



Legislation

BOL Meeting Minutes - Published Draft

Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 8, 2023

1:00 PM

Committee Room

CALL TO ORDER

Joint with Human Services, Human Rights & Equity and Housing committees.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

With a quorum present, Chair Smith called the meeting to order at 1:07 p.m.

Others in Attendance: BOL: Legislators: Tyrae Woodson-Samuels and Catherine Parker; Committee Coordinators: Jill Axelrod and Shatika Parker; Human Rights Commission: Tejash Sanchala and Joshua Levin; Law Dept.: Stacey Dolgin-Kmetz

Present: Committee Chair Smith, Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Imamura, Legislator Johnson and Legislator Nolan

Absent: Legislator Maher

MINUTES APPROVAL

Monday, April 17th at 1:00 p.m.

On motion of Committee Vice-Chair Gashi, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

Guests: Human Rights Commission: Tejash Sanchala, Executive Director, and Joshua Levin, Fair Housing Director; Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz

1. [2023-106](#) **PH-County's Human Rights Law and Fair Housing Law**

Mr. Sanchala and Mr. Levin discussed the changes to the law. Mr. Sanchala said that New York State has made substantive changes on an omnibus level in recent years, and the proposed changes are designed to grant all individuals in Westchester County at least the same level of protection under the County's Human Rights Law that they have under the state law or federal law. They are also designed to make sure that the Human Rights Law and Fair Housing Law are consistent in relevant areas and clarify processes.

Mr. Sanchala said they are adding military status, including veterans and current service, as a protected status to align with state and federal law.

He said they that in keeping with the 2019 changes to the state law, they are removing the four employee threshold, so the County's Human Rights Law will apply to every employer, with the exception of the County's workforce because the Human Rights Commission does not have jurisdiction over the county's workforce to avoid any appearance of conflict. Legislator Parker asked what remedies a County worker has, and Mr. Sanchala said they can go to the New York State Division of Human Rights or the federal Equal Employment Opportunity Commission. Ms. Dolgin-Kmetz said complaints also go to the EEO Office in the County Department of Human Resources.

Mr. Sanchala said they are also mirroring the state law by expanding the scope of which employees are subject to the termination law to include interns, domestic workers, independent contractors, consultants, service providers, delivery people and non-employees who work in the premises.

He also said that under the state law, an individual no longer needs to show severe or pervasive conduct. They need to show that the conduct alters the conditions of employment and creates a hostile or abusive work environment. The affirmative defense for an employer is to show that a reasonable victim of discrimination in the same protected category would consider this content to be a petty slight or a trivial inconvenience. The proposed amendments would incorporate these provisions into the County law.

Mr. Sanchala said that another change to align the County's law with state law is that harassment is not limited to sexual harassment, but based on any of the protected categories under the human rights law, such as race, religion, national origin, or age.

Mr. Sanchala noted that the state law includes language that the statute is supposed to be considered liberally for the purpose of engaging its remedial purposes, and any exemptions or exceptions are to be construed narrowly, and we will bring the County law in line with state and federal law.

Mr. Levin noted that state law was expanded to include hairstyles, including natural hair and protective hairstyles, and the County law will now encompass that as well.

He also noted that the County law only covers two general categories of source of income - a government source of income, such as a subsidy or grant, or that which comes from a private housing assistance program. The state's protection is much more inclusive and includes any lawful source including, but not limited to those two categories, i.e., money from family members, child support payments, or maintenance or alimony.

There are also a number of carve outs under the County's law that don't exist at the state level. Coops and condos are exempt from the County law, but not the State law. We need to eliminate those and other exceptions to be in line with the State law.

Mr. Levin noted that there is a discrepancy in the language regarding religion. The federal law

protects religion, while the state law protects creed, which has been to interpreted to mean religion. The County law protects religion and creed. They are looking to remove creed from the County law.

Legislator Parker asked if atheists would still be protected if we remove “creed.” Mr. Sanchala said yes, because the definition of religion has also been interpreted to include the absence of religion.

Mr. Levin said that the County law’s definition of sexual orientation is limited to heterosexuality, homosexuality and bisexuality. They are looking to amend that to include other recognized sexual orientations, as well as those we may identify in the future.

This RESOLUTION - Public Hearing was continued

2. [2023-107](#) **LOCAL LAW-County's Human Rights Law and Fair Housing Law**

See discussion of Item #1 above.

This LOCAL LAW - Amendment to Local Law was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Imamura, seconded by Legislator Barr, the Committee adjourned at 2:00 p.m.