THE CHALLENGE OF EQUALITY:

THE WORK OF THE NEW YORK CITY COMMISSION ON HUMAN RIGHTS 1970 - 1977

May, 1977

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Chair

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P R E F A C E

The chronicle of the New York City Commission on Human Rights in the 1970's is the story of a dedicated band of civil rights workers of which I was only one. It is the record of a small and deeply committed agency in the years between 1970 and 1977, determined to build solid gains as a testament to the struggle of the previous decade to secure full human rights.

The comprehensiveness of this document is the result of a decision early in my tenure to increase productivity and reduce costs by replacing the traditional "annual report" with less frequent documents. As it turns out, it has been left to this report to record and analyze the work of the Commission during my entire service between April 1970 and May 1977. But this longer period of scrutiny has provided a benefit that more closely focused annual reports could not; it has enabled us to step back and see trends and the overall direction of human rights efforts in the 1970's and to put into broader context the Commission's challenges and accomplishments in this decade.

By 1970, when I came to the New York City Commission on Human Rights, civil rights had exploded into a truly national concern in which millions of Americans finally felt they had a stake. Until the 1960's human rights concerns were largely limited to the struggle of a small but undaunted movement of black Americans working within a few organizations and making demands for the most elementary justice — demands that went unanswered until they nurtured a mass movement to overcome national traditions of racism. Until the black civil rights movement raised universal issues of human rights, inequality submerged the aspirations of millions of Americans of every race and background. Women's unequal status went virtually unnoted. Hispanic Americans, Asian Americans and American Indians were invisible minorities. White ethnic Americans were assumed to have lost their identity and to have no special problems. The problems of handicapped persons were not even deemed to be within the realm of discrimination.

Today the grievances of all these groups are not only visible; they have been legitimized. This is the heritage of the magnificent civil rights movement of the 1960's which brilliantly concentrated attention on the issue of human rights, spinning off gains not only for racial minorities but for all groups suffering unequal treatment.

There may have been no better preparation for my own service as Chair of the Human Rights Commission in the 1970's than my experiences in the civil rights movement of the 1960's; no better background than the sit-ins, voter registration drives and other movement work in the North and South of my university days. But, by the time of my appointment in 1970, a very different challenge confronted civil rights activists. Could the country make the transition from the rhetoric to the practice of equality? Could we who were activists build a strategy for this decade as we had for the last one? What would "Freedom now" and "We shall overcome" mean in the years after civil rights laws were passed, legal gains begun, and strategies for implementation developed? Were we prepared for the years of sheer, technical toil, bureaucratic innovation and system-changing that were now needed? A new society could not be rendered overnight. Could it be painstakingly built, brick by brick in the foreseeable future?

My years at the Human Rights Commission have enabled me to fulfill the dream of my college years that I might make a professional life in the cause of human rights. These years have been rewarding beyond the telling. They have prepared me to take on new challenges at the national level as I now leave to chair the Equal Employment Opportunity Commission in Washington.

They have offered me the opportunity to work in the most fertile ground for demonstrating the universality of the principles of human freedom. And they have allowed me to live in a city of incomparable diversity and stature. I shall be forever grateful to New York, its people, and especially to my own dedicated and indefatigable staff.

Eleanor Holmes Norton
May, 1977

INTRODUCTION

The New York City Commission on Human Rights entered the 1970's as an agency ready for critical change. Established in 1955* as a human relations and mediation unit with little legal power, it had, with the passage of local anti-discrimination legislation, gradually taken on the functions and powers of a law enforcement agency. Throughout the 1960's, with the continued expansion and strengthening of the City Human Rights Law, the Commission's law enforcement mandate and its powers grew.

*The Commission's origins date to 1944, when Mayor Fiorello H. LaGuardia established the Mayor's Committee on Unity after the Harlem Riots, the summer of 1943. The Unity Committee, a voluntary, advisory body, was replaced in 1955 by the Commission on Intergroup Relations (COIR). Established by Local Law 55, COIR had formal governmental status and more extensive powers than the Unity Committee. In 1962, COIR was renamed the Commission on Human Rights and continued to function under Local Law 55 and Local Law 80 (1958) which gave the Commission its first enforcement power in the area of fair housing. Local Laws 55 and 80 were amended repeatedly over the years to expand the Commission's powers. In December, 1965, they were further amended and combined in the Human Rights Law of the City of New York (Chapter I, Title B of the Administrative Code.) Amendments since then are discussed below.

At the same time, through national civil rights legislation, court decisions, and administrative rulings, there developed a wide-ranging body of anti-discrimination law that vastly increased the jurisdictional scope of anti-discrimination agencies. The Commission's major challenge and most notable achievement in the 1970's was the consummation of its conversion to a law enforcement agency, working to develop the most effective and innovative ways to utilize its new powers to combat discrimination.

The Commission's efforts to expand its capability as a law enforcement agency entailed both organizational and procedural change, and the development of new methodologies and programs. The most significant programmatic development was the creation and implementation of systemic enforcement techniques designed to affect entire systems or patterns of discrimination — especially in employment and housing — instead of relying solely on the resolution of individual cases of discrimination.

These systemic approaches evolved from the Commission's new legal capacity but were shaped as well by basic economic and social forces that were transforming the City as a whole. The demographic changes that raised New York's minority population to over 40%, the flight of middle-income people, especially whites, from the City, the erosion of the tax base — all had important implications for the Commission's priorities and the direction of its programmatic efforts. In this context, the agency continued

to emphasize, but also transcended, the level of individual cases. The Commission believed its civil rights enforcement capability had to be used on a scale that affected large numbers of people and basic urban problems. To do this, it could not continue to rely on remedies invented in the 1940's, 50's and 60's. Instead it helped chart a new course directed toward high impact approaches that would aid not simply individuals but large numbers of the affected classes under its jurisdiction, and even the future of the City itself.

The agency sought, for example, to develop systemic rather than relying only on individual approaches to job discrimination affecting minorities, an increasingly large proportion of the city's tax base, thus strengthening the tax base itself. At the same time, the Commission worked not only to open housing to individual minority people, but took on the larger task of working to stabilize the city's neighborhoods by designing ways to discourage the flight of middle-income people and encourage permanent integration rather than racial transition. The comprehensive approaches vastly enhanced the Commission's effectiveness and impact. With grants from the United States Equal Employment Opportunity Commission (EEOC) and the Department of Labor, the Commission pioneered in the development of highly successful affirmative action approaches for minorities and women, based on Commission-initiated complaints against large-scale employers in New York City.

Through these "pattern and practice" cases the Commission renders technical assistance to such companies, making it possible to reform employment systems and remove barriers that handicap entire protected classes rather than only individuals.

The Commission also applied the systemic approach in fulfilling its mandate to assure equal opportunity in New York City government employment. In May, 1974, Commission initiative resulted in a ground-breaking Mayoral Executive Order that established the first comprehensive equal employment opportunity program in city government, bringing affirmative action to all mayoral agencies.

Perhaps the most innovative systemic approach developed by the Commission was neighborhood stabilization, which seeks to address emergent patterns of residential segregation and racial transition. The program works to develop strategies to stem the flight of middle-income residents, who are often white, from city neighborhoods, and to promote stable, permanently integrated neighborhoods. The stabilization program has pioneered the development of community stabilization strategies to improve neighborhood life and promote attachment to the neighborhood and to the City, in conjunction with the strong enforcement authority of the Commission to combat racial steering and blockbusting, which lead directly to residential segregation.

Concurrent with the development of systemic strategies, the Commission met the challenge of increased law enforcement responsibilities in the 1970's with a major reorganization of functions and procedures to assure full professionalization and maximum effectiveness. The agency initiated reorganization as one way to make its new legal capacity more effective; but the Commission also felt that the fiscal crisis of the 1970's made improved productivity an imperative. Through the application of management principles, the Commission was able to utilize its resources for greater effectiveness and productivity. At the same time it augmented its limited budget of tax levy funds with funds from federal and foundation sources, virtually transforming its sources of revenue.

The Commission's management reforms began with improved procedures for handling individual cases, but were soon expanded to include all Commission operations. Its management performance under a Citywide Management Plan instituted by the Mayor in 1976 was so successful that the Commission became the first city agency to earn special Management-by-Objective status, according the agency flexibility in handling its own budget and personnel procedures.

The Commission's consolidation as a law enforcement agency did not preclude its continued mandate to promote intergroup relations and combat polarization within the City. But its

activities in this area took on a more defined focus and a more systematic approach. From its origins as a human rights agency, the Commission had been the single municipal agency charged with eliminating intergroup tensions. But as the national and local urban unrest of the 1960's brought an increasing awareness of the significance of race relations for virtually all city agencies, the City moved to incorporate this function more comprehensively into its service delivery mission. With the growth of the City's minority, poor, and elderly populations, many city agencies established their own human relations offices or otherwise incorporated human relations functions in order to improve the delivery of services. And as urban disturbances grew around the country, City Hall itself established a centralized crisis response mechanism to emphasize the priority attached to agency response in keeping urban peace. Thus, the Human Rights Commission was relieved of a significant part of day-to-day, ad-hoc, crisis-oriented human relations activity. This enabled it to concentrate on systematic policy-oriented intergroup relations work, such as the promotion and assistance of anti-polarization coalition efforts; exploration of newly emergent intergroup problems; and investigative studies that analyze, bring to public attention and make recommendations on specific tension areas. The shift in the nature of the Commission's intergroup tension responsibilities

also enabled it to concentrate its major efforts on law enforcement and new systemic programs.

Thus, in the 1970's, the Commission's policies and programs, its organizational and procedural reforms, and its development of new approaches to discrimination were efforts to realize the full potential of the legal powers that were the heritage of the 1960's. The advances in civil rights law in the 1960's were the fruit of struggle and social action. But they demanded a changed focus and sophisticated responses to be translated into concrete progress in equality of opportunity. The challenge of a civil rights agency in the 1970's was to build on the gains of the 1960's and convert them into new achievements. It was a challenge the Commission has sought diligently to meet.

CHAPTER I

AN EXPANDING JURISDICTION, A GROWING CONSTITUENCY

The Human Rights Law*

Legislative amendments to the New York City Human Rights Law continued to expand the Commission's jurisdiction in the 1970's. Although the Law was already broad, some

*New York City's Human Rights Law is one of the strongest in the country. It covers discrimination in three areas :

Employment: Hiring, promotion, conditions of employment, and termination or dismissal. The Commission has jurisdiction over private employers, unions, and employment agencies, as well as city departments and agencies.

Housing and Commercial Space: Rental or purchase of a house or apartment (whether public or private housing, except owner-occupied two-family units) or commercial space.

Public accommodations: Admission to and service in restaurants, bars, bowling alleys, theaters, stores and other places open to the public.

In each of these areas, the law prohibits discrimination because of a person's race; religion (including specific practices, such as Sabbath observance); national origin; sex; or physical handicap. In addition, in the area of employment only, it is illegal to discriminate because of age, for persons aged 40-65; and in the area of housing only, it is illegal to discriminate on the basis of marital status, that is,whether a person is single, married, separated or divorced. It is illegal to discriminate in employment on the basis of a conviction record, unless the employer establishes that the nature of the conviction and the specific job are related.

major areas were incomplete and new concerns needed to be covered. A major addition to the Commission's powers came with the passage of a 1970 State law, amended and significantly strengthened in 1972, which empowered the agency to combat blockbusting and racial steering, real estate practices which stimulate and thrive on racial tension and produce residential segregation.* The law enables the Commission to declare up to 40 square blocks a "non-solicitation area" for real estate brokers and dealers if a formal finding that blockbusting exists is made. The strongest law of its kind in the nation, the Commission's anti-blockbusting law was a basic tool in its efforts to combat housing discrimination and resegregation.

During the 1970's the major area of sex discrimination was expanded as well. The Commission had had jurisdiction over sex discrimination in employment since 1965, but as the issues and activities of the 1970's exposed the full extent of discrimination against women, the need for additional protection became clear. In 1970, the Commission obtained jurisdiction over sex discrimination in public accommodations, enabling it to combat such discriminatory practices as the exclusion of women from equal access to restaurants and bars. Such practices are not only discriminatory in themselves but have had an

*A detailed discussion of blockbusting and racial steering and Commission programs in this area are found in Chapter IV.

adverse effect on women's employment prospects and advancement by denying them the opportunity to engage in informal business and professional luncheons and meetings. In 1973 a further amendment gave the Commission jurisdiction over sex discrimination on the basis of sex and marital status in the rental and purchase of housing and commercial space, virtually rounding out the powers needed to protect the rights of women.

The Commission's protection of persons victimized by religious discrimination was considerably enhanced by the passage of an amendment in 1972 which required employers to make accommodations to the religious needs of employees, including the observance of the Sabbath and other holy days, and the wearing of religious garb. Prior to the passage of the amendment, the Commission had depended upon federal guidelines regarding religious discrimination that were general in scope, rather than on a strong and explicit law that protected religious practices.

Finally, the Commission has used guidelines interpreting the Human Rights Law as a way to encourage broad-scale compliance with the law instead of relying exclusively on remedial action based on individual violations. Such guidelines have the effect of law in that they make the Commission's interpretation of its law more explicit in a given area, and thus encourage the elimination of violations systematically rather than on a slow case-by-case basis. Thus, a hearing on the employment problems of ex-offenders

revealed that minorities were disproportionately affected by employer policies that closed off jobs to persons with arrest or conviction records, even when such records were not relevant to employment. Relying on data from the hearings and on recent federal court decisions, the Commission promulgated Guidelines for the Use of Arrest and Conviction Records as Job Selection Criteria, in June 1973. Applicable to both public and private employment, the guidelines prohibit as discriminatory the use of arrest information in employment decisions and require that conviction information have a clear relation to business necessity. The guidelines were widely distributed to employers, and as a result, most voluntarily eliminated inquiries about arrest records from job application forms. In 1977, a state law gave the Commission jurisdiction over discrimination in employment on the basis of a conviction record, superseding the Guidelines.

New Jurisdiction to Receive Federal Complaints : EEOC 706 Deferral Status

In summer 1974, the City Commission on Human Rights became the first city agency to be formally designated a Section 706 deferral agency by the U.S. Equal Employment Opportunity Commission (EEOC). Deferral status, accorded mainly to state human rights agencies, designates an agency as qualified to handle employment complaints deferred to it by the EEOC. With this

additional responsibility come federal funds which have been especially helpful to the Commission budget during the City's economic crisis.

Federal Law and the Changing Focus of Anti-Discrimination Work

The expansion of the City Human Rights Law and the Commission's new responsibilities as a 706 deferral agency were part of the enforcement challenge of discrimination work in the 1970's. Equally important were significant legal developments on a federal level that brought new issues and responsibilities to anti-discrimination agencies and called for new programmatic approaches.

As the 1970's opened, the impact of civil rights laws passed in the 1960's began to be felt. Through court decisions and administrative interpretations, there developed a wide-ranging body of anti-discrimination law covering diverse and specialized issues, such as job testing, promotional standards and maternity benefits that had never before been within the scope of anti-discrimination agencies.

The civil rights legal developments of the 1960's and 1970's stimulated the development of new enforcement methodologies and thus had important consequences for the Commission's programmatic activities. The Commission's major achievement was the perfection of systemic approaches that focus on eliminating entire systems of discrimination, rather than resolving individual

complaints. As important as the individual complaint process is, and as effective as the Commission's revised case processing procedures have proved to be, the case process cannot by itself have a broad impact on widespread and institutionalized patterns of discrimination. An effective remedy must affect the entire class if it is to reach to the root cause of ingrained and resistant discrimination.

In employment, for example, most discrimination today flows from established patterns and practices, many of them facially neutral but discriminatory in their effect on the employment opportunities of minorities and women. In a landmark decision in 1971, the U. S. Supreme Court found in Griggs v. Duke Power Co.* that the use of job requirements, such as a high school diploma or standard intelligence tests that had a disparate exclusionary effect on minorities and that could not be shown to be job related, were in violation of Title VII of the Civil Rights Act. In the Court's interpretation of Title VII, "The Act proscribes not only overt discrimination but also practices that are fair in form but discriminatory in operation."

To be truly effective, then, anti-discrimination efforts must focus on altering systemic aspects of discrimination through an affirmative remedial approach. The systemic approach literally

*401 U. S. 424.

revolutionized the Commission's impact on discriminatory practices, both in terms of the numbers of people reached and the effectiveness of the remedies prescribed. The Commission's systemic programs in private employment, in New York City government employment, and in housing and neighborhood stabilization gave a new dimension to the meaning and effectiveness of anti-discrimination work in the 1970's.

CHAPTER II

A NEW TECHNOLOGY IN CIVIL RIGHTS: AFFIRMATIVE ACTION IN EMPLOYMENT THROUGH COMMISSION-INITIATED PATTERN AND PRACTICE COMPLAINTS

The New York City Commission on Human Rights was a pioneer in the development of a technology based on the use of Commission-initiated complaints to totally reform employment patterns and practices in large companies to eliminate discrimination against minorities and women. Under federal grants from the Equal Employment Opportunity Commission beginning in 1968, later augmented by funds from the Department of Labor,* the Commission was the most active local or state agency in the country in developing and implementing the systemic approach to combatting discrimination.

A major Commission priority, the affirmative action program entails initiating complaints against large-scale employers in New York City and providing them with technical assistance to improve their employment patterns. The Commission selects target companies so as to concentrate its resources where

*Details of federal funding are provided in Chapter V below.

the return will be the greatest for the affected classes; thus, companies are chosen based on their size, statistical profile of employment of minorities and women, and most important, employment practices believed to be at variance with the law. Every aspect of the employment system is analyzed in detail, including recruitment, hiring, promotion, testing, benefits, job classification, and pay.

The Commission's investigations rarely reveal invidious, secret, deliberate discrimination of the kind openly practiced for decades in this country. Rather, discrimination in this city today most often involves commonly used, apparently neutral practices that build in preferences for groups that have always enjoyed access, while tending to exclude minorities and females or to confine them in low level jobs. Under Title VII of the 1964 Civil Rights Act and similar state and city laws, such practices with discriminatory effect are illegal. For example, many employers traditionally rely upon word-of-mouth referral of applicants for job openings. But if the firm employs few minorities or women in certain categories, this practice will generate few if any minority or female applicants. There are a growing number of newly educated, newly skilled minorities and women who, given this referral system, will never even learn of these job openings, much less get hired. Other examples of seemingly neutral but

effectively discriminatory practices are the use of educational requirements or qualifying tests that are not job-related, that is, not relevant to the job to be performed or so excessive as to be related to jobs at levels above the job to be performed. For example, a high school diploma is a common requirement for unskilled jobs, even when it has not been shown to be necessary. Another example would be the common practice of hiring women with college degrees as secretaries when men with similar backgrounds are rarely hired to do clerical work.

Indeed, a common barrier to equal employment opportunity for women is the persistence of outdated and stereotypic concepts of "female" jobs and "male" jobs. For example, women are generally seen as best suited for clerical work, regardless of education, background, interests and potential. In a case involving a major television network, the Commission found that 90% of the female hires who had college degrees were placed in clerical positions, while only 20% of the males with college degrees were hired as clericals. Furthermore, 90% of those same female college graduates were still clerical workers after 6 years, while 85% of the male college graduate clericals had been advanced to professional or managerial status.

These are typical of the employment practices with discriminatory effect which the Commission identifies in its pattern and practices cases. Once the discriminatory patterns and practices

are analyzed, the Commission works with the company to render technical assistance to eliminate these barriers by substituting more effective personnel systems. These new practices are spelled out in binding contracts negotiated between the company and the City (unless the company decides to proceed to public hearing, an option few choose because of the possibility of negative publicity). The Commission monitors compliance with the contract at regular intervals.

Typical of the requirements placed upon companies in the agency's compliance program are:developing written job descriptions with job-related qualifications; setting up company-wide employee evaluation systems which involve consideration of all employees for promotion; initiating continuing relations with agencies and organizations that specialize in recruiting and referring minorities and females, and monitoring traditional sources to ensure their compliance with the law; establishing a system of accountability for everyone making employment decisions so as to ensure fairness and eliminate — to the degree possible — instances of individual discrimination; and reporting quarterly to the Commission on all employment actions.

While the Commission's affirmative action program is an enforcement program, the agency offers continuing technical assistance to companies adopting these new procedures while they are in the compliance program. In essence, the new practices not

only widen opportunities for minorities and women, but effect overall personnel management improvements.

Since its inception, this program against systemic discrimination has dealt with approximately 200 companies in virtually all major industrial groups, representing some of the City's largest and most influential employers, including brokerage houses, banks, insurance companies, advertising, textiles, utilities, chemicals, oil, department stores and grocery chains. Company work forces range up to 6,000 employees. Because many of the companies are corporate headquarters of nationwide organizations, including many Fortune 500 companies, affirmative action programs undertaken here have a significant effect on employment practices not only in New York but throughout the country.

Employment Gains for Minorities and Women in Companies in Compliance with the Commission

The Commission's pattern and practice systemic work has produced significant gains in employment opportunities for minorities and women in companies in compliance. In the period 1970 - 1974, the Commission's efforts produced more

than $56 million in jobs for minorities alone.* In Fiscal Years 1975 and 1976, nearly 5,000 minorities and women — above the clerical level — were hired or promoted** by companies with conciliation agreements with the Commission, with dollar benefits for those years of nearly $34 million.

These gains can be seen in impressive increases in the representation of minorities and women in the work forces of companies under compliance agreements with the Commission. A study of compliance companies in the spring of 1976 showed a significant increase in overall participation rates for minorities and in participation rates in top occupational categories for women from the time a pattern and practice complaint was filed (i.e., from 1970 to 1975) and the time of the survey. The gains for minorities and women are particularly noteworthy because they occurred at a time of worsening economic conditions in

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*From 1970 to 1973, under the terms of its EEOC grant, the Commission's pattern and practice program covered only minorities. In 1973, the Commission was funded for a pilot project in sex discrimination and several cases were initiated covering women only. After 1973, conciliation agreements covered women as well as minorities, except in a few special instances. Statistical information on the employment status of women in companies after compliance was therefore not available until 1975.

**After 1974, Commission reporting requirements tracked promotions as well as hires.

New York, when the total work force of the companies in compliance was also declining. *

Minority Work Force Participation Rates

Affirmative action measures are particularly important for minorities. Even well qualified minority group members were historically denied access to jobs because of racial discrimination. The continued use of traditional employment practices which restrict access to groups already in the employment pool can only work to perpetuate this historical exclusion for today's burgeoning numbers of qualified minorities. Only an affirmative effort to reverse the exclusionary effect built into employment systems can change this pattern. And, with minorities a growing proportion of the City's tax base, improving their status by insuring their equal access to employment opportunities is vital to the economic health of the City itself.

In this context, the results of the Commission's systemic employment program in increasing minority work force participation rates is especially significant. A spring 1976 study of the

*Even in a company with a declining work force, normal turnover and hiring continue, providing an opportunity to restructure employment patterns by drawing on new pools of employees that have been previously excluded. The revised employment systems put into effect under Commission compliance agreements assure that new hires and promotions will draw on these new pools of minorities and women among others.

gains made by companies in compliance agreements with the Commission showed that the minority work force in these firms had increased by 42% from the time of the complaint. This increase is noteworthy because it occurred at a time when the total work force of the companies under consideration actually declined by 17%, reflecting unfavorable economic conditions.

Even more significant, a substantial part of the total increase in minority employees — 40% — occurred in the top four occupational categories, covering white collar jobs above the clerical level. These jobs have traditionally been the most difficult for minorities to obtain. The percentage of minorities in these occupational classifications more than doubled between the filing of complaints and 1976, rising from 3% to 7%. Minorities in the Officials and Managers category increased from 2 to 5 percent; Technicians from 12 to 21 percent; Professionals from 3 to 8 percent; and Sales from 3 to 10 percent.

Female Work Force Participation Rates

Women, unlike minorities, have generally made up a relatively large share of the work force of many companies of the kind typically found in New York City. Discrimination against women is most pronounced in their heavy utilization in "female" job categories and their corresponding exclusion

from higher paying jobs often reserved for men. Thus the New York City Commission does not consider changes in the participation rate of women in companies under its jurisdiction as a significant indicator of change, as it often is with minorities. What is significant are changes in female participation rates in occupational categories in which women have been underrepresented — Officials and Managers; Professionals; Technicians; Sales; and Blue Collar occupations. Even in these categories, however, simple work force rate figures often may not reflect the extent of change that has occurred. For example, while women may represent a "reasonable" proportion of professional employees, they tend to be limited to or concentrated in lower level positions in this category. An upgrading of their status within the category would not be reflected in changed work force participation figures.

The work force participation rate for women in the top four occupational categories is far below their representation in the total work force of companies under compliance. However, women significantly increased their share of the jobs in these occupational groups during compliance.* Prior to the filing of Commission complaints in 1973 or after, women made up 37%

*Except for Sales, for which accurate figures were not available.

of the total work force of the companies studied, but only 17% of the top four occupational categories. In 1976, after compliance, gains were made in the top four occupational categories, especially significant when it is noted that this increase took place at a time when total employment within these categories was declining because of unfavorable economic conditions. Thus, while there was a 32% overall decline in Officials and Managers positions, women holding these positions increased from 7% to 13% of all Officials and Managers. Participation rate increases were also registered at the Professional level. Despite a decline of 3% in all professional workers, there was a 27% increase in the number of female professionals, seen in a participation rate increase from 20 to 27%.

The most dramatic change in the employment of women in companies in compliance was in the blue collar field. Even though the number of blue collar jobs in these companies declined by almost half, female employees rose dramatically from 3% to 36% of all blue collar employees.

These "before and after" comparisons clearly establish the effectiveness of the pattern and practice methodology and confirm that systemic programs can affect job opportunities for large numbers of minorities and women in a way that even the most efficient individual case processing cannot. Moreover, the pattern and practice approach, by totally reforming employment systems, assures

not only short-term gains for minorities and women, but puts into place a system that will continue to provide equality of opportunity in hiring, recruitment and promotion past the time when the Commission is monitoring compliance.

The success of the systemic program in private employment gave added impetus to Commission efforts to use similar approaches in reforming city government employment to assure equal opportunity.

CHAPTER III

EQUAL EMPLOYMENT IN CITY GOVERNMENT : THE DEVELOPMENT OF AN AFFIRMATIVE ACTION APPROACH

The Commission has consistently sought to use its jurisdiction over New York City government as an employer to assure that the City meets equal opportunity standards. With the support of successive Mayors, whose approval is required by law for the Commission's jurisdiction to be exercised over city agencies, the City has taken a leadership role in equal opportunity in employment. In the 1970's, Mayors Lindsay and Beame continued this tradition by fully supporting Commission initiatives to effect systemic reforms in city employment, comparable to systemic approaches used with private employers.

Beginning in the early 1970's, steps were taken to bring patterns and practices of city government employment in conformance with new standards and legal requirements of equal opportunity. The earliest systemic reforms focused on revising the City's maternity policy, and reviewing age and sex limitations for city jobs, to assure these were in conformance with the law. In 1971,

the Commission initiated a survey of the status of the City's minority, female and handicapped employees that was to prove the genesis of a full-scale systemic approach, culminating in 1974 with the first comprehensive equal employment opportunity program in city government.

The City's equal opportunity initiatives took on special significance when federal legislation brought state and local governments under Title VII of the 1964 Civil Rights Act. With the City's continued receipt of federal funds contingent on fulfillment of EEO obligations, the Commission's efforts in city government had enormous consequences.

Early Systemic Reforms

In 1970 the Commission initiated revision of the City's maternity policy, making it the first item of comprehensive reform of a personnel practice in city government. This effort established a model program whose key provisions were: use of paid leave for maternity purposes; full coverage for unmarried women; discretion to remain on the job for the full term of pregnancy if desired; and unpaid leave for up to two years with no loss of seniority.

A second major systemic reform resulted when the Commission developed a formal policy adding sex and age discrimination

to other forms prohibited in city employment. The Commission had long had jurisdiction over discrimination by city agencies on the basis of race, creed, color and national origin. In August 1970, Mayor Lindsay issued Executive Order #22 extending this jurisdiction to cover discrimination on the basis of sex and age, and bringing women and workers over 40 the same protection afforded racial, ethnic, and religious minorities. Executive Order #22 not only prohibited discrimination, but embodied a systemic approach by ordering a review to assure conformance in all sex and age requirements for city jobs. The Commission and the Department of Personnel developed Guidelines for Sex Limitations in City Employment, which prohibited such limitations except where sex was a bona fide occupational qualification; these were issued by the Personnel Department as Personnel Policy and Procedure 470-77B.

The 1971 Survey of City Government Employees : First Step Toward and Equal Employment Opportunity Program

In 1971, the Commission recommended the first complete survey of city employees by race, sex, and physical handicap, and undertook it under Mayoral Executive Order #49. The survey was a project of unprecedented scope* and major proportions. The Commission devised forms, methodology, and instructions for the

*Earlier surveys, the most recent of which had been in 1963, neither included all the categories, nor covered all mayoral agencies.

census; distributed these to all city agencies; provided advice and assistance in completion of the forms; and correlated the results manually. The results were then analyzed to show the overall employment status of minorities, women and the handicapped in city government, and within each agency, including their distribution among 51 job categories and 7 salary levels. This analysis, as directed by the Executive Order, was submitted to the Mayor and the Director of Personnel, together with recommendations for action, in the form of a 123-page report issued in September 1973, entitled, The Employment of Minorities, Women, and the Handicapped in City Government: A Report of a 1971 Survey*. This report remains the most comprehensive analysis of city employment by race, sex, and handicap ever done, uniquely detailed in its diagnosis of underlying statistics and barriers affecting each city agency, civil service titles and salaries. This document has continued to be a useful basic reference both for its information and its approach.

The Commission report depicted a mixed picture of the employment status of disadvantaged groups in city government. Since the prior census in 1963, minority employment had increased in 75% of the 49 agencies reporting for both years, with black

*Beginning in 1972, federal regulations require the submission of statistical data without analysis annually to the federal government. Beginning in 1973, this responsibility was assumed by the Department of Personnel and done by computer.

employment increased by 80% and Puerto Rican employment by 98%. Blacks had a 25% participation rate in the city government work force — higher than their representation in the City's civilian labor force (19%) or city population (21%) — but they were concentrated in lower level, lower paid categories. Puerto Ricans had a 6% participation rate in the city government, less than their participation in the civilian labor force (7%) or the city population (10%), and were even more concentrated than blacks in lower level jobs.

The report found that women were employed in accordance with their representation in the labor force (42%), but were concentrated in traditional, stereotyped "women's jobs" such as clerical, teacher, guidance counselor, nurse and social worker, with 3 agencies employing 80% of all women in city government. Among officials and administrators, men outnumbered women two to one. Analyzing the distribution of the affected groups by salary, the report noted significant disparities by race and sex. Of all blacks employed in 1971, 50% earned under $7,300, compared with 65% of Puerto Ricans and 11% of whites. The pattern of women's salaries was essentially the same as that of minorities, with declining proportions of these groups as salary increases. Few men (13%) earned less than $7,300, although 41% of all women fell in this category.

The report's survey of disabled employees was a significant and unique aspect; no count had ever been taken even of handicapped persons in the general population. A total of 33 agencies employed 1,615 people, of whom one-quarter were professionals and 42% clericals. Two-thirds of the handicapped earned less than $10,500, about the same as for the work force as a whole.

The Commission report contained seven detailed recommendations, including the appointment in each city agency of an Equal Opportunity Officer; the establishment of a professional unit within the Commission on Human Rights to provide technical assistance to agencies in eliminating employment practices that fail to meet federal standards; a comprehensive review by the Department of Personnel of civil service tests as well as recruitment, hiring, and promotion practices with special attention to increasing participation in city government of Puerto Ricans, the most disadvantaged minority group in city employment; and special outreach efforts for the handicapped.

Upon receipt of the report of the survey, Mayor Lindsay implemented a number of its recommendations. He ordered all city agencies to appoint a high-level agency official as Equal Employment Opportunity Officer. And he authorized the establishment of a small professional unit (now almost totally federally funded) within the Commission to help city agencies meet federal,

state and city anti-discrimination standards. These initial steps were to provide the foundation for the city's first comprehensive Equal Employment Opportunity Program, established in 1974 when Mayor Beame signed Executive Order #14.

Executive Order #14 : Affirmative Action in City Government : An Equal Opportunity Program for Mayoral Agencies.

In May, 1974, Commission initiative resulted in the issuance of Mayoral Executive Order #14, which established the first Equal Employment Opportunity Program for affirmative action in city government employment. This marked the inception of the most ambitious affirmative action program ever undertaken by government on any level, affecting 350,000 city employees.

Under the Executive Order, the Human Rights Commission, the Department of Personnel and the Law Department were directed to develop guidelines setting forth the standards, requirements and procedures for a City Equal Employment Opportunity Program. These agencies were all necessary to the development of an effective affirmative action program — the Personnel Department because of its jurisdiction over all city job titles, the Law Department because of its jurisdiction over city legal matters, and of course the Commission because of its jurisdiction and expertise in equal job opportunity. Each mayoral agency was directed to review its employment statistics, and its policies and

procedures, and to prepare an Agency Equal Opportunity Plan in conformance with the Guidelines.

The Department of Personnel, the Law Department and the Human Rights Commission were to review city-wide policies, practices and procedures in accordance with the Guidelines. The Guidelines, promulgated under Administrative Order #12 in October 1974, covered every facet of city employment policy, including recruitment, hiring, promotion, benefits, testing, assignment, classification and pay.

The Commission's Government Employment Division was established to provide technical assistance and direction to city agencies in fulfilling their obligations under the Guidelines. The Government Employment Division's technical assistance effort has been extensive. The Division produced two detailed technical assistance papers, one spelling out the preparation of an agency Equal Employment Opportunity Program; another providing a manual for the analysis of work force data. It conducted training sessions for all mayoral agency Equal Employment Opportunity officers, and provided direct guidance and assistance to individual agencies in preparing and implementing their annual affirmative action plans.

In 1976, the Commission received a federal grant which allowed it to extend the technical assistance effort to agencies receiving funds under the federal Comprehensive Employment and

Training Act (CETA). The Commission assisted the New York City Department of Labor, prime contractor for CETA funding, in preparing EEO requirements and guidelines for CETA-funded agencies. CETA administrative funds enabled the Commission to hire special Equal Employment Opportunity personnel to provide technical assistance to the EEO programs of non-mayoral and not-for-profit agencies receiving CETA funds as well.

The Commission's program to improve the City's job opportunity effort was given a further boost by a grant under the Intergovernmental Personnel Act during 1976, which provided funds to develop more refined and specialized techniques and materials for city agencies. Under the I. P. A. grant, the Commission was able to review and revise agency EEO program requirements, prepare additional technical assistance materials, and produce an EEO Training Manual. The grant enabled the development of a standardized EEO program, which individual agencies can tailor to meet specific requirements. In December, 1976, 80 EEO personnel from city agencies were trained in the revised, standardized EEO reporting requirements.

These efforts to help city agencies took on even greater importance as a result of City Charter revisions effective January 1977, which decentralized many personnel functions formerly within the responsibility of the Department of Personnel. With each city agency now directly responsible for equal employment

aspects of such personnel functions as recruitment, job analysis, conduct of certain examinations, training and development, the demand on the Commission's technical assistance services is expected to be significantly greater.

The Government Employment Division engages in other ongoing activities that help city agencies improve equal opportunity. Among these is the census of the handicapped, which must be conducted separately by the Commission, since the handicapped are not included in the annual federal EEO census now conducted through the computerized operations of the Department of Personnel. The Division also assists special reviews of city agency equal opportunity efforts at the request of federal agencies.

City Layoffs

As the City's worsening fiscal crisis resulted in large-scale layoffs beginning in 1974, it became clear that layoffs raised serious equal opportunity issues that demanded attention. The Commission was the first public agency in the nation to raise the issue of the disparate effect of layoffs on minorities and women and to seek solutions that would mitigate this unfair impact without polarizing workers with seniority from more recently hired minority and female workers. With layoffs being made according to state civil service requirements on the basis of

seniority, it was inevitable that they would take their heaviest toll on those groups who had only recently gained access to city jobs.

In the context of the City's Equal Employment Opportunity Program, the Commission made an early and ongoing effort to reduce the disproportionate impact on minorities and women by alerting city agency officials to the issues involved and suggesting ways to reduce the impact on minorities and women. In memoranda issued to agency heads and equal employment opportunity officers on November 25, 1974; June 6, 1975; and October 21, 1975, the Commission outlined a method of analysis as well as techniques for mitigating adverse impact on minorities and women, within the limitations set by seniority and other civil service requirements. The Commission's Government Employment Division also gave special attention to layoff problems in the assistance it rendered city agencies.

In the spring of 1976, the Commission did a special study and analysis of layoff statistics in mayoral agencies for the 16-month period from July, 1974 through November, 1975; and in April, 1976 issued a groundbreaking report, City Layoffs: The Effect on Minorities and Women. The report documented the disparate effect of city layoffs which, as it stated, would have been even worse without the special efforts noted above. The report found that white workers, though 67.5% of the city work

force, lost only 22% of their number. This contrasted to minorities who suffered far greater percentage losses, especially when one considers their numbers in the city government work force. Hispanic workers were reduced by more than half (51.2%), while they were only 6.4% of the work force. Black employees, who were 25.4% of the work force, lost more than a third (35%) of their positions, with black males alone suffering a 40% loss. Other minorities (Asians and American Indians) were reduced by 30% though they are less than 1% of the work force. Women were also laid off disproportionately. In the mayoral agency work force, where males outnumbered women by two and one-half, female employees lost 33% of their number, in contrast to the male loss of 25%.

In the face of this devastating evidence of disparate impact, the Commission worked with a Mayoral Task Force on Equal Opportunity and Layoffs to develop solutions. In June, 1976 the Mayor announced he would implement the recommendations of the Task Force, a series of legislative and administrative proposals that were believed to be the first effort by any jurisdiction to design a comprehensive program of remedies directed to this problem. The program, which preserves the city's mandated seniority system for layoffs, includes: an administrative order directing a review of agency layoff plans by the Human Rights Commission to assure compliance with equal opportunity standards; an

administrative order directing agencies with federal program funds to use as a recruitment source persons discharged from other city-operated federal programs where large numbers of minorities are traditionally employed; legislation allowing seniority credit for layoff purposes for non-permanent service; legislation authorizing the Civil Service Commission to determine when to effectuate the procedure allowing an employee in a higher title who is laid off to "bump" an employee in the next lower title with less seniority (a system which operates so as to oust entry level workers who are disproportionately minorities and women, regardless of whether that result was intended); a study of the feasibility of proposals for worksharing (usually through reduced work week supplemented by unemployment insurance); and legislation requiring city residency for city employees.

CHAPTER IV

NEW APPROACHES TO HOUSING INTEGRATION : SYSTEMIC PROGRAMS IN BLOCKBUSTING, RACIAL STEERING, AND NEIGHBORHOOD STABILIZATION

Housing integration, among all the areas of civil rights, remains underdeveloped, particularly when compared with the burgeoning law in employment. Federal leadership and direction in housing integration has been particularly lacking, in part because no administrative apparatus comparable to EEOC exists to encourage and enforce housing integration and set national standards through guidelines and other actions that lay the legal groundwork for statutory interpretation. Moreover, housing integration presents new and unprecedented complexities, not the least of them the phenomena of racial transition and resegregation that often appear to thwart integration, and the increasing racial isolation and ghettoization of neighborhoods and in some instances entire cities. Since 1972 the Commission has been developing new approaches to housing integration that take into account the uniquely tough challenges posed.

The Commission's mandate to protect equal housing opportunity dates from its inception as a law-enforcement agency. Its very first enforcement powers came with the passage in 1958 of the City's Fair Housing Law, the first anywhere in the nation. Over the years, the Commission has continued to process individual complaints of discrimination in housing. But, as in employment, it has increasingly directed its efforts to eliminating patterns and practices of housing discrimination that affect large numbers of people.

Systemic work in housing has proved even more demanding of innovative approaches than employment. In its employment discrimination work, the Commission has been able to rely on a technology and a legal framework developed for more than a decade by the federal courts and the Equal Employment Opportunity Commission. Housing bias, however, had a legislative late start; Title VIII of the Civil Rights Act of 1968, the Fair Housing Law, came four years after the Equal Employment Opportunity Act. For housing discrimination there have been no guidelines for eliminating discriminatory practices similar to EEOC guidelines on job testing or sex discrimination for example. And the body of case law in housing developed through court decisions does not compare in scope and detail to that in employment.

Other factors complicate housing enforcement work, such as the dispersion of most housing units, compared to the concentration of most jobs, and the financial factor that restricts housing eligibility to ability to pay. But the greatest challenge to developing remedial approaches in housing are attitudinal and social factors that are only partly susceptible to enforcement measures and demand innovative and complex social strategies. Few individuals will give up a job when their work place is integrated, but it is not uncommon for people to change their residence when their neighborhoods are integrated. The phenomena of "white flight" and the flight of other middle income people from the cities, and the demographic changes that have produced huge increases in minority and poor urban populations make housing integration an elusive and unrealized goal.

In confronting these complexities, the Commission first developed a systemic enforcement program in housing aimed at blockbusting and racial steering, two extremely harmful real estate practices (described below) that ensure the resegregation of integrated areas. But what is unique about the Commission's contribution to the theory and practice of housing integration is its development of a comprehensive approach to take account of the phenomenon of flight and resegregation. With entire neighborhoods and cities being vacated by whites as minorities move in, the inadequacy of the old open housing approach is plain.

Thus the Commission sought to couple a new and more sophisticated law enforcement focus with what it termed "neighborhood stabilization techniques" that encourage permanently integrated neighborhoods. Its Neighborhood Stabilization Program, launched in 1975, is a pioneering effort that is tackling for the first time such basic problems as tax base erosion brought on by flight, whose resolution is central to the survival of communities and the City itself.

Blockbusting and Racial Steering Enforcement Programs.

Blockbusting and racial steering are real estate practices which have a virtually unique place in civil rights law. They not only deny equal housing opportunity to minorities; they deny housing opportunities to whites as well, exploiting communities until they decline and die. Blockbusting is the practice by which real estate representatives stimulate and use racial stereotypes and tension to induce panic selling by whites often at low prices in order to resell to minorities at high prices. Most often this housing is initially sold to upwardly mobile minority families, many seeking integrated neighborhoods. Barred from most neighborhoods they can afford by racial bias, they are ready prey for blockbusters because they are forced to pay what is asked in the narrow range of neighborhoods that appear open to them. In many

instances, when the supply of financially able minority families can no longer provide rapid turnover, real estate operators turn to disreputable practices, such as fraudulent mortgages or encouraging buyers who must violate housing requirements by subdividing their property in order to meet monthly notes. By whatever means possible, rapid turnover that brings profit to the real estate sales person and disaster to the neighborhood is the goal. Blockbusting assures rapid racial transition to resegregation and in too many instances eventual ghettoization of an area.

Less well known but equally destructive and even more pervasive is racial steering, the practice of referring whites to housing in all-white areas, while minorities are shown housing only in minority or integrated areas. The rapid re-segregation of the integrated area is assured while the white area remains closed to minorities.

By the end of the 1960's blockbusting had emerged as a major factor inhibiting the stabilization of integrated neighborhoods and a major contributor to the development of discriminatory housing patterns in New York City. The Commission needed and sought additional powers to deal with this problem, and in 1970 the State Legislature passed the State's first anti-blockbusting law, empowering the Commission to initiate complaints against offenders in the real estate business

and to issue non-solicitation orders barring solicitation by real estate people in areas where blockbusting occurs.

The Commission immediately launched a comprehensive anti-blockbusting program, but found the new law too limited to cover the full range of illegal practices. In 1971, the Commission held public hearings on blockbusting in East Flatbush in Brooklyn and in Laurelton and the Rockaways in Queens to document the limitations of the law. It then drafted a new law, which was passed by the State Legislature in 1972.

The 1970 law (which the Commission did not write) restricted the declaration of non-solicitation zones to a four-block area; required proof of explicit racial representation while ignoring implicit racial references; was limited to cases involving only 1-and 2-family houses; and did not allow the Commission to consider as evidence racial steering or fraudulent mortgage applications in declaring non-solicitation areas. In contrast, the 1972 law allows for non-solicitation areas of 40 square blocks; admits evidence of implicit racial representation; includes 3-and 4-family homes; and allows as evidence racial steering and fraudulent mortgage practices in declaring non-solicitation areas.

Staff restrictions imposed by a hiring freeze seriously limited the implementation of this new law until June, 1973, when the Commission was able to obtain special mayoral authorization

to reactivate the blockbusting and racial steering unit. This unit investigated complaints of blockbusting activity in several city neighborhoods, including East Flatbush, East New York, Cypress Hills, the Rockaways, Queens Village, Cambria Heights, Hollis, Carnarsie and Crown Heights. It also provided advice and technical assistance to community groups trying to counteract blockbusting activities.

The stronger blockbusting statute had a powerful deterrent effect, wiping out most overt blockbusting. The Commission was thus able to concentrate on the more widespread and pernicious practice of racial steering, which causes flight and neighborhood instability. Refocusing its efforts, the housing division began an affirmative program of Commission-initiated investigations of the practices of real estate firms, aimed at racial steering and the disparate treatment of whites and minorities.

When the Neighborhood Stabilization Program went into operation in 1975, the enforcement program was closely coordinated with stabilization activities, and the two programs were merged in the summer of 1976 to form a new two-pronged approach to housing integration and stabilization.

The Neighborhood Stabilization Program : Building Toward A New Approach

The Neighborhood Stabilization Program marked the first effort by a public agency anywhere in the country aimed directly at reducing the flight from neighborhoods that undermines stability, stymies integration, and so often leads to ultimate decline and the erosion of the urban tax base. The Program is particularly innovative in its merger of the Commission's strong law enforcement power in housing with new community stabilization techniques involving extensive citizen participation.

The Commission had long been aware that segregated residential patterns are not the result of real estate practices alone. The social and demographic changes that have contributed to the resegregation of neighborhoods result from a complicated combination of factors that succumb only partially to enforcement tactics. Even the most effective enforcement program could not by itself stem the voluntary flight of white and other middle income people that critically threatens cities. Clearly, immediate and innovative solutions were needed.

The Commission's efforts toward building a new approach to housing integration through neighborhood stabilization began in the early 1970's. But though HUD found the Commission's ideas attractive, its own equal opportunity programs are so underfunded that a program of the scale required was never approved. Finally,

in 1975 the Commission was successful in obtaining funds through the City's block grant under the Community Development Act. Even before funding became available, however, the Commission used whatever resources it could to explore and promote the concept of neighborhood stabilization.

In October, 1973, the Commission held two days of hearings exploring strategies for fostering neighborhood stabilization, preservation and integration. Testimony by Mayor Lindsay; by city, state and federal officials; neighborhood leaders; and scholars and experts addressed both the environmental and social aspects of stabilization, and brought together the scattered elements of city agency and citizen efforts to focus on neighborhoods that were vulnerable to flight.

In fall of 1974, the Commission held a six-week course of workshops on neighborhood stabilization for community activists. Entitled, Making Neighborhoods Work in a Multi-Ethnic City: How to Revitalize and Stabilize Your Community, the course was held in cooperation with the Urban Policy and Programs Department of the Graduate Center of the City University. The workshops were designed to provide instruction in strategies and techniques for neighborhood stabilization and revitalization and were conducted by panels of activists and experts in six major areas: Real Estate Practices and Integration; Safety and Security; Preserving Housing Stock; Keeping Business Alive; Funding and Fund-Raising;

and Community Organization. Nearly 200 persons attended the workshops and audience participation and evaluation were consistently enthusiastic.

The response to these Commission efforts made clear the need for a full scale program based on neighborhood stabilization concepts. Only by actually working in communities could the specific strategies and techniques required be developed and refined, to serve possibly as a model for national urban problem solving at the neighborhood level. The Commission's efforts to obtain funding for this effort finally bore fruit in 1975 when it won an allocation of $600,000 for a pilot program under the federal Community Development Act.

The Neighborhood Stabilization Program in its First Year : Pioneering a New Approach

The Neighborhood Stabilization Program formally opened in October, 1975. To prevent the rapid racial turnover of solid middle and working class neighborhoods, and to encourage permanent, viable integration as an alternative to resegregation, the Program relies on two basic methodologies: enforcement of the laws against blockbusting, racial steering and exclusion, and development and implementation of stabilization techniques — such as block, tenant and merchant organizing, support of neighborhood promotion and affirmative marketing, and support of community improvement and revitalization projects.

Essentially, the Neighborhood Stabilization Program is a preventive effort, using staff as catalysts for community action and self-help. It seeks to preserve neighborhoods before they slide into the cycle of resegregation and deterioration from which even the most extensive and costly government efforts may not be able to retrieve them.

Reflecting the Commission's central concern for maximizing its effectiveness, the Neighborhood Stabilization Program is unprecedented in its attempt to bring management approaches to community organization tasks. Operating on a milestone basis, it identifies specific problems that may cause flight and can realistically be dealt with on a local level, designs specific goals to alleviate these problems, and sets a strict timetable for achieving these goals. Not only does this approach assure well-managed staff efforts, it has a more far-reaching effect on community health. Participating in setting goals, working for and reaching them on target, community residents gain confidence in their own ability to build the health of their neighborhood, and in their determination to stay instead of flee.

For the program's first year, contiguous communities in three boroughs were selected as "target areas": in Queens — Laurelton, Cambria Heights, Rosedale and part of Queens Village — homeowning communities of 135,000 residents; in Brooklyn — Flatbush, East Flatbush and Prospect-Lefferts

Gardens — including largely homeowner sections, high-density areas, and areas with both private homes and multiple dwellings, with a total population of 292,000; in the Bronx — Woodlawn, Wakefield, Edenwald, Williamsbridge and parts of Baychester, Olinville, Fishbay — primarily a homeowner area with a concentration of apartment buildings on its western and southern edges, with 118,000 residents. Local Neighborhood Stabilization Offices with a small staff were set up in each borough. Program staff at the Commission central office provide supervision, research and evaluation, and support services, and include the program's enforcement unit, consisting of attorneys and investigators.

Each borough office has developed programs and approaches tailored to the specific needs of its community, and the plethora of stabilization techniques and strategies demonstrate both the range of problems and the creativity used to deal with them. In general, stabilization activities in all three boroughs have focused on the areas described below.

Organizing Block and Civic Associations

Block associations have long been used to promote neighborhood improvement. The Commission Neighborhood Stabilization Program converts the often nebulous association idea into a goal-oriented instrument for stabilizing communities. In the first 18 months of the program,

over 120 block associations and community-wide associations have been developed by Neighborhood Stabilization staff as a major means to weld communities more tightly and resist forces that promote flight. Staff have also revitalized and strengthened existing associations, providing technical assistance on leadership problems, program planning and development, and membership drives. Block and civic associations have brought new and older residents together to work on specific problems, conduct clean-up campaigns and block parties, mount anti-crime patrols, testify at zoning hearings, obtain street repairs, and the like — all helping to improve communication and social interaction among people of different backgrounds while bettering community conditions. The communication inherent in this process is critical to retarding flight, for rumors and panics concerning race cannot easily thrive when neighbors are working together on block improvement projects. Commission staff efforts have been aimed at providing the initial start-up and aid in reorganizing that enables the associations to function on their own, with advice or assistance on specific issues as needed.

Tenant Organizing

The health and stability of multiple dwellings are as important to communities as private homes, especially in a city where the majority of citizens live in apartments. Tenants often need to

organize for the same reasons homeowners do — to prevent flight and to foster physical improvements. But tenants often have the additional need to form themselves into a unit that can bargain with the owner for needed improvements. Neighborhood Stabilization staff have helped to develop nearly 40 tenant organizations, usually focusing on buildings where there are perceived problems of rapid racial turnover, physical deterioration, or security. Staff helped tenant associations to improve building conditions and services, negotiate with landlords, deal with city agencies responsible for code enforcement and repairs, and handle legal problems. One innovation has been staff efforts that have brought together tenants and homeowners, members of block and civic associations who may be of different backgrounds and races, to address mutual concerns and break down mistrust that may build up in the absence of such affirmative efforts. Such coalitions unite black and white, poor and middle income people to exert combined pressure for neighborhood improvements, and thus reinforce neighborhood cohesiveness. Similarly, in instances where large-scale developments or public housing projects have been perceived as a source of instability by community residents, stabilization staff worked with tenants to improve conditions, and with civic organizations, community leaders, homeowners and local government officials to develop task force approaches for solving these special problems.

Commercial Revitalization and Merchant Organizing

Community vitality does not derive from residential blocks alone. Commercial areas are an important indication of the vitality and health of a community, and stabilization staff have undertaken a wide variety of efforts to strengthen commercial bases in their areas. In particular, they have organized and assisted in the development of merchant associations; initiated studies of commercial facilities and needs; developed promotional campaigns and materials (parades, "banner days", free shoppers' buses, newsletters) to stimulate interest in and patronage of local businesses; and directed community task force efforts that focus on commercial problems.

Affirmative Marketing

In order to compete with the suburbs, the city and its neighborhoods need to explain and promote their many good points — convenient and economical transportation and accessibility, sturdy dwellings, unique older housing of quality, low property taxes, cultural advantages, and the like. Thus, an important focus of the Stabilization Program has been the promotion and affirmative marketing of target neighborhoods. Newspaper advertisements, house and apartment tours, special fairs and events and other promotional strategies have been used

to improve perceptions of target neighborhoods, not only to attract prospective residents, but to bolster the confidence of current residents as well.

Stabilization staff have also aided community-staffed home-finding and apartment-finding services to help prospective residents locate suitable housing and to provide alternatives to commercial real estate services that promote or perpetuate segregated patterns. These community-run finding services have boosted housing sales and apartment rentals in stabilization areas.

Other Stabilization Strategies

One of the most important missions of the Neighborhood Stabilization Program has been to develop and test new strategies. Although the program began in 1975 with an arsenal of approaches to test in communities, it was also keen to develop other stabilization approaches out of its experience in the neighborhoods.

Thus staff have provided default counseling to homeowners experiencing difficulty in meeting mortgage commitments in order to prevent foreclosure and abandonment. They have assisted in the formation of a development corporation in Laurelton, Queens to enable this community to obtain financing to purchase abandoned properties, and are assisting the establishment of development corporations in other boroughs. They have held seminars to focus

on housing problems in the community and to identify and involve local leadership to work on these problems.

Staff have assisted communities in obtaining needed city services through inter-agency projects, helping, for example, to obtain aid in cleaning up dirty parks and public areas. They have helped organize security patrols in neighborhoods where residents fear or experience an increase in crime.

The Neighborhood Stabilization offices have produced a number of technical assistance publications and provided resource material to communities. These include a Bronx community service directory ("The ABC's of Getting Help"); a newsletter put out by the Bronx stabilization office; a Tenant Rights Factbook produced by the Brooklyn office (in cooperation with the Prospect-Lefferts Gardens Neighborhood Association), now used throughout the city; a service directory produced by the Queens office; and resource libraries and kits to help communities learn how to get private self-help grants, organize, and so on.

Lefrak City: Developing Stabilization Strategies in an Apartment Complex

Soon after the start of the Neighborhood Stabilization Program in the Fall of 1975, the Commission was asked to contribute its expertise toward solving problems of rapid racial change and physical deterioration at Lefrak City, a 5,000 unit,

twenty building complex of 20,000 residents in Queens. Public officials and management of Lefrak City requested the Commission's assistance after the local Community Board and the media became concerned about the development's stability and its potential destabilizing effect on the surrounding community. Although Lefrak City was not in a designated Commission stabilization area, the issues at Lefrak City presented classic stabilization concerns, and the Commission therefore undertook to study the situation and suggest solutions.

After an extensive on-site month-long study, the Commission in February, 1976 issued a report that found that important progress had been made through management and tenant efforts, and that continued progress could ensure the stabilization of Lefrak City. It recommended further action by management, tenants and public officials and, in an unusual action, promised a follow-up study in six months. The follow-up report was issued in August, 1976. It confirmed continuing progress toward stabilization and reiterated a central recommendation made in the first report that professional community organization help be sought. It also urged that the Commission establish a stabilization office in the Lefrak area.

The Commission's interest in extending its stabilization program to Lefrak City arose from its concern for the stability

of the entire area as a prototype of a middle-income New York City neighborhood, and from its conviction that Lefrak City could provide a model for stabilization efforts in apartment complexes throughout the city. The Commission's experience in various communities indicated that changes in apartment buildings can have a critical impact on surrounding homeowner areas and thus on the stability of entire neighborhoods. With stabilization efforts at Lefrak City already underway and Planning Board #4 and local officials intensely committed to the success of these efforts, the Commission began to seek funding for a Neighborhood Stabilization Office in the Lefrak City area. By the beginning of 1977, start-up funds from the Ford and Rockefeller Foundations enabled the establishment of a small office, while the Commission awaited additional funds through the Community Development Act and the federal Urban Reinvestment Task Force.

Neighborhood Stabilization: The Enforcement Component

The Neighborhood Stabilization Program complements community organizing techniques with a systemic housing enforcement program against blockbusting, racial steering and exclusionary

practices. The enforcement component has two basic goals: to assure equal opportunity in housing for all home and apartment seekers; and to enable integration and neighborhood racial movement to occur at a normal pace and for natural reasons (i.e., upward mobility, retirement, etc.) and not at an artifically accelerated pace created by fear, rumor or panic about racial change.

One of the Commission's essential enforcement tools is the "non-solicitation" order, which enables it to prohibit solicitation of home sales by real estate brokers, dealers and sales persons in areas where illegal real estate practices are stimulating unusually rapid racial turnover. On December 15, 1975, the Commission declared a non-solicitation area in Rosedale in the newly designated southern Queens Neighborhood Stabilization area, an area where several racial arson and bombing incidents had occurred. The order followed a public hearing two weeks earlier at which testimony by public officials, community leaders, residents, and experts in neighborhood stabilization provided overwhelming evidence supporting the need for a non-solicitation designation in Rosedale. Both black and white community leaders and residents viewed the non-solicitation order as a significant way to accommodate natural integration while dispelling the fears for neighborhood stability aroused by racially-motivated real estate practices designed to produce panicked home sales.

The Commission later issued a similar order to assure the stability of its Bronx target area. In May, 1976, the Commission held a public hearing to investigate real estate practices that had generated widespread community concern in the Northeast Bronx. The increasing proliferation of real estate solicitation urging residents to list their homes for sale had stirred community outrage. The hearings produced evidence of practices such as extensive solicitation and confirmed a unanimity of opinion among black, white and Hispanic residents in this integrated neighborhood for an anti-solicitation order, which was issued for the entire Bronx stabilization area on June 14, 1976.

The effectiveness of the Commission's non-solicitation orders stimulated requests for similar actions in other parts of the city where similar patterns of illegal real estate practices were undermining stability. The Commission determined that approach to these problems in a piecemeal fashion, on a neighborhood-by-neighborhood basis was very time consuming, entailing significant research, time, and expense in the preparation of each hearing held to gather evidence. Moreover, there was good reason to believe illegal practices were so widespread as to demand a more comprehensive approach. In any case, the Commission believed that solicitation as a way to sell real estate was no longer benign or legitimate in a city with a seriously eroding tax base. The Commission therefore formally requested that the Secretary

of State who licenses real estate brokers declare the entire city a non-solicitation area, or that legislation to the same effect be sought.

In response to the Commission initiative, the Secretary of State in July, 1976, issued a non-solicitation order covering the entire boroughs of Brooklyn and Queens, the first such order in state history to be multi-county in scope. The Commission was gratified by this response but is continuing to press for broader coverage to include other boroughs.

In addition to the use of non-solicitation orders, the Commission's enforcement program has entailed the issuance of Commission-initiated systemic housing complaints. These are geared to both exclusionary practices and racial steering. Steering has been a particular focus because, perhaps more than any other practice, it fosters segregated housing. Whites are shown homes in only white and often exclusionary neighborhoods and buildings. Minorities are funnelled into minority neighborhoods and buildings and, increasingly today, into areas undergoing rapid racial transition. These integrated neighborhoods and buildings cannot, under these pressures, remain integrated. At the same time minority families are denied the full range of housing that should be available to them. The flight first of whites, then of middle-income minorities, has resulted. This cycle is the source of much of the instability that has gripped many American

cities. As much as any phenomenon, it has led to the need for the Neighborhood Stabilization Program.

Red-lining: Commission Focus on Economic Investment and the Future of Neighborhoods

One of the most critical issues arising from the Commission's Neighborhood Stabilization Program was neighborhood disinvestment, commonly called "red-lining" — the practice by which lending institutions and insurance companies write off or "red-line" certain neighborhoods so as to make it impossible or more difficult for owners of private homes, apartment houses, and businesses to obtain mortgages, improvement loans and insurance. It was apparent that healthy, stable communities as well as deteriorated areas were undergoing disinvestment, and that red-lining itself could undermine their health and make decline inevitable. Yet there was too little recognition of the role neighborhood disinvestment was playing in the urban crisis. Alarmed at the implications of widespread disinvestment for community stability and for the stability of entire cities, the Commission set a priority on dealing with the problem of red-lining.

Neighborhood Stabilization staff in Brooklyn began working with the St. Nicholas Housing and Redevelopment Corporation to organize local groups into the Brooklyn Reinvestment Coalition (BRIC) to seek to reverse red-lining practices. Stabilization staff

also prepared informational material on disinvestment, asking citizens with knowledge and experience of red-lining practices to come forward and aid in exposing it.

In November, 1976, the Commission held a major, four-day public informational hearing entitled, Economic Investment and the Future of Neighborhoods: An Investigation of Access to Loans and Insurance in Local Communities, aimed at raising the consciousness of the City on this issue and at stimulating city-wide action. The hearings sought to investigate and explore the problem of disinvestment, its significance for the future of New York, existing remedies and possible solutions. More than 100 witnesses testified, among them key public officials, economic, financial and legal experts, housing officials, neighborhood and community activists, and academicians who have studied the phenomenon of red-lining. Representatives of major banks, insurance companies, and savings and loans associations also testified, as did a rich variety of residents of New York City neighborhoods who have had difficulty getting financing and believed themselves victims of red-lining.

Testimony at the hearings, demonstrated that disinvestment is a problem that critically affects the future of New York, and that manifests itself in a far wider geographic area than previously believed, reaching into the heart of many stable, middle-income communities. Although traditionally a phenomenon identified with

minority neighborhoods, red-lining today is geographic as well as racial and affects many older neighborhoods that have not experienced significant racial change. Witnesses also described a number of significant efforts by community groups and coalitions of public and private organizations to combat the effects of red-lining.

The Commission hearings invoked enormous public response and requests for the Commission report and recommendations based on the hearings, as well as information and assistance. Immediately following the hearings, the Commission began working with community and public interest groups on a comprehensive strategy to combat city-wide disinvestment. While this approach was being developed the Commission continued to provide ongoing technical assistance to communities on anti-red-lining strategies, including preparation of a workshop for community groups on how to use the disclosure laws to discover and then combat the disinvestment practices of financial institutions.

CHAPTER V

MEETING THE CHALLENGE OF PROFESSIONALIZATION: RESTRUCTURING, REORGANIZATION, AND THE MANAGEMENT PLAN

The changes in civil rights law and focus that engendered the new systemic approaches of the 1970's had consequences for the Commission's individual case processing procedures and its overall organization as well. The Commission's new jurisdictional strength and scope required a vastly improved agency capability and performance. The increasingly complex and sophisticated nature of discrimination cases made complaint handling a far more complicated and lengthy procedure than in earlier years when simple rules had sufficed to resolve simpler cases.

The Commission was further handicapped by outmoded organization, procedure and practices that were the anachronous heritage of its piecemeal development over the years from an informal, human relations agency to a strong enforcement agency. Its new legal capacity demanded the overhaul of organization and procedures to provide maximum effectiveness and full professionalization.

Equally impelling in the move toward a management orientation was the tightening fiscal situation in New York City in the 1970's. Faced with a limited budget and the need for cuts, the Commission sought ways to utilize its resources for greater effectiveness and productivity. The agency began to devise and implement management approaches, first in case-processing, where the need was most apparent, and then in all Commission functions. These efforts became the basis for the impelementation in 1976 of the Mayor's Management Plan, for which the Commission's prior management initiatives had uniquely prepared it and under which it performed at a level that won the agency special "Management-By-Objective" status, conferring greater flexibility and authority over budget and personnel.

The Planning Division, Case Control and Accountability

The Commission's first management efforts were in the area of case processing, its most fundamental statutory mission. In 1973, the Commission established a planning unit (later subsumed into the Planning and Research Division) charged with developing basic management approaches and mechanisms:

--- A Case Control Unit to provide centralized control and monitoring of all case files, and to provide an improved information retrieval capacity to locate and provide information on cases.

--- A staff accountability system to analyze and allocate case workloads and to monitor performance of investigative and legal staff, as well as other personnel.

By the end of 1974, the Case Control Unit and accountability systems were in operation, and their administration became the responsibility of the Planning and Research Division, which also took on the direction of all management functions of the Commission. The Commission simultaneously began planning the reorganization of procedures used for processing of individual complaints, with a view to complete revision of the system to improve efficiency.

Planning for Reorganization of Case Processing

The reorganization of case processing was based on two major principles — rationalization and modification of methods to develop a speedy resolution mechanism; and the development of staff efficiency through training, supervision and accountability within the new system.

The City Commission had always employed the traditional methods of case processing that are still used by civil rights agencies throughout the country. The method focuses on an adversarial hearing as the step toward which each case should proceed. It is thus tied to the full and complete investigation

and development of each and every case, with little regard of the relative merits based on the underlying facts or relevant law. This excessively time-consuming approach guarantees that many cases will take months and sometimes years to resolve, frustrating complainants, respondents and agency personnel alike, very often without producing any remedy for the complainant. Such an undifferentiated approach to case processing does not take into account many cases that are not strong enough to survive to the final public hearing stage, but may present facts which would allow the agency to pursue a negotiated remedy.

It seemed clear that what was needed was a fresh, analytical, and indeed skeptical look at case processing that would produce a new and structurally different system which would be both efficiency and remedy oriented. The Commission, like many civil rights agencies, had accommodated to new and vastly more complicated case law and was receiving increased numbers of cases. But case processing methods remained much as they were when civil rights agencies were created decades ago. The system needed to be radically altered to meet new demands for productivity and for remedies born of a new era in civil rights enforcement.

The Commission began by experimenting with new techniques, based on the hypothesis that the flaws of the old system and the problem of backlog control could be resolved by an em-

phasis on an early resolution of many cases, before they are consigned to those parts of the process which are necessarily time-consuming. The Early Resolution Project included a sampling from a broad spectrum of cases, including many over a year old as well as new cases, and was designed to determine what a concentrated effort at pre-finding settlement could accomplish. Selected members of the staff were given intensive training by the General Counsel and experienced investigators and were directed to make case settlement their priority. The results of the project established that pre-finding settlement was a viable approach, even in difficult cases, and could obtain significant remedies for complainants. An analysis of the cases settled gave important evidence as to what changes could be made in case processing to make it more effective. The Project also showed that the use of special staff training and accountability procedures could decrease case processing time.

On the basis of the success of the Early Resolution Project, the Commission determined to convert its case processing system to one which would include an emphasis on early resolution and staff accountability. It began to define specific techniques to resolve cases without lengthy investigation, including the face-to-face fact-finding conference between complainant and respondent. This key technique can elicit as much information in a brief meeting as exceedingly time-consuming traditional investigative

procedures. The Commission decided to adopt the fact-finding conference as a key element of the revised procedures after exploring its benefits and implementation with academic experts and civil rights agencies such as the New York State Division on Human Rights who have used forms of fact-finding in case processing.

It was important, before implementing a new system, to clear up as much as possible existing backlog cases. A Case Review Project was therefore instituted, in which a special task force of lawyers was assigned to review existing backlog, and within five weeks, the agency was able to eliminate much of its existing backlog.

Reorganization of Case Processing

Having experimented with new techniques (Early Resolution Project), disposed of backlog (Case Review Project) and undertaken a critical review and analysis to define the new system, the Commission in June, 1975, put into effect its reorganization of case processing.

Central to the new, shortened investigative process is the fact-finding conference, which brings complainant and respondent together on a face-to-face basis, within a month of the filing of the complaint. A specially trained Commission fact-finder elicits the

facts of the case by reviewing the complainant's allegations, the respondent's defense, and the complainant's rebuttal. In the past, almost all complaints were given a traditional and formal investigation, complete with lengthy interrogatories, field visits, interviews, and the like, incurring the considerable delays inherent in such procedures. Very often the fact-finding conference can elicit in a matter of a few hours as much information as the traditional investigative process which can take months. The immediate confrontation between complainant and respondent elicits and clarifies facts; enables the fact finder to make a preliminary determination of the merits of a case; and breaks down resistant or unrealistic attitudes or positions on the part of either party that may present barriers to resolving the case.

A second major foundation of the new system is the principle of attempting resolution through a satisfactory settlement as a standard operating procedure, introducing it as a possibility early in the history of the case and continuing settlement efforts throughout the process before a finding is made. The emphasis on settlement has provided remedies for a far larger number of complainants than is the case through the formal investigatory and legal processes. While complainants whose cases are settled get a remedy, the majority of those who go through the full legal process do not. This is not necessarily because their complaints

are less valid, but because the standards of proof escalate as cases move more deeply into the legal process, with increasing amounts of evidence needed to show probable cause and to win awards at hearing. Under due process standards in our legal system, hard facts or high quality circumstantial evidence are required as proof in official proceedings, a standard that many cannot meet even when complaints have merit. Thus, settlement can obtain far more remedies than the formal legal process can produce.

Moreover, and of great significance, the emphasis on settlement allows for the swift resolution of cases that formerly, under traditional procedures, may have taken many months, and in some cases, years. The complainant is provided with almost immediate relief and the respondent is spared an extensive, time-consuming process.

Finally, the reorganized case processing system includes an in-depth investigations process and the legal process for more complicated cases unsuited to expedited early resolution. Cases in which there is not enough information to make a finding, as well as cases whose complexity make them unsuited for expedited handling through early resolution, are referred for in-depth investigation. The Legal Division functions much as before,

except that the possibility of settlement is more often and more systematically pursued and personnel work under an improved management system that holds supervisors and staff alike to accountable standards of productivity and quality.

In May 1977, complaint processing staff, which had been working in two separate divisions — one dealing with the early stages of processing and the other with in-depth investigations — were consolidated into a single Case Processing Division for greater staff efficiency and productivity.

Results under the new procedures have been impressive. In terms of productivity, the new system has enabled the Commission to conquer the problem of backlog, perhaps the single most serious problem of civil rights enforcement agencies. The Commission now closes as many cases in a year as are filed in that time. Efficiency or speed of processing has also been significantly increased; over 50% of all cases are closed within three months of filing, compared to 10% in the year before the new system was introduced.

The emphasis on pre-finding settlement has clearly proved itself. The rate of such settlements has doubled; approximately 40 percent of all cases are now resolved without the need for lengthy

legal processing, compared with 20 percent prior to the institution of the new system.

And, most important, the new system has provided a more effective remedy for complainants, and many receive remedies today who got nothing under the traditional case-processing system. There has been a drastic drop in the percentage of administrative closings — cases closed not on their merits but because of some technicality, such as lack of a forwarding address and failure of complainant to keep appointments. Whereas 32 percent of cases were closed for administrative reasons under the traditional case-processing system, only 6 percent of cases are closed for such reasons today. This is a particularly important improvement, because administratively closed cases bar remedies to people with possibly worthy cases, and a high administrative closure figure reflects poorly on the efficiency and quality of case processing.

Another indication of improved performance of the new system is a sharp reduction in the rate of cases found to have no probable cause, down from 38 percent prior to the introduction of the new system, to only 22 percent afterwards. This reflects the success of settlement techniques in resolving cases that would probably not be able to meet the higher standards of proof required in the formal legal process, often regardless of the merits of cases.

Finally, remedies obtained under the new system are impressive. Monetary awards to complainants in 1976, in both

pre-finding and post-finding settlements, averaged $1700 per complainant.

The Professional Hearing Officer

Efficient and effective resolution of cases that reached the hearing stage had long been frustrated by the Commission's statutorily mandated system of unpaid, lay, volunteer Commissioners sitting as hearing officers. The need to coordinate the schedules of two volunteer hearing officers, each with his own full-time professional responsibilities that necessarily limited time available to the Commission, produced serious scheduling delays. Hearings often stretched over a period of months. The problem became even more serious as cases began to grow more complicated. The time needed for volunteer hearing officers to produce a decision and order on each case encountered similar delays. Moreover, it was clearly unfair to expect Commissioners, most of whom were not lawyers, and all of whom gave their time freely, to keep up with the rapidly burgeoning and changing discrimination case law that challenged even experienced lawyers. Clearly this system for hearing cases was grossly outmoded for a professional civil rights law enforcement agency in the 1970's.

The need for revision of the old hearing officer system was pressing. The Commission drafted and vigorously urged an amendment to the Human Rights Law that was finally signed into

law in June, 1973. It allowed cases to be heard by one hearing officer instead of two. Commissioners may still sit in individual cases as hearing officers where needed, but the Commission was able to hire a professional hearing officer with outstanding qualifications as a lawyer, who came on staff in April, 1974, and thus far has been able to hear all cases coming to hearing.

The impact of the professional hearing officer was dramatic and immediate. Cases are now heard consecutively, with no prolonged delays for adjournments because of scheduling problems. Once a case goes to hearing, it is heard in a matter of days. The Commission now has no backlog of cases awaiting hearing; as soon as a case is ready to be heard, it is scheduled for hearing.

In addition to improved efficiency, the hearing officer has fully professionalized the hearing process. She is an expert in anti-discrimination law and is able to keep up with case law and administrative and court rulings. The Commission's decisions and orders are therefore of the highest professional quality, reducing the chances of court reversals on appeal. Moreover, Commission decisions can be used as precedents, easing the way of future decisions.

Rules and Procedures

The professionalization of the Commission's enforcement function was completed with the promulgation in 1974 of updated

and greatly expanded rules governing Commission procedure. The scope and detail of the new rules cover such items as convening and conduct of fact-finding conferences, investigatory procedures, procedure governing settlement, closing of cases, definitions of documents which may be subpoeanaed, and procedures entailed in a hearing.

The rules have provided parties and their counsel with a road map through the Commission and have aided them in planning the processing of their cases. In addition, the rules have shortened hearings by providing for useful pre-hearing devices for resolving preliminary issues, and limiting the scope of issues actually in dispute at the hearing. Finally, the rules have resulted in a highly professional, orderly and efficient case-handling process.

Staff Development: Training, Evaluations, and The Manual of Procedures

Staff development and training were essential to the goal of agency professionalization and reorganization. Human Rights professionals of course need to be thoroughly familiar with the complicated administrative, legislative and judicial developments in anti-discrimination law. But to be efficient in serving the public, management priorities demand that staff be thoroughly proficient in the specialized procedures for handling individual cases, the

techniques developed by the agency for processing pattern and practice cases, and other human rights technology. Work must be qualitatively and quantitatively at a level to assure the achievement of agency productivity goals. The Commission's efforts in staff development have involved formal staff training programs; the imposition of accountability procedures in case processing and in all other Commission programs as well; a new staff evaluation system initiated in 1976; and the development of a manual of procedures, covering all agency functions and divisions, that codifies and provides guidance and training in all staff functions.

Staff Evaluation System

In 1976, with a new management system fully in effect, the Commission introduced an evaluation system designed to improve staff functioning. Unlike traditional "marking" systems which can discourage efforts to improve performance, the Commission evaluations were designed specifically to motivate staff to work for improvement.

Instead of simply noting good and poor areas, the employee and supervisor work together to set a specific goal for improvement, with a target date, and develop a program to help the employee meet the goal. Because evaluations occur quarterly, they assure regular review of performance and provide an important supervisory tool.

Moreover, and perhaps most significantly, the system encourages improvement by providing for a series of evaluations that are not recorded in personnel files, allowing employees ample time to work for improvement before a final evaluation is recorded.

Manual of Procedures

As part of its management efforts, the Commission has developed a manual of procedures of the human rights technology and strategies it has developed, not only in case processing, but in systemic methods and other Commission functions as well. The manual is designed to codify professional techniques and practices as a reference for staff, and as the basis for training new staff. A special feature of the manual is a detailed description based on case studies of the agency's fact-finding and early settlement procedures. This is expected to be used by agencies throughout the country because of interest in the Commission's system for backlog control. The development and replication of this material was funded by part of an EEOC grant in 1976 (see p. 88).

Participation in the City-Wide Management Plan; Designation of the Commission as an M. B. O. (Management-By-Objective) Agency)

The Commission's initiatives and efforts to implement a management approach to its functions proved especially valuable when a city-wide management plan was put into effect by Mayor Beame in the Spring of 1976. The Commission had initiated its own

management reforms two years earlier, placing the agency in a favorable position to respond to the City's needs for management improvements in all agencies in the wake of the fiscal crisis.

The Commission's Management Plan includes :

--- A Definition of agency missions, priorities and organization, which define and prioritize functions and provide a rational framework for allocating resources and focusing management efforts

--- A Performance and Resource Plan which provides a framework for planning and evaluating the agency's performance and comparing achievements and expenditure of resources, all of which is reported on a monthly and quarterly basis.

--- Revenue goals which establish the agency's contribution to the City's financial plan.

--- Definition of management improvement projects to increase effectiveness and efficiency.

--- Critical issues expected to arise, the definition of which assists in planning and rational decision-making and limits management-by-crisis.

The development of the Commission's Management Plan was a major staff effort with significant benefits for Commission functioning. Under the framework of the Plan the Commission defined and prioritized its overall missions and objectives as they fit into the City's own major priorities, and then scrutinized each

and every Commission function for performance in meeting its goals. Not only were such obviously quantifiable services as case processing measured, but also programs not normally measured or considered quantifiable, such as the community organization component of the Neighborhood Stabilization Program, were required to set and meet specific performance goals.

So successful was the Commission in developing and implementing the Management Plan that in November, 1976, it became the first city agency to get "Management-By-Objective" authority based on its performance under the plan. M. B. O. status gives the Commission greater flexibility and authority over personnel and financial matters that previously required prior approval and lengthy processing through the central city bureaucracy. For example, within approved budget and personnel allocations the Commission can now hire staff immediately, and on its own authority, without getting the prior approval of the Office of Management and Budget, the Vacancy Control Board, the Personnel Department and the First Deputy Mayor. Similarly, without prior approval or pre-audit, the Commission can transfer funds — within specified limitations — from one budget function to another.

Prior to granting the Commission M. B. O. status, the city had used this new precedent only on an experimental basis and before the city-wide Management Plan was put into effect. * The Commission's achievement of the M. B. O. status was a gratifying culmination to several years of effort to achieve a high level of professionalization, performance, and productivity enabling the Commission to fully utilize its important powers to protect human rights.

The Move to 52 Duane Street

Cramped quarters at 80 Lafayette Street, where the Commission had maintained offices since 1958, had inhibited efficient functioning, affected staff morale, and made difficult expansion of staff that had occurred through federal and foundation funding. In 1973, months of searching and planning for larger, more modern quarters at equivalent rental finally resulted in the move to two fully renovated floors at 52 Duane Street. The landlord agreed to renovate the space into modern, brightly-colored offices to the Commission's specifications. Staff with architectural and design expertise donated time to plan innovative office arrangements.

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*Two large agencies were used for the city experiment in the use of M. B. O., but all other agencies had to earn M. B. O. status on the basis of performance in developing and implementing a management plan.

The move provided an immeasurable improvement in working conditions and staff efficiency, adequate space for hearings and conferences, private offices for confidential client interviews, an attractive and cheerful environment, and the all-around benefits of a pleasant working environment to staff and clients.

Expanding Commission Resources: Federal and Foundation Support

In addition to more effective deployment of existing resources through reorganization and improved management procedures, the Commission has increased its capability through an aggressive and highly successful effort to augment its limited city budget with federal and foundation funding. This outside funding has supported some of the Commission's most innovative and ambitious programs — such as systemic employment and neighborhood stabilization — that required resources well in excess of shrinking tax-levy funds. By 1977, federal funds amounted to 60 percent of the Commission's budget, a critical contribution that helped the Commission function at a higher level than ever before, even in the face of extensive cutbacks in the city budget.

Equal Employment Opportunity Commission and Department of Labor

The federal Equal Employment Opportunity Commission has been a major source of outside support, having granted the City

Commission funds for affirmative action projects in employment since 1968. This funding was greatly augmented in the 1970's*, enabling the Commission to carry out the full-scale affirmative action program for minorities and women described in Chapter II. Beginning in 1974, upon its designation as a 706 deferral agency empowered to process cases deferred it it by EEOC (see p. 12) the Commission also received EEOC funds for handling complaints of discrimination.

The Commission's systemic employment program was also supported by funding from the federal Department of Labor, which came through the City's Department of Employment, beginning in April 1973.

In 1976, the EEOC funded the City Commission to develop training materials to enable other agencies to replicate its expedited case handling procedures and its use of volunteers for backlog control. The special grant also provided funds for the development of a methodology for statistical evaluation of the impact of systemic pattern and practice cases, e.g., number of jobs obtained.

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*For specific statistics regarding Commission receipt of federal and other funds see Appendix.

Neighborhood Stabilization: Community Development Act and Other Funding

A second major Commission program supported entirely by federal and foundation funds is the Neighborhood Stabilization Program described in Chapter IV. The Program was included in the City's Community Development Act block grant, and received funds amounting to $600,000 annually, beginning in October, 1975. Before the Community Development funds came through, the Commission was able to begin planning and start-up work for the Neighborhood Stabilization Program with a grant of $20,000 from the New York Foundation. In late 1976, start-up funds from the Ford and Rockefeller Foundations enabled the establishment of a small Neighborhood Stabilization office in the Lefrak City community until additional funds could support a full-scale program there. (See p. 59)

Model Cities

Beginning in the fall of 1972, the Commission received funding from the Model Cities Administration which enabled it to establish local complaint offices in three Model Cities areas: the South Bronx, Harlem-East Harlem, and Central Brooklyn. These local offices make for easier access to Commission services by its large minority clientele. Where complaints fall outside of technical jurisdictional requirements, Model Cities

Commission staff provide assistance and referrals in a variety of problem areas, such as problems with recalcitrant landlords and assistance with grievances on the job or aid in finding employment.

Comprehensive Employment and Training Act

In 1974, the Commission began receiving funds under the Comprehensive Employment and Training Act (CETA) which allowed it to hire additional personnel to supplement staff cutbacks in city-mandated layoffs. In late 1975, CETA funded the Commission to extend its equal employment opportunity technical assistance program to non-Mayoral and not-for-profit agencies receiving CETA funds, not included in the city's overall mandated EEO program for mayoral agencies. The Government Employment Unit (see p.36). assisted the New York City Department of Employment (Human Resources Administration), prime contractor for CETA funding, in preparing EEO requirements and guidelines for CETA-funded agencies, and also provided technical assistance to such agencies in drawing up their EEO programs.

Intergovernmental Personnel Act

The Government Employment Unit's equal opportunity technical assistance effort was further supplemented by a grant under the Intergovernmental Personnel Act, administered by the U. S. Civil Service Commission. IPA funding in 1976 enabled the Commission to review and revise EEO requirements and materials for city agencies, to produce an EEO Training Manual, and to provide a training program for EEO personnel from city agencies. (See p.37).

Volunteer Professionals Program

In an early effort to expand its staff capability without additional expenditures, the Commission in 1971-72 established a Volunteer Professionals Program with a $50,000 grant from the Fund for the City of New York. The program developed innovative strategies to utilize volunteers with professional skills and experience in non-traditional and more effective ways, holding them to employment performance standards required of paid staff and assigning them significant work, including independent projects. (One volunteer professional worked with the Commission for six years, mounting public hearings and writing major Commission reports.)

Funds in Support of Commission Publications

Finally, the Commission has obtained outside funds to support the publication of four major reports based on its informational hearings (see Chapter VII) for full discussion of the Hearings Program). The Employment Problems of Ex-Offenders was published in November, 1974, with the aid of the Criminal Justice Coordinating Council. The Drug Abuse Council supported the publication of the report, Employment Problems of the Rehabilitated Drug User, 1974. The Norman Foundation, through the American Civil Liberties Union, provided editorial assistance and funds for publication of the report, Post War Opportunity and the Viet Nam Era Veteran, 1975. Intergrateducation Magazine published the edited testimony of the Commission's hearings on Dismantling Discrimination: Problems and Possibilities for Northern Integration, produced as the May-June 1975 issue of the magazine.

CHAPTER VI

DEVELOPMENT OF A SYSTEMATIC APPROACH TO RACIAL AND ETHNIC POLARIZATION

Throughout its continuing transformation to a more effective law-enforcement agency, the Commission has not lost sight of its original anti-tension and mediating functions. Increasingly, as the proportion of minority group, elderly and poor people in the city grew in the 1960's and 1970's, many city agencies found that their own service-delivery function was tied to their capacity to deal with new and often disadvantaged populations. Community and intergroup relations were no longer a peripheral function that could be referred to an outside agency such as the Commission, but were intrinsic to the primary mandates of city agencies. With ad hoc service-related community tension now properly within the mandate of other city agencies, the Commission was free to direct its expertise and efforts to the development of systematic approaches to racial and ethnic polarization on a city-wide basis.

The Commission's intergroup relations mandate presented a unique challenge in the early 1970's, with the growth of ethnic identity not only among minorities but among ethnic whites as well. The Commission sought to channel the growth of long delayed and legitimate ethnic identity in a constructive direction while reducing the potential for polarization. Aware of the limitations of the traditional governmental, crisis-oriented approaches to polarization, the Commission sought instead to develop an alternative approach that would stress long-range planning with community involvement and pre-crisis intervention.

Coalition Instead of Polarization

The Commission has sought to foster coalition efforts in the 70's to replace the more polarized atmosphere of the 60's. In some instances, coalition work has been an intrinsic part of Commission programs, such as its work with minorities and whites to foster integration and community preservation as part of the Neighborhood Stabilization Program. But often the Commission's work in intergroup relations has been explicit and separate.

In March, 1972, the Commission together with the Mayor's office convened a conference on the Emergence of Ethnic Group Identity for human rights professionals and ethnic and community

leaders, designed to produce strategies for the prevention of ethnic and racial polarization. The meeting of over 100 representatives of civic and ethnic groups resulted in an extraordinary atmosphere that was both honest and appreciative of racial and ethnic differences and indicated an untapped capacity and sophistication among citizens of many backgrounds for working on programs across racial and ethnic lines. At the end of the meeting the group voted to ask the Commission to convene a city-wide coalition of civic and ethnic groups in order to utilize this capacity. As a result, in March, 1973, the Commission convened a City-wide Intergroup Coalition (CIC), whose members pledged to be available whenever their link with a particular community or racial or ethnic group would make them helpful to the Commission in alleviating polarization.

Another important example of the Commission's move toward systematic rather than ad hoc approaches to polarization was the issuance of Human Rights Guidelines for Fair Campaign Practices in Local Elections. The guidelines were first issued in April 1973, in order to affect the May 1st school board elections, and the majority of the candidates to whom the Commission sent the guidelines agreed to abide by them. But the Commission drafted them so as to apply to election to all local institutions, such as anti-poverty boards, hospital boards, and the like.
They were an effective step toward preventing polarization before

it has a chance to take hold. When the Neighborhood Stabilization Program went into operation, it assumed the major responsibility for community tension work, allowing for intensive neighborhood-oriented follow-through. Coalition and anti-polarization efforts have been a central focus of the Stabilization Program, as described above.

Efforts such as these have been helpful, and it is generally agreed that despite rising deprivation, the city has been less polarized during this decade than in the last. The credit for this belongs not only to the Commission but to many individual civic groups and city agencies, to the Mayor's Urban Action Task Force, and to the greater sophistication of citizens who increasingly realize that crime, neighborhood preservation and other urban problems are of deep concern among all racial and ethnic groups.

Investigative Reports

A basic tool in the Commission's efforts to develop preventative and systemic approaches to conflict resolution has been the investigative study that seeks to analyze sources of conflict and develop strategies to deal with racial and ethnic tension.

In 1972, the Commission investigated and analyzed several incidents of violent resistance to residential integration in a report, Arson, Vandalism and Other Racially Inspired Violence in New York: A Study of a New Phenomenon and Recommendations for Action.

The report identified an emergent trend that demanded remedial and preventive action and made a series of recommendations on how to deal with such incidents addressed to federal and local law enforcement and other public officials as well as community and civic organizations and leaders. The Police and Fire Departments responded with improved investigations of such incidents, and put a greater priority on racially-motivated crimes.

In 1974, the Commission made an extensive study of a racial incident at Madison High School, an integrated school in Brooklyn. In a report, After Integration: Problems of Race Relations in the High School Today, the Commission analyzed the incident and the school as an example of problems common to all integrated schools and made extensive recommendations for methods to avert such conflicts, including actions by the Board of Education.

The public and media response to the report was unprecedented and testified to the importance of the issue and of the Commission's analysis and recommendations. The report became a basic resource and training document for educators and human relations personnel all over the country. The New York City Board of Education distributed it to every high school principal and student coordinator, and assisted the Commission in reprinting the report for still wider distribution. The Board also invited the Commission Chair to address high school principals and student coordinators on the issues raised by the report. In response to

the report's recommendations, the Board reactivated its Office of Intergroup Relations and made a more vigorous effort to focus on human relations problems in a systematic and preventative way.

Following through on the report's findings, the Commission took an active role in stimulating such preventative action. For example, it initiated a multi-agency approach to implement a court-ordered integration plan which reassigned minority students from Franklin K. Lane High School to eleven Brooklyn and Queens high schools beginning in the fall of 1975, in order to assure that such reassignment went smoothly and to prevent school-community conflict.

CHAPTER VII

INFORMATIONAL HEARINGS, RESEARCH, CONFERENCES AND WORKSHOPS

In 1970, the Commission created a Hearings and Research Division and placed new emphasis on hearings, conferences, and research as a way of serving the public by identifying and analyzing emergent social problems within the Commission's expertise. The Commission's purpose was to focus on difficult issues related to human rights on which public consciousness was low, analyze the problem, and urge specific remedies.

The Commission's research and hearings program has had substantial practical and tangible results. Commission hearings and reports have alerted public attention to such serious but little recognized problems and issues as:discriminatory teacher selection practices in the public schools; violent resistance to residential integration; racial tensions in integrated schools; the special employment problems of ex-offenders, of rehabilitated drug users, of Viet Nam era veterans, and of workers over 40; the wide range of issues related to the status of women in contemporary society;

the profession of household work; the employment of women in blue collar, clerical and service occupations; discriminatory hiring practices in Broadway musical orchestras; and financial disinvestment in urban neighborhoods. Commission reports based on hearings and on research have included recommendations for action by public and private agencies that often have led to significant changes including the passage of legislation. Several Commission reports have been published commercially, giving them a wide public audience and expanding the Commission's impact.

Research Reports

The Commission's research reports have been closely related to its programmatic concerns. Two reports discussed above, Arson, Vandalism and Other Racially Inspired Violence: A Study of a New Phenomenon (December, 1972), and After Integration: Problems of Race Relations in the High School Today (October, 1974), were part of the Commission's systematic approach to ethnic and racial polarization. Each sought to identify emergent phenomena related to intergroup tension, one in the area of residential integration and the other in the context of the integrated school. Each analyzed specific incidents, and derived from that analysis a set of recommendations that would allow for a systematic

and preventive approach to such problems in the future. (See p. 96).

Two other research reports aided the Commission's efforts in equal employment in city government, and are discussed in Chapter III. The Employment of Minorities, Women and the Handicapped in City Government: A Report of a 1971 Survey issued in September, 1973 was the genesis of a city-wide equal opportunity program now embodied in Mayoral Executive Order #14. City Layoffs: The Effect on Minorities and Women, issued April, 1976 (see p. 38). was based on an analysis of layoff statistics by the Commission's Government Employment Unit, documented the disparate effect of layoffs, and stimulated important remedies undertaken by the Mayor's Task Force on Layoffs and Equal Opportunity.

The Commission's Neighborhood Stabilization Program developed two reports based on its original and follow-up studies of Lefrak City, Lefrak City: Strategies for Stabilization in an Apartment Complex, and Lefrak City Reexamined: A Follow-Up Report on Stabilizing the Development discussed above, p. 59). These reports have served as models in how to deal with stabilization problems in apartment complexes.

Informational Hearings and Conferences

*Women's Role in Contemporary Society
September 1970

The first comprehensive hearings on women's rights held anywhere in the country, these five days of testimony covered all apsects of women's roles and status in education, employment, the arts, health, social services, law, politics, and housing, and included such eminent witnesses as Gloria Steinem, Kate Millett, Shirley Chisholm, Margaret Meade, Bella Abzug, Betty Freidan and Florynce Kennedy. The Commission arranged for child care to enable women with children to attend the hearings. The edited hearings transcript was issued as a book by Avon Press, with a forward by Mayor Lindsay, who opened the hearings, and a preface by Commissioner Eleanor Holmes Norton.

*Toward Better Jobs and Better Service in Household Work
April 1971

This conference was an outgrowth of the hearings on Women's Rights in Contemporary Society. One hundred people with special experience, expertise or interest in household work discussed ways of improving conditions of household work for workers and employers alike. The conference led to a successful campaign for state minimum wage protection for household workers, with the Commission working with legislators, labor, civil rights and women's groups.

*Equal Employment Opportunities
and the New York City Public Schools
January 1971

These five day hearings on the hiring, recruitment and promotion practices of the city school system were hailed for the way in which a particularly controversial subject was rationally examined in a public forum, producing new knowledge and enlightening testimony from all sides. Top school and union officials, educational authorities, parents, teachers and paraprofessionals testified. A transcript of the hearings, edited by Paul Tractenberg, Professor of Law at Rutgers University, who served as the Commission's special counsel for the hearings, was published by Agathon Press as Selection of Teachers and Supervisors in Urban School Systems. Testing the Teacher, another book by Mr. Tractenberg, based in great part on the hearings, was also published by Agathon.

*Conference on Governmental Approaches
to
Discrimination Against the Handicapped
June 1971

A unique gathering of scores of handicapped persons and professionals and activists working with them discussed problems of discrimination within the Commission's jurisdiction and other issues affecting the disabled such as public access, health, social welfare, mobility. A report of the conference, "The Physically

Handicapped Citizen: A Human Rights Issue" was produced by the Commission and also appears as a chapter in Rehabilitation Practices with the Physically Disabled, edited by James F. Garrett and Edna S. Levine, Columbia University Press, 1973.

The conference pointed to the need for revisions in the Human Rights Law pertaining to the physically handicapped, and identified as well a number of barriers to full participation in society by the handicapped outside the scope of human rights legislation, including inadequate transportation facilities, architectural barriers, restrictive building codes, and limited educational opportunities. With the special knowledge gained from the conference, the Commission has been able to act as an advocate for the handicapped in working to find solutions to this wide range of special problems.

*Employment Problems of Workers Over 40
February 1972

This day-long hearing explored ways in which the Commission could better fulfill its mandate to combat employment discrimination against persons 40 - 65. Also examined were issues relevant to workers over 40 that may adversely affect this group's employability such as the characteristics of older workers themselves — physical capacity, education and skills levels, job-seeking ability — and institutional practices and

arrangements that indirectly restrict their employment - pension and insurance plans, and retirement and early retirement. Special analysis was also given to the issue of expanding employment opportunities for workers over 60.

*Employment Problems of the Ex-Offender
May 1972

This comprehensive five-day hearing focused on legal, attitudinal and other barriers to employment confronting ex-offenders that leave them with few alternatives to a return to crime. Testimony covered all aspects of private and public employment, legislation, correctional and rehabilitation programs. From this hearing emerged the Commission's Guidelines for the Use of Arrest and Conviction Records as Employment Criteria (See p. 12). The report of this hearing was published with the assistance of the Mayor's Criminal Justice Coordinating Council.

*Employment Problems of
the Rehabilitated Drug Addict
January 1973

This three-day hearing brought together leaders in the treatment of addicts and major employers in both the public and private sectors to analyze the problems faced by employers in hiring persons with a prior history of drug use. A report based on the hearing, Employment and the Rehabilitated Addict, was

prepared and published by the Drug Abuse Council, Inc., and provided a unique resource document on the issue of ex-addict employability for its coverage of issues such as statutory barriers, bonding, employer attitudes, problems of methadone maintenance, and its summary of relevant research on such topics as methadone use and job performance, drug use and criminal activity, and drug treatment programs and the business community.

*Post-War Opportunity
and the Viet Nam Era Veteran
March 1973

This three-day hearing explored the special needs and problems of returning Viet Nam era veterans and provided a critical evaluation of national and local programs and policy for returning veterans, especially focusing on their joblessness, diminished array of benefits, and discharge status problems. With a grant and editorial assistance from the American Civil Liberties Union, the Commission produced a commercial publication including an analysis and edited transcript of the hearings, entitled Post-War Opportunity and the Viet Nam Era Veteran, which made recommendations for changes in public policy regarding veterans, ranging from review and revision of the process of assigning discharges to improvement of benefits and services to veterans and elimination of discriminatory barriers to veterans' employment.

*Neighborhood Stabilization, Preservation and Integration
October 1973

These two days of hearings on strategies for fostering neighborhood stabilization and revitalization heard testimony from representatives of major city agencies, as well as state and federal officials, neighborhood leaders, and scholars and experts. (See p. 51).

*Discrimination by Exclusionary Membership Organizations
November 1973

This hearing explored the discriminatory practices of private clubs and organizations that hamper the business and professional opportunities of women as well as racial, religious, and ethnic groups.

The Commission published a report based on the hearings, Behind Closed Doors: Discrimination by Private Clubs; is supporting legislative changes to prohibit this form of discrimination; and has provided extensive technical assistance to groups, clubs and organizations seeking to reverse discriminatory club practices.

*Dismantling Discrimination: Problems and Possibilities for Northern Integration
May 1974

Held on the twentieth anniversary of the Supreme Court's historic decision on school integration, these four days of hearings focused on evaluating the status and problems of integration in

the urban North in education, economics, employment, politics, housing and community issues. Speakers included major political figures and elected officials, educators, activists, academic and community experts, among them Senator Jacob Javits, Borough President Percy Sutton, Representatives Herman Badillo and Shirley Chisholm, Dr. Kenneth Clark, Victor Gotbaum, Franklin Williams, Bernard Gifford and Dr. Robert Weaver.

The edited transcript of the hearings was published as a special issue of Integrateducation Magazine, entitled, "Inequality in Metropolitan America," providing an unparalleled resource document on all aspects of integration and the quest for racial equality in housing, education and employment.

*Alternatives to Layoffs
April 1975

This conference was the first organized attempt in this country to probe ways employers can make necessary savings without resorting to wholesale layoffs. Two different groups came together on two separate days of conferences that included business and labor leaders as well as economists and other scholars to focus on ways of mitigating the recession's impact on workers, particularly minorities and women, whose recently-won employment gains are jeopardized by traditional "last-in, first-out" layoff practices. Discussion focused on actual experiences in using work sharing and other cost-saving strategies to reduce or

replace layoffs, and on ways these experiences could be replicated elsewhere. The report based on the conference, Alternatives to Layoffs, excited widespread interest among public officials, employees and unions. The report analyzed a large number of layoff alternatives but found that work sharing was the alternative with the widest potential applicability, and recommended revision of unemployment laws to allow the use of unemployment insurance to supplement employees working reduced hours as part of work sharing plans. The Commission itself became involved in efforts to effect the needed legislative changes, working in concert with legislators and public interest groups.

*Women in Blue Collar, Clerical and Service Occupations: Sex Segregation in the Labor Market
April 1975

Held during International Women's Year, these four days of hearings examined a range of issues affecting the majority of women who work — those in traditional female occupations — whose needs have remained the least defined and protected in society. The hearings focused on the status of these women in the labor market; major job-related problems; ways in which their education, counseling and training affect their potential; and action being taken by labor unions and other organizations, government and employers to improve conditions. Prominent figures testified, including Lieutenant Governor Mary Anne Krupsak and Betty Freidan,

as well as union representatives and union members, employers in the public and private sectors, public officials, and members and activists in women's organizations and community groups. A report based on the hearings is in preparation.

*Hiring Practices for Broadway Musical Orchestras: The Exclusionary Effect on Minority Musicians
November 1976

Alerted by the opening of "Porgy and Bess" with an orchestra containing few minorities, the Commission discovered an industry-wide pattern of severely restricted opportunities for minority musicians in virtually all but black-oriented Broadway musicals,and held a day-long hearing to determine the reasons for the exclusionary pattern. Ossie Davis, noted actor, director, producer and writer, opened the hearings. Other witnesses included Broadway producers; representatives of the League of New York Theaters and Producers; musical contractors responsible for hiring; musicians; and union officials. Testimony pointed to a clear need for remedial action, and the Commission, with the cooperation of the League of New York Theaters and Producers, embarked on a plan for affirmative measures in hiring.

*Economic Investment and the Future of Neighborhoods: An Investigation of Access to Loans and Insurance in Local Communities
November 1976

Four days of hearings with testimony from public officials, economic and legal experts, housing officials, neighborhood and community activists, and representatives of financial institutions, explored the problem of disinvestment and its implications for the city. The Commission issued in April 1977 a report and recommendations based on the hearing and has begun to work to combat city-wide disinvestment. (See p. 65).

Technical Assistance and Educational Workshops

*Technical Assistance Workshop for Women
November 1972

This day-long workshop provided information and training on legal aspects of women's rights for the membership of various women's organizations. Over 200 women heard experts from city, state and federal agencies, women's groups, and legislators, explain and discuss their program and legislation to protect women's rights.

*Making Neighborhoods Work: How to Revitalize and Stabilize Your Community
October - December 1974

This unique six-week course consisting of a series of weekly, two-hour workshops was aimed at instructing neighborhood activists in techniques and strategies used successfully in New York City neighborhoods to physically and racially stabilize communities. (See p. 51).

APPENDIX

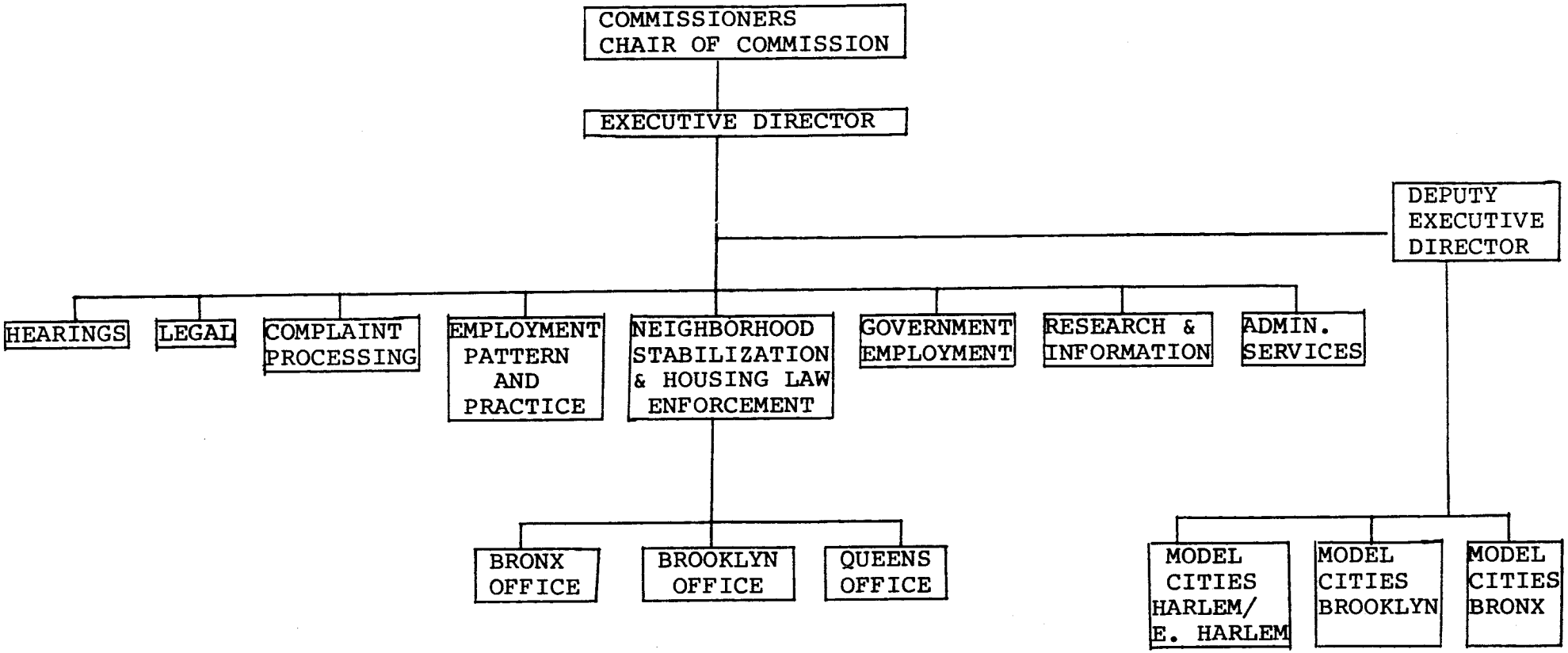
Sources of Federal Funding for CCHR Programs

1971 - 1977

	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77***
EEOC	84,352	130,552	171,800	222,500	273,250	396,000*
Dept. of Labor**	20,210	82,518	89,996	96,425	104,978	127,000
Community Development Act	-	-	-	-	600,000	640,000
CETA Title II	-	-	-	62,540	62,540	106,000
CETA Administrative	-	-	-	-	98,950	130,000
Model Cities	-	6,000	160,000	74,150	80,480	83,000
Intergov'tal Personnel Act	-	-	-	-	-	20,000

*Includes $121,000 for development of training materials for backlog control and for development of statistical evaluation of impact of systemic programs

**For support of systemic employment program

***Represents 1400% increase since 1971

DIVISIONS OF THE COMMISSION