

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON  
CIVIL AND HUMAN RIGHTS

----- X

September 17, 2018  
Start: 1:37 p.m.  
Recess: 4:11 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: MARGARET S. CHIN  
Chairperson

MATHIEU EUGENE  
Chairperson

COUNCIL MEMBERS: Diana Ayala  
Chaim M. Deutsch  
Ruben Diaz, Sr.  
Daniel Dromm  
Deborah L. Rose  
Mark Treyger  
Paul L. Vallone  
Ben Kallos  
Brad S. Lander  
Bill Perkins  
Ydanis A. Rodriguez  
Helen K. Rosenthal

## A P P E A R A N C E S (CONTINUED)

Caryn Resnick, Deputy Commissioner, New York City Department for the Aging

Dana Sussman, Deputy Commissioner, Policy and Intergovernmental Affairs, NYC Commission on Human Rights Appearing for Carmelyn P. Malalis

Frances Sandler

Bobbie Sackman, Steering Committee, Radical Age Movement, Former Director of Public Police, Live On New York

Renee Rosenberg, Certified Counselor

Alice Fisher, Founder and Executive Director the Radical Age Movement

Steve Burghardt, Radical Age Movement Member and Professor of Social Work, Silverman School of Social Work

Jaime Bizon (sp?), Radical Age Movement Member

Kristen Roris, Masters Student in Social Work Hunter College Silverman School of Social Work

Denise Hunter, Radical Age Movement Member and Adjunct Math Professor

Sarah Stafford, Former Employee of New York City Department of Education, the Office of Adult and Continuing Education

Betty Godfrey, Co-Founder and Chapter Leader of

Adult Education Chapter

Donna Carole, Former Chapter Leader for Department of  
Education & Program of Adult & Continuing Education

Lujira Cooper, Representative for SAGE and Radical  
Age Movement

Kaitlyn Hosie, (sp?) Live On New York

Chris Widelo, Associate State Director, AARP, NYC

Rosa Harvey, Sunnyside Community Service

Darrell Thompson, Disabled Air Force Vet

Alyssa Valdez

Betty Wong

1 COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON  
CIVIL AND HUMAN RIGHTS

4

2 [sound check] [gavel]

3 CHAIRPERSON CHIN: Good afternoon.

4 COUNCIL MEMBERS: [in unison] Good  
5 afternoon.

6 CHAIRPERSON CHIN: I'm Council Member  
7 Margaret Chin, Chair of the Committee on Aging.  
8 Thank you for joining us today as we make history  
9 with the very first Council hearing focused  
10 especially on age discrimination in the workplace  
11 held jointly by the Committee on Aging and the  
12 Committee on Civil Rights—Civil and Human Rights. I  
13 would like to thank my Co-Chair Council Member Eugene  
14 for his shared commitment to this issue and his  
15 ongoing work to fight for the rights of all New  
16 Yorkers. Council Member Eugene will be joining us  
17 later. Age discrimination in the workplace is an  
18 issue that happens much too often, but isn't talked  
19 about enough. It impacts not only on seniors, but  
20 many older adults over the age of 50. According to  
21 the United States Equal Employment Opportunity  
22 Commission, EEOC, age discrimination involves  
23 treating an applicant or employee less favorably  
24 because of his or her age. Sadly, and too  
25 frequently, older adults are victims of this form or

3 discrimination in the workplace. In fact, during  
4 Fiscal Year 2017, age discrimination accounted for  
5 more than 20% of the complaints made to the EEOC with  
6 over 18,000 total complaints filed. Like those  
7 throughout the country older New Yorkers in New York  
8 City are often victimized by age discrimination. In  
9 a 2013 AARP survey given to New York City voters, age  
10 50 and older, half of respondents indicated that they  
11 have experienced or witnessed age discrimination in  
12 the workplace or while searching for a job. Of those  
13 respondents, 28% believe they were not hired for a  
14 job due to their age. Twenty-seven percent indicated  
15 that they were urged to retire before they preferred  
16 to, and 23% stated they were laid off, terminated, or  
17 have been pushed out of their job since turning 50  
18 years old. Age discrimination in the workplace  
19 manifests in a variety of ways. It could mean being  
20 passed over for a raise or promotion, being denied  
21 access to training opportunities, being targeted for  
22 layoffs and firing despite being rated as high  
23 performers, being denied the support needed to decide  
24 whether one has been subjected to age discrimination  
25 and being denied opportunities to get ahead until one  
feels they have no other choice but to retire

3 regardless of whether or not they are financially  
4 ready to retire. With older adults increasing in New  
5 York City workforce, taking action to address this  
6 issues is more urgent than ever. According to a 2017  
7 report released by New York City Comptroller Scott  
8 Stringer, from 2005 to 2015, the number of older  
9 workers increased by 62%, and research shows that the  
10 number of adults deciding to work past their  
11 retirement age has been increasing since the 90s. By  
12 2020, one-fourth of American workers will be 55 or  
13 older. Staying in the workplace provides many  
14 benefits for seniors and employers. For example,  
15 according to a U.S. Senate report, older workers are  
16 more likely than younger workers to report that their  
17 job provides personal fulfillment and a sense of  
18 being needed and valued as well as opportunity to  
19 learn new skills and remain physically, cognitively  
20 and socially active. Working also helps improve  
21 cognitive function, and older workers feel less  
22 isolated and provide them with financial stability.  
23 For employers, older workers are also beneficial  
24 because research says that older workers are actually  
25 generally more productive because of their high  
levels of organization, commitment and loyalty. We

3 must also recognize the population of older workers  
4 who for economic security reasons are forced to  
5 continue working and save for retirement or accrue  
6 Social Security benefits. According to a study  
7 released this year from the Consumer Bankruptcy  
8 Project, the rate of people 65 and older filing for  
9 bankruptcy is three times the rates in 1991.

10 Recognizing the benefits of senior employment, the  
11 Department for the Aging, DFTA, provides many  
12 services to help older adults find jobs. These  
13 services include the Senior Employment Services,  
14 which help seniors receive employment and  
15 administering of work, customer service, home care  
16 and other fields. The Reserve Program, which matches  
17 retirees with short-term New York City agency  
18 projects and a home health aid referral program,  
19 which partners with 12 healthcare agencies that are  
20 interested in employing older adults. While DFTA has  
21 an employment service to help seniors gain  
22 employment, the New York City Commission on Human  
23 Rights investigate all allegations of age  
24 discrimination in the workplace. However, I would  
25 like to acknowledge that fighting age discrimination  
in the workplace is not the responsibility of just

3 one city agency, but the responsibility of all city  
4 agencies. Our city's older workers are among the  
5 most experienced and knowledgeable workers in New  
6 York City and serve as valuable assets to the  
7 workforce. It is extremely important that we protect  
8 them from unfair and illegal discrimination. Today's  
9 hearing will provide opportunity for the DFTA and the  
10 city Commission on Human Rights to concerns raised  
11 about age discrimination in the workplace as well as  
12 for union, unionized employees, advocates and other  
13 stakeholders to share their concerns and  
14 recommendations related to protecting our older  
15 workers from age discrimination. I'd like to thank  
16 the Committee staff in their help in organizing this  
17 hearing, Counsel Yusef Chadori (sp?), Policy Analyst  
18 Kalima Johnson. I also would like to thank my  
19 Legislative Director Marian Guerra (sp?) and most  
20 importantly Age Justice Advocates like Bobby Sackman  
21 for their tireless work to shed light on this issue,  
22 and I'd also like to thank the other members of the  
23 Committee on Aging who have joined us here today. We  
24 have Council Member Diaz, who has been here all day,  
25 and Council Member Ayala and we also have Council  
Member Treyger in the committee, Council Member Dromm

1 COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON  
CIVIL AND HUMAN RIGHTS

9

2 and also we're joined by Council Member Lander from  
3 the Civil Rights Committee, and oh, Council Member  
4 Vallone my partner. I didn't see you walk in. So,  
5 now, I will ask our counsel to administer the oath.  
6 Can we invite the first panel [laughs] from DFTA and  
7 the City Commission on Human Rights? [pause]

8 LEGAL COUNSEL: Great. Please raise your  
9 right hands. Do you affirm to tell the truth, the  
10 whole truth and nothing but the truth in your  
11 testimony before this committee, and to respond  
12 honestly to Council Member questions?

13 DEPUTY COMMISSIONER RESNICK: Yes. I do.  
14 Good afternoon, Chair Chin, Chair Eugene and members  
15 of the Aging and Civil Human Rights Committees. I'm  
16 Caryn Resnick, Deputy Commissioner for the New York  
17 City Department for the Aging. On behalf of  
18 Commissioner Corrado, I'd like to thank you for this  
19 opportunity to provide testimony on the important  
20 subject of age discrimination in the workplace.  
21 Combatting ageism has long been an important part of  
22 our work at DFTA. Over the past several years, we've  
23 hosted multiple public forums, trainings and  
24 presentations on ageism awareness and prevention. It  
25 was not, however, until 2013 at the onset of Dr.

2 Corrado's tenure as DFTA's Commissioner that  
3 combatting ageism formally became a guiding  
4 principle. Today, our mission in part is to work to  
5 eliminate ageism and ensure the dignity and quality  
6 of life of New York City's diverse older adults. Our  
7 unwavering commitment to the 1.4 million New Yorkers  
8 over the age of 60 is accomplished through our  
9 collaborative partnerships with hundreds of community  
10 based organizations across the city for the provision  
11 of needed programs and critical services. As you  
12 know, such programs and services include 249 senior  
13 centers located across the city; 4.49 million meals  
14 delivered annually to homebound seniors, and 528,000  
15 hours of case management services provided each year.  
16 In addition to overseeing our Geriatric Mental Health  
17 Initiative, national--Naturally Occurring Retirement  
18 Communities and social adult daycare programs, DFTA  
19 also provides homecare services, elder abuse  
20 resources and caregiver assistance. In FY18, DFTA  
21 provide these and a whole host of other essential  
22 services to nearly 228,000 older New Yorkers. These  
23 include services rendered through our Senior  
24 Employment Services Unit, which oversee the Title V  
25 Senior Community Service Employment Program or CSEP.

2 Through this federal grant funded program, seniors  
3 over the age of 55 who meet income eligibility  
4 requirements can access training and job placement  
5 assistant-assistance while earning a wage. The CSEP  
6 Program has partnership contracts with more than 400  
7 community based organizations, non-profits and city  
8 government agencies to serve as community work sites  
9 where applicants can be placed for up to four years.  
10 Our job development staff are also working with 300  
11 business entities to facilitate unsubsidized  
12 employment of our participants. These partnerships  
13 allow us to provide real life professional training  
14 opportunities to participants while supplying  
15 invaluable services to our partner employers. Home  
16 health aids, security guard, administrative  
17 assistant, substitute teacher, maintenance worker,  
18 and hospital patient navigator are among the most  
19 common job types available through the program. In  
20 FY18, nearly 450 Title V participants were placed in  
21 community assignments or direct employment. Retired  
22 professionals 55 and older may also apply through  
23 CSEP to participate in the Reserve Program in which  
24 candidates are matched with a specific short-term  
25 project. Selected participants called reservists are

3 assigned to a community work site to help fill  
4 critical gaps such as support for social workers,  
5 strategic planning, foundation outreach, event  
6 planning, and information technology administration.  
7 Currently, the city has 251 reservists. In addition  
8 to receiving ongoing assistance such as job retention  
9 and career advancement support, all of our CSEP  
10 participants including both Title Vs and reservists  
11 under the comprehensive trainings, which include  
12 thorough discussions and identifying ageism and how  
13 to get support if faced with age-based  
14 discrimination. We also work closely with  
15 participating employers, which are carefully screened  
16 and selected, and identified as age friendly. We  
17 also encourage these employers to hire our  
18 participants directly underscoring the incredible  
19 value and benefits older workers bring to their  
20 organization including a strong work ethic,  
21 reliability, and punctuality, which are common  
22 attributes of older workers. The city of New York is  
23 itself a participating employer. The New York City  
24 Department of Education, Human Resources  
25 Administration, Department of Parks and Recreation,  
and a dozen other city agencies partner with us as

3 CSEP worksites and place many of our participants.

4 Additionally, New York City's Workforce 1 Career

5 Centers operated by the Department of Small Business

6 Services offer workshops and preparation courses on a

7 variety of topics to job seekers. Located through

8 the five boroughs, the center provide access to

9 career advisement, skills and job training, and other

10 tools that support a comprehensive job search.

11 Formalized through a memorandum of understanding,

12 DFTA and SBS are close partners and actively utilize

13 each other's resources and expertise. Older adults

14 who visit a Workforce 1 Center and meet the Title V

15 eligibility requirement for example are referred to

16 CSEP. Conversely, CSEP applicants who do not meet

17 income eligibility requirements are referred to

18 Workforce 1 for assistance. DFTA also regularly

19 participates in Workforce 1 partner meetings and

20 employer recruitments. Although affecting change

21 around ageism is a considerable undertaking, DFTA

22 remains committed to tackling it on all fronts. We

23 are grateful to the Council for championing—

24 championing this important issue, and thank you again

25 for this opportunity to provide testimony. We

pleased to answer any question that you may have.

1 COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON  
2 CIVIL AND HUMAN RIGHTS

14

3 DEPUTY COMMISSIONER SUSSMAN: Good

4 afternoon, Chair Chin and the members of the  
5 Committees on Aging and Civil and Human Rights. I'm  
6 Dana Sussman, Deputy Commissioner for policy and  
7 Intergovernmental Affairs at the New York City  
8 Commission on Human Rights and I'm here—I am pleased  
9 to be here today on behalf of Commissioner Carmelyn  
10 P. Malalis along with my colleague from the  
11 Department for the Aging Deputy Commissioner Caryn  
12 Resnick to discuss the work of the Commission in  
13 combatting age discrimination in the workplace.  
14 Because the Commission has not had the opportunity to  
15 appear before the Committee on aging previously, I'll  
16 briefly describe the work of our agency. By statute,  
17 the Commission has two main functions. The first is  
18 a civil law enforcement agency enforcing the city's  
19 anti-discrimination law called the New York City  
20 Human Rights Law, one of the most comprehensive anti-  
21 discrimination laws in the country. The Commission's  
22 Law Enforcement Bureau investigates complaints of  
23 discrimination from the public, initiates its own  
24 investigations on behalf of the city and utilizes its  
25 in-house testing program to help identify entities  
breaking the law. The law includes 24 areas of

3 protection most of which protect against  
4 discrimination and harassment in practically all  
5 areas of city living. Employment, housing public  
6 accommodations on the street, in transit and in other  
7 spaces. Allegations of discrimination to the  
8 Commission's Law Enforcement Bureau for investigation  
9 in several ways. Members of the public may file a  
10 complaint with the Law Enforcement Bureau about their  
11 own experience. A lawyer may file complaints on a  
12 person's behalf. Service providers, community based  
13 organizations, members of faith communities, elected  
14 officials or any other individual may bring specific  
15 incidents or potential patterns of discrimination to  
16 the Law Enforcement Bureau's attention, and the Law  
17 Enforcement Bureau can initiate its own  
18 investigation. The Commission can obtain monetary  
19 damages for the complainant, and require that the  
20 wrongdoer change policy, undergo training, complete  
21 community service among many other forms of  
22 affirmative relief, and pay civil penalties to the  
23 General Fund of the City of New York. The second  
24 main function of the commission is to perform  
25 community outreach and provide education on the City  
Human Rights Law and Human Rights related issues,

3 which is why the Commission also has community  
4 service centers in each of the five—the city's five  
5 boroughs. The Community Relations Bureau provides  
6 free workshops on individual's rights and businesses  
7 employers and housing providers obligation un the  
8 City Human Rights Law creates engaging programming on  
9 human rights and civil rights related issues from  
10 youth center conversations on LGBTQ rights, to forums  
11 on disability access and builds spaces for  
12 communities to engage in dialogue and foster  
13 connections such as for example earlier this year we  
14 held an Immigrant Justice Interface Theater, and  
15 actually tomorrow, this month we'll be hosting a  
16 networking event focusing on building coalition  
17 within the African immigrant, African-American, Afro-  
18 Caribbean and Afro-Latina communities and other self-  
19 identified black communities. The Office of the  
20 Chairperson focuses on policy legislation, rule  
21 making, legal enforcement guidance and serves as the  
22 adjudicatory body for the Commission hearing appeals  
23 from closed law enforcement matters, and issuing  
24 final decisions and order on cases that have been  
25 litigated through the OATH process. In addition, the  
Office of the Chairperson oversees major Commission

2 projects including a recent report on xenophobia,  
3 Islamophobia and anti-Semitism experienced by  
4 Muslims, Arabs, South Asians, Jewish and Shikh (sic)  
5 New Yorkers up to and following the 2016 presidential  
6 election released this year based on a survey the  
7 commission conducted of over 3,100 New Yorkers, and a  
8 few weeks after the #Me Too Movement was re-ignited  
9 last fall, the Commission convened a public hearing  
10 on sexual harassment in the workplace, which resulted  
11 in a report released earlier this year coinciding  
12 with the passage and implementation of  
13 a legislative package strengthen protections against  
14 gender based harassment in the workplace. The City  
15 Human Right Law protects against discrimination based  
16 on age and employment, housing and public  
17 accommodations. Unlike the Federal Age  
18 Discrimination Employment Act, there is no threshold  
19 age one must be in order to be protect under the  
20 city Human Rights Law. Over the past two years the  
21 Commission has filed 112 complaints on behalf of  
22 individuals alleging age discrimination. The vast  
23 majority of those cases are in the employment context  
24 and since 2015, the Commission has file nearly 700  
25 cases on behalf of New Yorkers 55 years and older

3 alleging discrimination across many protected  
4 categories including disability, religion, race,  
5 caregiver status, and others. Cases alleging  
6 workplace discrimination on the basis of age or  
7 disability or both have increased. Age  
8 discrimination in the workplace is insidious and can  
9 manifest in both implicit bias and overt conduct.  
10 Several examples from cases recent resolved at the  
11 commission demonstrates the work the agency is doing  
12 to combat age discrimination. In one case, an  
13 employee stated that he [bell] had been subjected to  
14 repeated discriminatory comments related to his age  
15 by his supervisor, and reported the comments  
16 internally, but no action was taken. The  
17 Commission's Law Enforcement Bureau investigate—  
18 investigated and negotiated a resolution resulting in  
19 a conciliation agreement between the employer, the  
20 employee the Commission, and the supervisors  
21 responsible. The agreement required the employer to  
22 pay \$25,000 in emotional distress damages and provide  
23 anti-discrimination training to supervisors and  
24 managers in the employee's unit as well as retraining  
25 the supervisor involved in the case who is no longer  
employed—oh, sorry. As—excuse me—as well as

1 retraining to certain managers and report and  
2 remediating complaints of discrimination. In  
3 addition, the supervisor involved in the case who is  
4 no longer employed by the supervisor—by the employer,  
5 was required to undergo 20 hours of community service  
6 with seniors. In another matter, an older female  
7 employee reported that she was labeled not a team  
8 player for engaging in behavior that was not  
9 similarly characterized when displayed by younger  
10 male colleagues, and as a result, she lost her job.  
11 After investigation, the Law Enforcement Bureau  
12 issued a determination of probable cause. The  
13 Commission, the complainant and the respondent  
14 ultimately entered into a conciliation agreement  
15 requiring the respondent to pay the complainant  
16 \$27,500 in damages. The agreement also involves  
17 monitoring of the respondent involved in the case.  
18 The employer is required to provide information to  
19 the Commission if any other discrimination related  
20 complaint is filed against that individual respondent  
21 for a period of three years. In addition, the  
22 respondent's Human Resources staff will be trained on  
23 the Anti-Discrimination Law. The Commission's  
24 Community Relations Bureau regularly partners with  
25

3 community based organizations like the Senior  
4 Umbrella Network Stage, the Queens Borough Council  
5 for Social Welfare and other to provide Know Your  
6 Rights information on age discrimination and  
7 protections under the City Human Rights Law. The  
8 Commission has presented Know Your Rights information  
9 sessions at dozens of senior centers over the past  
10 several years bringing awareness of protections  
11 against age discrimination to over 1,000 seniors  
12 across the five boroughs. Our relationships with the  
13 Queens Borough Council for Social Welfare and SAGE  
14 are longstanding. We meet regularly at those  
15 organizations to ensure their team is able to address  
16 specific issues related not only to age  
17 discrimination but other forms of discrimination  
18 including LGBTQ discrimination, disability  
19 discrimination and discrimination in housing for a  
20 whole host of protected categories. Most recently on  
21 May 30, 2018, the Commission along with our  
22 colleagues at DFTA presented at the Ages and  
23 Symposium, sponsored that the Brooklyn Public Library  
24 Older Adult Services Unit, and on September 20<sup>th</sup>,  
25 Commission staff will be speaking on the City Human  
Rights Law at another aging symposium sponsored by

3 the Senior Umbrella Network of Brooklyn and will  
4 highlight protections against age-based  
5 discrimination as well as discrimination in housing,  
6 issues around accessibility and other areas that  
7 intersect with age based discrimination. If any  
8 Council Member is interested in having our team work  
9 with your staff to develop an outreach event, on-site  
10 legal clinic or any other programming from your  
11 constituents, we would be more than happy to  
12 collaborate with you. We thank you for your-for  
13 convening this hearing today and we look forward to  
14 your questions.

15 CHAIRPERSON CHIN: Thank you. I'm going  
16 to start off with a few questions, and then I and my  
17 colleagues they have questions. For DFTA because  
18 you have the-the work, I mean the job training  
19 programs and all these programs for senior  
20 employment. Has DFTA seen or heard of any instance  
21 of seniors alleging age discrimination in employment?

22 DEPUTY COMMISSIONER RESNICK: [pause]  
23 Really only anecdotally. There's-there's no data  
24 that we can actually report on, but yes we have heard  
25 people coming into the program looking for employment

3 saying that as an older worker they find it difficult  
4 to either get or retain employment.

5 CHAIRPERSON CHIN: So, what do you refer  
6 them to? Do you help them with the situation or try  
7 to refer to them over to the Human Rights?

8 DEPUTY COMMISSIONER RESNICK:  
9 [interposing] We, of course, refer to our city  
10 partners. We do education for everybody that comes  
11 into the program about knowing their rights, and how  
12 they can make a claim if they feel that they've been  
13 discriminated against, and then we also work with  
14 employers to encourage them to hire older workers.

15 CHAIRPERSON CHIN: So are there like any  
16 best practices or guidance that you recommend to  
17 ensure that employers are being age friendly?

18 DEPUTY COMMISSIONER RESNICK: There's  
19 been work done through actually the Age Friendly  
20 Commission, and Ruth Finkelstein when she was at  
21 Columbia was working with giving awards actually to  
22 age-friendly employers. So, there is encouragement  
23 around best practices in working with and hiring  
24 older workers.

25 CHAIRPERSON CHIN: So, what about I guess  
DFTA as a city agency do you use these kind of

2 practices in hiring and retaining employees? Does  
3 DFTA have employees from a diverse age group and what  
4 percentage of your workers are age 55 and older?

5 DEPUTY COMMISSIONER RESNICK: I didn't  
6 bring that data with us. I can certainly get that  
7 from our Human Resources, but we actually have a very  
8 large percentage of workers that are over 55  
9 including me. [laughter]

10 CHAIRPERSON CHIN: That's good. I mean  
11 we would love to see the data--the data. I mean it  
12 would be great for DFTA to completely use that, but  
13 that--

14 DEPUTY COMMISSIONER RESNICK:  
15 [interposing] Well, I lead by example. I-I-I don't  
16 know how we do compared to other agencies, but our  
17 average employment age is quite advanced.

18 CHAIRPERSON CHIN: Well, I think we need  
19 to also look at other agencies. I mean the city  
20 should take the lead on really being age-friendly and  
21 -and giving the opportunity to older adults to  
22 continue to share their skills and with the city.

23 DEPUTY COMMISSIONER RESNICK: Absolutely.

24 CHAIRPERSON CHIN: What about the-in  
25 city--the Commission on Human Rights, do you also

3 provide best practices in terms of having a diverse  
4 age group in your employees?

5 DEPUTY COMMISSIONER SUSSMAN: We have no  
6 issued best practices on this specific area of  
7 protection, but we have best practices and our legal  
8 enforcement guidance in other areas, one being  
9 disability discrimination, which may sometimes  
10 overlap with—with age discrimination case. We also  
11 have issued information around caregiver  
12 discrimination, which affects the whole population in  
13 one or another, but those are new protections.  
14 That's a new protection in our law passed a couple of  
15 years ago to prohibit discrimination due to someone's  
16 caregiving responsibilities whether it be a spouse, a  
17 child or a parent.

18 CHAIRPERSON CHIN: So, I guess in terms  
19 of like throughout the city agencies, there do you  
20 share or like do you use best practices for having  
21 your older adults in the workforce in the city agency  
22 and making sure that the different agencies are, you  
23 know, doing the right thing and providing  
24 opportunities for these older workers.

25 DEPUTY COMMISSIONER SUSSMAN: We are  
regularly speaking with our sister agencies on an

3 intergovernmental level to talk about new protections  
4 in the law, the existing protections and requirements  
5 under the city Human Rights Law. We also work with  
6 DCAS pretty regularly to ensure that, you know,  
7 trainings are up to date, information is getting out  
8 to all the sister—our sister agencies as employers  
9 themselves. We have enforcement authority over our  
10 sister agencies. So, as an employer, as a provider  
11 of public accommodation or as a housing provider in  
12 some circumstances perhaps we have enforcement  
13 authority over our sister agencies as well. So we  
14 are regularly from—from a non-enforcement perspective  
15 trying to get information out to our—to the city  
16 agency so that they understand their obligations  
17 under the law, and can ensure that they're following  
18 best practices.

19 CHAIRPERSON CHIN: In your testimony the—  
20 the number of complaints that the—the Commission  
21 received is very low, 100. You only filed like 112  
22 complaints in the last two years. Why you think the  
23 complaints are so low?

24 DEPUTY COMMISSIONER SUSSMAN: Yeah, you  
25 know as we were preparing for this hearing, we were—  
we were talking—I was talking a lot with our law

3 enforcement team, and I think one of the challenges  
4 in these cases I think is the—is a sense that this is  
5 happening at the hiring stage that employers are  
6 either turning away or not taking seriously or—and  
7 have sort of an implicit bias against old—hiring  
8 older adults. In those cases, I think are very  
9 challenging both to recognize that it's happening,  
10 but also to bring to the Commission and for the  
11 Commission to investigate. Those are some of the  
12 most—under any category, a failure to hire case is  
13 one of the most challenges cases to prove because the  
14 person who's feeling the discrimination is—has an  
15 absence of information. They don't who the other  
16 candidates are. They don't know if this is a pattern  
17 of practice. They don't know if it's some other  
18 reason or they just have a sense that it might be  
19 their age or their membership in another protected  
20 group. So, it's a challenge. Those cases are  
21 particularly challenging, and what we encourage is if  
22 we—if we hear or if you hear from your constituents  
23 or any community based organization that there are  
24 employers out there that are routinely turning away  
25 qualified candidates. We—we want to know about it,  
and you don't need—individuals don't even need to put

3 their name on a complaint for us to do an  
4 investigation. We can request documents. We can  
5 talk to the HR Department. We can do our own  
6 investigation without an individual putting their  
7 name on a complaint, but I think that that's one of  
8 the challenges that we face in dealing with—with  
9 these types of cases particularly in the hiring  
10 context.

11 CHAIRPERSON CHIN: Yeah, one of the  
12 things that we were looking at is that during the  
13 hiring part—process if the employee do not look at  
14 the year that you graduated from college or high  
15 school, they can't tell you age, and they're not  
16 supposed to ask you age, right? Isn't it against the  
17 law to ask your age when—when you're looking for a  
18 job?

19 DEPUTY COMMISSIONER SUSSMAN: It's not  
20 explicitly prohibited to ask one's age, but I would  
21 say that it is problematic to ask one's age because  
22 it raises the specter that (A) it is valid and (B)  
23 you know that they're going to consider that in their  
24 hiring practices. So, the question, you know, often  
25 times forms will have you fill out your date of  
birth, and whether that's relevant or not is probably

2 questionable for a lot of those forms. We wouldn't  
3 say asking that information is per se unlawful, but  
4 that it is certainly problematic.

5 CHAIRPERSON CHIN: Yeah, so that's why--

6 DEPUTY COMMISSIONER SUSSMAN:

7 [interposing] And not recommended.

8 CHAIRPERSON CHIN: --we should look at  
9 legislatively that it's something that we can do like  
10 you can ask for your birthday, but not the year.

11 [laughter] Right. So, we have to figure out a way  
12 because that is preventing a lot of older workers who  
13 have the skills and the experience to do a great job,  
14 but they get stopped at the door, and also I think  
15 that there are other--what I've heard like of other  
16 methods of advertising like on Facebook or whatever  
17 that they do specifically, you know, specify certain  
18 types of age or--and then that's something that we  
19 really need to also look at that's a discriminatory  
20 practice in advertising for these jobs. Council  
21 Member Vallone, do you have questions, and also we've  
22 been joined by Council Member Deutsch.

23 COUNCIL MEMBER VALLONE: Thank you, Madam  
24 Chair. Always a pleasure to be your partners with  
25 our seniors. Thank you to the Deputy Commissioners.

3 This is one of those hearings where we're all on the  
4 same page trying to find out more and what we can do  
5 as always to protect our seniors. So, it's a  
6 pleasure to meet you Susan and-and Caryn and together  
7 you're here. Lots of good stuff jump out from this,  
8 and having these types of discussions is so critical  
9 to for us to understand where the base is and how we  
10 can raise the bar a little bit. Is there any  
11 existing law requirement or regulation mandating  
12 employers to file the age of their employees at their  
13 company, the diversity from what age they have? We  
14 have every other requirement from who they're hiring.  
15 Is there any requirement out there to file how many  
16 seniors are with a particular company or just age?

16 DEPUTY COMMISSIONER RESNICK: Not that  
17 I'm aware of, no.

18 COUNCIL MEMBER VALLONE: I think that  
19 might start raising the bar of the conversation that  
20 if it's exposed that large—maybe we start with the  
21 larger companies in New York City or larger  
22 businesses of a certain level that now we have to  
23 know the amount, the age of each employee. If it's  
24 going to be—quickly show that they have zero or five  
25 out of a million or a 10 or a hundred, whatever they

3 may have, we may start seeing some hiring differences  
4 along the line saying we hey we got to fill this gap  
5 because now we have to show that we have zero people  
6 above 62 or 50. I find myself at 51 as one of the  
7 oldest Council Members so the age is changing as-as-  
8 as we get older. Would that be a good idea? Would  
9 that be something--has another county anywhere else  
10 done that that you can think of?

11 DEPUTY COMMISSIONER SUSSMAN: No, I'm  
12 unaware of that, but I do know there--there have been  
13 proposed similar reporting requirements around gender  
14 of race, you know, with respect to pay disparity and  
15 other things. But I'm unaware of one.

16 COUNCIL MEMBER VALLONE. Well, so-so then  
17 maybe we could--I guess it's good hear from you and--  
18 and what's going on there. So, who is part--how many  
19 employees do you have in the Law Enforcement section  
20 of your commission?

21 DEPUTY COMMISSIONER SUSSMAN: We are at a  
22 total headcount currently at one 142, and our  
23 breakdown--oh, thank you--our--we have 79 staff in our  
24 Law Enforcement Bureau right now, and that is it  
25 includes administrative staff, attorneys, leadership

2 and our testers for our Testing Program and things  
3 like that.

4 COUNCIL MEMBER VALLONE: Is any part of  
5 that staff dedicated to senior complaints or  
6 concerns--

7 DEPUTY COMMISSIONER SUSSMAN:  
8 [interposing] That is--

9 COUNCIL MEMBER VALLONE: [interposing] or  
10 is it just a general?

11 DEPUTY COMMISSIONER SUSSMAN: Most of our  
12 staff have a general sort of docket. We have  
13 supervisors that focus on certain areas of expertise,  
14 but we--but most of our attorneys handle our  
15 generalized docket.

16 COUNCIL MEMBER VALLONE: Do you find  
17 that's some place that maybe we could have a  
18 specialized area just focusing on senior concerns and  
19 age discrimination?

20 DEPUTY COMMISSIONER SUSSMAN: I think  
21 it's something that--

22 COUNCIL MEMBER VALLONE: [interposing]  
23 Maybe next year's budget, but we're always looking to  
24 advocate for more money into DFTA and for the  
25

3 agencies for the seniors. This might be an area  
4 where we have targeted task force.

5 DEPUTY COMMISSIONER SUSSMAN: I-I think  
6 we would welcome that conversation, and think about  
7 ways that we can be strategic around enforcement.

8 COUNCIL MEMBER VALLONE: So, you-you said  
9 there was 112 complaints filed, but is that the same  
10 as somebody actually making a call or concern? Do we  
11 have the data on how many people actually called and  
12 said hey, my employer-and then maybe he never filed a  
13 complaint.

14 DEPUTY COMMISSIONER SUSSMAN: Uh-hm. I  
15 don't have that. That's a very good point. I don't  
16 have the information around what we call pre-  
17 complaint interventions, which is a-a great deal of  
18 what we do in an effort to move things along  
19 particularly where people are currently in the  
20 workplace, and are feeling like they are perhaps  
21 being retaliated against or they're being subjected  
22 to discriminatory treatment. We have a system now in  
23 place to fast track that, have a Commission staff  
24 member whether it be one of the agents for these or  
25 an investigator, sort of engage immediately without  
filing a complaint.

3 COUNCIL MEMBER VALLONE: Yeah, that would  
4 be critical information because if that number is  
5 also on the rise, it's a larger number than 112  
6 clearly that saw. If we have 500 calls and only 112  
7 result in complaints, but that 500 next year becomes  
8 600 and 800, more and more people and then they also  
9 go to the outreach between you and DFTA as to how to  
10 get the information out to make the complaint. You  
11 know, with our seniors it's a lot of land locked  
12 information. If we don't get to the senior center,  
13 if we don't get to them, they may never know how to  
14 file that. So, we may have to do some more homework  
15 on how to expand that.

16 DEPUTY COMMISSIONER SUSSMAN: Right.

17 COUNCIL MEMBER VALLONE: Who makes the  
18 determination whether a call that's made actually  
19 becomes a complaint?

20 DEPUTY COMMISSIONER SUSSMAN: Often times  
21 it will—it's the complainant themselves that  
22 individual calling. So, they—it's really—in many  
23 circumstances, it's self-directed. They—they—that  
24 individual will decide what they want to take, and  
25 sometimes again if you're currently in the workplace  
escalating something is challenging. There's a whole

3 host of reasons why someone might not want to file a  
4 formal complaint, and we recognize that, and so we  
5 provide options to people whether we can--like I said,  
6 you don't need an individual to come forward for us  
7 to get involved. We can do something called a  
8 Commission initiated investigation, which avoids  
9 having an individual's name on the complaint, but  
10 particularly if we're hearing about a pattern or a  
11 particularly troubling situation we can do our own  
12 investigations by requesting documents by  
13 interviewing witnesses, gathering our own--our own  
14 information, and--

15 COUNCIL MEMBER VALLONE: [interposing]

16 So, what if a situation doesn't--you're able to help  
17 them--

18 DEPUTY COMMISSIONER SUSSMAN:

19 [interposing] Uh-hm.

20 COUNCIL MEMBER VALLONE: --and they--they  
21 find an alternate resolution. Is that information  
22 kept? What if that employer now has 10, 15, 20  
23 calls, and you've managed to deal with them, but they  
24 don't ever raise to the level of the complaint. Do  
25 we know those employers now as to maybe starting to  
have a bad track record?

3 DEPUTY COMMISSIONER SUSSMAN: Yes. We  
4 track patterns so that we ultimately--so the  
5 Commission represents the city in these cases, and if  
6 as a city agency we decide that it's in the city's  
7 best interest to not resolve these in sort of one-off  
8 phone calls, but we're starting to see a pattern  
9 emerge. That's particularly where the Commission  
10 initiated power of the agency is most--we think  
11 effective. So, um, again if we're--if we're getting  
12 two, three, four calls by the same employer, but no  
13 one decides to put in a complaint, we track that  
14 information and that's when we will engage in deeper  
15 investigation to make sure that this isn't a broader  
16 problem, and when we do--

17 COUNCIL MEMBER VALLONE: [interposing] Is  
18 there any other coordinating agencies when that  
19 happens or is it just you?

20 DEPUTY COMMISSIONER SUSSMAN: It's just  
21 us. That's just under our--our power, yeah.

22 COUNCIL MEMBER VALLONE: It might be  
23 something we want to look at also. So, what would  
24 happen then--are you finding that most of the people  
25 that are making the calls and/or complaints are doing  
it individually or are they represented by a lawyer?

2 DEPUTY COMMISSIONER SUSSMAN: Most folks  
3 are calling, um, on their own behalf. Recently there  
4 was an amendment the City Human Rights Law that  
5 allows attorneys to collect attorney's fees at the  
6 Commission through the Commission process? It pays—  
7 you know it—it would be resolved as part of any sort  
8 of larger resolution for the fees to be paid to the  
9 complainant's attorney. So, we have more and more  
10 attorney filed complaints on behalf of individuals.

11 COUNCIL MEMBER VALLONE: Do you think if  
12 we were provide a lawyer for seniors for this type of  
13 service that complaints might raise? We are  
14 providing lawyers for just about everyone, but I'm  
15 always fighting to get seniors more legal  
16 representation. So, maybe if they know the standards  
17 and—and the process itself is sometimes difficult.  
18 Maybe a lawyer could help. Like at your stage when  
19 somebody gets a call, you might be able to say, you  
20 know, there are legal services available for your to  
21 guide you through even though we're the city  
22 Commission or the agency that's dealing with it,  
23 maybe that might be another way that we can get these  
24 complaints properly administered.

3 DEPUTY COMMISSIONER SUSSMAN: Uh-hm, uh-  
4 hm.

5 COUNCIL MEMBER VALLONE: What is the  
6 standard that someone has to meet? So, if I-I  
7 thought high, and I was busting my chops and he  
8 didn't want to hire me because I'm 51 and much, much  
9 older than him even though he's a grandfather, do I  
10 have to—you said probable cause--

11 DEPUTY COMMISSIONER SUSSMAN: Uh-hm.

12 COUNCIL MEMBER VALLONE: So, it's a  
13 pretty high standard. That's our criminal standard  
14 as—I'm one of the lawyers left on the—on the Council.  
15 So, you actually have to—that's beyond—almost getting  
16 to the beyond a date probable cause. Is there any  
17 circumstantial evidence level that was every  
18 considered or can we lower that standard?

19 DEPUTY COMMISSIONER SUSSMAN: Sure. So,  
20 probable cause in our context is actually a lower  
21 standard because we are civil law enforcement. So  
22 while it's the same phrase, it actually means  
23 something different and it's really a—sort of an over  
24 50%. Discrimination is more likely to have occurred  
25 than not occurred and it's no quite as high as in the  
criminal context. Again, because we are a civil law

3 enforcement agency. So, if-if someone comes in the  
4 door and says I believe I did not get this job  
5 because of my age, and they can make a generalized  
6 sort of observation that-we can file that complaint,  
7 and it's on-it's our job as the attorneys and  
8 investigators for the city pull together the  
9 necessary information to reach that 50% plus mark.  
10 That's-it was more likely not that discrimination  
11 occurred, and most of our cases will resolve sometime  
12 between a complaint being filed and probable cause  
13 being issued because like any other sort of  
14 litigation posture, cases resolved through  
15 conciliation, which is a sort of a settlement that  
16 involves essentially three parties, a commission as  
17 the city, the complainants and the respondent. Our  
18 cases will close because the parties settled  
19 privately, and the commission decides that it's in  
20 the-it's in the city's best interest to allow that  
21 settlement to happen, and the Commission will  
22 essentially allow that.

22 COUNCIL MEMBER VALLONE: So, you have  
23 some settlements that happen before the complainant  
24 also because you got involved?

25 DEPUTY COMMISSIONER SUSSMAN: Right.

3 COUNCIL MEMBER VALLONE: So, I think,  
4 Madam Chair, I think that's what's so great about  
5 today's hearing is there's so much more for follow-up  
6 and ideas here because it's different levels. The  
7 112 is not the right number. So, and I think we need  
8 to—to elaborate on the fact that age discrimination  
9 is happening at a greater level, and we have to be  
10 able to deal with it. So, lots of different ways to  
11 deal with it is (a) giving you the resources to deal  
12 with it, and then (b) able to identify and then deal  
13 with it in different situations because as a  
14 demographic, seniors have a difficulty getting to  
15 that information. We have this conversation with  
16 Karen and DFTA on almost any resource we provide for  
17 the seniors. So, age discrimination may not be  
18 something that people talk about. They may feel  
19 guilty for not getting the job. They're not going to  
20 say listen, you know, I gave it my best shot, but if—  
21 if we can guide them through, and I think if we make  
22 a requirement for employers to actually list the age  
23 of their employees, especially for the larger  
24 employers in the city, you're going to start raising  
25 the bar of awareness to seniors that hey, you should  
have seniors in your company and why don't you? It's

2 almost the moral guilt at this point that's guiding  
3 just about everything else is why don't you have any  
4 seniors? What-what is your company's excuse? Unless  
5 we get to that level of data then you'll be able to  
6 hire the correct staff, and maybe have a dedicated  
7 team to deal with age discrimination in your group  
8 and then we can maybe get some additional  
9 information. So, if you can bring back to-to Chair  
10 Chin the-those that didn't reach the level of  
11 compliance, the amount of calls that you're getting,  
12 and then maybe we think about a piece of legislation  
13 where we're requiring employers of a certain size to  
14 list the age of the employees.

15 DEPUTY COMMISSIONER SUSSMAN: Uh-hm.

16 COUNCIL MEMBER VALLONE: Thank you,  
17 Chair.

18 CHAIRPERSON CHIN: Thank you. We have  
19 questions from Council Member Deutsch.

20 COUNCIL MEMBER DEUTSCH: Thank you,  
21 Chair. So, first of all, I'm not senior, but I am a  
22 grandfather. I have two grandkids ages 3 and 5. So,  
23 my wife doesn't let me go and hang out with the  
24 senior, with the women out there. [laughter] So,  
25 whenever I go to my senior centers I say keep this a

1 secret. Don't tell my wife that I'll be back, but I  
2 just want to say that as-as a city, you know, we're  
3 talking about going after companies, discrimination  
4 but as a city we need to set a good example to  
5 everyone, and I know the city has job fairs all the  
6 time in all five boroughs. So, I want to know first  
7 of all how many complaints do you receive against  
8 city agencies for not discriminating against seniors  
9 number one, and number two is that when the city has  
10 job fairs, they have almost every single agency of  
11 those-at those job fairs. How many seniors actually  
12 get hired? I'd like to know an answer to that. Um,  
13 so, I mean we-maybe we need to do-we always have  
14 health fairs for seniors. Maybe we should have job  
15 fairs. You know, people have a difficult time making  
16 ends meet, and any seniors who are looking for a job?  
17 [laughter] I know there's plenty. See that. Plenty  
18 of seniors looking for a job, and we need to give  
19 them the opportunity and hold the city accountable  
20 and set a good example for everyone else because  
21 enforcement is easy, but we need to look at ourselves  
22 first, and then we could set an example and say look  
23 the city is doing our part. Now, you have to do your  
24

3 part. So, first, I'd like to know if you have an  
4 answer to those two questions?

5 DEPUTY COMMISSIONER SUSSMAN:

6 Unfortunate—unfortunately, Council Member Deutsch, I  
7 do not have information about claims against the city  
8 agencies for discrimination based on age, but I can  
9 gather that information, and get it to you. As far  
10 as job fairs, I—I don't have information about how  
11 many seniors obtained employment through job fairs,  
12 but I think job fairs specifically focusing on  
13 seniors sounds like a very compelling project. You  
14 know, we've been involved in job fairs related to  
15 people with criminal histories, when the criminal  
16 history protections came out. So I think that's  
17 something that we would be happy to partner on.

18 COUNCIL MEMBER DEUTSCH: Great. I look  
19 forward to be at your first senior job fair. I'll be  
20 the first one there. So, remember that. We're going  
21 to have a senior job fair. We're going to hold  
22 everyone accountable here. Thank you very much.

23 DEPUTY COMMISSIONER SUSSMAN: So at the  
24 Department for the Aging through our Title V Senior  
25 Employment Program we do host job fairs, and attend  
26 job fairs quite regularly, and we work with about 300

1 COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON  
CIVIL AND HUMAN RIGHTS 43

2 employers where we try to place older workers, and I  
3 don't have the placement numbers with me today, but I  
4 can certain them you the numbers about how successful  
5 we are placing older workers.

6 COUNCIL MEMBER DEUTSCH: Numbers don't  
7 matter, let's get results.

8 DEPUTY COMMISSIONER RESNICK: Okay.

9 COUNCIL MEMBER DEUTSCH: Let's do that.  
10 Let's--let's have some--

11 DEPUTY COMMISSIONER RESNICK:  
12 [interposing] We have numbers and some--

13 COUNCIL MEMBER DEUTSCH: --senior job  
14 fairs, and let's get the seniors the jobs that they  
15 deserve. Everyone agree.

16 AUDIENCE MEMBERS: Yes, yes. [applause]

17 CHAIRPERSON CHIN: Thank you, Council  
18 Member Deutsch. We're not supposed to rouse up the  
19 crowd, okay. There he goes. That's okay. [laughs]  
20 Yeah, we have questions from Council Member Ayala.

21 COUNCIL MEMBER AYALA: Thank you, Madam  
22 Chair. This question is Deputy Commission Sussman.  
23 Is there like a--is there--is discrimination complaints  
24 coming from a specific industry?  
25

2 DEPUTY COMMISSIONER SUSSMAN: You know, I  
3 asked our law enforcement team if they could provide  
4 me with trends around age discrimination claims, and  
5 they could not identify specific trends around  
6 industry, but what the more common complaints that  
7 we're seeing are sort of like the ones—the ones that  
8 I described in the testimony around derogatory  
9 comments, people being forced out of a certain—or  
10 feeling like they're being forced out at a certain  
11 age or forced to retire when they're not ready. I  
12 think Council Member Chin had mentioned that as well,  
13 but I don't have trends on specific industries.

14 COUNCIL MEMBER AYALA: Is that because  
15 there's no way of tracking it?

16 DEPUTY COMMISSIONER SUSSMAN: No, we can—  
17 we can look at each complaint, and see if we can  
18 assess if there are trends or if they're concentrated  
19 in particular industries, and get that information to  
20 you.

21 COUNCIL MEMBER AYALA: Yeah, I'd be  
22 interested in seeing that data. Commissioner, Deputy  
23 Commissioner Resnick, how are you

24 DEPUTY COMMISSIONER RESNICK: Fine.  
25

2 COUNCIL MEMBER AYALA: So Title V I know  
3 really well because when I worked in Senior Services  
4 a lot of my seniors actually were participants of the  
5 program. Can you tell us how many slots currently  
6 exist in New York City for Title V?

7 DEPUTY COMMISSIONER RESNICK: I'm trying  
8 to see if I have that. I know what our funding level  
9 is at the department through our two grants, but I  
10 don't know if I have the data about how many slots,  
11 and then by the way there's not only--the New York  
12 City Department for the Aging gets a State Office for  
13 the Aging Grant as well as the National Council on  
14 Aging Grant, and there are other such grants in the  
15 city of New York. So, we're not the only provider of  
16 Title V, but I can get you at least the number of how  
17 many slots we have.

18 COUNCIL MEMBER AYALA: Yeah, I think  
19 because I'm just trying to figure out. So, we have  
20 a--there's a four-year term. Is that because we don't  
21 have enough slots, or, you know, enough positions  
22 available?

23 DEPUTY COMMISSIONER RESNICK: That's  
24 mandated by the Department of Labor who oversees the  
25 program. That's the guidelines of the program.

3 COUNCIL MEMBER AYALA: Is there an  
4 opportunity for an extension?

5 DEPUTY COMMISSIONER RESNICK: There may  
6 be an opportunity for waives that I believe we've  
7 gotten for individuals.

8 COUNCIL MEMBER AYALA: Okay.

9 DEPUTY COMMISSIONER RESNICK: But yes,  
10 you're right that if somebody stays on it doesn't  
11 open up plots for new people although we're getting  
12 new allocations for it.

13 COUNCIL MEMBER AYALA: [interposing] I  
14 mean I think what my concern is right, that as we—as  
15 rents continue to—to skyrocket in New York City,  
16 older adults are being forced to not only work into,  
17 you know, later years but also to subsidize the—the—  
18 the income that they are bringing in, right, and I  
19 believe there's a lot—even as the Director  
20 Constituent Services from the prior Council Member,  
21 some of my seniors are trying to get jobs at the  
22 local supermarket just to be able to supplement their  
23 rent. So, my concern is, if you have a senior that's  
24 already in employed through the Title V program, and  
25 is receiving a subsidy because it's not a lot of  
money, but it's still enough to make ends meet, if

3 there's an opportunity to expand that because  
4 circumstances are not likely to change in four years.  
5 So, that's obviously something that, you know, I  
6 would be—I would advocate for, and I wonder, you  
7 know, depending on the number of slots is it because  
8 we don't have enough slots to go around that we have  
9 this four-year life cycle? And if there's anyway  
10 that the Council could advocate, right, on a federal  
11 and state level for more slots? I'm not sure.

12 DEPUTY COMMISSIONER RESNICK: We would  
13 welcome that. Absolutely.

14 COUNCIL MEMBER AYALA: Yes. Thank you.

15 CHAIRPERSON CHIN: Can you just remind us  
16 again what's the percentage of seniors that  
17 participate in Title V, are actually get a permanent  
18 job?

19 DEPUTY COMMISSIONER RESNICK: Yeah, I'm—  
20 I'm sorry that I don't have the placement numbers  
21 with me, but, we do a good job at placing older  
22 workers.

23 CHAIRPERSON CHIN: Yeah, I mean that's a  
24 way we could dig up that statistic. We also have  
25 been joined by Council Member Rose in the Committee

1 COMMITTEE ON AGING JOINTLY WITH THE COMMITTEE ON  
CIVIL AND HUMAN RIGHTS 48

2 of Aging, and Council Member Kallos on Civil Rights.  
3 Council Member Deutsch has a follow-up question.

4 DEPUTY COMMISSIONER RESNICK: Okay.

5 COUNCIL MEMBER DEUTSCH: Yes. I just had  
6 a question. So, the NYPD there's age limits. At 63  
7 that's it, you're done. You're forced to retire.  
8 The FDNY the age limit is 65. At 65 you're also  
9 forced to retire. So, I have a resolution that I'm  
10 drafting to the state to please raise the age limit  
11 for the NYPD to be the same as the FDNY. So, how is  
12 it that when you're a city agency you're forced to  
13 retire at a certain age? Is that considered  
14 discrimination?

15 DEPUTY COMMISSIONER SUSSMAN: So there's  
16 certain laws essentially supersede the age  
17 discrimination protections in our law, and by statute  
18 those retirement age are statutory, and unfortunately  
19 there's—we would not—there's essentially a conflict  
20 of laws issue, and the—and the mandatory retirement  
21 age exempts coverage under the city Human Rights Law.

22 COUNCIL MEMBER DEUTSCH: So, could I file  
23 a complaint today against the FDNY and the NYPD for  
24 discrimination?

25 DEPUTY COMMISSIONER SUSSMAN: I don't--

2 COUNCIL MEMBER DEUTSCH: [interposing]  
3 and let's go after the state?

4 DEPUTY COMMISSIONER SUSSMAN: I don't  
5 believe so. I think there would have to be changes  
6 made to the statute in order for there to be a claim  
7 like that because there's a statutory mandate to--

8 COUNCIL MEMBER DEUTSCH: [interposing]  
9 But that's a bill in the state, right?

10 DEPUTY COMMISSIONER SUSSMAN: I believe--

11 COUNCIL MEMBER DEUTSCH: [interposing]  
12 So, how-how do we allow the state to-to do that, to  
13 have an age limit? I mean we're getting all the  
14 experienced officers forced to retire.

15 DEPUTY COMMISSIONER SUSSMAN: Uh-hm.

16 COUNCIL MEMBER DEUTSCH: And, um, you  
17 know, I think we need experience. Crime is going up.  
18 I just read this morning murders are going up, rapes  
19 are going up across the city.

20 DEPUTY COMMISSIONER SUSSMAN: Uh-hm.

21 COUNCIL MEMBER DEUTSCH: We need to keep  
22 experience, and if we're talking about discrimination  
23 age limit, maybe we should do something  
24 collaboratively wit the Council and with your agency

25

2 to go after the state and saying listen, you cannot  
3 force someone out at a certain age.

4 DEPUTY COMMISSIONER SUSSMAN: I-I will  
5 have to defer to the experts at my sister agencies at  
6 PD and Fire to-to speak to this issue specifically.  
7 I don't want to-I don't want to represent, you know,  
8 their-

9 COUNCIL MEMBER VALLONE: Or you're going  
10 to have to hire Chaim. One or the other. That's  
11 your other choice.

12 COUNCIL MEMBER DEUTSCH: Alright, yes,  
13 I'd like to-I'd love to know. I'd like to have a  
14 follow-up on this, and to see what we can do because  
15 I don't understand how a bill could supersede  
16 something when it's age discrimination. That's  
17 clearly what it is to--and to many people in the-in  
18 the FDNY and the NYPD, they're being-they're being  
19 pushed out at a certain age. So, that's something we  
20 need to-we need to look at. I know a traffic agent,  
21 if you're a traffic agent, you could be 120 years old  
22 and you could still be a traffic agent. [laughter]  
23 Right, that's true but in certain agencies, you  
24 basically are being pushed out.

3 DEPUTY COMMISSIONER SUSSMAN: Uh-hm.

4 Thank you.

5 CHAIRPERSON CHIN: I wanted to have a  
6 follow-up question about in 2015 the Council passed  
7 Local Laws 33, establishing Employment Discrimination  
8 Testing Program. So, has the Commission done any  
9 testing on age discrimination?

10 DEPUTY COMMISSIONER SUSSMAN: [pause] I  
11 don't have those numbers with me today, but I'm happy  
12 to get back to you on how many of our testing case  
13 have involved age, and I believe they are reported in  
14 our annual report of this year. So, I can pull those  
15 and get back you.

16 CHAIRPERSON CHIN: Yeah, I mean like  
17 that would like involve some of those like looking at  
18 advertisements and whether it's in the paper or  
19 online to see if there is—just like fair housing  
20 discriminations.

21 DEPUTY COMMISSIONER SUSSMAN: Right and  
22 testing specifically often involves having an  
23 individual a member that represents that particular  
24 protected class. So, whether it's age or race or  
25 using a voucher in housing, and then having someone  
that's not in that protected class sort of apply or

3 make the initial inquiry and then seeing if one is  
4 essentially the identical applicants and one is  
5 rejected, and we can sort of isolate the reason  
6 around that protected category. So, that's  
7 specifically what testing often looks like. It could  
8 be as simple as making a phone call, and saying  
9 you're interested in a position, and being one gender  
10 or another and identifying whether there's a positive  
11 test there. There's also the Commission initiated  
12 work we do around advertisements where we still see  
13 no vouchers accepted or no felons or no criminal  
14 history and those are per se violations of the City  
15 Human Rights Law. So, we do a couple of different-  
16 there a couple of different methods that we have  
17 around testing and around commission initiated cases  
18 with respect to advertising, but I can get the-the  
19 age specific numbers for you.

20 CHAIRPERSON CHIN: Okay, the other thing  
21 with-if someone follows the case with the Commission,  
22 and it did not, you know, get the result that the  
23 person wants, does the Commission refer them to  
24 other-other level of government to see if they can  
25 continue to pursue their case?

3 DEPUTY COMMISSIONER SUSSMAN: Sure. So,  
4 if a case is closed at our agency, in—in several  
5 different legal postures one can appeal that decision  
6 to State Court. So, there's always another option to  
7 take a second look at the case, and challenge  
8 essentially the commission's decision to close the  
9 case. If the individual for example faced age  
10 discrimination but was not in New York City, was not  
11 applying for a job based in New York City or was not  
12 a worker in New York City they can file with the  
13 State Division of Human Rights, which covers a  
14 similar agency, different law, but covers people  
15 across New York State and they have offices in New  
16 York City and then—and outside of New York City. So,  
17 we can look at the case and if it's jurisdictional  
18 for our agency, and if it's not because either it  
19 might have happened outside of the five boroughs or  
20 it happened beyond our statute of limitations, which  
21 is one year from the last discriminatory act. There  
22 may be other options and our intake staff and our  
23 attorneys are well versed on referrals to other  
24 agencies to state court if that's appropriate or to  
25 our sister agencies because it might not be a  
discrimination, but it might be a program question

3 for DFTA for example or another sister agency, and we  
4 regularly cross refer.

5 CHAIRPERSON CHIN: Do you in your  
6 outreach do you develop specific material that  
7 explains what age discrimination looks like so that  
8 seniors, you know, [coughs] when they go to a job  
9 fair, they can actually pick up this kind of valuable  
10 information because they might not know and how do  
11 you describe age discrimination when you're looking  
12 for a job or in your job.

13 DEPUTY COMMISSIONER SUSSMAN: Uh-hm. We  
14 have our sort of communications and Know Your Rights  
15 materials on our website. I believe we do not  
16 currently have one specific on age, although we do  
17 have several that go through sort of discrimination  
18 more broadly in all the protected categories  
19 including age and the resources that the commission  
20 at the commission, how to contact the commission, but  
21 we'd welcome taking that on, and we can talk further  
22 about what that might look like.

23 CHAIRPERSON CHIN: That—that would be  
24 great. I think to develop some specific flyer that  
25 kind of describes in cases what age discrimination  
would look like when you go to apply for a job or-or

2 in your job so that people kind of know, oh, yeah,  
3 this is happening to me, and maybe I should do  
4 something about it. So, you can—we can work with you  
5 to help develop that, and I'm sure the advocates  
6 would love to work with you on that, too. Okay, we  
7 have a lot—we have a lot of people signed up to  
8 testify. So, we will follow up with questions.

9 DEPUTY COMMISSIONER SUSSMAN: Yes.

10 CHAIRPERSON CHIN: Do you have a  
11 question.

12 COUNCIL MEMBER KALLOS: Thank you to our  
13 Aging Chair, Margaret Chin. I'm just going to follow  
14 up. So, I—I see every day people reach out to my  
15 office for jobs, and one of the things that I hear  
16 including from some of the members in my audience is  
17 just that when you are older not even necessarily a  
18 senior, but just as you get older in life it gets  
19 harder and harder to find the new jobs. So, we're  
20 hearing from people in their 50s that they just can't  
21 get a job, and so I guess beyond some of the  
22 enforcement, you're talking about, does the—does DFTA  
23 have a list of employers that have taken—made an  
24 affirmative commitment to hire folks who are older  
25 New Yorkers and not hire people at minimum wage, but

2 if you have somebody who was a six figure earner, who  
3 is now on Social Security and just can't make it in  
4 my district and many of the other very expensive  
5 districts where your Social Security stays the same,  
6 but the cost of living keeps going up--

7 DEPUTY COMMISSIONER RESNICK: Yes.

8 COUNCIL MEMBER KALLOS: --where those  
9 folks can get the same high quality jobs that they  
10 once had?

11 DEPUTY COMMISSIONER RESNICK: So, our  
12 Title V Program is actually income tested and really  
13 targeted to lowest income older adults, and as I  
14 mentioned, we do work with over 300 employers who are  
15 age-friendly and have been very welcoming of hiring  
16 older workers. Somebody who is in their 50s and  
17 unemployed and still needing to work even at higher  
18 incomes can go to any of the SBS Workforce 1  
19 Workforce Development sites to help seek employment.

20 COUNCIL MEMBER KALLOS: With regards to  
21 the 300 employers that D-F-T-A has existing  
22 relationships with, does D-F-T-A circulate job  
23 postings to a list of older New Yorkers so that they  
24 can see that not only are there specific jobs, but  
25 the could possibly even subscribe to specific types

2 of jobs at specific salary levels so that they know  
3 that these are folks who are inclined and that D-F-T-  
4 A could also be included in the process to make sure  
5 if the employer has indicated they are willing to do  
6 something properly and follow the laws that they're  
7 actually doing so?

8 DEPUTY COMMISSIONER RESNICK: I don't  
9 believe that we circulate job postings outside of our  
10 Employment Program, but that's certainly something  
11 we—I can take back and discuss.

12 COUNCIL MEMBER KALLOS: My—my colleague  
13 Council Member Ayala, with whom I—I share a border  
14 and I'm happy to represent a very small portion of  
15 East Harlem, which you represent so much of. You  
16 mentioned that—in your testimony you have mentioned  
17 doing job fairs. We are curious when the last job  
18 fair was, and if you'd be interested in doing one in  
19 our districts on our border as it were to help some  
20 of—a lot of my seniors in the audience, a lot of her  
21 seniors in the audience and a lot of folks all over  
22 the city.

23 DEPUTY COMMISSIONER RESNICK: I don't  
24 have the date of our last job fair, but I know that  
25 we have a job fair coming up in the next couple of

3 weeks actually. So, I can get that information to  
4 your offices and--and people are welcome.

5 COUNCIL MEMBER KALLOS: Yes, yes, please.  
6 I was hoping you might have it off the top of your  
7 head so folks watching at home could mark their  
8 calendars and get there. Not seeing anyone in the  
9 audience running up with the information, and then  
10 beyond that job fair would you be open to partnering  
11 with individual members or delegations to host these  
12 job fairs in all five boroughs and do so annually?

13 DEPUTY COMMISSIONER RESNICK: I don't  
14 know that I could commit because I don't know that we  
15 have the capacity to do that, but I do hear that it's  
16 something you would like us to consider.

17 COUNCIL MEMBER KALLOS: I'm--I'm just  
18 interested in everyday constituents are reaching out.  
19 They can't afford to stay in this city even if they  
20 may have retired or they might be between jobs,  
21 they're having difficulty--

22 DEPUTY COMMISSIONER RESNICK:  
23 [interposing] Here.

24 COUNCIL MEMBER KALLOS: --attaining the  
25 income they need. It's now to build more affordable  
housing and that's the committee I chair, and we're

3 going to do, but we can also make sure we lift people  
4 out of poverty especially folks who have fallen. So,  
5 I—I look forward to working with the Chair of the  
6 Aging Committee as well as my—my colleagues in—in all  
7 five boroughs. Thank you.

8 DEPUTY COMMISSIONER RESNICK: Thank you.

9 CHAIRPERSON CHIN: Well thank you for  
10 coming in to testify.

11 DEPUTY COMMISSIONER SUSSMAN: Thank you  
12 very much. [background comments, pause] We are going  
13 to invite up the first panel. Frances Sandler (sp?),  
14 and we have our--[coughs]—the group from the Radical  
15 Age Movement, Bobbie Sackman, Steve Burghardt (sp?),  
16 Jamie Dijon (sp?) Alice Fisher [coughs] Ashton  
17 Applewhite, Renee Rosenberg, and Kristen Rose. Oh,  
18 we have—we've been joined Council Member Rodriguez.  
19 [pause] [background comments] Since we have a lot of  
20 people testifying, you have written testimony please  
21 submit it, and we're going to have a time clock at  
22 three minutes, but if you could summarize the key  
23 points, that would very, very helpful. Thank you.  
24 Frances, you want to start? [pause]

25 FRANCES SANDLER: I wish everybody a  
happy Constitution Day and also Citizenship Day.

3 Indeed it was on a Monday in 1787 when the  
4 Constitution of the United States was ratified by the  
5 Constitutional Convention. So, age, it's written  
6 all over your face, mine, too. Look in the mirror or  
7 other's faces as they behold yours. Age it's written  
8 all over your face. It's in your face, mine, too. It  
9 is undeniable, unequivocal and upfront, exactly as it  
10 should be if you wish to live a long life well, extol  
11 and revel in your age. That's the theory. Now the  
12 facts, the reality. Unless, of course, you are by  
13 chance past 40 and still believe that you have the  
14 capacity to make a meaningful contribution to  
15 society, and to gainful employment commensurate with  
16 your skills. As earlier outlined, the New York City  
17 Human Rights Law is a model in the United States.  
18 However, similar to the Federal Statute first enacted  
19 in 1967 that covers age discrimination specifically  
20 the ADAA, as well as the New York State Human Rights  
21 Law when it comes to age, the law is not all that can  
22 be, or that it should be. So, right now what I want  
23 to focus on is retaliation. We hear so much about  
24 discrimination. My hypothesis is that but for  
25 discrimination there would be no retaliation. What  
role does retaliation, if any, play in connection

3 with age discrimination. Retaliation is the one-two  
4 punch. Constant stink with all discrimination most  
5 especially age discrimination. There can be no age  
6 discrimination without the implicit or expected  
7 threat of retaliation. Retaliation weaponizes age  
8 discrimination, which many times is still as subtle  
9 as discrimination itself. That is why I ask the New  
10 York City Council to revisit the interrelationship  
11 between discrimination and retaliation specifically  
12 the legal standard of proof required to demonstrate  
13 retaliation in seeking damages for age related  
14 discrimination. Clear and unambiguous language that  
15 has been the hallmark of the New York City HRL that  
16 aims to preempt in the first instance and/or redress  
17 the threat and/or fact of retaliation will increase  
18 the likelihood of valid age discrimination lawsuits  
19 successfully with standing judicial scrutiny.  
20 #Retaliate against age discrimination. The rights or  
21 responsibility of workers and the rights and  
22 responsibilities of employers co-exist on a  
23 continuum. Silence must not be the price aging  
24 workers pay to work through their golden years.  
25 Silence is never golden when it is a direct byproduct  
of retaliation. The standard of proof regarding the

3 award of damages for retaliation in connection with  
4 blocking age discrimination claims must not be so  
5 draconian—it certainly currently is but for to render  
6 it a standard of impossibility of fulfillment by  
7 employees. So, the bottom line I'd like both  
8 committees to commit today to revisit and to ask back  
9 both of the representatives of both of the agencies  
10 that testified today to look at why the porosity of  
11 claims. Why they didn't proffer exact numbers  
12 because clearly there are more than 127 people being  
13 discriminated against in the city of New York I  
14 regret to say at any age. So, remember ladies and  
15 gentlemen, the truth and devil will be in the  
16 details, but here if the committee can commit to  
17 having its team of attorneys look specifically at why  
18 the standard for retaliation to prove retaliation is  
19 so high employers (a) will continue to discriminate,  
20 (b) it will serve as a deterrent for employees to  
21 step up and (c) once a valid claim is established,  
22 the employer will be held to treble damages so that  
23 you put real muscle in the law and that may I assure  
24 you will command a lot more than 112 cases coming  
25 forward. Thank you so much. [applause]

2 CHAIRPERSON CHIN: Thank you. Thank you  
3 for your testimony.

4 FRANCES SANDLER: Thank you. Than you.

5 BOBBIE SACKMAN: Hi. Bobbie Sackman on  
6 the Steering Committee of Radical Age Movement,  
7 formerly Director of Public Police of Live On New  
8 York. I love people that are angry about this, and I  
9 want to applaud the committees for holding the first  
10 ever hearing on age discrimination in the workplace  
11 and your leadership Councilwoman Chin. The Radical  
12 Age Movement exists to confront ageism in-in all its  
13 forms. So, I-you-you threw out a lot of good data.  
14 I'm just really going to go to some ideas. We do  
15 have a public policy agenda that's attached to my  
16 testimony there, and I think that we have--New York  
17 City has an opportunity to lead the nation because  
18 the situation stinks all over the nation for all the  
19 workers. So, I think we have place to--an opportunity  
20 to do some good work here. I do want to mention  
21 Victoria Lipnic who's the acting Chair of the Federal  
22 Employment Opportunity Commission, Equal Opportunity,  
23 has said that age discrimination is an open secret  
24 like sexual harassment was until recently, and I  
25 think if we start taking age discrimination in the

3 workplace and in any form as seriously as take sexual  
4 harassment, which is on everybody's mind especially  
5 today, and obviously racial discrimination and  
6 homophobia, et cetera that that will be a giant step  
7 forward. Right now, if you say to somebody, you're  
8 an ageist or that an ageist statement, they look at  
9 you very confused, and they don't take it seriously.  
10 The Manpower Group, which tracks U.S. talent—U.S.  
11 talent shortage says that 46% of employees in this  
12 country cannot find workers. Well, where are they  
13 looking? We have older adults ready to work with  
14 experience and skills that are either getting pushed  
15 out of their jobs, or they can't get into the job  
16 market. We also have terminology. As we know,  
17 language is very important in any form of  
18 discrimination to change the language, and we have  
19 something called digital natives and digital  
20 immigrants. If you're born after 1985, which makes  
21 you only 33 now, you are an immigrant. Now, just  
22 think of the multiple levels of insult that that  
23 carries with it. So, our policy agenda. Some of  
24 this has been touched on. Raising public awareness a  
25 know—a developing a Know Your Rights public transit  
campaign. There's been something on the trains I saw

3 a few months go targeting pregnant women, which was  
4 a very good campaign. So, likewise, why not target  
5 older workers on—on buses and—and trains, and with  
6 all due respect, reaching a thousand people in senior  
7 centers is not exactly a public awareness campaign.  
8 As we all know, could do that in a month. So, it  
9 obviously has to be multi-lingual. So we need to do a  
10 better job not only senior centers but to reach other  
11 older New Yorkers beyond that. To develop, what  
12 leverage does the city have? The city has a pension  
13 fund. [bell] How do they—how do they invest it?  
14 There are job and training programs, there are city  
15 contracts, there's RFPs. Is it any language in those  
16 contracts against age discrimination? Is there—we  
17 don't have a study. We don't even know the full  
18 scope of this program. We don't have the data. We  
19 need to know the consequences. Mayor de Blasio has a  
20 New York Works Program. Does that include people  
21 over the age of 50? I really wonder about that. So,  
22 how do we develop an older job training opportunity  
23 program, which Councilwoman Chin you have mentioned  
24 and I—I'm thinking of an older workers employment  
25 services. It spells out owes, O-W-E-S, but  
seriously, to have a job corps program would be

3 excellent, and then working with the media to change  
4 language, to change the framework. We're not just  
5 cutting old heads as a Propublica story said it, we  
6 have people with talent and skills and—and we—studies  
7 show we are more engaged. We are very productive and  
8 that we pass information along inter-generationally  
9 and that's really important. So, I hope that in  
10 addition to looking at the legal side, we can take  
11 practical steps because people are looking for jobs  
12 now, and just finally, while the idea of a job fair  
13 is a good one, I would suggest that some of them be  
14 inter-generational because the same companies are  
15 going to keep showing up if it's only for older  
16 workers. I think you get a bigger spread if you try  
17 to make, you know, spread out the age a little bit.  
18 Thank you.

19 CHAIRPERSON CHIN: Thank you, Bobbie.

20 RENEE ROSENBERG: [off mic] I-I-[on mic]  
21 Thank you. I would like to follow up on that, and  
22 actually I was going to be talking about inter-  
23 generational communication.

24 CHAIRPERSON CHIN: Can you identify  
25 yourself?

3 RENE ROSENBERG: Yes. I am Renee  
4 Rosenberg, and I have a career transition-clinical  
5 career certified counselor for over 35 years working  
6 in the field with people over 50, 60 and 70. I've  
7 aged with them. So, my clients [laughs] have—I've—  
8 I've seen the differences in—in our attitudes and our  
9 belief systems as I've grown older and as they've  
10 aged, and I'm listening. Thank you for this, this  
11 committee because I think this is extremely  
12 important, but I'm listening to some of the—the  
13 information that's been given, and I have a real  
14 strong aversion to job fairs, and I felt I needed to  
15 say something about that. I have never had a client  
16 get a job through a job fair. They're wonderful  
17 opportunities for research and finding out who the  
18 companies are, and yes they need to be inter-  
19 generational. I think that's a very good point, and  
20 ageism does exist in the workforce. Absolutely. We—  
21 we know that, and it is an issue, but it's also a  
22 stereotype and so many of my clients have fallen  
23 victim to believing this as a stereotype, and I think  
24 that that's one of the big major problems that people  
25 have. When they're interviewing for jobs as an older  
worker, they're fearful they're not going to be hired

3 because of their age and they make that the issue,  
4 and I'd like to put on record that I believe very  
5 strongly that age is not the issue for so many  
6 people. They make it the issue. It's that's they  
7 don't really have the skills. They don't have the  
8 attitude. It's an attitude that people need. I'm  
9 going to tell you a very quick story--I know I have a  
10 few minutes--of a client of mine who is 62 who lost  
11 her job, was extremely angry. She'd been there for  
12 20 years, and wanted to work for another three or  
13 four years, and she felt she was let go because of  
14 her age. She decided that she would go back and get  
15 more education. Ongoing education is what people are  
16 looking for now. So, if you're an older worker, and  
17 you're not retraining yourself, and learning new  
18 skills, then you need to start to do that, and she  
19 did that and she started to get--she put her profile  
20 on LinkedIn, which everyone needs to do nowadays, and  
21 if you're an older worker and you don't do that, then  
22 you're going to be discriminated against because  
23 you're not keeping up. So, it's really an issue of  
24 keeping up. It's an issue of understanding what you  
25 need to do. She actually was encouraged to go back  
to her company because she only wanted to work part-

3 time now. She went back and suggested that she can  
4 go part-time. They were delighted to have her back.  
5 The issue was not about her age she found out, and  
6 after months of being totally angry and feeling it  
7 was a discrimination issue, which it wasn't. So we  
8 need to look very carefully at what we call ageism  
9 and discrimination, and really look at it and see if  
10 it's about education. Is it about an attitude? Is  
11 it about a way of preparing oneself for [bell] for  
12 looking for a job search? Okay, thank you.

13 ASHTON APPLEWHITE: Hi. I'm Ashton  
14 Applewhite, an activist against ageism. I'm 66, and  
15 not planning to head for the shuffleboard court any  
16 time soon. I'm smack in the middle of Baby Boom and  
17 I have a lot of company. Older people who are  
18 challenging traditional norms and expanding the idea  
19 of retirement, whatever that word means now anyway.  
20 Other trends are also in play, ground swells like  
21 automation, and artificial intelligence shifting the  
22 21<sup>st</sup> Century of what a job used to be towards nomadic  
23 and freelance work. Information enabled activities  
24 don't require day long mental or physical exertion.  
25 So, they are a great fit for the supposedly  
diminished capacities of older people. Older people

3 want to keep working for lots of reasons. Work is a  
4 vital source of connection, social connection and  
5 identify especially for men a source of purpose and  
6 meaning and, of course, elder—they just don't want to  
7 work. They need to work. The combination of longer  
8 lives, the economic downturn of 2008 and the demise  
9 of traditional pensions mean that many people,  
10 millions and millions of Americans have too little in  
11 retirement savings to support themselves comfortably.  
12 To survive, they either have to keep earning or learn  
13 to live on a lot less. Have you heard about the  
14 older nomads, not quite homeless who drive from one  
15 low-wage job to another in second RVs? According to  
16 the last census, older Americans were the only  
17 demographic for whom poverty rates increased. The  
18 situation is significantly worse for women who are  
19 even less likely to have enough money because we earn  
20 less and live longer and have less—lower Social  
21 Security. We represent the only natural resource that  
22 is actually increasing, the social capital of  
23 millions more healthy, well educated adults. What  
24 the obstacle? Ageism, treating someone differently  
25 on the basis of how old we think they are.  
Discourage and diminished, many older workers stopped

3 looking for work entirely and many become  
4 economically dependent contributing to the  
5 misperception that elders are a net burden to society  
6 [coughing] [bell] but it is not by choice, and it  
7 makes no sense obviously because if we are forced out  
8 of the job market, who is going to support us? Not  
9 one negative stereotype about older workers holds up  
10 that were are less productive, less dependable, less  
11 committed, less teachable to name only a few.

12 Diversity because a buzz word because society grew  
13 less tolerant of racism, sexism and homophobia. If  
14 we don't think access to opportunity should depend on  
15 what someone looks like, gray hair and wrinkles  
16 count. It is blindingly obvious that age belong  
17 alongside race, gender, ability and sexual  
18 orientation as a criterion for diversity. Achieving  
19 age diversity is going to taking nothing—nothing less  
20 than a mass movement like the ones that woke us up to  
21 entrench systems of racism and sexism around us. It  
22 means—and—and it means speaking up against age—ageism  
23 anywhere we encounter it, if everyone around the  
24 table is the same age for the same reason, unless  
25 there's legitimate reason. Confronting ageism means  
making the world a better place to live and not just

3 for people on the wrong side of some imaginary  
4 old/young divide, [bell] but for everyone because  
5 longevity is here to stay. The changes we make in an  
6 age neutral workforce will, of course, benefit the  
7 generations that follow us who feel the bite of  
8 ageism as young as their 40s even 30s, which is when  
9 the ADA kicks in. So, I ask the New York City  
10 Commission to give this call for action, legal and  
11 political teeth and to set a model for municipalities  
12 everywhere around the country. Thank you. [applause]

12 ALICE FISHER: Good afternoon. My name  
13 is Alice Fisher. I'm 72 years old, and I am the  
14 Founder and Executive Director the Radical Age  
15 Movement. Our mission is to confront ageism in our  
16 society and examine its impact on older adults. Over  
17 these years, we have looked at the many ways age  
18 prejudice is encountered today. The issue of most  
19 concern to our members and followers is financial  
20 security. The fear is that they will run out of  
21 money before they run out of life. For the past year  
22 we have concentrated our efforts on ageism in the  
23 workforce. We want to thank Council Members Chin and  
24 Eugene for holding this hearing today. We are  
25 particularly encouraged that this hearing is being

3 held by both the aging committee and the Human Rights  
4 Committee. I'm here today to give you a sociological  
5 peek of what aging in America's workforce looks like  
6 today. Both my legislative and social work  
7 background informed the creation the Radical Age  
8 Movement. What at this time when age discrimination  
9 has been around for eons is this issue rising to the  
10 surface? On answer is longevity. Although affected  
11 by socio-economic status, many of us are living  
12 longer and staying healthier longer than ever before.  
13 Older adults are not prepared to be retired, whatever  
14 that means, for 30 or 40 years. We don't want to and  
15 we can't afford to. Those extra years of life are  
16 not tacked onto the end of our lives. Rather, we  
17 have opened a new stage of life along the lifespan  
18 roughly between the ages of 55 and 80. Older adults  
19 recognize this development while the institutions and  
20 government of our country seem to have their heads  
21 buried in the sand. When it comes to ageism in the  
22 workforce, a person's performance cannot be judged by  
23 how old she is. We all age so differently. If I  
24 brought a dozen 80-year-olds to stand in front of  
25 you, I guarantee you would not be able to guess their  
age. As we age, we become more diverse than ever

3 before. You would not put people who are 30 years  
4 old in the same category as people who are 60 years  
5 old. So, why would we consign everyone over 65 to  
6 the category of senior or senior citizen? An act of  
7 life does not end at 65 any more. We are part of the  
8 future, too. Younger seniors and leading edge  
9 Boomers are desperately looking for jobs in an era  
10 when age discrimination in the workforce is rampant.  
11 In effect, older workers have had to the workforce  
12 turn its back on them at a time when longevity is on  
13 the rise and Social Security, Medicare [bell] and  
14 Medicaid are being threatened. Instead of facing a  
15 secure future, we are threated with the reality of  
16 living our final years in poverty. As a social—as a  
17 society these conditions are not unlike the  
18 conditions that prevailed when Social Security was  
19 first introduced. A few months ago, Radical Age  
20 Movement co-sponsored a job fair for older adults and  
21 over 500 people showed up. That is just to say that  
22 obviously there's a problem out there. The first  
23 step n the journey to age justice to create awareness  
24 of all the above. Ageism is so endemic to our  
25 society even people who are the victims of this cruel  
prejudice often don't see it. They blame themselves

3 for being old. Yet ageism [coughing] perpetrated  
4 against older adults affects us all. Finally, we  
5 know there are laws and regulations at the federal,  
6 state and local levels that inform us that nobody can  
7 be hired or fired based on their age. However,  
8 corporations and companies have been doing this  
9 forever. Undaunted by these laws, which are really  
10 scrutinized or enforced, they find every loophole  
11 possible in order to dismiss their seasoned and wise  
12 gray headed workers. In some cases, their only  
13 rational explanation is that they want their  
14 companies to have a younger image. We know that not  
15 all social problems can be solved by legislature.  
16 Culture change can only come when the minds and  
17 hearts of people shift. This needs to come first  
18 before any kind of institutional change can come  
19 about. This is a goal of the Radical Age Movement as  
20 a grassroots movement. The public and you our  
21 legislators need to understand once again that above  
22 all ageism is a human rights issue. The Radical Age  
23 Movement has developed a policy agenda, which is  
24 attached to my testimony. I think you again for  
25 holding historic hearing on age discrimination in the  
workforce. [applause]

3 STEVE BURGHARDT: Thank you. Hi, my name  
4 is Steve Burghardt. I'm a member of the Radical Age  
5 Movement. I'm also a Professor of Social Work at the  
6 Silverman School of Social work. Council Member  
7 Chin, I want to thank you for the once again leading  
8 the way on the—the fight against ageism. I'm going  
9 to—I'm going to start with what I hope is something  
10 that comes out of this, but then I want to frame this  
11 discussion just a little bit differently as a  
12 challenge that I hope all the committee members here  
13 not only who are Council Members, but all the staff  
14 who are here will take something seriously back to  
15 your colleagues. We obviously need a task force and  
16 a legislative package that emerges from this that is  
17 not simply for one year, but is for many years given  
18 what from the testimony that we've already heard  
19 there's an endemic problem related to this at every  
20 level related to the workforce itself and to age  
21 discrimination just as in addition to that it would  
22 be—it would be great to see the demographics on every  
23 city agency not just private sector corporations but  
24 also city agencies as well. That said, I want to  
25 frame this as something a little bit different. I'd  
like us all to pause for a second and ask a

3 particular question: Why is it, you know, that if it  
4 were facts alone, that would set us free, this  
5 legislative hearing wouldn't even been needed, and  
6 yet facts along obviously are clearly not enough.  
7 For example, I'm struck by the fact that after the  
8 initial presentations that we have one Council Member  
9 left when everyone else left, when of the community  
10 are now here to speak. I'm aware that DFTA its  
11 actual budget is one that unendingly unlike many city  
12 budgets is confronted with soft money on the basis of  
13 its—its actual funding. So that it always must deal  
14 with crumbs rather than a full slice of the pie. The  
15 issue is why? And the reason is that ageism, and  
16 people have said ageism is the powder puff  
17 oppression. It is hit with—if you call somebody an  
18 Anti-Semitic or a racist or a sexist, inevitably they  
19 stand in shock, but if you call somebody as an  
20 ageist, like a powder puff, they go, oh, I never  
21 thought about that. Such marginality comes from a  
22 mindset made up of—it speaks to a couple of  
23 qualities: (1) People between the ages of 49 and 80  
24 are embossed to say their age because of our  
25 internalized ageism. Secondly, it's convenient for  
politicians to pit old against young. That

3 reinforces the idea that intergenerational  
4 connectedness is impossible when, in fact, as our  
5 speakers have already made clear it certainly is. And  
6 he third is the future is made up not just of the  
7 young but of all of us, and until we embrace a future  
8 that belongs to everyone in this room and for this  
9 agenda [bell] that the future is that we are all part  
10 of it. Politicians will have the ability to easily  
11 thank us for our words and carry on with power puff  
12 indifference to the reality of ageist oppression.

13 Thank you very much. [applause]

14 JAIME BIZON: [off mic] Oh, good  
15 afternoon—[on mic] Good afternoon. My name is Jaime  
16 Bizon, and I'm a member of the Radical Age Movement.  
17 I came here I came here with the intent of touching  
18 more on the hearts of people, and I must applaud you  
19 for conducting this hearing, and I must say that  
20 discrimination can come in different shapes and  
21 forms, and being an immigrant, I know better now  
22 because they have cited this before and the lack  
23 information as you pointed before, that there is a  
24 need to define age discrimination. What is age  
25 discrimination? I think that's very important  
because, you know, if we are in a—information is

3 important. If we don't know much about it, then  
4 we'll not be properly guided. There are so many  
5 things also that—that's been said, and have been  
6 eloquently stated amongst which were in terms of the—  
7 the job fair, we're—we're actually raising the bar  
8 now. Something was mentioned about the job fair, the  
9 legal representation that is required because at  
10 times people are inhibited to take the action  
11 because, you know, they feel the financial, you know,  
12 consequence of doing that. Also, I had—conducting a  
13 senior job fair and the—also the—making available—  
14 available the senior backup to guide us especially  
15 with policy formulation. I wouldn't have thought—  
16 take too much time on—on these things, which have  
17 been stated before, but I—I just want to say that we  
18 have the seniors of today created the future where we  
19 are in right now, and we are still co-creator of the  
20 future. We're not over the hill yet. We're still  
21 productive and we're abled and able, and so anyone  
22 who says that have no right to even get engaged is  
23 wrong, flatly wrong because we have garnered enough  
24 experience in our lifetime that can help the future  
25 generation or the generations of today because it is—  
it's universal. No one is exempted from it. We are

3 here right now as seniors, but the people who were  
4 not in that generation will become part of it as  
5 well. So what we do now is I've always believed that  
6 public officials have been—have ben motivated to run  
7 for office to over and beyond their interests [bell]  
8 and I—and I also know that most of my friend were in  
9 politics, they say, you know, at times, you know, you  
10 have to compromise when you're in politics because  
11 it's—it's totally different when you're in the  
12 implementation state, but I—I say also that whenever  
13 we do these we have to always looking back on where  
14 we started, how we started in entering this—in  
15 entering public service. Let us not forget in our  
16 hears that where we started because we ae here to go  
17 beyond our own interests as public servants, and if I  
18 may also say that the seniors has the numbers and as  
19 the reliability factor to make a difference and to  
20 make—to ensure that we will remember and we'll take  
21 action on people who have supported our interests,  
22 and we also have the power to do disengage ourselves  
23 with people who have not worked in our interest, And  
24 so in closing, I just want to say that please take it  
25 in your hearts how you started in public service and  
let's not lose track of that, and all us are members

3 are part of the community, and everyone is expected  
4 to do their share not only the politicians, but the  
5 public as well. And so we—let's spread the word that  
6 every—everything else—everyone else should be  
7 involved and it's only in our involvement that we can  
8 achieve justice for all. Thank you. [applause]

9 KRISTEN RORIS: Hi. My name is Kristen  
10 Roris. I'm a masters in social work student at Hunter  
11 College Silverman School of Social Work. I'm an  
12 intern at the Radical Age Movement and on the Inter-  
13 generational Committee at Radical Age. I'm here  
14 today on behalf Joseph D. Benedetto who's the Chair  
15 of the Radical Age's Inter-Generational Committee.  
16 Hew as the MSW intern last year and he's currently on  
17 he Radical Age's Steering Committee. He is currently  
18 interning at the New York Civil Liberties Union,  
19 which is where he is today. We both just want to  
20 thank you for the opportunity to speak and have this  
21 conversation be public. We highly support and  
22 recommend Councilwoman Chin's job training and  
23 employment program focusing on older workers. The  
24 program could assist older New Yorkers in finding  
25 meaningful jobs that are consistent with their  
experience and skill set, and on a selfish note, I

3 want to work at job in an environment where there's  
4 older adults and their joy and their wisdom and  
5 their—just their presence, and just a final note, a  
6 direct statement from Joseph. He says ageism like  
7 all mechanisms of oppression is embedded in our  
8 social institutions and cultures. However, while  
9 ageism is just as pervasive as other isms, it does  
10 not share the same historical context, and is often  
11 unseen. So with careful examination we can unveil  
12 ageism. Thank you. [applause]

13 CHAIRPERSON CHIN: No—no clapping in the  
14 Chamber. If you want to clap, do this. Okay. Thank  
15 you.

16 DENISE HUNTER: [off mic] Yes. Hello.  
17 Hello, my name is Denise Hunter and I'm 60 years of  
18 age, and I'm member of the Radical Age Movement. My  
19 story is I've been an educator for many, many years,  
20 14 years and adjunct math professor, and my son who  
21 is now 40 years of age he got sick with Multiple  
22 Sclerosis. So, I had to put my career on the side  
23 and dedicate myself to him because people who are  
24 aware of elderly and disabled, they don't get treated  
25 the way they are supposed to or get the necessary  
help. So, I had to dedicate myself to my son, but I

3 also at the same time get enjoyment in teaching. So,  
4 I decided to make myself competitive. As one person  
5 said, you have to go back to school as an elderly  
6 person and make yourself competitive with the younger  
7 generation. But there is definitely, but there is  
8 definitely a trend because when I went back to  
9 Brooklyn College to receive my masters in Mathematics  
10 and elementary education, I had a problem with  
11 getting a student teaching position, in which I  
12 shouldn't have had to do a student teaching position  
13 because I had over 24 or 25 years of teaching  
14 experience, and you put me in a classroom with  
15 younger teachers, and then for no reason they say,  
16 oh, no, we don't need here student teaching, or no  
17 she's the conflict with things. That's not fair  
18 because when you're older, you have life experience.  
19 You have history and you have the ability to-to lead.  
20 So, therefore, when I hear and understand about  
21 ageism, it is I think about bullying. I think about  
22 diversity. I think about bullying because the way  
23 testing is done now to eliminate the older population  
24 is basically the terminology. So, therefore when an  
25 older person comes into a job position and they've  
been doing all of these things, and by you not being

3 able to articulate—articulate yourself with the  
4 modern technology, automatically, you see that  
5 there's an age difference. Then, when we talk about  
6 diversity, we want to accept the LGB community. We  
7 want to accept economically deprived people. We want  
8 to accept social involvement of and inclusion of  
9 everybody or ethnic groups. We have to include in  
10 diversity the older generation because with the older  
11 generation, we bring a commitment. We bring  
12 experience, and we have so much to share and lead the  
13 younger generation, not the younger generation  
14 leading the older generation. Then when you talk  
15 about employment and all of these agencies, these  
16 agencies are not updated because people [bell] who  
17 are going to these agencies who are older we are not  
18 at the bottom level. We are up here. So, therefore,  
19 the services and opportunities that they offer, we  
20 cannot benefit from it. So, what I'm saying and I'm  
21 so happy to learn that I'm not the only one out there  
22 facing certain things and didn't know where or how—  
23 what you call it until I met Steve who was involved  
24 with the ageism, and then I said, oh, me too and just  
25 like the other lady, when we talked about a number of  
applicants, there needs to be a criteria because I

3 called and wanted—and they said over the telephone,  
4 no, we cannot take that. It's not that, but  
5 listening to everything here today, it was age  
6 discrimination through testing, through just the—in  
7 other words, I find that they camouflage the aging  
8 through different channels to say that it's not  
9 ageism, but definitely ageism does exist. Thank you.  
10 [applause]

11 CHAIRPERSON CHIN: Thank you for your-  
12 your testimony. We're going to call up the next  
13 panel. Sarah Stafford, Madelyn Gear, Kaitlyn Fossey  
14 (sp?) Chris Widelo and Regina Cooper. [background  
15 comments, pause] Please begin and make sure you  
16 identify yourself for the record.

17 SARAH STAFFORD: [off mic] Okay. I'm  
18 Sarah Stafford.

19 COUNCIL MEMBER CHIN: Press the button.

20 SARAH STAFFORD: [on mic] Hello, I'm  
21 Sarah Stafford. I'm here to testify for—about age  
22 discrimination in one of the city agencies, the New  
23 York City Department of Education, the Office of  
24 Adult and Continuing Education, which is where I  
25 worked for—up until 2015, and the, you know, we've  
spoken about this at another hearing with the City

3 Council and Education, but I thought it would be  
4 great to talk about it here as well. I worked at the  
5 Office of Continuing Education and retired early  
6 after the program took a downturn when Rosemary Mills  
7 took over as Superintendent, and set a tone in the  
8 organization that drove many people away including  
9 our principal first and then instructional  
10 facilitators and then a host of other teachers who  
11 were forced out or harassed and given U ratings that  
12 were leading people to—to leave in frustration, or to  
13 be worried about not being able to get a raise or to  
14 be able to be pushed out. So, many of the senior  
15 staff were given these U ratings for the first time  
16 in their careers when this woman came in as the  
17 Superintendent, and in—in the history of the program  
18 this had never happened before. And U ratings can be  
19 leading to dismissal or to disqualify a teacher for  
20 the increase in salary, and since the salaries make  
21 up a large part of the budget, it seemed like there  
22 was a concerted effort to get rid of older teachers  
23 as a way of saving money. There were grievances  
24 filed, and I believe that this was—there were cases  
25 of age discrimination that were going on, and this is  
a program that serves many older people as well. So,

3 it's a great program. I feel like it really needs to  
4 be investigated so that the—the services for the  
5 other older adults that are trying to get education  
6 and improve their skills, and a lot of them were job  
7 seeking as well, and this was a program that I really  
8 would have liked to keep working in myself. I didn't  
9 experience age discrimination myself, but I witnessed  
10 it with many of my colleagues.

11 CHAIRPERSON CHIN: Can I just ask you a  
12 question on that. Did any of your colleagues or kind  
13 of raise this issue with the New York City Human  
14 Rights Commission?

15 SARAH STAFFORD: I believe some of them  
16 filed grievances with the EOC. Yes.

17 CHAIRPERSON CHIN: Okay, we can check on  
18 that. [background comments]

19 SARAH STAFFORD: Thank you. [bell]

20 CHAIRPERSON CHIN: Okay, we also have  
21 Donna Carrell and Betty Godfrey. Okay.

22 BETTY GODFREY: [off mic] I'm just here  
23 because I'm giving background information. I'm—I'm  
24 from way back when. [laughs] I'm really going to be  
25 brief. Okay, thank you. My name is Betty Godfrey. I  
co-founded the Adult Education Chapter more than 50

3 years ago, and I served as it's Chapter leader for  
4 over 40 years. At the request of subsequent chapter  
5 leaders I have served as resource person to the  
6 chapter since my retirement. During my tenure as  
7 chapter leader a minimum number of teachers received  
8 end of year U ratings. Some years there were no U  
9 ratings. There were always some new ratings on  
10 observations, but because the majority of the  
11 leadership and the support staff were hired from  
12 within the program, there was usually a genuine  
13 attempt to give support to these teachers. Since the  
14 advent of Super-Superintendent Mills' Administration,  
15 a wave of U Ratings has hit the program like a  
16 tsunami out of control. The U rated teachers who  
17 contacted for advice—advice all had the same thing in  
18 common: They were over the age of 50 and they were  
19 on the upper end of the salary scale. Many of these  
20 teachers also had something else in common: They had  
21 built the Adult Education Program, which had evolved  
22 from a group of great society programs that were  
23 formed in the '60s and '70s in the response to the  
24 demands of the Civil Rights Movement. They created  
25 curriculum and participated in professional  
organizations. Some were prize winners for their

3 contributions to the field. The Administration also  
4 drove several senior teachers out of the program by  
5 creating impossible schedules for them to work. The  
6 tactics of—these tactics severely diminished the  
7 number of full-time staff, which sharply reduced the  
8 number of teachers who were entitled to the  
9 negotiated benefits that had brought adult Ed in line  
10 with K through 12. We spend about 30 years doing  
11 that. Many of these teachers are now gone. I firmly  
12 believe that the underlying agenda that drives this  
13 pattern of behavior is to dismantle the hard-earned  
14 benefits for which adult ed fought and to minimize  
15 the importance of the population that always OECE  
16 serves. Disrespect for teachers is tantamount to  
17 disrespect for students. We urge you to help us to  
18 redress these grievances and make always a  
19 Certifiable program again. It would be hard to  
20 explain to you how much effort we put into this.  
21 When we became part of the Board of Ed and part of  
22 the United Federation of Teachers, we were as much  
23 like civil rights workers as we were like teachers.  
24 We served a lot of people on public assistance. We  
25 have served people in our Poverty Program. We can  
only hold our classes in the poor areas of the city.

2 We serve a very important population. Our program is  
3 reduced in half from what it was several years ago,  
4 and all of the experienced teachers are being driven  
5 out [bell] by the way that I have expressed in this,  
6 and really they are—they are returning us to a  
7 procession program with teachers working part-time,  
8 and we're losing many, many students.

9 DONNA CAROLE: My name is Donna Carole.

10 CHAIRPERSON CHIN: [interposing] Press  
11 the button the speaker.

12 DONNA CAROLE: He it is. My name is  
13 Donna Carole. I was chapter leader in the year 2016  
14 and 2017 for the Department of Education New York  
15 City Program of Adult and Continuing Education. One  
16 of my responsibilities as a chapter leader was to  
17 represent teachers at that disciplinary meetings with  
18 the principals. Often, a teacher would be informed  
19 that a letter was being placed in her file initiating  
20 a process that may lead to the loss of employment.  
21 In 2016, 2017 school year when I was a chapter  
22 leader, I averaged four such disciplinary meetings a  
23 month. Given the fact that I was only allotted three  
24 hours twice a week to act as a chapter leader, most  
25 of my time advocating for the teachers was spent on

3 these difficult often teacher bashing and humiliating  
4 meetings. Some of the infractions for which teachers  
5 were being up and threatened with losing their jobs  
6 included failure to crate bulletin boards on time.  
7 Failure to use the work chart during instruction.  
8 Excessive absence after only two days. Since most of  
9 these problems could have been resolve with a  
10 conversation between the supervisors and the  
11 teachers, the extra heavy handed approach that Ms.  
12 Mills' Administration took seemed excessive and  
13 abusive. I will add that the majority of the  
14 teachers I had to represent were over 50 years old. I  
15 can only recollect one young mother who was being  
16 disciplined for being out too frequently after  
17 sustaining injuries in a car accident. Personally, I  
18 had to endure surprise visits by Ms. Mills and her  
19 staff as well. On one such visit, six  
20 administrators, six entered my classroom: My  
21 Principal, Assistant Principal, Superintendent Mills  
22 with another person from the Central Office, our  
23 Staff Developer and a Counselor. All sat with somber  
24 expressions without introductions, without any  
25 recognitions of my adult students. After 20 minutes,  
they all left without saying a word. The next day it

3 was reported to me that Ms. Mills engaged in a  
4 screaming session at my Principal and AP after  
5 visiting my class. Intimidation, and scare tactics  
6 do not make for better teachers or improvement of  
7 instruction. In fact, after that visit I lost some  
8 of my students who chose never to come back to our  
9 program. That was the day I decided to go into early  
10 retirement. Please, help our teachers and save our  
11 wonderful program.

12 LUJIRA COOPER: Hello. My name Lujira  
13 Cooper, and I represent SAGE and the Radical Age  
14 Movement, and as I am, as one can see, an African-  
15 American woman, what is invisible is I am 70 years  
16 old and a Lesbian, and in my life I've had more  
17 challenges as a strong woman than as a Lesbian. I'm  
18 also a Masters candidate in English and creative.  
19 Unfortunately, the position of strength is not—does  
20 not necessarily exist for older adults, and although  
21 this is not a hearing about the LGBT community, age  
22 discrimination works against us as well. Some of the  
23 things I've noticed is older adults face substantial  
24 challenges. Access is one. Seniors need better  
25 resources for food, health and transportation. Our  
community has many needs. We need better healthcare

3 and food resources for individuals on low budgets who  
4 question whether to get medical treatment or eat.

5 Professionally, we need to be seen as full  
6 functioning adults. We need better information about  
7 the availability of government services and we need  
8 better transportation access. We have all these new  
9 lower buses and they need to pull into the sidewalk  
10 when they can. Getting around the city using subways  
11 can be harrowing for seniors because elevators or  
12 escalators are out of service, there are not enough  
13 of them. For some of our—some—for some of us, our  
14 jobs pay too low because of our identity be it gender  
15 and/or color and a higher level of discrimination in  
16 the workplace that existed in the past.

17 Unfortunately, in housing and workplace, ageist  
18 discrimination is still an issue today. Racial and  
19 economic disparities hinder how communities age. As  
20 a younger person, I was never—I never thought of  
21 this. As a woman and a person of color growing up, I  
22 had no images that were positive, which is now the—  
23 pretty much the same issue for seniors. Every image  
24 re-impose negativity about who we were or are, and  
25 until the Black Movement was born in the '60s, I did  
not see people who were like me represented

3 positively. As I said, the same is now true of  
4 seniors. So, today, we are here to say as they would  
5 say at SAGE, we are not invisible. As older adults  
6 we stand together for a respectful and dignified  
7 ageist precis at community and now is the time to  
8 march, protest, write and as I wrote for the American  
9 Ethical Union to learn about folks supposedly  
10 different from our clan, whichever ones we claim.  
11 Thank you. [applause]

12 KAITLYN HOSIE: May name is Kaitlyn  
13 Hosie. I'm here representing Live On New York. So  
14 thank you first for holding this hearing, and  
15 actually September is Senior Center Month. So, happy  
16 Senior Center Month to everybody here. Prior to  
17 eliminating the very real challenges that often exist  
18 for older adults in the workplace we want to start  
19 off with the basic fact that aging is, in fact, a  
20 life process that 75 is not the same as 95 nor are 45  
21 and 75 monolithic experiences to be benchmarked by  
22 the standard of events that will happen for  
23 everybody. For some—for some older adults aging  
24 might mean a retirement that you have worked so hard  
25 for and long awaiting for. For others, it's a second  
career choice. It's a—it's a new act of sorts, and

3 for many it's the continued economic struggles that  
4 have been faced all of your life, but only feel  
5 exacerbated today. This economic reality means that  
6 many older adults simply cannot afford the fiscal  
7 implications of a frequently age bias and often  
8 discriminatory society. Even beyond economic  
9 pressures, older adults should not be shunted the  
10 opportunity to fulfill the seemingly innate desire to  
11 produce, be a part of society and to contribute.  
12 Unfortunately, working in opposition of the often  
13 economic or personal desires it has been found that  
14 three out of five older workers have experience age  
15 discrimination in the workplace. Though highly  
16 under-reported, we are certain that this number-- as  
17 has been eliminated today--is much higher. There are  
18 already marginalized populations such as older women,  
19 immigrants or minority communities. These age  
20 related injustices only serve to exacerbate existing  
21 inequities, inequities such as lost wages due to  
22 caregiving, time off for child rearing, persistent  
23 wage gap especially for women and a lack of pension  
24 options for a multitude of workers means that the  
25 financial margins for older adults are often so slim  
that a setback due to age discrimination is just

3 unacceptable and can have last consequences. It's  
4 critical that we as a society address the root  
5 justices—the root causes of these injustices. We  
6 need older adults to be recognized for their  
7 strength, many of which are sought after in today's  
8 workforce such as reliability, commitment, a strong  
9 work ethic, low turnover. These are all of the  
10 strengths that older adults bring to the table. We  
11 at Live On New York are appreciative of the  
12 opportunity to change the narrative around the value  
13 of older adults and older workers. We support the  
14 Council's call to better support older adults who  
15 experience age discrimination in the workplace and  
16 everywhere. Further, it's important that not only  
17 opportunities exist, but that older adults are aware  
18 of these opportunities as has been highlighted today.  
19 The program such as CSEP, which was mentioned, run  
20 through the Department for the Aging is critical and  
21 valuable and we need seniors to know about. Even  
22 further, I'm going to actually leave you with a quick  
23 example. A Starbuck's actually in Mexico City  
24 recently on their own accord saw a community need for  
25 seniors to have jobs, and they started making changes  
within their own workplace to change to a six-hour

3 workday, a lower stool (sic) so that way the counter  
4 wasn't too high for people to try and grab things.  
5 They made the conscious decision to employer older  
6 adults and to make their work environment friendly  
7 for all of that. We believe that that initiative  
8 that was taken in that one example can be replicated  
9 throughout the city, throughout the United States,  
10 and we want everybody to come to the table and to try  
11 and come up with these innovative solutions, and we  
12 welcome that opportunity to make New York a better  
13 place to age whether it be through public, private  
14 citizen engagement, we really look forward to this  
15 continued dialogue. Thank you. [applause]

[background comments]

16 CHRIS WIDELO: Chairwoman, Chin, good to  
17 see you. Thank you so much for this historic hearing  
18 and the opportunity to testify here today. You have  
19 my written testimony. So I'm going to skip a large  
20 portion of it. My name is Chris Widelo. I'm the  
21 Associate State Director for AARP here in New York  
22 City, and on behalf of our over 800,000 members in  
23 New York City we appreciate this opportunity to be  
24 here and thank you to my many volunteers that took  
25 the time to be here, and a number of them—you may

3 hear from a few of them later on and some of the have  
4 been directly impacted by age discrimination, but you  
5 can tell that they—they certainly care about this  
6 issue. So, AARP--and I've provided a copy--released a  
7 national survey last year and of adults 45 years and  
8 older. So, it's not just an issue for seniors. It  
9 is really about people as they age, and we looked at  
10 folks 45 and older and 61% of those respondents said  
11 they have either seen or experienced age  
12 discrimination in the workplace, and 38% of those  
13 believe that the practice is very common. Older  
14 women, African-Americans, Hispanics and those who are  
15 unemployed are more likely to feel they were the  
16 subject of discrimination and you cited some  
17 statistics from the New York City specific report  
18 that we released back in 2014. It's also worth  
19 noting that when compared to younger workers, older  
20 adults receive few job offers, search for work for  
21 weeks longer, and are less likely to find re-  
22 employment after losing a job. In 2017, the Georgia  
23 Institute of Technology's Social-School of Psychology  
24 and the University of Minnesota's Carlson School of  
25 Management analyzed the U.S. Government's 2014  
Displaced Workers Survey. The research has found

3 that someone 50 years or older is likely to be  
4 unemployed for 5.8 weeks longer than someone between  
5 the ages of 30 and 39, and 10.6 weeks longer than  
6 people between the ages of 20 and 29. The study also  
7 found that the odds of being re-employed decreased by  
8 2.6% for each one year increase in age. While New  
9 York State has some of the most comprehensive age  
10 discrimination laws in the country, the Supreme Court  
11 has made age discrimination more difficult to prove  
12 both in terms of statutory language and how the  
13 language has been interpreted by the courts. In many  
14 respects the Age Discrimination and Employment Act  
15 has become a second class civil rights law providing  
16 older workers far less protections than other civil  
17 rights laws. Too often over the years the Supreme  
18 Court has failed to interpret the ADEA as a remedial  
19 statute, but instead narrowly interpreted its  
20 protections and broadly construed its exceptions.  
21 There is still a great deal that can be done. AARP  
22 has a few recommendations, a number of policy  
23 recommendations to curb further age discrimination.  
24 Make age-related inquiries and specific-and  
25 specifications presumptively unlawful would be a good  
first start. We enforce that practices like maximum

3 experience requirements and requirement for  
4 applicants to be affiliated with a university or age  
5 related, bar requests for date of birth, graduation  
6 dates or similar information unless age is a bona  
7 fide occupational qualification, and prohibit  
8 practices of online job sites and others that require  
9 entry of age to complete an application, use drop-  
10 down menus that contain age based cutoff dates or  
11 utilize selection criteria or algorithms that have  
12 the effect of screening out older applicants. AARP  
13 New York recommends that the New York City Council  
14 through the Committee on Aging and the Committee on  
15 Civil Rights—Civil and Human Rights convene a task  
16 force to look at the ways New York City can further  
17 strengthen policy and practices aimed at eliminating  
18 age discrimination. We ask that the work group  
19 report out actionable steps the city can take to  
20 address age discrimination through legislation or  
21 regulation, outreach, education and best practices.  
22 Really appreciate all of those that had the chance to  
23 testify today, and share their perspective on this  
24 issue. I think one thing—one of the takeaways is  
25 this is larger than a job fair for senior or a couple  
of jobs that are directed towards seniors. Right,

3 this is about how we change the practice of  
4 businesses because there's a business case to be made  
5 on this. This is just good business for employers.  
6 There is a--coming up soon a very--a shortage in enough  
7 younger workers to do these jobs. You know, one of  
8 the stories that I liked is today if NASA wanted to  
9 send somebody to the moon, they can't do it without  
10 starting from scratch. All the institutional lost  
11 knowledge is gone because all these Boomers who were  
12 part of the--this program have retired and are--are  
13 long gone. That was all experience that they've had.  
14 So, we need to see--businesses need to see the value  
15 in this. An organization needs to see the value in  
16 this because they are going to have to hire older  
17 workers sooner or later, but are they prepared to  
18 meet those needs, and they are sometimes unique  
19 needs, but we need to I think break down barriers  
20 where--where ageist--where we're seeing a lot of age  
21 discrimination in the workplace. Thank you.

22 CHAIRPERSON CHIN: Thank you to all of  
23 you for testifying. [applause] I think we have one  
24 more panel. Yes. [background comments] Rosa Harvey,  
25 Alyssa Valdez, Betty Wong, and Darrell Thompson.

3 Anyone else that wish to testify, you can fill out a  
4 form. [pause] You can begin.

5 ROSA HARVEY: Thank you.

6 CHAIRPERSON CHIN: Identify yourself for  
7 the record.

8 ROSA HARVEY: It's really much. My name  
9 is Rosa Harvey. I was born—I am representing to  
10 Sunnyside Community Service. I was born in Ecuador  
11 on July 19, 1943. I came for the first time to the  
12 senior center when I was 45 years because I was sick  
13 and later they told me because I left my environment  
14 (sic) and I could no longer walk, which accelerates  
15 in therapy and told me to walk, although I didn't  
16 already walk. Then I returned to my beloved center  
17 Sunnyside Community Service. Since then I have been  
18 working as Wellness Chair helping in the center and  
19 the community. Two years ago, some colleagues and I  
20 thought the needy children have to learn about  
21 nutrition. So, learning to eat properly since I put  
22 myself as example that I was not knowing how to fit  
23 my work not knowing much about nutrition. I got  
24 directors to stay tuned. Sometimes sugar was up to  
25 650 or 720. I stopped before being in intensive  
care. Since my decision to help with the children so

3 they don't get sick nor or have problems with  
4 diabetes or adversity. (sic) Then we create a program  
5 called Youth and Adults. In this program I was  
6 working with a Colombian boy who didn't know English.  
7 For me it was a wonderful experience to work with him  
8 because I could have translation and teach him to do  
9 the work. Also, it was for me as needed for myself.  
10 I'm seeking my friends with their help to grow taking  
11 care of him with much love and that way might you  
12 receive and you make beautiful food to which I could  
13 see him this year. And so the wonderful results that  
14 God obtained because my child have harkened a great  
15 change managing to learn English, and counted Chinese  
16 and carrying the word of nourishment which is what he  
17 like that was a great satisfaction for me because he  
18 followed my advice overcoming all the staff rules and  
19 becoming a successful person. Teaching him to never  
20 surrender that to achieve something in life, one has  
21 to work everyday for that, and never go back or take  
22 money. (sic) The courage, the coordination and  
23 collaboration of children. Also I learned children's  
24 respect for each other, and I was so happy and I want  
25 to continue to fight for the program and continue  
expressing the need. I want the program to become

3 the program number one about helping children. Thank  
4 you.

5 DARRELL THOMPSON: Madam Chair, good  
6 afternoon Council Members. My name is Darrell  
7 Thompson. I'm a disabled United States Air Force  
8 veteran, a Brooklyn Tech, an NYU graduate and I will  
9 soon be graduating from Columbia University from my  
10 Masters in Technology Management. My IT career began  
11 in 1981. I say this because I have been there on the  
12 ground to see the evolution of technology. I'm not a  
13 programmer. I'm not a developer. I do not design  
14 applications. I design infrastructure. My  
15 background to summarize. For my undergraduate thesis  
16 I wrote a thesis on Cloud Treating (sic) before Cloud  
17 Treating hit the street. That was 2010. My present  
18 thesis is design the portal so that veterans going  
19 through Chapter 31 program can receive the proper  
20 documentation compiled so that when they go to their  
21 counsel, they just give a pamphlet to say this my  
22 path. I wish the other Council Members were here  
23 when they were discussing the impact of job fairs and  
24 critique about resumes, et cetera and so forth. This  
25 is a short pack of positions that I tried to apply  
for within city government going as far back as 2014.

3 My last application was for Chief of Staff of Veteran  
4 Services. I have yet to hear back. When I was in my  
5 early years of my career, when you wanted to go to  
6 another position you just simply added the collective  
7 impact of your experience onto your resume. It  
8 wasn't until I graduated from NYU in 2011 that I now  
9 had to revise my resume. This is the 457<sup>th</sup> revision,  
10 457<sup>th</sup> revision of my resume. The only change is that  
11 I finished my undergraduate degree, and I'm now  
12 finishing my masters degree. Respectfully, I cannot  
13 find any other way to say the exact same thing, but  
14 yet when I submit my resume online, it comes back  
15 within a matter of hours if not minutes, sorry, but--  
16 There isn't a job fair I have not attended in the  
17 last 15 years. Both sponsored by the DA, by NYU, by  
18 Columbia, by my high school. It is the impact that  
19 insofar as technology is concerned, if you're not up  
20 on the latest terminologies, et cetera and so forth,  
21 then you're no longer marketable. I am here to say  
22 that does not exist. The problem is, as I've been  
23 hearing from other people earlier today, is that when  
24 you file your resume [bell] you have to get it past  
25 what as been called in the Lexicon as the  
gatekeepers. The gatekeepers are HR generalist

3 between the ages of 29 and 34 who for whatever reason  
4 when they were going to their undergraduate degrees  
5 were in marketing, and somehow made the transition  
6 from marketing to human resources. I find that  
7 incredible. When I have to display and explain the  
8 breadth of my background to someone who is a little  
9 bit younger than say my niece, and they look at me  
10 with incredulous looks: Can I Google that? I had an  
11 HR Generalist from a top financial firm ask me could  
12 she Google one of the employers that I worked for. I  
13 don't understand—I mean I'm—I'm—I'm kind of like  
14 lost. It's like okay, I have a graduate degree. I  
15 have a graduate degree from one of the top  
16 universities on the planet, yet I've been on the  
17 bench since 2015. I worked for the city. I was a  
18 contract employee for the Department of Buildings. I  
19 re-engineered their inventory control process. It  
20 took five months for the CIO to recognize that I was  
21 on her staff. Three week to make the plates, four  
22 days to relieve me of my post after I submitted the  
23 plates, after I redesigned the application. This is  
24 an ongoing trend. When they say cut back on your  
25 resume because that will show your age. Well, if I'm  
applying for CIO and I only show positions going as

3 far back as to the early 2000s when the average  
4 tenure of a CIO to make that position is not only  
5 between the low end of 17 to the high end of 25  
6 years, how can I compete? How many different ways  
7 can I write my resume to explain the exact same  
8 thing? How many different schools must I go to prove  
9 that I have the acumen, the experience, the tenacity,  
10 the focus to do the job? I live off my pension. I  
11 live off my disability pension. I used to live in  
12 Park Slope before Park Slope became Park Slope. I  
13 now live in public housing because my position was  
14 downsized in the early 2000s. That's when I decided  
15 to go back to school. So, for the measure of seniors  
16 cannot do the job, I will be walking across the  
17 podium at Columbia University next may at the young  
18 age of 59. I went back to school at 41. There is a  
19 problem, a progressive almost nauseating problem that  
20 because if you cannot articulate the scope and  
21 breadth of today's technology that you're considered  
22 redundant. A simple assessment. My platform used to  
23 be what they called AS400. It was a legendary  
24 platform back in the '80s and early '90s. Everyone  
25 in here has Metro Card. Maybe a few people in here  
what they call the Easy Pass. When you run your

3 Metro Card through the turnstile or the East Pass  
4 reads on the highway, it processes through a bank of  
5 AS400 sitting in the old—I believe it is the Madison  
6 Square Garden Building on 12<sup>th</sup> Avenue. There's a  
7 battery of AS400s in there, but yet in the early  
8 2000s, I lost my job because society said that  
9 platform is being phased out. IBM revamped that  
10 platform. It's now called the Power System (sic).  
11 My lane is technology management not application.  
12 I'm 59 years old. I have 20 maybe 25 good years to  
13 give. I am not compete with 30-year-olds. I man not  
14 competing with 40-year olds. I—put me in front of a  
15 CIO, let him or her read my resume. I guarantee you  
16 within five minutes they'll say where—they will be  
17 the ones saying this is where we can use you?  
18 Resumes of our caliber have to go in the hands of the  
19 people making the decision. You send them to H.R.  
20 It's waste of time. You send it to a job portal,  
21 it's waste of effort because algorithms, as people  
22 have already spoken, will screen through the resumes,  
23 they will look at the years, they'll trace back. You  
24 cut off years. There are certain jobs they'll say  
25 well, you don't have enough experience. So, what do  
you? what do you—what—what, you know, what's the

3 other recourse? There isn't a version of a resume  
4 that I haven't written in the last 15 years. My CV  
5 is nine pages long. Nine. I can put 20 years, 25, 30  
6 years of my resume onto two pages that a very bright,  
7 first year grad student can read and digest, but yet  
8 it never reaches the person making the decision.  
9 Going to job fairs are pointless. I say that  
10 respectfully. Pointless. If you are over the age of  
11 45 especially in technology, I you're over the age  
12 45, you're wasting your time going to a job fair.  
13 You're wasting your time. You could write it on the  
14 most profound resume paper there is, get it reviewed  
15 by two steps below God, if you're not between 30 and  
16 35 with five different accreditations CESA, CSEP, et  
17 cetera, you just wasted your afternoon. This has to  
18 stop. There are thousands of people just like me who  
19 can walk into an agency a department and all we have  
20 to do is find out what needs to be done, who do we  
21 report to, what is our budget, what is our timeline,  
22 and we could hit the ground running. I've done it  
23 more than a few times. I consciously refuse to  
24 rewrite my resume, yet again. The only thing more  
25 that I would probably have to do if it was required  
since I am graduating from an Ivy League school with

3 a graduate degree, I mean the next thing higher is to  
4 get a PhD from an Ivy League school. What impact  
5 would that make? Because no the resume as far as HR  
6 is concerned you're too old, you're irrelevant. Your  
7 technology skills are out of date, et cetera and so  
8 forth. Again, I'm not a programmer. I don't design  
9 applications. I could rewire this entire building,  
10 give you biometrics, give you Star Trek stuff. All I  
11 need to know is the budget. This has to stop. Thank  
12 you.

13 ALYSSA VALDEZ: Good afternoon. Can you  
14 hear me? Yeah. I agree with Nick. (sic) Hi. My  
15 name is Alyssa Valdez, and thank you, Chair Chin and  
16 fellow committee members. I appreciate you standing  
17 and freezing along with us because it is freezing in  
18 this room. [laughs] As I sit here, I was looking up  
19 at the sign saying a Government of the people, by the  
20 people, for the people. I don't see it being  
21 exclusive to a certain sector of people, and I feel  
22 as though my people my peer have been excluded from  
23 the people, and I'm really disappointed, and I'm  
24 disappointed on many levels because as somebody who  
25 is a true New Yorker, I've contributed to scaffolding  
to--so it could be there for when I go to this point

3 and I am very, very disappointed, but I wanted to  
4 address a question you asked one of the commissioners  
5 one of the—you asked to define age discrimination  
6 because there are two types of age discrimination  
7 when it comes to employment. So, it's one in getting  
8 hired as just this sir—this gentleman had described  
9 and I totally concur with everything he said and all  
10 my other peers, but it's also the discrimination of  
11 once you get through the doors, and you've met that  
12 quota, and they used the word 'quota' freely and  
13 openly, and then then fear am I going to miss the  
14 quota when the next person is hired? And then you  
15 do. I've worked with several New York City agencies.  
16 I've worked with the Department of Education where  
17 I've witnessed first hand the discrimination of  
18 experienced tenured teachers who are so valued and my  
19 kids went to the—to the specialized high schools,  
20 Stuyvesant Center for Science. I worked with--in the  
21 Chancellor's office and I personally experienced  
22 where teachers—I heard behind closed doors  
23 administrators saying why would I get one teacher  
24 when I can get three for the price of one? That's  
25 highly insulting especially when you're educating my  
sons or my teachers or my fellow doctor or my future

3 doctor. That's highly insulting. I've worked with  
4 the uniform agency with the Fire Department in which  
5 I was fired. I went through the civil service  
6 process, and the first thing I was told the first day  
7 of work I was hired by somebody who I didn't work  
8 directly with and this is part of the problem, too.  
9 So, I was hired, and as soon as I got through the  
10 door, the person who was my immediate supervisor said  
11 amongst the persons who—while the person who had  
12 hired me was standing there, and several times after  
13 that, I didn't think they were going to hire somebody  
14 who was going to retire much before me. I was  
15 shocked, and that was not the welcoming I was hoping  
16 to receive, and it was—it seems like I'm constantly  
17 trying to prove myself, although I do have the  
18 credentials, and experience and education and then  
19 knowledge, but it continues to fail me. I recently  
20 again I went to another pool with the Civil Service  
21 process, and my numbers are high in—in the process  
22 mind you, but I wen through again, and I—I was hired  
23 by the Department of Health. At the Department of  
24 Health, I was really discriminated. So, bear—so let  
25 me tell you my full name. My full name is Alyssa  
Valez-Diego. (sic) So there are many levels of

3 discrimination. It's not just limited to age  
4 discrimination, but when you put all that into the  
5 basket alongside New York City the gender and  
6 everything else, it just keeps on piling up and  
7 bewilders the employee who is trying to conserve and  
8 do as best as possible as they can do, and also went  
9 through the process of EEOs and--and filing for these--  
10 some of these agencies like agencies, these agencies,  
11 and I saw that the whole process is very bewildering,  
12 and I'm really disappointed that they couldn't  
13 describe what age discrimination is. They couldn't  
14 give you the stats that you requested, although they  
15 knew they were going to sit here at his hearing.  
16 They couldn't give you the numbers of the  
17 verification that we're supposed to provide or we  
18 asked for, but--and you are representatives and not  
19 following up on. Forgive me for saying so, but I  
20 think there has to be more accountability. I see the  
21 word being used loosely in terms of accountability,  
22 but it's not being followed through. There's a  
23 façade. So, let me tell you what discrimination  
24 looks like once you're inside, and you've been hired.  
25 Examples of age discrimination is an increased  
workload, unrealistic timeframes, isolations from

3 teams, isolations from meetings, isolation for emails  
4 and so forth that's different from colleagues with  
5 like titles, like terms of employment, like terms of  
6 seniority. Why are people such as us being held to  
7 different standards from others who are younger than  
8 us, and why are we not being respected in the  
9 workplace for our experiences, for our scaffolding,  
10 and for what we have to contribute, our wisdom that  
11 we've grown throughout the years. I thank you for  
12 taking the time to listen, and I'm hoping this  
13 doesn't drop here, and I'm hoping this continues  
14 because I am disappointed, and I think it's a growing  
15 population. There's a growing population, and this  
16 room was full, full, but yet the temperature went  
17 down. People had to leave because they're frozen.  
18 Your Council Members they didn't even stay for the  
19 longevity of this hearing. That's sad. That is  
20 very, very sad because we vote, we watch, and I thank  
21 you.

22 CHAIRPERSON CHIN: We will definitely  
23 follow up, and there's so much work to do, and this  
24 is the first hearing that we had on age  
25 discrimination in the workplace. So, we will follow  
up with the agency, you know, with statistics and the

3 information they're supposed to give us, and working  
4 with the advocates of the Radical Age Movement. We  
5 are going to working legislation from programs and  
6 policies. So, this is only the beginning for us.

7 ALYSSA VALEZ: Thank you.

8 CHAIRPERSON CHIN: Thank you.

9 BETTY WONG: Chair—Chairwoman Chin, thank  
10 you very much for sticking it out as the sweep, I  
11 have—my name is Betty Wong. I'm the co-founder of  
12 Stage 2 Startups. It's actually an organization  
13 focusing on help, we thought, new career people to  
14 become entrepreneurs. First, we thought it was older  
15 people, but then we found out that that it's really  
16 new career people we found out that age  
17 discrimination is now starting at the age of 35. So,  
18 let me just tell you three quick stories, and I'll  
19 end with something hopeful. The first story is an  
20 event that I attended. I was actually listening to  
21 some Millennial CEOs talk about hiring Baby Boomers.  
22 The young woman who was a CEO said, you know, the  
23 other day I had to hire this Boomer, and she did not  
24 know how to use the Google Docs, and now she's trying  
25 to figure out how use Google Docs. How can we hire  
these people, and how can we rely on them if they

3 can't use technology to--to Mr. Thompson's Point.

4 Actually, I'm pretty sure she probably learned how to  
5 use Google Docs, but that was followed up by another  
6 Millennial CEO who said, well, I really have to say  
7 that I hired a Boomer and she worked out really well,  
8 and now I don't have to worry about a lot of stuff  
9 because I didn't have to teach her any more. She  
10 actually knew what to do. So, I don't have to worry  
11 when I'm out of the office. This is followed by a  
12 conversation I had with a venture capitalist here in  
13 New York City. He was talking about ageism actually  
14 out in Palo Alto. He said we went to visit an  
15 unemployment office near Stanford, and do you know  
16 what I saw in that unemployment office? A whole  
17 bunch of scientists who were 40 and over, and they  
18 were all unemployed. They had been replaced by  
19 scientists in their 20s and 30s. So, I actually was  
20 an entrepreneur and New York City being an  
21 entrepreneurial city I want to point out that I've  
22 actually helped people to raise money. I've tried to  
23 help people. I've actually tried to raise money  
24 myself, and if you go to visit many of the  
25 accelerators and incubators in the city, what you  
will see--and no offense to them because I'm sure

3 they're all brilliant--are a lot of young white men  
4 running the great companies. We don't see older  
5 people. We don't see women, not too many. We don't  
6 see people of color. They are missing from the  
7 entrepreneurial community. As a matter of fact,  
8 three days ago actually last week Steve Case was up  
9 at Columbia University saying that 90% of the money  
10 given to start-ups are actually given to white men.  
11 Less than 10% are given to women, less than 1% are  
12 given to people of color. So, as founder of an  
13 organization try to help more people who are middle  
14 age and older to become start-ups--start-up founders,  
15 we would like reach out to the Council. I'm sorry  
16 Ben Kallos left because he and I have had several  
17 conversations about this, and he is my Councilman.  
18 What I would love to do is to work with City Council  
19 to try to get more people who are older, who have  
20 experience, who have resources who have networks to  
21 develop their own companies where they can hire  
22 people who have experience who can appreciate people  
23 who have experience, [bell] and that is actually my  
24 parting thought. So, thank you very much for  
25 sticking it out.

3 CHAIRPERSON CHIN: Thank you so much for  
4 testifying. I think that's—I look forward to talking  
5 with you. I think there's a report that's coming out  
6 about entrepreneurship. So, we should definitely  
7 also explore that.

8 BETTY WONG: Yes, Harvard and Inc.  
9 Magazine reported that the more successful companies  
10 are actually companies started by people 45 and  
11 older. That came out earlier this year.

12 CHAIRPERSON CHIN: Great. I wanted to  
13 thank everyone for testifying today. We will  
14 definitely follow up. There's a lot of work to do,  
15 but this is only the beginning. So, thank you again.  
16 [background comments, pause] This hearing is  
17 adjourned.  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 22, 2018