

APRIL 10, 2005
TESTIMONY OF VANESSA DAVID
FORMER LABORER, NEW YORK CITY DEPARTMENT OF EDUCATION
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON GOVERNMENT OPERATIONS
IN SUPPORT OF INTRO 512A

My name is Vanessa David, and I want to thank the Council for asking me to testify today. From May 1998 to February 1999, I worked as a construction laborer for the City Department of Education Division of Trucking. My job was to load sheetrock, drywall, plywood, and other construction materials into trucks and deliver them onto school construction sites. I have an extensive background in construction, so I liked my job and I was good at it.

In addition to being a laborer, I'm a woman, an African-American, and a lesbian. Out of the forty-five employees at the Division of Trucking, I was one of only three African-Americans, and I was the only woman in my position. As I said, I liked my job and was comfortable in it. However, the supervisor of my shop was not comfortable with me. He called attention to my race and my gender by calling me "gal"; he called attention to my sexuality by telling people "she likes what we like" and making comments about "fur burgers." He also marked two black stuffed rats with the initials of our union shop steward, who is also African-American, and keeps them on a shelf above his desk in his office. After a few months on the job, he told me my performance was just fine, but after nine months, he terminated me with no notice.

I knew my performance was good, so in February 1999 I filed a complaint with the City Human Rights Commission. Nineteen of my co-workers filed a petition saying that I was good at my job, and my shop steward also stood up on my behalf. But after an investigator started looking at my case and told the Department of Education he thought it was likely that they discriminated against me, the Department wrote an angry letter to the Human Rights Commission, and they took that investigator off the case. Then it sat on a lawyer's desk for two years before they finally ruled against me in DATE.

I took my case to the New York State Supreme Court, representing myself, and Judge Alice Schlesinger found that the Human Rights Commission hadn't done any meaningful investigation at all. She said, "Frankly, it is hard to refrain from a finding here that Ms. David experienced discrimination at the hands of the Commission, itself, the Agency whose mandate it is to protect individuals from discrimination by others."

I wish I could tell you that after that, the Commission investigated my case properly. But when we went to the Commission for my interview, they were unprepared and rude to me. When I told them that being called "gal" made me uncomfortable, they told me "a judge won't buy it" and "it's not like calling a black man 'boy.'" When I pointed out how few African-American employees there were, they told me that this was unconvincing because it's common in City agencies and that "certain trades belong to the Irish, some to the Italians." They asked me why,

as a woman, I would want to stay in the construction field. They made me feel like I brought my situation on myself for telling some of my co-workers, in private, that I am a lesbian.

My story shows that the current system is not stopping discrimination in New York City. It has been six years since the Department of Education fired me. Even with the support of my union, my supervisor still has his job. The Commission still isn't investigating my case and I probably have a three-year court battle left.

I believe that Intro 512 could have prevented many of these problems. My supervisor knew that most people wouldn't pursue a complaint against him that would drag on for six years and more. What we need is for the City to take responsibility for itself, to regularly look at the numbers and ask how it could be doing better. Rather than allowing certain trades to be kept for the Irish, the Italians, men-only or any particular group, they should be promoting the rights of everyone who is qualified for a job to have an equal chance. I do a good job and I should have the right to do the City's work.

By passing Intro 512, the City Council can keep what happened to me from happening to other people, too. Thank you.