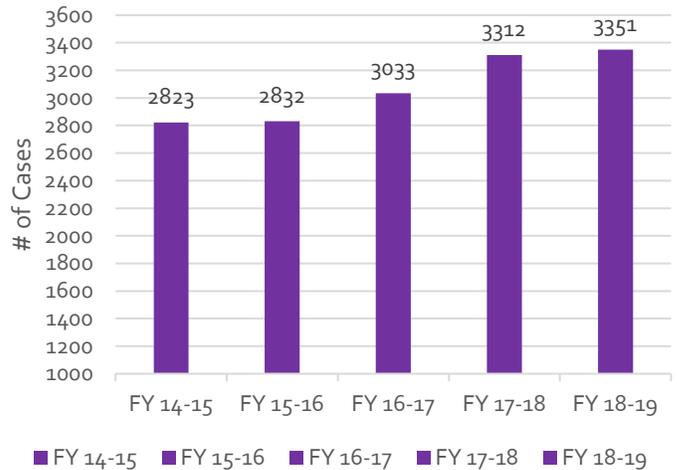
Processing time for both investigations and hearings are within expected target levels, with investigations being completed on average 19 days earlier than expected. Investigation processing time has remained stable for the last four fiscal years. The amount of time from intake to hearings being processed have also remained stable but with a bit more amount of variance. After a shortening of processing time that was maintained during FY15-16 and FY16-17, FY17-18 is back up to FY14-15 levels.



## Caseloads

- ▶ There was no significant change in the active caseload number when compared to the previous year.

Caseloads as of March 31 for the last 4 Fiscal years

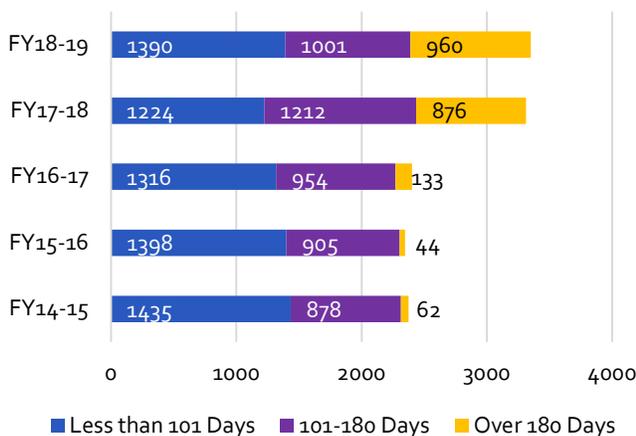


## Caseload Distributions

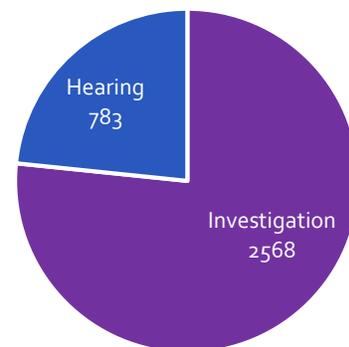
- ▼ For those with a case age of more than 180 days, over 80% had a case age of less than 365 days.

- ▼ More than half of active cases are in the investigation stage.

Caseload Age Distribution



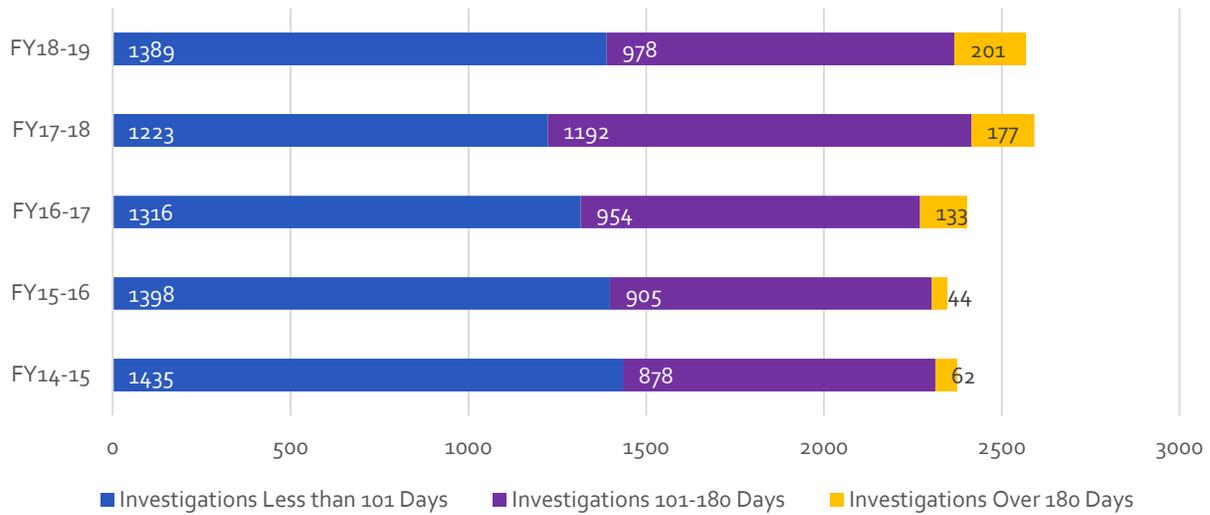
Status of Active Cases



## Case age by stage

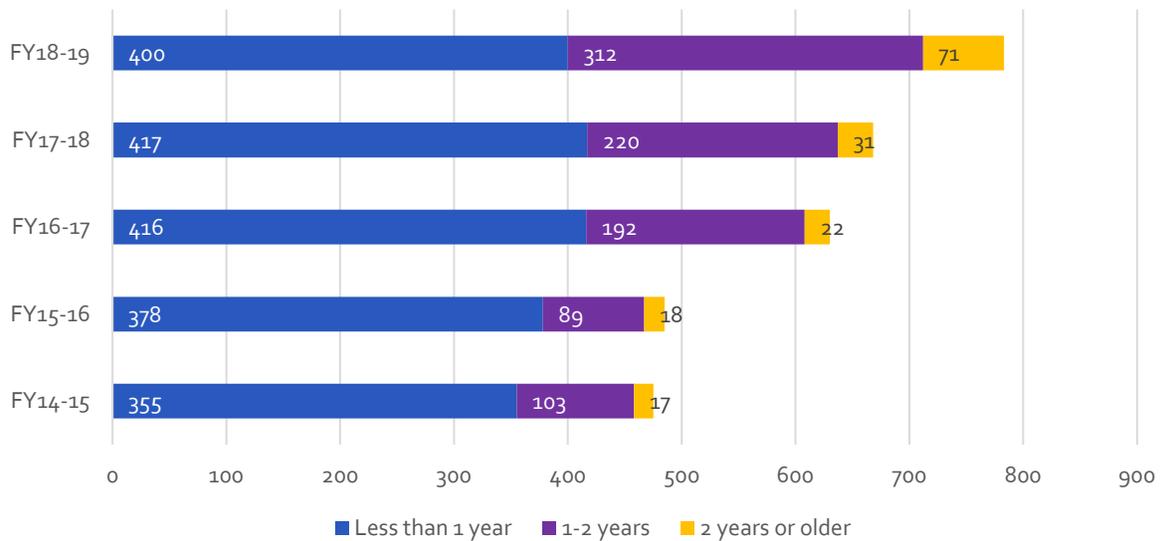
Case age is measured from date of intake for both investigations and hearings.

### Age of Investigations Caseload



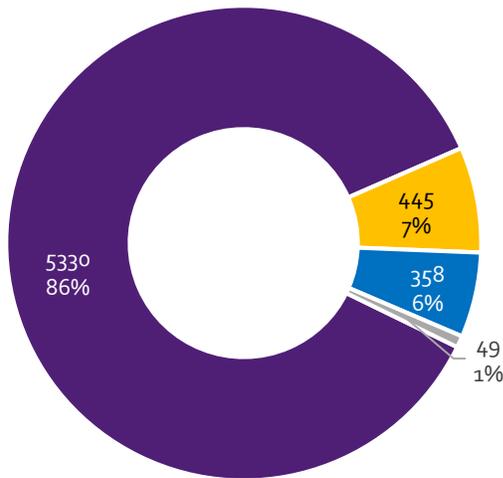
▲ Almost all (94%) of cases in the investigation stage were active for less than 180 days.

### Age of Hearings Caseload



▲ Over half of all cases in the hearing stage have been active for less than a year.

### Jurisdiction of Cases Filed

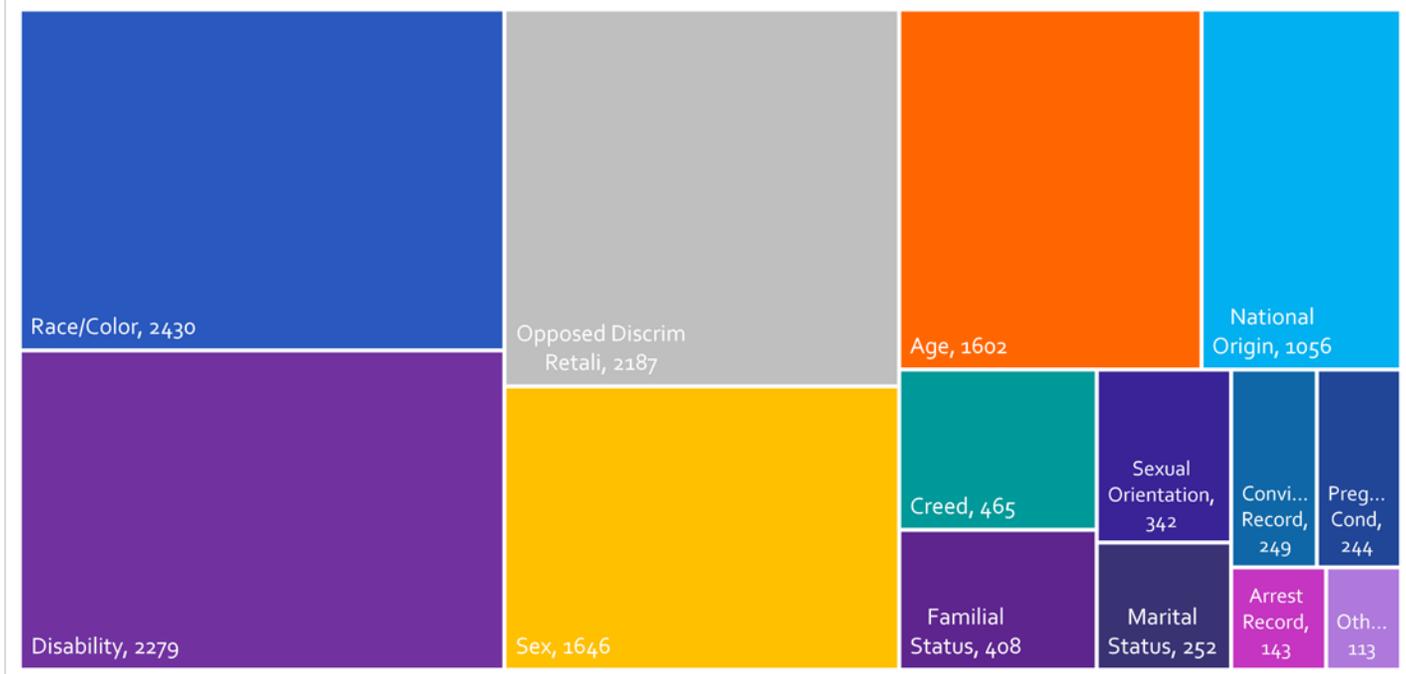


■ Employment ■ Housing ■ Public Accommodation ■ Other

- ◀ Employment continues to be the area under which most of the discrimination and harassment cases are filed under
- ◀ The bases of alleged discrimination in employment most cited were race/color, retaliation, disability, age and sex (38%, 36%, 33%, 28%, 28% respectively).
- ◀ In housing, more than half (63%) of all complaints were filed based on disability discrimination. Forty four percent of housing complaints cited race/color discrimination.

- ▼ Race/color and disability continue to be the bases under which most complaints are filed.

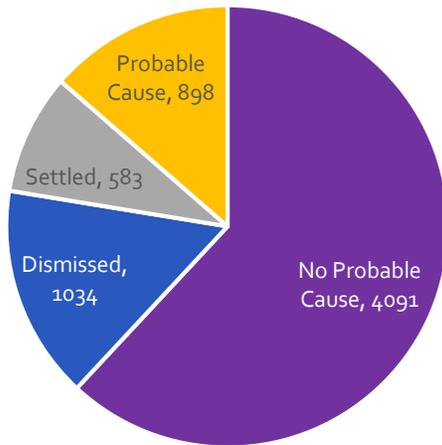
### Bases of Cases Filed



\* Individual cases may be filed under more than one basis, therefore total exceeds number of cases filed

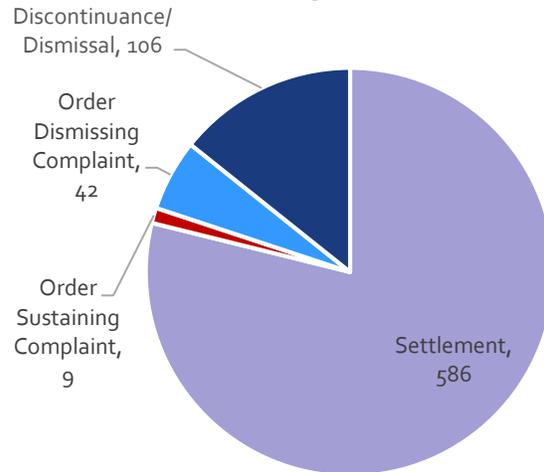
## Outcomes

### Investigative Outcomes



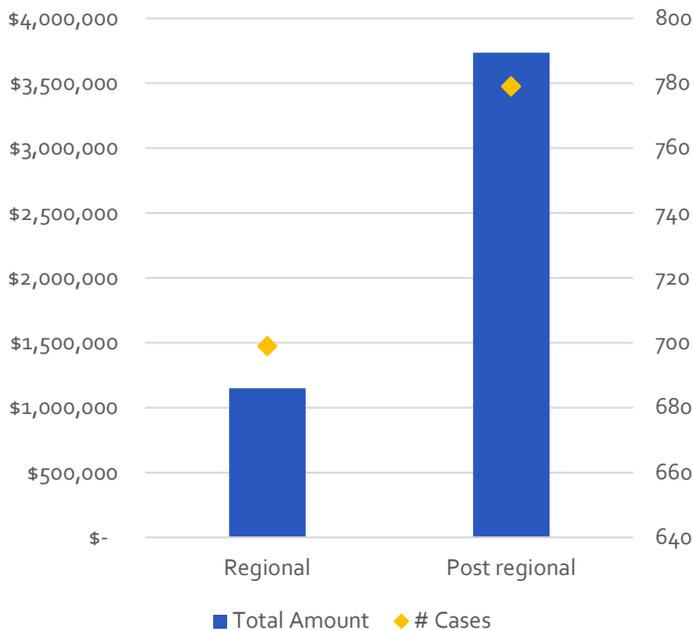
■ No Probable Cause ■ Dismissed ■ Settled ■ Probable Cause

### Hearing Outcomes



■ Settlement ■ Order Sustaining Complaint  
■ Order Dismissing Complaint ■ Discontinuance/Dismissal

### Monetary Awards



- ◀ Total of \$4.9 Million in monetary damages, not including undisclosed amounts reached in independent settlements.
- ◀ Monetary awards include settlements negotiated through DHR, punitive damages (housing only), compensatory damages, and back pay.

*Monetary awards are not the only way that we bring cases of discrimination to justice after administrative law proceedings. We also ensure that reasonable accommodations are made for disabilities, we negotiate improved conditions in employment and in housing. In some cases, people may be reinstated at their jobs or previously denied housing is offered or obtained. We also call for respondents to institute policy changes and/or training. Some cases may also result in civil penalties against the offending party.*

## Commissioner's Orders

*The following is a small sampling of cases adjudicated during FY2018-19. All cases can be found on the Division's website at [www.dhr.ny.gov](http://www.dhr.ny.gov).*

*10185611, Juana Melendez v M & M Molding Corp.; Creative Bath Products, Inc.*

The Division awarded \$15,540.00 in monetary damages to a woman who worked as a machinist for a Long Island factory and was found to have faced disability discrimination by her former employer. The complainant was briefly hospitalized due to a heart condition and was not permitted to work with doctor's restrictions. When she was able to return to work without restrictions, she was terminated. The Division also issued a civil fine of \$5,000.00 to the factory payable to the state for violating the law.

*10185528, CityVision Services, Inc. v Menands Gardens Apartments; Kathy Kelley; Tri City Rentals, L.L.C.*

The Commissioner issued an order in favor of a non-profit fair housing advocacy group, awarding them \$4,295.75 in monetary damages and \$16,815.97 in attorney's fees. The advocacy group conducted testing in the Capital Region to probe discrimination based on familial status. The respondents were found to have improperly denied a two-bedroom apartment to a tester because she had three minor children. The Division also issued a civil fine of \$2,000 payable to the state for violating the law.

*10178682, Michael Warter v City of Auburn; City of Auburn, Police Department*

A police officer was found to have been unlawfully suspended for five days after complaining internally about discrimination. The officer received \$3,808.20 in monetary damages and the Police Department was also fined \$3,000.00 payable to the state for violating the law.

## Notable Court Decisions

### Disability

*10144095, RoseAnn Birch v Delkap Management; Lindenwood Village Section C Cooperative Corp. Delkap Management, Inc. v. New York State Div. of Human Rights*  
33 N.Y.3d 925 (2019)

The Court of Appeals upheld the Division's Final Order finding that a co-op had violated the Human Rights Law by denying a resident with disabilities the reasonable accommodation of an emotional support dog the presence which improved her medical and emotional state. The Division awarded to the Complainant \$5,000 as mental anguish damages and \$10,000 as punitive damages. The Division assessed a \$5,000 civil fine against the co-op and ordered it to adopt policies and procedures consistent with the Human Rights Law.

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*10167153, Crystal Martinez v International Financial Services Group; Carlos Zapata; International Financial Services Group, Inc.*  
*N.Y. State Div. of Human Rights v. International Financial Services Group*  
162 A.D.3d 576, 75 N.Y.S.3d 901 (1st Dept. 2018)

The Appellate Division, First Department, upheld the Division's Final Order, which found a corporation liable for terminating an employee because of her disability and found the manager who fired her personally liable for aiding and abetting a discriminatory practice. The Division awarded the employee \$64,436.03 in back pay and \$10,000 for mental anguish and humiliation. The Division assessed a civil fine and penalty of \$20,000 against the employer.

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*10162020, Eileen Lieb v Rochester Institute of Technology*  
*Rochester Institute of Technology v. N.Y. State Div. of Human Rights*  
169 A.D.3d 1421, 92 N.Y.S.3d 798 (4th Dept. 2019)

The Appellate Division, Fourth Department, held that the assessment of a civil penalty of \$5,000 was not excessive, arbitrary or capricious. The employer had discriminated against the employee on the basis of disability by improperly prorating her pay increase because she had previously been out of work on disability leave. The Court held that an administrative penalty must be upheld unless it constitutes an abuse of discretion as a matter of law and is so disproportionate to the offense to be shocking to one's sense of fairness. Interest on the penalty is not a penalty and should run from the date of the final order.

## **Gender Identity and Transgender Status**

*10144572, Erin Fuller v Advanced Recovery, Inc.; Mark Rea*  
*162 A.D.3d 659, 77 N.Y.S.3d 151 (2d Dept. 2018)*

The Appellate Division, Second Department, upheld a Commissioner's Order finding that discrimination against a person because they are transgender constituted unlawful discrimination based on sex and disability under the Human Rights Law. The complainant, who had 25 years of experience as a mechanic, presented as a male when she began her employment with Advanced Recovery and began presenting as a female over the course of the next two years. After she gave a court order legally changing her name to Erin Fuller to her employer for payroll purposes, she was fired. The Commissioner found that the employer, who had objected to Fuller's feminine manner of dress, discriminated against the complainant because of sex and that, as she had also been diagnosed with gender dysphoria, also discriminated against Fuller based on disability in violation of the Human Rights Law. The complainant was awarded \$14,560 for back pay and \$30,000 for mental anguish. A civil fine and penalty of \$20,000 was levied on the respondents as well.

## **Race/Color**

*10155399, Daniel Rankin v Roadtec, Inc d/b/a Budget Car & Truck Rental Corp.*  
*167 A.D.3d 898, 90 N.Y.S.3d 252 (2d Dept. 2018)*

The Appellate Division, Second Department, upheld the Commissioner's Final Order finding a corporation liable for subjecting a black employee to unequal work conditions and terminating him because of his race. The Division awarded the complainant \$6,100 as back pay and \$5,000 as damages for mental anguish and humiliation. The Division assessed a civil fine of \$5000 against the employer.

## **Sexual Harassment**

*10171565, Tami Martel v Stellar Dental Management LLC*  
*10171562, Beth A. Henderson v Stellar Dental Management LLC*  
*10171567, Stephanie Ruffins v Stellar Dental Management LLC*  
*Stellar Dental Management LLC v. N.Y. State Div. of Human Rights*  
*162 A.D.3d 1655, 80 N.Y.S.3d 757 (4th Dept. 2018)*

The Appellate Division, Fourth Department, upheld the Commissioner's Final Order, which found that three women from Western New York faced sexual harassment at the dental office in which they worked. The award of the total sum of \$152,880 in damages to the complainants was upheld as was the levying of a civil fine of \$60,000 payable to the state for violating the law.

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# Division-Initiated Investigations

***The Division Initiated Investigations (DII) Unit aims to identify and combat the practice of systemic discrimination which have not been brought forward by or fall under the scope of an individual complaint. While DHR has had the power to investigate and enforce the law in such cases since its foundation, this specified unit was formed in 2007. Since then, the number of division-initiated cases has been on the rise.***

## Housing

- **Disability Discrimination:** The Division filed a complaint against a landlord in Ithaca for discriminatory policies concerning service and emotional support animals.
- **National Origin Discrimination:** In the previous fiscal year, the Division filed a complaint against a landlord in Queens that discriminated against tenants based on national origin. The case settled during this fiscal year, with civil fines and penalties of \$10,000 in addition to injunctive relief, which included fair housing training, creation and distribution of fair housing policies to tenants, and consent to DHR monitoring for three years.
- **National Origin Discrimination:** The Division filed a complaint against another landlord in Queens who was discriminating against its tenants by subjecting certain tenants to different terms and conditions based on their National Origin.
- **Race:** In the previous fiscal year, the Division filed a complaint against a landlord in Syracuse who selectively chose potential tenants based on race. The case settled with civil fines and penalties in addition to injunctive relief, which included fair housing training of its employees, the implementation of policies and practices consistent with the Human Rights Law, and consent to DHR monitoring for three years.
- **Familial Status/Gender:** The Division filed a complaint against a Queens housing provider for discriminatory advertisement and the failure to rent based on familial status and gender.

## Employment

- **Discriminatory Advertising:** The DII unit reviewed job advertisement databases for discriminatory arrest and conviction restrictions.
- **National Origin Discrimination by Building Maintenance Companies:** The unit investigated alleged employment discrimination based on national origin in multiple building maintenance companies.

- Sex/Disability Discrimination: At the direction of Governor Cuomo, the Division launched an investigation into four companies that may be terminating and denying promotions and reasonable accommodation to pregnant employees.
- Disability Discrimination: The Division completed its investigation on a national package delivery and logistic company's policies and procedures that denied reasonable accommodations to employees with disabilities. The company changed its policies and is now in compliance with the state's human rights law.
- Age Discrimination: The Division launched an investigation into the disparate treatment of older workers by four companies.

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## Public Accommodations/Accessibility

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- Sexual Orientation Discrimination: The Division investigated and then filed an administrative complaint following an investigation on the denial of a marriage license by a Town Clerk to a same-sex couple.
- Accessibility of Self-Service Kiosks: The DII Unit investigated companies offering goods and services through self-service electronic kiosks to ensure their kiosks are accessible to persons with disabilities. DHR complaints were filed and probable cause determinations were found.
- Retail Store Accessibility: The DII Unit continues a broad review of retail stores and professional office accessibility in New York City and surrounding counties. To date, approximately 75 stores have voluntarily resolved their accessibility impediments.
- Restaurant Accessibility: The Division filed a complaint against a restaurant in Staten Island for failure to remove an architectural barrier and denial of service. The complaint received a probable cause determination, the case is awaiting a hearing date.
- Gender Discrimination: The DII unit investigated a private golf club in Nassau county to determine if it was "distinctly private" and therefore exempt under the HRL.

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## Hate Crimes

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- Distribution of KKK Flyers in Rome/Oneida County: At the direction of Governor Cuomo, the Division assisted the NYSP in investigating the distribution of Ku Klux Klan and other white supremacy related materials in Oneida and other counties.
  - Swastika Graffiti in Staten Island: The DII unit investigated the appearance of swastika graffiti on a wall at Fort Wadsworth.
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# External Relations

***The External Relations Unit is tasked with increasing the public profile of the Division and of managing the outreach and education efforts across the state. Each year the NYS Division of Human Rights leads conferences and panel discussions to help educate the public, attorneys and advocates on our law. We also participate in community events at the state and local level to make our presence known to diverse communities across the state, communities that may otherwise never hear about our work and how we may be able to help them or someone they know.***

## Outreach and Events



### Highlights from Our Calendar

- ◆ On April 26, 2018, DHR and the New York State Division of Homes & Community Renewal (HCR) hosted a joint conference celebrating the 50th Anniversary of the Fair Housing Act at the Smithsonian National Museum of the American Indian in Lower Manhattan. Panelists included representatives from DHR, HCR, the Ali Forney Center, the American Civil Liberties Union, Chhaya Community Development Corporation, Lambda Legal, Latino Justice PRLDEF, Mobilization for Justice, the NAACP Legal Defense Fund, SAG among others. Over 270 people attended the conference.
- ◆ In August 2018, DHR investigated the distribution of Ku Klux Klan and other white supremacy materials in Oneida county. DHR staff met with representatives of the NAACP Utica and NAACP Rome chapters, conducted Know Your Rights sessions with local refugee centers, and distributed antibias materials at high traffic locations in Utica and Rome. On August 14, DHR held a Town Hall in Rome, NY in conjunction with the State Police, Rome Common Council, NAACP Rome chapter, and the Oneida County Sheriff's Office. Representatives answered questions and responded to community concerns connected to these bias incidents.

- ◆ From August 21 through August 24, 2018, DHR had a table at the Great New York State Fair held in Syracuse, NY. In partnership with the U.S. Equal Employment Opportunity Commission (EEOC), the agency was able to distribute branded promotional materials. DHR distributed 1,600 purple backpacks branded with the DHR and EEOC logos. More than 200 people played the “Governor’s Challenge” online quiz to learn more about discrimination and diversity in New York and to win purple DHR drinking cups. The promotional materials were a very successful tool to draw the public’s attention and enable the agency to share information about its mission and services.
  - ◆ On August 30, 2018, the New York State Division of Veterans Affairs, in partnership with DHR, presented a Veterans Human Rights Conference at New York Law School in Manhattan, NY. The focus of the conference was to discuss veterans’ rights and the protection of veterans with disabilities against discrimination. American Civil Liberties Union President Susan Herman was the program’s keynote speaker.
  - ◆ From September to December 2018, the Office of Governor Andrew M. Cuomo and DHR presented a series of 22 LGBTQ focused Know Your Rights events across New York State. The events covered the protections afforded under the New York State Human Rights Law, the Dignity for All Students Act, and local and federal law.
  - ◆ On September 23, 2018, DHR staff hosted a table at the 44th Annual Atlantic Antic Festival in Brooklyn, NY. The public received an overview of the New York State Human Rights Law and the agency’s processes and services. Nearly 300 visitors stopped by DHR’s table.
  - ◆ On November 7 and November 8, 2018, DHR held sexual harassment forums in partnership with the EEOC in Rochester and Buffalo. The forums provided an opportunity to learn about federal and state laws against sexual harassment, as well as the resources and solutions available to those who have experienced this unlawful behavior. The forum also promoted DHR/EEOC as the venues where complainants can file to have their cases investigated promptly, effectively and free of charge. Attorneys in attendance received CLE credit.
  - ◆ On February 22, 2019, DHR held a Know Your Rights forum for the immigrant community in partnership with the EEOC, Touro Law School, and the Suffolk County Human Rights Commission. Panel discussions were presented on the issues facing Suffolk’s immigrant communities, the rights of immigrants under the NYS Human Rights Law, and sexual harassment prevention. Two CLE credits were offered.
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DHR hosted international delegations seeking to learn more about the NYS Human Rights Law such as the Jeollabuk-do Human Rights Center in South Korea, the Bulgarian Commission for Protection Against Discrimination, and members of the European Law Students' Association from Norway's University of Tromso.



REPRESENTATIVES FROM THE JEOLLABUK-DO HUMAN RIGHTS CENTER, SOUTH KOREA

BULGARIAN COMMISSION FOR PROTECTION AGAINST DISCRIMINATION



MEMBERS OF THE EUROPEAN LAW STUDENTS' ASSOCIATION FROM THE UNIVERSITY OF TROMSO, NORWAY



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## Internship Program

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There are a number of challenging intern opportunities at the New York State Division of Human Rights. Internships/externships are available on a year-round basis. The Division offers interested students exciting opportunities to participate in the processing of discrimination complaints and observe first-hand how the Division investigates, prosecutes, and conducts hearings to determine if discriminatory conduct in violation of New York State law has occurred. These exciting internships are available in our Central Office in the Bronx and in regional offices located across the State.

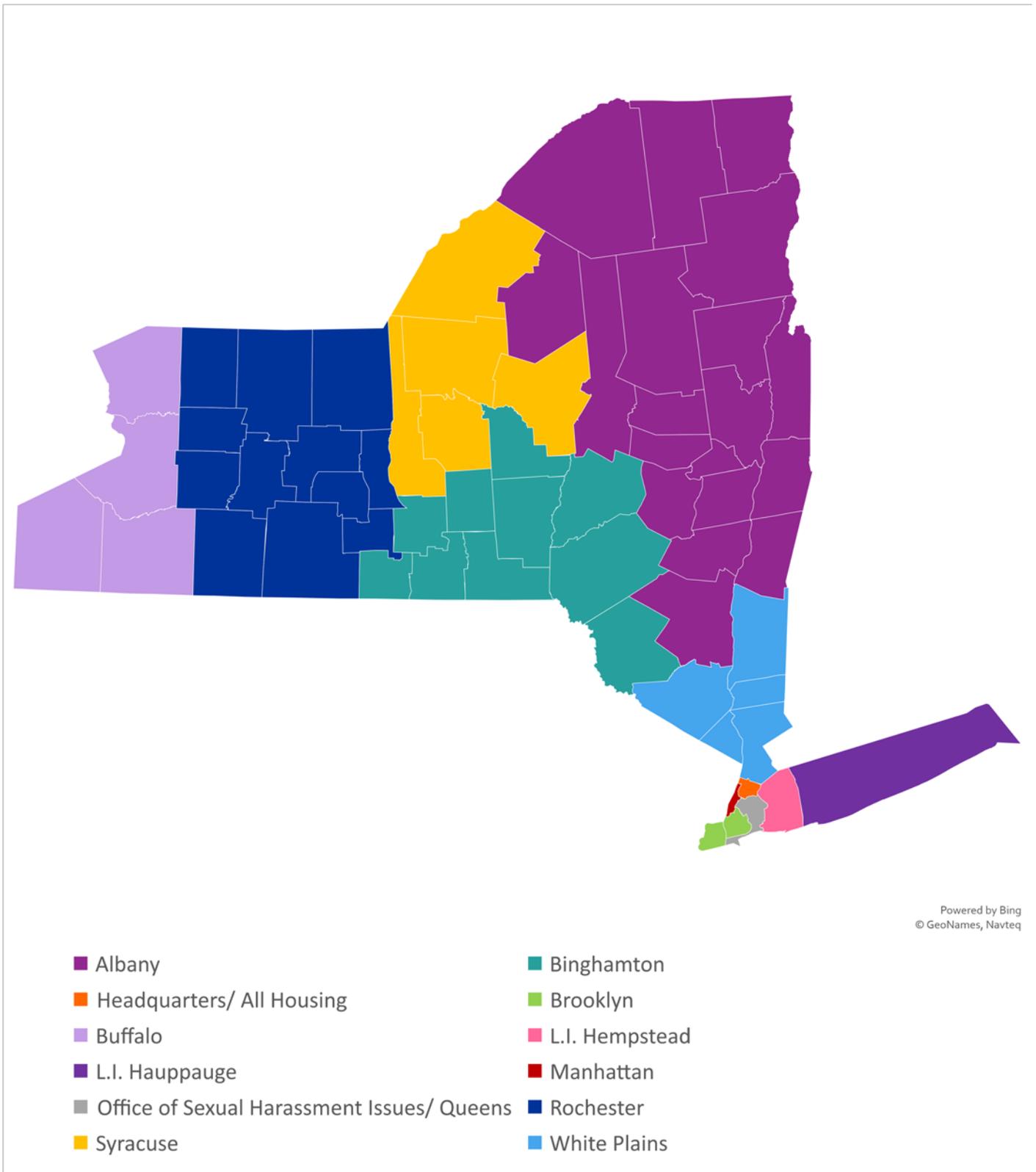
In FY 18-19, the NYS Division of Human Rights placed 107 interns placed throughout our 12 offices across the state.



*Intern Appreciation Day celebration with students and staff*

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## DHR Offices and Jurisdictions



<b>Albany</b>	Agency Building 1, 2nd Floor Empire State Plaza Albany, New York 12220 Tel. (518) 474-2705 (or 2707) eFax: (518) 473-2955 <a href="mailto:InfoAlbany@dhr.ny.gov">InfoAlbany@dhr.ny.gov</a> <i>Director: Victor DeAmelia</i>	<b>Long Island (Hauppauge)</b>	State Office Building, 250 Veterans Memorial Highway, Suite 2B-49 Hauppauge, New York 11788 Tel. (631) 952-6434 eFax: (516) 240-2882 <a href="mailto:InfoLongIsland@dhr.ny.gov">InfoLongIsland@dhr.ny.gov</a> <i>Director: Froebel Chungata</i>
<b>Binghamton</b>	44 Hawley Street, Room 603 Binghamton, New York 13901 Tel. (607) 721-8467 eFax: (518) 473-2955 <a href="mailto:InfoBinghamton@dhr.ny.gov">InfoBinghamton@dhr.ny.gov</a> <i>Director: Victor DeAmelia</i>	<b>Manhattan</b>	Adam Clayton Powell State Office Building 163 West 125th Street, 4th Floor New York, New York 10027 Tel. (212) 961-8650 eFax: (212) 961-4312 <a href="mailto:InfoUpperManhattan@dhr.ny.gov">InfoUpperManhattan@dhr.ny.gov</a> <i>Director: David Powell</i>
<b>Bronx (Headquarters &amp; Housing Investigations Unit)</b>	One Fordham Plaza, 4th Floor Bronx, New York 10458 Tel. (718) 741-8400 eFax: (718) 741-8318 <a href="mailto:InfoHousing@dhr.ny.gov">InfoHousing@dhr.ny.gov</a> <i>HIU Director: William Lamot</i>	<b>Office of Sexual Harassment Issues/Queens</b>	55 Hanson Place, Room 900 Brooklyn, New York 11217 Tel. (718) 722-2060 eFax: (718) 722-2039 <a href="mailto:InfoOSHIQns@dhr.ny.gov">InfoOSHIQns@dhr.ny.gov</a> <i>Director: Joyce Yearwood-Drury</i>
<b>Brooklyn</b>	55 Hanson Place, Room 1084 Brooklyn, New York 11217 Tel. (718) 722-2385 eFax: (718) 722-2078 <a href="mailto:InfoBrooklyn@dhr.ny.gov">InfoBrooklyn@dhr.ny.gov</a> <i>Director: William Lamot</i>	<b>Rochester</b>	One Monroe Square, 259 Monroe Ave., Suite 308 Rochester, New York 14607 Tel. (585) 238-8250 eFax: (585) 445-6003 <a href="mailto:InfoRochester@dhr.ny.gov">InfoRochester@dhr.ny.gov</a> <i>Director: Julia Day</i>
<b>Buffalo</b>	Walter J. Mahoney State Office Bldg. 65 Court Street, Suite 506 Buffalo, New York 14202 Tel. (716) 847-7632 eFax: (716) 847-3445 <a href="mailto:InfoBuffalo@dhr.ny.gov">InfoBuffalo@dhr.ny.gov</a> <i>Director: Debbie Kent</i>	<b>Syracuse</b>	333 E. Washington Street, Room 543 Syracuse, New York 13202 Tel. (315) 428-4633 eFax: (315) 428-4106 <a href="mailto:InfoSyracuse@dhr.ny.gov">InfoSyracuse@dhr.ny.gov</a> <i>Director: Julia Day</i>
<b>Long Island (Hempstead)</b>	50 Clinton Street, Suite 301 Hempstead NY 11550 Tel. (516) 539-6848 eFax: (516) 240-2882 <a href="mailto:InfoLongIsland@dhr.ny.gov">InfoLongIsland@dhr.ny.gov</a> <i>Director: Froebel Chungata</i>	<b>White Plains</b>	7-11 South Broadway, Suite 314 White Plains, New York 10601 Tel. (914) 989-3120 eFax: (914) 989-3122 <a href="mailto:InfoWhitePlains@dhr.ny.gov">InfoWhitePlains@dhr.ny.gov</a> <i>Director: Linda Fenstermaker</i>



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**LEADERSHIP**

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**New York State Commission Against Discrimination**

- 1945 Henry C. Turner, Chairman
- Charles Garside, Chairman
- Edward W. Edwards, Chairman
- Ward Arbury, Chairman
- 1955 Charles Abrams, Chairman
- 1959 Elmer A. Carter, Chairman
- 1961 Ogden Reid, Chairman

**New York State Commission for Human Rights**

- 1962 George Fowler, Chairman
- 1967 Robert J. Mangum, Chairman

**New York State Division of Human Rights**

- 1970 Jack M. Sable, Commissioner
- 1975 Werner Kramarsky, Commissioner
- 1982 Robert Shaw, Acting Commissioner
- 1983 H. Carl McCall, Commissioner
- 1984 Douglas H. White, Commissioner
- 1990 Margarita Rosa, Commissioner
- 1995 Edward Mercado, Commissioner
- 1999 Jerome H. Blue, Commissioner
- 2000 Evonne W. Jennings Tolbert, Commissioner
- 2003 Michelle Cheney Donaldson, Commissioner
- 2007 Kumiki Gibson, Commissioner
- 2008 Galen D. Kirkland, Commissioner
- 2013 Helen Diane Foster, Commissioner
- 2019 Angela Fernandez, Commissioner

**General Counsels**

- 1945 Henry Spitz
  - 1975 Beverly Gross
  - 1977 Ann Thatcher Anderson
  - 1983 Roberto Albertorio
  - 1985 Margarita Rosa
  - 1988 Lawrence Kunin
  - 1999 Gina M. Lopez
  - 2007 Caroline Downey
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