

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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March 25, 2019
Start: 11:12 a.m.
Recess: 2:20 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: MATHIEU EUGENE
Chairperson

COUNCIL MEMBERS: Daniel you know, I
Ken Kallos
Brad S. Lander
Bill Perkins
Ydanis A. Rodriguez
Helen K. Rosenthal

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

Carmelyn Malais, Commissioner
New York City Commission on Human Rights, CCHR

Brittney Saunders, Deputy Commissioner, Strategic
Initiatives, CCHR

Dana Sussman, Deputy Commissioner, Intergovernmental
Affairs and Policy, CCHR

Charise Terry, Executive Director, NYC Equal
Employment Practices Commission, EEPC

Elaine Reese, Commissioner, NYC Equal Employment
Practices Commission or EEPC

Angela Cabrera, Commissioner, NYC Equal Employment
Practices Commission or EEPC

Judith Quinonez, Executive Agency Counsel, NYC Equal
Employment Practices Commission or EEPC

Annie Carforo, Community Organizer at Neighbors
Together

Tyler Tanner
Janice Flores
Tiffany Lions
Raymond Brown
April Willis

2 [sound check] [pause] [gavel]

3 CHAIRPERSON EUGENE: Good morning and
4 welcome to all of you. I'm Council Member Mathieu
5 Eugene the Chair of the Civil and Human Rights
6 Committees. Today, we will hear testimony from
7 Carmelyn Malalis, Commissioner of the New York City
8 Commission on Human Rights, [coughs] or CCHR.
9 Following that, at 12:00 we will hear testimony from
10 the Equal Employment Practices Commission, and lastly
11 we will hear public testimony. The Commission on
12 Human Rights' Fiscal 2020 Preliminary Budget totals
13 \$14.2 million, an increase of \$700,000 from the
14 Fiscal 2019, Adopted Budget. The budget also makes
15 adjustments to the current fiscal year. The Fiscal
16 2019 Budget is now \$13.9 million, a \$500,000
17 increase. The Commission Budget also supports a
18 budgeted headcount of 160 positions. I look forward
19 to hearing about the funded and ongoing initiatives
20 such as the implementation of the sexual harassment
21 training of the new or closed cases in 2018, and the
22 goals for CCHR in 2019. Also—I also excited to hear
23 from EEPCC. EEPCC was unable (sic) to attend the
24 Budget hearing. So, this is going to be their
25 appearance for a budget hearing since 2017. The EEPCC

2 2020 budget is \$1.3 million a \$120,000 increase from
3 the Fiscal 2019 Adopted Budget. We will be hearing
4 from the Executive Director Cherise Terry and
5 Commissioners Angela Cabrera and Elaine Reiss. As
6 Chair of the Civil and Human Rights Committee, I'm
7 also looking forward to working with these two
8 agencies on numerous issues over the next year.
9 Today, we're look to working together on budgetary
10 issues so that they can continue to do the very
11 important work that they are soon to do. I would
12 like to thank the committee staff for their hard
13 work. I want to thank Nevin Sims, Financial Analyst
14 and Eisha Wright, Financial Unit Head; Leah
15 Skrzypiec, and the Counsel Barton Rein (sic). I'd
16 like to thank also my staff and my Senior Advisor,
17 David Suarez. As you know we have a lot to discuss
18 today, and a lot that come today (sic). Let me take
19 the opportunity also to welcome Commissioner Malalis
20 and your staff, Commissioner for being here today,
21 and I want to take the opportunity also to thank you
22 for everything that you're doing, you know, for the
23 New Yorkers. I know this is the Human Rights
24 Commission. it's a very important commission in the
25 city of New York. We have on your plate especially

2 now, and we in the city Council we are always
3 delighted and honored to work together with you to
4 ensure that New York City can be the safe and the
5 right place where people can live with any fear, and
6 can enjoy all the privileges and the opportunities
7 offered by this great city. Thank you very much for
8 being here, and you can start any time, please. You
9 are to swear--

10 LEGAL COUNSEL: Please raise your right
11 hand.

12 CHAIRPERSON EUGENE: Yes, uh-hm.

13 LEGAL COUNSEL: Sorry. Please raise your
14 right hand. Do you swear or affirm to tell the
15 truth, the whole truth and nothing but the truth
16 before this committee, and to answer Council Member
17 questions honestly?

18 CARMELYN P. MALALIS: We do. Yes.

19 ANGELA CABRERA: We do.

20 LEGAL COUNSEL: Thank you.

21 CARMELYN P. MALALIS: Good morning,
22 Chairperson Eugene, and Council Members Dromm and
23 Perkins and your staff and members of the Committee
24 on Civil and Human Rights.

2 CHAIRPERSON EUGENE: Commissioner, I'm
3 going to ask you one favor, please, because I know
4 for you to do one thing. I know the Council Members
5 they are very, very busy, and not be here for a long
6 time. I just want to acknowledge that we have been
7 joined by Council Member Dromm and Council Member
8 Perkins. Thank you very much for being here. Please
9 continue--

10 CARMELYN P. MALALIS: Sure--

11 CHAIRPERSON EUGENE: --to speak.

12 CARMELYN P. MALALIS: Thank you. Thank
13 you for convening today's hearing. [coughs] My name
14 is Carmelyn P. Malalis. I'm the Commissioner and
15 Chairperson for the New York City Commission on Civil
16 and Human rights. Today, I'm happy to be joined by
17 Brittany Saunders here to my right who's the Deputy
18 Commissioner for Strategic Initiatives, and to my
19 left I have Dana Sussman, Deputy Commissioner for
20 Intergovernmental Affairs and Policy. February
21 marked my four-year anniversary as Commissioner and
22 Chairperson of the Commission, and I am always very
23 proud to share some of what we've accomplished at
24 Commission in the past year. Our commitment to
25 holding up and supporting communities under

2 relentless attacks by White Nationalists or under
3 federal policies only deepened in 2018. We continue
4 to be steadfast in our work to protect the rights of
5 all New Yorkers especially the most vulnerable in
6 this deeply troubling climate, and before I begin, I
7 just want to note that the information that I'm going
8 to be reporting on unless otherwise noted, focuses on
9 Fiscal Year 2018. Unlike previous budget hearings
10 when my comments were focused on a prior calendar
11 year's work I'm focusing my comments this year on
12 Fiscal Year information pursuant to Local Law 63,
13 which made, you know, which was passed in 2018 and
14 required us the Commission to transition from a
15 calendar year reporting cycle to a fiscal year
16 reporting cycle consistent with the Mayor's
17 Management Report. So, that is just something to
18 know in the metrics I'll be giving. First, let me
19 turn to our staff and our personnel. As of today,
20 the Commission has a headcount of 157 with 146 lines
21 currently occupied. I'm incredibly proud of the
22 staff that have joined the agency. These are people
23 who share our commitment to serve, foster connections
24 to and support the most vulnerable communities in New
25 York City, and people who are committed to upholding

1 the dignity and respect of all New Yorkers. As I've
2 mentioned in prior years, our staff continues to be
3 representative of the many communities in New York
4 City that are vulnerable to Human Rights abuses. We
5 are a small, but diverse staff, and we speak 35
6 languages across the agency. In Fiscal Year 2018,
7 the Commission fielded 9,513 inquiries in the form of
8 phone calls, emails, letters, visits to Commission
9 offices and queries to mobile intake units dispatched
10 to community sites for Commission events. This
11 number represents a nearly 100% increase since 2014
12 before I started when the Commission had received
13 4,975 such inquiries. This includes 896 inquiries
14 communicated in 17 languages other than English. The
15 Commission increased its efforts to intervene in
16 appropriate situations before filing a complaint in
17 order to provide an immediate response and prevent
18 future harm. To expand the Commission's work in this
19 area in Fiscal Year 2018, our Law Enforcement Bureau
20 launched its Early Intervention Unit, which assists
21 members of the public, with issues that may be
22 resolved quickly even without filing a complaint. The
23 newly created source of income unit, which I will
24 discuss a bit later also fulfills this role. In
25

Fiscal Year 2018, our Law Enforcement Bureau resolved 141 cases without even filing a complaint. That is a steep increase from calendar years 2017 in which they did so in 47 cases; in 2016, in which they did so in 30 cases; and in 2015 in which they did so in 13 cases. This significantly reduces the time it takes to get a resolution than if the complaining party had actually filed a complaint. As my colleagues Dana Sussman previously testified earlier this year, the Commission has significantly expanded its commission initiated investigatory work. In Fiscal Year 2018, Commission initiated investigations covered 25 different protected categories including claims of retaliation and interference with protected rights. The agency launched 583 Commission initiated investigations in Fiscal Year 2018, a significant increase over 450 such investigations in calendar year 2017 and 426 in calendar 2016. As many of you know, the Commission uses testing as investigative tool to confirm whether there is discrimination in housing, employment or public accommodations, and as part of an investigation, the agency may send testers to potential employers, to landlords and real estate brokers, to restaurants, hospitals, stores or other

public accommodations to see if our testers are treated differently or are given different information because they belong to a protected class. This is a historically effective tool used in civil rights litigation. In Fiscal Year 2018, the Commission testers tested 691 entities, an increase of calendar year 2017 in which the testers performed tests on 577 entities and over 2016 when the Commission performed 426 tests. The Law Enforcement Bureau filed 751 complaints in Fiscal Year 2018, arising from externally brought allegations of discrimination. That's people coming to the Commission to file cases, an increase of 747 complaints filed in Calendar Year 2017. Fifty percent of those cases were in employment and 36% were in housing. Disability related claims were the most common at 18%. Race was 15% Gender was at 11%; and national origin was at 10% were the other high trending claims. A priority of the agency under my leadership has been to establish the commission as an equivalent for justice to state of federal court, and this had been no small effort. It is required that the agency raise its standard for investigations, conduct in-depth investigations to

1 identify pattern and practice violations and obtain
2 respondents' full compliance with all areas of the
3 city Human Rights Law. The Commission also remains
4 committed to ensuring that complainants' recoveries
5 through settlement, conciliation or litigation are
6 equivalent to what they would receive if they chose
7 to litigate their claim in state or federal court.
8 More thorough investigations and awards, equitable to
9 those in civil actions has translated into more real
10 changes in policy and practice throughout New York
11 City as well as New Yorkers receiving real relief for
12 damages suffered because of discrimination. It
13 should not be the case that you get discount justice
14 at the Commission just because you are low-income or
15 you have less resources than people resourced enough
16 to file in court. Discrimination is discrimination.
17 The amount someone suffers should not be valued less
18 in different venues. We have been doing a lot to
19 change that. What it has also meant, however, is
20 that increases in recoveries that have accompanied
21 increases in case processing time so that increased
22 from 468 in Fiscal Year 2017 to 553 in Fiscal Year
23 2018. Knowing that prolonged justice, however,
24 sometimes means and undercutting of justice, the
25

Commission continues to explore different mechanisms to bring that time down. The positive effects from LEB's investment in cases are undeniable as it is clear by looking at the increases in the amount of monetary recoveries and civil penalties ordered by the Commission. In Fiscal Year 2018, the Commission ordered the payment of \$4,272,562 in combined civil penalties and compensatory damages, up significantly from previous years. In Fiscal Year 2018, 125 cases involved and award of compensatory damages, and 35 cases concluded with orders directing the payment of a civil penalty to the general fund of the city of New York. Eleven cases involve both, and this represents an average compensatory award of \$30,282, higher than any prior year. The commission transformed its Office of Mediation and Conflict Resolution in early 2017, continuing to develop the commission's Voluntary Mediation Program. Mediation at the Commission has been effectively discontinued in the last administration. Since mediation provides a neutral and empowering process for all parties to facilitate a quick, efficient and mutually acceptable resolution of claims all at no cost, I resurrected this program when I started when I started at the

Commission in 2015, and in the past four years we have continued to develop it. This office is staffed by a Director and Mediation Coordinator. In Fiscal Year 2018, the Office of Mediation and Conflict Resolution Director successfully mediated 26 cases to resolution. That is the highest in this category since the Year 2009, representing in the aggregate \$1,415,775.12 in damages and penalties, excluding non-economic terms such as agreements to provide reference letters, conduct training, apologies. I want to highlight a couple of areas of increased enforcement at the commission. The Law Enforcement Bureau continues to see an increase in the workplace gender-based harassment claims. In Calendar Year 2018, the Commission filed 113 cases of gender-based harassment in the workplace, which include a harassment claim. Fifty-six such cases were filed in Calendar Year 2017 representing a doubling of gender based harassment claims in a single year. The Commission launched its Gender Based Harassment Unit with dedicated staff able to triage cases and move more quickly to respond. Where there are reports of egregious or ongoing harassment, the unit has intervened quickly to gather further information,

1 preserve and obtain evidence or obtain the remedial
2 action where appropriate. The Source of Income Unit
3 launched in January of 2018. In calendar year 2018
4 the Source of Income Unit completed over 70
5 successful pre-complaint interventions, which
6 resulted in either finding homeless or housing
7 unstable New Yorkers, housing, or keeping a tenant at
8 risk of eviction in place, and the unit has achieved
9 about 60 additional successful interventions in the
10 first three months of 2019 alone. This marks a
11 dramatic increase, over 2017 in which 12
12 interventions we achieved. With respect to fraud
13 complaints alleging source of income discrimination,
14 the Source of Income Unit resolved 100 cases in
15 calendar year 2018 compared to 51 in calendar year
16 2017. To address the most critical emergency cases,
17 this unit's designated staff worked in appropriate
18 circumstance with individuals within one hour of
19 denial from housing to gather information necessary
20 to intervene before the apartment was rented to
21 another applicant. This small team is working around
22 the clock to respond as quickly as possible when
23 individuals come forward with immediate
24 discriminatory denials, and since February 2018 has
25

1 obtain housing opportunities for approximately two
2 dozen homeless or housing unstable families. The
3 Source of Income Unit has also done extensive
4 research and training with housing providers,
5 homeless prevention advocacy groups, Housing Court
6 judges and attorneys and real estate brokers. The
7 Commission's Community Relations Bureau is charged
8 with cultivating understanding and respect among the
9 city's many diverse communities. This mandate is
10 particularly vital today as forces that espouse hate
11 and seek to divide us have been given a platform and
12 a mantle at the national level. In the wake of the
13 presidential election in 2016, the Commission
14 relaunched its Bias Response Team, an initiative with
15 its origins at the Commission from the 1990s in which
16 Commission staff respond to public reported incidents
17 of discrimination, harassment and bias by where
18 appropriate contacting the victim to inform them of
19 their rights under our law providing instructions on
20 how to file complaints, and engaging in community
21 based actions including meetings with local leaders
22 days of action, literature dissemination, and other
23 creative responses. In Fiscal Year 2018, the Bias
24 Response Team responded to 146 bias incidents.
25

That's a greater than 200% increase compared to the previous year, and we have worked actually with some of the Council members in this room for those responses. The Commission is also deepening its engagement with black communities across the city in its efforts to combat race discrimination, both discrete and systemic and we are using every tool at our disposal. Through the agency's Community Relations Bureau, the Commission has hosted several community conversations and events in 2018 focusing on bringing communities together to discuss, acknowledge and provide a space for community healing and reconciliation in the face of racial tension. For example, after a widely publicized incident in Brooklyn's Flatbush neighborhood in which a white woman accused a young black boy of groping her in a bodega where surveillance footage later revealed that his backpack had inadvertently bushed up against here, the Commission immediately galvanized its resources and community partners in order to provide a strategic response. Within just a few day's time the Commission hosted a community focused listening session, which provided a space for Flatbush residents, community leaders, and racial justice

experts to share concerns pertaining to gentrification and white neighbors' weaponization of law enforcement against them in their own neighborhoods. This community convening loosely replicated a model the commission had employed for similar such events held in Harlem and Bedford-Stuyvesant in the past two years. Additionally, the Commission recently developed a Human Rights Law workshop on race and color discrimination, which provides education on the history or structural and institutional racism in New York City, a contemporary history of White Nationalism, and racial justice movements in the city as well as tools for dismantling racism and white supremacy. While the workshop was developed for the benefit of city employees and is now being offered to city agencies, the Commission has offered the workshop to select audiences upon request since January of 2019. The Commission further expanding its work addressing lesbian, gay, bisexual, transgender and queer rights work in Fiscal Year 2018 as a core agency partner of the First Lady's Initiative the Unity Project. Partnering with the Department of Health and Mental Hygiene and the Mayor's Center for Faith and

Community Partnership to launch the Unity Project's Faith Network, a group of LGBTQ affirming faith leaders, house of worship and community based organizations that are committed to providing resources for leaders and housing of worship. The commission hosted an LGBTQ Youth and Family Resource Fair at the LGBTQ Center during Pride Month to provide necessary resources and support to parents and families with over 30 organizations participating in the event. The Commission also partnered with DOE to launch new programming with LGBTQ youth LGBTQ by working with schools, gender and sexuality alliances to hold roundtable conversations regarding discrimination, harassment and bullying experienced by LGBTQ youth, and provide youth with resources to support safe and more welcome school environments. The program was piloting in six DOE schools last year, and is expanding this year. CRB conducted 139 workshops and outreach activities for nearly 3,000 attendees with LGBTQ community members, including our second annual LGBTQ community Iftar, and co-sponsoring an LGBTQ Eda Laha (sp?) celebration and conducting over 50 workshops on fostering transgender and gender non-binary inclusion for thousands of city

2 employees. I could to on about Community Relations
3 Bureau's work educating the public on their housing
4 rights, including the protections against source of
5 income discrimination, negotiating with landlords to
6 obtain disability accommodations for tenants, and
7 leading peer mediation sessions and convening youth
8 led town halls among other activities the team does
9 on a daily basis. However, I know my time is
10 limited, but I encourage you to please further about
11 this work in our Fiscal Year 2018 Annual Report. I
12 had also established the Office of the Chair early in
13 my tenure to centralize and expand the agency's
14 policy, legislative rule making, adjudi—and
15 adjudicatory functions, and implement major
16 commission projects. Fiscal Year 2018 was another
17 busy year for our small team. The Officer are at the
18 point of contact for the Commission's interagency and
19 external partnerships, and negotiates legislation and
20 promulgates rules, legal enforcement guidance, and
21 other outward provision of the City Human Rights Law.
22 It convenes our appointed commissioners on a
23 quarterly basis, and it serves the commission's
24 adjudicatory functions including ruling of appeals of
25 decisions with the Law Enforcement Bureau, and

1 issuing final decisions and orders in Commission
2 cases. The office is also regularly engaging with
3 members of the public including business interests
4 and advocates alike on the implementation of new
5 laws. In spring 2018, the Commission published a
6 report on workplace sexual harassment, a follow-up to
7 our public hearing in December of 2017 with a launch
8 event with the First Lady at Gracie Mansion. The
9 report included policy recommendations and best
10 practices informed by the testimonies taken at the
11 hearing by the brave individuals who came forward to
12 testify and share their stories, and the stories of
13 their clients. The Commission is implementing many
14 of the laws passed last year as part of the Stop
15 Sexual Harassment in New York City Act including a
16 new notice and posting requirement, the expanded
17 statute of limitations for gender based harassment
18 claims, and the reduction in the for employment
19 amount for gender based harassment claims. In
20 addition, one week from today on April 1st, pursuant
21 to Local Law 96 of 2018, the Commission will launch a
22 first of its kind in the nation online, interactive
23 anti-sexual harassment training for employers to use
24 to meet the new annual anti-sexual harassment
25

1 training requirement for their staff. The training
2 will launch in English and Spanish first and would be
3 published in nine additional languages in the coming
4 months. The agency has worked closely with the
5 Mayor's Office of People with Disabilities to ensure
6 that it is accessible for people who are blind, with
7 low vision, deaf, hard of hearing, and who have
8 limited mobility, and it will be optimized for use on
9 Smart Phones. The Commission's dedicated sexual
10 harassment web page on its website will be updated to
11 house this training, and extensive information on how
12 employers can meet the new training requirements.
13 We've been working closely with our state
14 counterparts to ensure that the training meets state
15 anti-sexual training requirements as well. So, we
16 anticipate that millions of workers across New York
17 City and even across New York State will be using our
18 training. The commission has also focused
19 extensively on issues related to pregnancy, breast
20 feeding, and caregiving. In January of this year in
21 partnership with the Commission on Gender Equity and
22 the Department of Health, the Commission held a
23 citywide public hearing on the topic, and we'll be
24 publishing a report later this spring. The
25

2 Commission is currently implementing new amendments
3 to the State Human Rights Law to create additional
4 requirements for lactation accommodations. As part
5 of this Implementation the Commission published three
6 model policies and a model request form for employers
7 to use to develop lactation policies, and key
8 informational material and resources including
9 extensive frequently asked questions to help provide
10 employers and employees with the information they
11 need to understand both obligations and rights under
12 our law. As you might have also heard, the
13 Commission recently published new legal enforcement
14 guidance on race discrimination based on hair.
15 Defining discrimination on the basis of natural hair
16 and hair and hair styles, which disproportionately
17 impact black people under the City Human Rights Law.
18 The Commission was motivated to tackle this issue
19 after seeing heartbreaking footage from across the
20 country of children being turned away from school or
21 forced to cut their hair because their hair did not
22 conform to white Eurocentric notions neatness or
23 professionalism, and the Commission has at least
24 seven such cases in which employers have
25 discriminated against individuals because of their

2 natural hair style. While federal courts have held
3 under Federal Civil Rights Laws that such policies
4 are not discriminatory, no court has interpreted the
5 City Human Rights Law in such a way, and we felt it
6 important to create a clear and well reasoned counter
7 position to that legal theory. It is our hope and
8 expectation that other jurisdictions will use the
9 guidance as a road map to a similar legal conclusion.
10 The guidance made national and international news,
11 and confirmed for us that this was an issue
12 passionately and deeply felt by many, and we are
13 hopeful that the Commission's position that policies
14 that their natural hair or hair style like locks,
15 braids, twists, spades (sic) and Afros, that these
16 policies are racist plain and simple, and it is our
17 hope that that position will be replicated elsewhere.
18 As I mentioned earlier, the Commission is confronting
19 anti-black racism in a multitude of ways [coughs]
20 including through a new artist partnership. I Fiscal
21 Year 2018, the Commission was pleased to announce as
22 public artist in presidency with Department of
23 Cultural Affairs and artist Tatyana Fazlazadeh, Stop
24 Telling Women to Smile, a street art project aimed at
25 confronting the misogyny and street harassment.

1 Tatiana's residency with Commission focuses on art
2 addressing anti-black racism and sexism informed by
3 community conversations facilitated by the Commission
4 and community-based organizations, and she installed
5 her first piece of residency at the Bronx Defenders'
6 office late last year. In Fiscal Year 2018, the
7 Communications and Marketing team significantly
8 increased earned media attention on the commission's
9 law enforcement efforts, community engagement, public
10 campaigns and new protections. In Fiscal Year 2018,
11 the Commission earned more the 1,100 earned media
12 hits across print, online, TV and radio. That's a
13 50% increase from Calendar Year 2017, and early
14 doubled the press recovery—the press coverage from
15 calendar year 2016. In Fiscal Year 2018, the Office
16 of Communications and Marketing sent 16 press
17 releases, ten media advisories, four statements and
18 had two letters editor—letters to the editor
19 published in the New York Times. We aim to make
20 communications and marketing efforts strategic and
21 impactful with a focus of reaching as many New
22 Yorkers across our city as possible, and to that end
23 40% of all press hits were in ethnic and community
24 media, and the Commission as in the past years have
25

dedicated 100% of its print advertising to community and ethnic media in several languages including Arabic, Spanish, Chinese, Korean, and Urdu. In spring 2018, the Commission unveiled a citywide multi-lingual media campaign to combat sexual harassment in the workplace. It's sexual harassment. Report it, end it. The ads, which ran in English and Spanish for six weeks across social media, the LinkNYC Network, subway cars, bus shelter, posters placed in communities online across various websites all linking to the commission's newly published landing page on sexual harassment. The campaign sought to educate New Yorkers of their rights against sexual harassment, encourage people to report incidents to the commission. The digital campaign garnered over 11.5 million impressions and 30.2 clicks to the landing page while the outdoor and print elements netted and additional 43.3 million impressions for a combined total of 54.8 million. As I hope you're all aware, the Commission also just launched a six-week citywide campaign aimed at combatting anti-black racism. The campaign which has 1,000 placements across the LinkNYC network, subway cars, bus shelters, posters placed in communities and

2 in community and ethnic media affirms the experiences
3 of black people who have been targeted for
4 discrimination, harassment and intimidation by simply
5 going about their day-to-day lives, and put those on
6 notice who would seek to discriminate, harass or-or
7 intimidated black New Yorkers that bigotry and bias
8 will not be tolerated in New York City. The
9 Commission will address those complaints. Finally,
10 looking at the budget, the commission's annual budget
11 for Fiscal Year 2019 was \$13,949 in city tax levy
12 funds. The Mayor's Preliminary Budget tax levy for
13 Fiscal Year 2020 provides for a budget of
14 \$14,168,931, which consists of \$11,842,543 in
15 personnel budget, and to \$2,326,388 in non-personnel
16 budget. While the past few years have brought many
17 occasions to feel hopeless, disillusioned, and
18 saddened by the relentless attack on civil and human
19 rights by the federal government in policy and
20 practice. The Commission is steadfast in its
21 commitment to serve as an example of what government
22 can be, what it can look like and how it can serve
23 the most vulnerable communities around us. I'm
24 honored to work with the commission staff everyday in
25 this work. The Commission continues to build

2 creative strategies whether it be through policy or
3 law enforcement or community engagement, we continue
4 to shift the narrative to think outside of the box,
5 to create dialogue and change expectations. I thank
6 you again for holding this hearing and I welcome your
7 questions.

8 CHAIRPERSON EUGENE: Thank you very much
9 Commissioner. Thank you. [pause] Thank you very
10 much, Commissioner for your testimony, and I would
11 like to commend you also and—because February marks
12 your year anniversary as the Commissioner. Thank you
13 very much. Congratulations for that.

14 CARMELYN P. MALALIS: Thank you.

15 CHAIRPERSON EUGENE: Congratulations.
16 Commissioner, you have been talking about achievement
17 and statistics for 2018. What can you tell us about
18 2019?

19 CARMELYN P. MALALIS: There were a few
20 items that for—that have already started up in 2019,
21 which I mentioned in my testimony. As we have been
22 doing in 2018, we've had a huge focus—a lot of the
23 commission's focus has been specifically on
24 combatting anti-black racism. I think there's an
25 idea in which through many of the Civil on Human

2 Rights communities across the country looking at
3 things in terms of broadly racial justice has had an
4 impact on also sadly diluting the specific types of
5 racism that have been confronting black communities
6 across the nation or across the city. Certainly one
7 only has to take a look at some of the media hits,
8 you know, within the last year to see the different
9 ways that black people whether they're in New York
10 City or out of the city have felt targeted [coughing]
11 or punished simply by living their own lives in their
12 own communities. So the most recent campaign that we
13 launched just a few weeks ago was really intended to
14 target that and to call attention to the fact that
15 though—though anti-black racism is nothing new
16 unfortunately, it is still a huge priority for the
17 Commission to tackle, and that we aim to be a
18 resource for black people and black communities
19 across the city in doing that. There are other
20 things that I highlighted in my testimony so I'll
21 refer you to that as well, but since that is ongoing
22 and we just launched that, I want to—to raise that
23 for you all here today.

24 CHAIRPERSON EUGENE: Before I continue
25 asking questions, I just want to mention that we have

2 been joined by Council Member Ben Kallos, and Council
3 Member Rosenthal. Yes. Commissioner, the
4 Administration has set the target for—for you to cut
5 your budget by \$422,000 before the release of the
6 Expense Budget. Can you provide us detail on where
7 you expect to identify the—the funding that you are
8 tasked with providing to OMB?

9 CARMELYN P. MALALIS: You know, we're—
10 we're an agency that's gone through many changes over
11 the last four years. We're always looking for the
12 different ways that we can be agile in addressing the
13 different types of challenges mainly said that our—
14 that we're confronted with because of a lot of the
15 hateful rhetoric on the national level, and we will
16 continue to do what we have done in the past four
17 years, which is to work closely with the Council, and
18 OMB and other folks within the Administration to make
19 sure that we are taking from places we need to, and—
20 and using our resources accordingly to address what
21 is most immediate for the Commission.

22 CHAIRPERSON EUGENE: Yeah, but do you
23 have any targets—specific target areas where you are
24 to look and to coordinate, you know, the budget to
25

2 make sure that you get this type of funding required
3 by the Administration?

4 CARMELYN P. MALALIS: I expect that in
5 the week--

6 CHAIRPERSON EUGENE: [interposing] Give
7 us some specific target areas.

8 CARMELYN P. MALALIS: Well, I expect in
9 the weeks ahead of us, we will be working with OMB
10 and other folks in the Administration to identify
11 where we should be allocating or reallocating certain
12 funds.

13 CHAIRPERSON EUGENE: So, are you--are you
14 thinking about modification, budget modification in
15 terms of staffing, outreach program? Give us some
16 very specific, you know, a few specific ideas where
17 exactly you believe that you will cut if you have
18 that in mind now.

19 CARMELYN P. MALALIS: My--thank you for
20 that question, Council Member Eugene. We have not
21 yet identified specifically where we will be taking
22 from some of those funds, and where we will be
23 reallocating resources or how we will be leveraging
24 existing resources, but as I said, I expect that that

2 is the work that we will be very focused on in the
3 next few weeks.

4 CHAIRPERSON EUGENE: But we think that
5 the Administration is trying also to have the special
6 hiring freeze, but where do you think—the effect or
7 the impact is going to be?

8 CARMELYN P. MALALIS: So, you know, the
9 Commission just like all the other city agencies
10 across the—across the city are under that same
11 effective hiring freeze and so, you know, like—you
12 know, as I—as I just mentioned we are—we're looking
13 how we can be leveraging other areas of our bureaus and
14 departments to—to identify any—any issues that would
15 come up because of that—that effective policy.

16 CHAIRPERSON EUGENE: In the last year's
17 Preliminary Budget Plan, you showed staff positions
18 in 13 different divisions. Now, there are only six
19 divisions with budget holds for your staff positions.
20 Would you explain to us why have with this budget
21 code for your budget?

22 DEPUTY COMMISSIONER SUSSMAN: Sure. So,
23 hi. We worked with OMB to do some slight changes to
24 our budget codes, largely because, you know, largely—
25 well our budget basically transferred from kind of

2 federal sources, community development block grant to
3 city tax levy, and so that was to streamline in light
4 of that.

5 CHAIRPERSON EUGENE: Okay, the budget has
6 \$175,000 for many notifications to businesses of
7 their new requirement to complete the—the online
8 sexual harassment training. Can you tell us when
9 this notification will be sent out?

10 DEPUTY COMMISSIONER SAUNDERS: Sure. We
11 are working with the Department of Finance to
12 identify the business addresses and the number of
13 businesses across the city to send these mailers.
14 We'll be sending hard copy mailers with information
15 about compliance with the Stop Sexual Harassment Act
16 of 2018, which includes both a posting requirement
17 and a training requirement. So, those will be sent
18 out in the next several months. We've received—
19 we've—we've issued solicitations and we're—and we're
20 going through those now.

21 CHAIRPERSON EUGENE: I think that, you
22 know about on like training also you mentioned that
23 in your testimony. Can you us more precise idea when
24 exactly that will be available to the public. If I
25 remember vividly, I think you mentioned months--

2 CARMELYN P. MALALIS: Sure.

3 CHAIRPERSON EUGENE: But can you tell us
4 exactly, you know, more precisely when that will be?

5 CARMELYN P. MALALIS: Sure. So that will
6 be available when on our website by or before April
7 1st, which was the statutory deadline for provided in
8 one of the bills in the Stop Sexual Harassment Act
9 that was passed. The online training was put
10 together, the interactive online training was put
11 together by my agency with the input of-- You know, a
12 lot of the people worked on the ground everyday on
13 sexual harassment or combating sexual harassment
14 related issues. It is online. It will be--it will be
15 available so that folks can satisfy their training
16 requirements under the law for--under the city law as
17 well as satisfy training requirements under the state
18 law. As you, as many of you are aware, at the same
19 time that the city passed its package of anti-sexual
20 harassment related bills, the state--the state also
21 packaged a fairly sweeping law. We are always
22 looking for ways that we can make sure that the
23 impact of the law is actually lived and felt
24 throughout the city. So, for us, it also meant that
25 making sure that all businesses regardless of how

2 sophisticated or how large they are, are able to do
3 that with the least amount of burden. So, we worked
4 closely with our counterpart in state government to
5 make sure that entities were not doubled burdened and
6 that information was clear for both—for both laws in
7 one training.

8 CHAIRPERSON EUGENE: You mentioned and we
9 know that Commissioner, because I've been there
10 several times with you. You have been doing a lot of
11 outreach to the community.

12 CARMELYN P. MALALIS: Yes.

13 CHAIRPERSON EUGENE: That's—I—I commend
14 you for that, and I commend your staff for that, and
15 you mentioned also that incidents in my district as a
16 matter of fact, related to the young boy, you know,
17 who went through a very difficult situation that we
18 believe that was discrimination, and I remember this
19 situation. You were there and the Human Rights
20 Commission staff for their work together to address
21 that, but in terms of yourself, can you tell us what
22 type of treatment and preparation that you provide to
23 your staff in order for them to be able to address
24 the discrimination issues.

2 CARMELYN P. MALALIS: Sure. Well, there
3 is a few things I would mention. My staff, you know,
4 undergo the same types of required trainings that are
5 required of all city trainings through the DCAS
6 policies and practices and diversity and inclusion
7 related policies. In addition to that, there are
8 several cultural competency related trainings that my
9 staff are required to attend or are highly encouraged
10 to attend depending on the work that they're focusing
11 on. So, at various times my staff may be attending
12 trainings on working with people with disabilities
13 specifically, working with transgender and gender
14 non-conforming folks, working with people who have a
15 history with criminal law enforcement working with
16 people who are victims of domestic violence, sexual
17 assault or related offenses. Those are just to name
18 a few. I think also what is helpful to our agency is
19 that many of the folks in our agency are actually
20 representative of the different communities that
21 we're seeking to serve and so it is—it is truly on a,
22 you know, I would say a weekly basis that ideas come
23 in from my staff members where they say let us—let us
24 bring someone in to engage us, and to teach us or to
25 educate us on a specific topic that is—that is, you

2 know, relevant and—and burgeoning in one of the
3 communities in New York City. So, I'm—I'm grateful
4 that I have a staff that is always very encouraged
5 to—to kind of raise new areas of training for all of
6 us within the agency, and I attend those as well.

7 CHAIRPERSON EUGENE: But usually who
8 conducts those trainings? Are there, you know, legal
9 professionals, attorneys or people who are versed in
10 discrimination issues?

11 CARMELYN P. MALALIS: You know, it runs
12 the gamut. There are trainings that we have where
13 the —the trainers are legal advocates. There are
14 trainings that we have where they are community based
15 organizations, and community based advocates, and
16 that means that often times its community organizers
17 or social workers. So, it really runs the gamut
18 depending on what the training is.

19 CHAIRPERSON EUGENE: Thank you very much,
20 Commissioner. Council Member Dromm, please.

21 COUNCIL MEMBER DROMM: Thank you, very
22 much Chair, and Commissioner it's good to see you,
23 and I'm very impressed by the work that you've done.
24 It's a huge difference from when I first started to
25 serve on this committee. I think it was my very

2 first year when I came to the Council in 2010 and the
3 increase in the workload that you have done is just
4 really phenomenal, and—and should be recognized as
5 such. I'm concerned a little bit about the budget,
6 and what any peg is going to mean to your agency.
7 So, I want to state for the record that the work that
8 has been done here now is I would say is partially
9 due to an increase in the budget from the previous
10 administration. Would that be correct?

11 CARMELYN P. MALALIS: I mean I think as
12 any agency would, we certainly appreciate the
13 investments that the Council and the Administration
14 and, you know, the City of New York has made into our
15 agency both in terms of any resources or other types
16 of engagements. So, yes. Thank you.

17 COUNCIL MEMBER DROMM: So, you're—you're
18 at about \$14 million now. Do you recall what it was
19 when you first came in?

20 CARMELYN P. MALALIS: I want to say it
21 was either just shy of \$7 million or around that.

22 COUNCIL MEMBER DROMM: And do you feel
23 that the work that you've been able to accomplish is
24 due in large part to the increase? It's almost
25 double the funding that you received?

2 CARMELYN P. MALALIS: You know, I think
3 that our increased work is—is certainly as a result
4 of the—the additional resources that have been
5 provided to us by the Council and the Administration.
6 I think it's also as a result of, you know, what
7 we've been able to accomplish because of the
8 additional credibility created at the agency by the
9 folks who have joined staff, and—and members of the
10 public that now partner with us in our—in our
11 different—in our different capacities.

12 COUNCIL MEMBER DROMM: Well, the reason I
13 say this is because you've laid out a scenario in
14 your testimony about the work that you've done and
15 the increase in terms of the enforcement, which I
16 don't really think could be done unless you had some
17 other additional resources today, and I think from
18 the years that I've been on this committee, those
19 resources in my opinion is what's really helped you
20 be able to—to look at these issues. And in addition
21 to that that the Council has added categories of
22 protection and has also redefined some categories of
23 protection as well, and I think that that's also
24 important to take into consideration. And then the
25 other reason I say this is because as you note in

2 your testimony as well, we see things on the rise
3 because of what's happening in Washington, D.C., and
4 that gives me great concern that if this agency is
5 not funded minimally, at the current level or not
6 more, that we're going to see the old days come back
7 where the agency prior to you was not functioning in
8 a way that was in any way, shape or form acceptable
9 to—to me or other members of who said ton the
10 committee at that time. I remember asking the
11 previous Commissioner how many cases of anti-gay
12 discrimination were brought to her, and she told me
13 one, and—and so, and they didn't do any outreach at
14 all. So, I'm very concerned about that. As we move
15 forward into the Executive Budget, that's something
16 that I want to look at and then we'll track and
17 follow a little bit more closely as well. I also
18 noted in some of the reports that we have here in the
19 PMMR performance data that you did school based
20 training sessions, 79 in—in 6—in Fiscal Year '16, 173
21 in '17 and 186 in '18. So, can—can you just tell me
22 what those school based trainings are like and what
23 do you do? Are you—are you dealing with students?
24 Are you dealing with staff or are you dealing with
25 both?

2 CARMELYN P. MALALIS: Right. Thank you
3 for that question. We—we have really kind of tried to
4 increase the work that we're doing with youth
5 specifically, and a lot of that work also takes place
6 in schools. Sometimes those trainings are in the
7 form of parts or parcels of our—of our pure mediation
8 type trainings in which we go into specific schools
9 and sometimes there are schools that reach out to the
10 Commission on Human Rights and ask for peer mediation
11 programs to be established at their schools.
12 Sometimes if we identify schools that we think could
13 benefit from our Peer Remediation Program, we reach
14 out to those schools, and we kind of invite ourselves
15 into those schools to present—presenting this
16 program. They're peer remediation related programs
17 so they are teaching students mainly in middle
18 schools and high schools how they could resolve
19 conflicts at the student--to student level. A lot of
20 that work is dealing with the students, with, you
21 know, kind of the—the background ethos in our Human
22 Rights Law. We also work with faculty and school
23 administrators in those cases. We will also go into
24 schools who quite frequently invite us or invite me
25 as well to come and to speak or present during kind

2 of school assemblies, and I have to say that those
3 are some of my favorite events or forums to be
4 present at where I will bring some of my staff and
5 also depending on what the demographics of a
6 particular school are, we may choose to-to bring some
7 of our-of our staff for purposes of being
8 representative of the communities or for language
9 access related issues where we will talk about the
10 work of the Commission. We will encourage students
11 to become more civilly engaged. We will let folks
12 know what their-their rights are under the law, but
13 most importantly, we'll take questions from the
14 students, and from the faculty or administrators
15 relevant to the work that we do in the city, and then
16 there are other types of engagements we have with
17 schools where, you know, if a school is struggling
18 with a particular issue because of, you know, either
19 transitions or changes or just issues that are
20 arising within their school communities, they will
21 also contact the agency and ask for folks to come in,
22 speak to a certain class, work with a certain faculty
23 member, school administrator or things of that
24 nature. In addition to that because we are trying to
25 increase the work that we are doing with-with youth,

2 I mean I think I—I can forecast for you that in the
3 future and certainly in this coming year we may be
4 bringing down some of the trainings and trying to
5 replace them with actual sustainable programs,
6 because what we have been hearing much more so from
7 youth is they really want programs that they can
8 continue with for a period of time to have a much
9 more prolonged relationship with people in our
10 agency.

11 COUNCIL MEMBER DROMM: That's fantastic,
12 and I would imagine that you're also covering LGBTQ
13 issues when you go into the schools?

14 CARMELYN P. MALALIS: Yes, of course, and
15 I think as—as I think you know, you know, as—as a—a
16 person who came out myself as a youth, it is—it's
17 always been very important for me to make sure that
18 we are also seen as a resource and that I myself am
19 kind of seen as a representative when I'm going to
20 the—to school communities. I will say that, you
21 know, some of my favorite moments going to schools
22 are when I talk about my own childhood and I talked
23 about my own coming out process to my parents and my
24 community, and I could see kind of little light bulbs
25 just like flashing across a room of youth who then

2 kind of come up to me afterwards to talk to me about
3 it. So, it's a very important part of our program
4 and, you know, as I mentioned in our testimony, you
5 know, we were one of the--the anchor agencies that has
6 been working with the First Lady's team and the Unity
7 Project in making sure that in New York City we
8 really are agency to agency coordinating our efforts
9 and doing what we can do to help communities support
10 their LGBTQ youth.

11 COUNCIL MEMBER DROMM: So, in your
12 testimony you also said that--I'm just trying to find
13 it here. The program was piloted in six DOE schools
14 last year and expanding--and is expanding this year.
15 What program was that? [background comments/pause]

16 CARMELYN P. MALALIS: Right. So--

17 COUNCIL MEMBER DROMM: [interposing] I
18 know it's in regard to LGBTQ youth but--

19 CARMELYN P. MALALIS: So, we've been
20 working very closely with the DOE and shared talks
21 (sic) and the Gender and Sexuality Alliances across
22 the city. There has been--I think this is the second
23 year of DSA related summit. We were involved in the
24 first year. We're involved in this year, and, you
25 know, as I was mentioning earlier, we're--we're trying

2 to think of ways that that relationship could be
3 prolonged so it's not just about working at the
4 summit at these schools have an active way of
5 continuing to engage with us or DOE going forward.

6 COUNCIL MEMBER DROMM: So, see this is
7 why I'm concerned about throughout the whole budget
8 as serving as the Finance Chair. Is that on these
9 types of programs, which have not been done before in
10 our schools that they don't get cut because the Mayor
11 is saying we need pegs across the—the board? And you
12 had mentioned in your testimony that you hoped to
13 expand it. I hope that's not one of the ones that
14 would get cut. I would say that to the DOE or to any
15 of the other agencies as well. These are vital
16 programs to people that help them and they're
17 particularly important because they are unique in the
18 sense that they have not been done particularly in
19 schools before. So, look forward to continuing to
20 work with you on this, and following up with you
21 after the Executive Budget is announced.

22 CARMELYN P. MALALIS: Thank you, then.

23 COUNCIL MEMBER DROMM: Thank you.

24 [pause]

2 CHAIRPERSON EUGENE: Council Member
3 Rosenthal, please.

4 COUNCIL MEMBER ROSENTHAL: Thank you so
5 much, Chair. Commissioner, it's great to see you and
6 your team.

7 CHAIRPERSON EUGENE: You also.

8 COUNCIL MEMBER ROSENTHAL: Oh, sorry.
9 Was that Kallos? Wait a minute. [pause]

10 CHAIRPERSON EUGENE: Was it? Council
11 Member, that's you.

12 COUNCIL MEMBER ROSENTHAL: That was me?

13 CHAIRPERSON EUGENE: Yes.

14 COUNCIL MEMBER ROSENTHAL: Okay, sorry.

15 Great. So, I wanted to ask you—really I want to
16 focus on the sexual harassment training and work that
17 your office is doing, and whether or not you have the
18 funds necessary to continue this work. So, first of
19 all, we noticed that the money for the training
20 outreach for the New York City businesses that that
21 money was one shot just for Fiscal Year 19, and there
22 is nothing in the Budget for '20. Let me know if I'm
23 wrong about that. We know that the Administration
24 ruled out the Gender Based Harassment Unit in
25 January. I'm wondering how many staff are budgeted

2 for that unit and how many positions have you been
3 able to fill, and also if you could describe a little
4 bit on how the unit will differ from the existing
5 sexual harassment and retaliation unit. I'm
6 wondering if CCHR has a role in providing sexual
7 harassment trainings for the city agencies, if they
8 call you and ask you to come in whether or not you
9 provide a trainer. I'm wondering—let's see. Hang
10 on. I'm trying to see. This is a different
11 question. Yeah, lastly just sort of zero in on the
12 training to businesses. You reported 19 external
13 sexual harassment trainings to a total of 551 people.
14 Are you planning to continue at that sort of pace
15 every year where it's the funding of it, and lastly
16 what do you think of the Parks Department issuing a
17 neutral letter of recommendation for somebody who was
18 allowed to resign when they were—when it was
19 substantiated that there was sexual harassment in the
20 workplace?

21 CARMELYN P. MALALIS: Okay.

22 COUNCIL MEMBER ROSENTHAL: All that
23 rolled into one minute.

24 CARMELYN P. MALALIS: Sure. So, I'll-
25 I'll address a few, but if I miss anything, let me

2 know. Dana Sussman is will probably also provide
3 some answers since she is kind of put in our office
4 for the roll-out of things related to the sexual—Stop
5 Sexual Harassment in New York City Act. So, a few
6 things. Yes, there are the—the business related
7 outreach materials I believe is a one-track deal. It
8 is meant to be for mailers kind of announcing what
9 obligations and the requirements are under our law.
10 That's for like regular literally or like snail mail
11 related mailers that will go out to different
12 entities in the city. Ms. Sussman mentioned
13 something about the extent of that mailing earlier in
14 today's hearing. I'll say that, you know, we are
15 always complementing things like that with what
16 happens on our social media platforms. There's been
17 an established landing page for any of the—the issues
18 that come up with regards to sexual—the Stop Sexual
19 Harassment Act in New York City. Additionally, our
20 office continues to field calls, you know, weekly.
21 She might say daily, from entities across the city
22 both individuals and organizations and entities with
23 obligations who have questions about the law. We
24 have FAQs up. We—as I said earlier we'll be
25 launching on our website the—the—a web based on-line

2 interactive training, which and I'm just going to say
3 that I'm very proud of this training that will be
4 online. It is the result of countless hours spent by
5 Ms. Sussman and other folks within my staff as well
6 as, you know, there's been a tremendous amount of
7 community input that has gone into this training to
8 make sure that it is accessible in all ways that that
9 term can be used, that it is intersectional to really
10 capture the different ways that sexual harassment and
11 gender dynamics in which that takes place, and that
12 it is done in a way as I said earlier that allows
13 businesses to be able to comply with their
14 obligations both under our law as well as the
15 extensive package that was also passed under New York
16 State Law. So, there's a tremendous that-tremendous
17 amount of effort in trying to make sure that in
18 addition to the mailer all of that information is
19 going out and is-is-is a resource to all the
20 different entities in New York City. I'll say
21 additionally, it's kind of a standing order within my
22 agency for our Community Relations Bureau that when
23 we are on-site at different types of, you know, of
24 events or at different types of presentations,
25 everyone is always bringing with them copies of the

2 actual posting that must go up in English and Spanish
3 in this particular size so that businesses have it
4 like on the spot to post. I am—I am unfamiliar with
5 the case that you mentioned with regards to the Parks
6 Department and that it was not a Commission related
7 case or matter. So, I'm not at liberty to really
8 address anything in that specific case, and then I'm
9 trying to think if there were other things that you
10 had asked. Just a couple other items. The Gender
11 Based Harassment Unit is a staff of four, four
12 positions, three of which are currently filled.
13 We're in the process of—of bringing on a fourth
14 person.

15 COUNCIL MEMBER ROSENTHAL: Is that fourth
16 person subject to the hiring freeze at all, the
17 citywide freeze?

18 DEPUTY COMMISSIONER SUSSMAN: Yeah, I
19 mean I think that's something have conversation about
20 in terms of like to identify priorities and stuff
21 like that.

22 COUNCIL MEMBER ROSENTHAL: [off mic] I
23 believe—[mic] Oh, sorry. Yes it is part of a freeze,
24 but you're going to ask OMB to give you relief on
25 that position?

2 DEPUTY COMMISSIONER SUSSMAN: Yes.

3 COUNCIL MEMBER ROSENTHAL: Thank you.

4 DEPUTY COMMISSIONER SUSSMAN: So, I
5 understand it is for a year (sic) and he said yes.

6 COUNCIL MEMBER ROSENTHAL: Thank you.

7 CARMELYN P. MALALIS: And on the—on the
8 live training, the number you quoted around 19
9 trainings for 551 folks in 2018, as you can imagine,
10 we—we had updated our live training in—I’m—I think
11 I’m losing track of time. I think we launched it in
12 in early 2018 and in Calendar Year 2018, we trained
13 over a thousand people. Basically, anyone who
14 requested it, any entity whether it was a city entity
15 or a private entity. Typically, there were requests
16 from like medium sized non-profit organizations,
17 cultural institutions, entities that didn’t have the
18 resources to let’s say hire a private trainer. We
19 would provide the training to whoever really asked
20 for it. The—we imagine that with the roll-out of the
21 online training most people will avail themselves of
22 that simply because it is—it is available online.
23 People can do it on their computers or on their
24 phones and it won’t clearly meet the—all of the
25 requirements of the law, and so that is sort of where

2 we anticipate more people will be—will be sort of
3 leveraging our resources in that way.

4 COUNCIL MEMBER ROSENTHAL: Okay, I mean
5 my—I would—I'm disappointed that you don't have more
6 staff to work on this. I'm sorry to hear that it's
7 four people, and I'm sorry to hear that it's a one-
8 time mailer about what the sexual harassment laws.
9 As we all know from how stores, you know, are vacant.
10 The turnover is so great, you know, I would hope that
11 there would be an annual mailer that went out that,
12 you know, the poster could be a living, changing,
13 breathing document. I'm sorry that it's only in two
14 languages. Maybe that's the laws= only required
15 English and Spanish, but boy they could use this in
16 some other communities as well. I'm thinking of
17 Flushing. I' thinking of Chinatown. I'm thinking of
18 the 152 languages spoken in Queens. So, I'm—I'm not
19 expecting you to comment, but I'm expressing my
20 disappointment about the financial commitment to
21 address sexual harassment in the workplace. You
22 know, we passed these wonderful bills, but, you know,
23 you can talk about it all you want. If you don't
24 have money to actually do it, it's hard to stand on
25 the moral high ground, but I appreciate you doing the

2 best you can with what you have. Thank you very
3 much. Thank you, Chair.

4 CHAIRPERSON EUGENE: Council Member
5 Lander, please.

6 COUNCIL MEMBER LANDER: Thank you very
7 much, Mr. Chair. Commissioner, as always, so good to
8 see you and your team here and I'll echo the Finance
9 Chair's words about what a difference you have made.
10 It was wonderful to have Dana at our hearing pretty
11 recently talk about the testing work, and I—I think
12 back to that first hearing that we had where the
13 agency was at that point, and what the work that was
14 being done. I think as all of my colleagues are
15 talking about it, it's really made a tremendous
16 difference, but I'm going to continue with this theme
17 of, you know, without enough resources it's hard to
18 do the job well, and—and you got to this in your
19 report about case processing times and I just want to
20 drill down a little more on that and understand, and
21 I appreciate what you said in the testimony about
22 working very hard to make the Commission a fully
23 equal place that people can bring their claims. All
24 those that can't afford lawyers can get equal
25 justice, but you said in the—in your testimony that

2 the processing time has gone up from 460-468 days to
3 553 days, and just for a little more context, it
4 makes that like seem even worse. I guess the year
5 before in FY16 it was 340 days, and it looks like
6 just between for the 4-month actual form FY18 to FY19
7 it's from 514 days to 561 days. So, it's just really
8 in the trend of far too long. So, I-I mean I take it
9 that's a pretty straightforward issue of not having
10 the staff to be able to move quickly enough to
11 process-to process all those claims as fast as you
12 would-would want to. Is that correct?

13 CARMELYN P. MALALIS: You know, we are-
14 we're always looking for different ways that we could
15 be addressing case processing time. Of course, it's
16 very important. You know, like I said in my-in my
17 testimony there is full understanding that sometimes
18 justice delayed means that justice is not served.
19 Having said that, I-I will say that, you know, as,
20 you know, as a government law enforcement agency
21 trying to-to really address these types of
22 discrimination and harassment cases thoroughly, and
23 completely, there is-there is a real I think tension
24 in doing that and-and also trying to address case
25 processing time. We-we want to make sure that we are

2 holding open the cases as we should be. I think—I
3 believe in order to make sure that we are not just
4 giving a case kind of short shrift or—or frankly an
5 individual or complainant that short shrift when—when
6 looking at their damages or the—the multitude of ways
7 that somebody has been affected by discrimination or
8 harassment. I think that if this is the case, that,
9 of course, discrimination and harassment related
10 cases are—are by their very nature very
11 individualized. One is looking at credibility, one is
12 looking for—for the different ways that these forms
13 of discrimination or harassment manifest themselves.
14 So, having said that, you know, we're all—that is one
15 of the reasons for instance that we created an Early
16 Intervention Unit at the agency. That's one of the
17 reasons that we have kind of shored up some of the
18 resources within our Community Relations Bureau. One
19 of the ways that we are really trying to address
20 these processing times is also not to have cases go
21 into litigation in the first place. Where we can
22 intervene early, where we can even avoid the filing
23 of a complaint so that someone can get housing
24 immediately so that retaliation is stops immediately.
25 So that someone's accommodation is addressed

2 immediately. We've been trying to create avenues by
3 which we can push, you know, situations into those
4 areas so that we can have some effect on case
5 processing times. But I do—I do take the point--

6 COUNCIL MEMBER LANDER: [interposing] And
7 I really value all the all those things. You know,
8 and look, of course, we value the increased outreach
9 that means more people are bringing complaints. So,
10 you know, and I think you are—you are doing a really
11 good job with what you have. It-it reads to me,
12 though, that like what you have is not enough to
13 deliver justice on the timeline that we want it
14 delivered on. Your target is, you know, according to
15 the MMR, is 300 days, and now we're at 553. So, how
16 many of the—of the staff that you have are involved
17 in this process of—of adjudicating claims, and how
18 does that relate to prior years?

19 CARMELYN P. MALALIS: Well, in terms of—
20 in terms of adjudicating claims, which I'm going to
21 say--

22 COUNCIL MEMBER LANDER: [interposing]
23 Yeah, processing. Yes.

24

25

2 CARMELYN P. MALALIS: Processing the
3 time. So currently, I think our Law Enforcement
4 Bureau has something like 77—

5 DEPUTY COMMISSIONER SUSSMAN:
6 [interposing] Yes.

7 CARMELYN P. MALALIS: Oh, goodness.
8 [laughter] 77 employees. That includes both legal and
9 non-legal staff that are engaged in the process of
10 processing those claim but, you know, like I said
11 earlier, I think that this is—this is kind of an
12 agency wide effort in address case processing time,
13 and that we are looking from the policy perspective
14 as well as the community relations.

15 COUNCIL MEMBER LANDER: Right, but look,
16 there's some tension here. I don't want you to not
17 do more outreach because it would mean you would have
18 more cases, and you couldn't process them with-in the
19 same time with the same amount of staff. So, you
20 know, and I—this is I guess just what I worry about a
21 little with the pay. I don't want you to cut those
22 77—to have to cut those 77 people and have the time
23 go up even more. You know, I don't want you to have
24 to cut the outreach staff either so that fewer people
25 would know about their rights under the—the law. I

2 mean I think this goes to what the Finance Chair was
3 speaking to, and right this is why we do these
4 hearings. Like we have to keep our eyes out for what
5 is really critical to make sure doesn't get cut
6 because it's sometimes easy to feel like once these
7 processes are start, they start with the narrative of
8 there's something in here we can find where you can
9 make a cut without having a harm. That's a lovely
10 idea, but-but here like we're seeing a case where
11 even though you've expanded, our inability to keep up
12 with providing more people to the Law Enforcement
13 Bureau as complaints have grown means processing
14 times are now too long. So, you know, I'd like to be
15 in a position where we're pushing for more people and
16 so that you could catch up, but at least I'm gong to
17 make sure we look real carefully to make sure that we
18 aren't doing harm in this area. So, thank you for-
19 for your leadership and for the information you're
20 providing here today.

21 CARMELYN P. MALALIS: Thank you.

22 CHAIRPERSON EUGENE: Thank you very much
23 Council Member Lander. Commissioner--[background
24 comments/pause] We know that you have-you have been
25 trying to-to address this issues affecting all the

2 communities living in New York City. Regardless of
3 ethnicity and language speaking, but in your
4 testimony you mentioned that you had some type of
5 outreach in the social media and Internet, but that
6 was only in English and Spanish or it takes some more
7 weeks. Let me go to your testimony.

8 CARMELYN P. MALALIS: Council Member, I
9 can—I can add that many of them of—of our materials
10 are all--

11 CHAIRPERSON EUGENE: [interposing] Let
12 me—before that, let me—let me go to your testimony
13 and see exactly. You said that in spring 2018, the
14 Commission ran a citywide and multi-language and made
15 their campaign to combat sexual harassment in the
16 workplace, and you said that it was made only in
17 Spanish and English, but why only it was made in
18 those two languages, not in the seven languages?

19 CARMELYN P. MALALIS: So, those are the
20 citywide multi-media campaigns that go also, you
21 know, posters on the subways or bus shelters or
22 platforms in those spaces. I had also mentioned that
23 100% of our media ad placements are in ethnic and
24 community media, and certainly many of those
25 placements that are in languages other than English,

2 other than English or Spanish. So, for instance, if
3 we are placing something in an Arabic newspaper, that
4 will be—that will appear in Arabic. Many of my staff
5 also help us when we're doing any sort of like radio
6 or—or TV or interviews of that nature. So, certainly
7 if we have somebody on a, you know, Haitian Creole
8 radio station, we will have somebody, you know,
9 speaking about the—about the issue or about the
10 campaign in Haitian Creole, and the same in any of
11 the other languages that we—that we, you know,
12 frequently appear in for—for both media as well as
13 the ads placements. I, you know, just had the—I
14 wanted to maybe within the last month we—I was
15 interviewed by an Italian radio or sorry, an Italian
16 TV station, and so we had one of our Italian speaking
17 staff come and do that. We've had the same thing
18 happen with, you know, French media. As I said
19 earlier Arabic. We've done that in Hindi and Urdu
20 and Punjabi. So, there is, you know, there's kind of
21 a diversity of ways that we're getting the
22 information out other than just what appears on the
23 subways—subway trains or on the bus shelters.

24 CHAIRPERSON EUGENE: Commissioner, there
25 was an increase in the open complaint, and we can see

2 that the number of open complaints increased from
3 roughly 1,600 in Fiscal 2017, and 1,800 in Fiscal
4 2018, but the PMMR set a goal of only 500 complaints.
5 Could you explain to us why, you know, this increase
6 of-of open complaints, and what exactly can be done?
7 [pause] What exactly the Commissioner--

8 CARMELYN P. MALALIS: [interposing] Okay,
9 I'll-I'll--

10 CHAIRPERSON EUGENE: [interposing] What
11 exactly the Commissioner can do to reach the goal of
12 500?

13 CARMELYN P. MALALIS: I'm sorry. Can you
14 say that again?

15 CHAIRPERSON EUGENE: What the
16 Commissioner can do also to reach the goal of 500 set
17 by the PMMR?

18 CARMELYN P. MALALIS: [pause] Is the
19 question why are we above the target on the--?

20 CHAIRPERSON EUGENE: [interposing] Yeah,
21 you are above target, yes, uh-hm.

22 CARMELYN P. MALALIS: Yes, I-I-I'm hoping
23 that is because there's more credibility at the
24 agency and so folks are filing more complaints at the
25 agency, and I'll also that, you know, within the

1 past—what are we? In 2019. Three years, you know,
2 one of the—the—the law has been amended 26 times
3 since I've been here since I started as Chair and
4 Commissioner at the agency, and one of the—those
5 amendments was allowing for attorney's fees to be
6 provided at the agency, and so I think there are also
7 just more attorney filed complaints coming into the
8 agency. I will—I also think that because we are
9 trying to make sure that resolutions are the agency
10 are much more similar to what you would find in civil
11 actions than they had been in the past. I think
12 people are more eager to file at the Commission on
13 Human Rights knowing that they're not getting
14 discounted just—just because they're filing here
15 versus filing in state court.
16

17 CHAIRPERSON EUGENE: Who did the—? I'm
18 sorry. Go ahead, uh-hm.

19 CARMELYN P. MALALIS: I think, too, just
20 to add, the number of open complaints reflects, you
21 know, any cases that have been filed that have not
22 yet resolved. So, it—it ties in with our efforts to
23 engage in deeper and more thorough investigations
24 than have previously been done at the Commission,
25 and those inevitably take—take longer to achieve and

2 to accomplish. So, as complaints increase, and our
3 investigations are more thorough and wide ranging,
4 the number of open cases is reflected and—and that
5 number is high.

6 CHAIRPERSON EUGENE: But could it be also
7 because the target was set too high, the goal was set
8 too high, or do you think that also there's a need of
9 resources in order for the Commission to reach that
10 goal?

11 CARMELYN P. MALALIS: I think the—the
12 number might, you know, if we're—if we're talking
13 about benchmarks I think those benchmarks can--often
14 we revisit those with the Mayor's Office of
15 Operations to better reflect our workflow, and our
16 business model. So, it's certainly something that we
17 can consider as we look and reflect back on—on our
18 numbers this year.

19 CHAIRPERSON EUGENE: [background
20 comments] Commissioner, you were talking about
21 expanding right—to include rights against the based
22 discrimination, and I know that, you know, we have
23 seen also civil testimony and videos on line
24 regarding this matter, and you also said that Federal
25 Court has not upheld these rights in the past. So

2 you foresee any type of challenges in this—regarding
3 this new area?

4 CARMELYN P. MALALIS: At this moment, I
5 do not. Our law stands as distinct and apart from
6 Federal Law. I—it is my belief that Federal Law
7 should cover race discrimination in the same way that
8 the City Human Rights Law does, and in the same way
9 that we have made clear that it does through our
10 natural here guidance, and I thin that unfortunately
11 courts have gotten it wrong in the federal level in
12 this—in this case. I'm happy to say that other
13 jurisdictions have already reached out to me and to
14 my staff wanting to see how they could make sure they
15 are making clear and unequivocal statements similar
16 to the ones that we have made in our legal
17 enforcement guidance in their own jurisdictions. But
18 to answer your question, no I do not see an obstacle
19 for us here in New York City.

20 CHAIRPERSON EUGENE: So, it seems that
21 you have approximately eleven vacancies for positions
22 at the CCHR, right?

23 CARMELYN P. MALALIS: That's a yes.

24 CHAIRPERSON EUGENE: But why you were not
25 able to fill those vacancies?

2 CARMELYN P. MALALIS: As you mentioned
3 earlier, we like other agencies are—are also, you
4 know, working with OMB and the Administration to
5 figure out what our staffing needs and concerns are,
6 but we are I think all—as all agencies are, we are
7 also under a current hiring freeze right now.

8 CHAIRPERSON EUGENE: Uh-hm. Let me ask
9 you the last questions because you have been here for
10 a while, and we've got to move on. I know that you
11 are—you also have, Commissioner, and your wonderful
12 staff have been doing everything possible to make
13 sure that, you know, everybody is served and we'll
14 make sure we put again the rights of people. So, you
15 know that we in the City Council we are partners. We
16 have been working together with the Commission, and
17 we are, you know, always delighted to do everything
18 that we can do to ensure that the Commission can
19 achieve the wonderful goal of protecting the rights
20 of the people. What could you say in terms of
21 collaboration? What do you believe that should be
22 necessary to ensure that the Commission can continue
23 to do the wonderful job that you are doing? Anything
24 that you would like to tell us, we in the City
25 Council to do and to train you to make sure that you

2 reach your goal, this wonderful goal to protect the
3 right of the people in New York City?

4 CARMELYN P. MALALIS: No, thank you for
5 that, Council Member Eugene. The—the Council has
6 been an incredible partner I think in the last four
7 years that I've been here as the Commissioner both in
8 making sure that we are working together as a, you
9 know as one city to address the types of
10 discrimination and harassment that we see here in New
11 York City and sadly some of the types of
12 discrimination or harassment that have increased, and
13 I—again, I think this is because of the rise—the rise
14 of white nationalism as well as some of the hate
15 speech that we hear all too regularly from the federal
16 level. I think that we will continue to be working
17 with City Council and members in making sure that
18 we're a great resource for you in your different
19 communities so that your different constituents
20 across the city know that we exist, know what
21 resources we can provide, and know how we can best
22 connect them with other city agencies where there's
23 overlap. And so, I would just continue to—to—want to
24 express my gratitude for that, and also express my
25 hope that that will continue that Council Members

2 across New York City will continue to identify the
3 Commission on Human Rights as a resource for
4 individuals or communities experiencing a new type of
5 discrimination or harassment in their communities.

6 CHAIRPERSON EUGENE: Thank you very much,
7 Commissioner. Thank you so very much all the members
8 of the panel.

9 CARMELYN P. MALALIS: Thank you very
10 much.

11 CHAIRPERSON EUGENE: Thank you. [pause]
12 Now, we are going to call the next panel. The staff
13 in the group is the team of EEPIC. Would you please
14 come forward. [background comments/pause] So, we have
15 Judy Garcia, William Norris. Thank you very much and
16 Lynn Reese, thank you, Charise Terry. Thank you very
17 much, and Angelina Cabrera. Thank you so very much.

18 LEGAL COUNSEL: Please raise your right
19 hands for the oath. Do you swear to tell the truth,
20 the whole truth, and nothing but the truth before
21 this committee, and to answer Council Member
22 questions honestly?

23 MALE SPEAKER: I do.

24 LEGAL COUNSEL: Thank you.

2 CHAIRPERSON EUGENE: Thank you very much.
3 You can start right now, but remember to state your
4 name for the record, please. [pause] [background
5 comments]

6 CHAIRPERSON EUGENE: Is it okay?

7 LEGAL COUNSEL: Can you please—sorry to
8 interrupt. Can you please turn on your mic.

9 CHARISE TERRY: [on mic] Oh, okay.
10 [background comments] Good afternoon Members of the
11 committee on Civil and Human rights. I'm Charise
12 Terry, Executive Director of the New York City Equal
13 Employment Practices Commission or EEPCC. This
14 Commission is represented today by Commissioners
15 Elaine Reese, Commissioner Angela Cabrera, and to my
16 right, to my left is Judith Quinonez, our Executive
17 Agency Counsel. Created by the New York City
18 Charter, the Equal Employment Practices Commission is
19 an independent non-mayoral commission embodied—
20 empowered by the Chapter 36 of the Charter, Section
21 830-A, 831-A, D2N5 and 832 to audit, evaluate and
22 monitor the employment procedures, practices and
23 programs of individual municipal entities and their
24 efforts to ensure fair and effective Equal Employment
25 Opportunities for minority group members and women

2 employees and applicants to recommend resulting
3 practices, procedures, approaches and measures and
4 programs to be utilized and to monitor the
5 satisfactory implementation of remedial action. In
6 addition, the EPC is responsible for monitoring the
7 coordination and implementation in any city
8 affirmative action or Employment program or Equal
9 Opportunity including the activities and the
10 Department of the Department of Citywide
11 Administrative Service Commission. Further, the EPC
12 has the duty to conduct studies and investigations,
13 hold hearings and make policy, legislative and
14 budgetary recommendations to the Mayor, Council and
15 the Department of Citywide Administrative Services as
16 being necessary to ensure equal employment
17 opportunities for minority group members and women
18 with the goal of increasing diversity and recruitment
19 and promotion.

20 JUDITH GARCIA QUINONEZ: Good morning.

21 My name is Judith Garcia Quinones. Entities that
22 fall within this Commission's jurisdiction are those
23 that are funded in whole or in part by the City
24 Treasury, those in which the majority of the board
25 members are appointed by the Mayor or those in which

2 the majority of the board members serve by virtue of
3 being city officers. These EEC's Board of
4 Commissioners consists of five members, two appointed
5 by the Mayor, two appointed by the City Council and a
6 Chairperson who is jointly appointed by the Mayor and
7 the Council Speaker. The Chairperson's position has
8 been vacant since 2015. The EEP—the EEPC's workforce
9 consists of 13 employees in four units:
10 Administration, Audit, Research and Legal. An
11 organization chart and workforce breakdown is
12 attached to the testimony. In 2017, consistent with
13 the Me, Too Movement and preceding the New York City
14 Council's passing of Local Laws 92 through 102 to
15 address workplace sexual harassment known as the Stop
16 Sexual Harassment in New York City Act, the EEPC's
17 Board of Commissioners approved an audit plan for
18 years 2018 through 2021, which examines the sexual
19 harassment prevention and response practices of the
20 Current 141 entities under our jurisdiction. The City
21 Council also passed Local Law 13 in tandem with the
22 EEPC's initiation of auditing and monitoring 48
23 agencies in 2019. Concurrent with the EEPC's
24 implementation of our Annual Audit Plans and
25 Compliance Monitoring Protocols, Local 13 required

2 the EEPC to collect and analyze agency and citywide
3 racial and ethnic underutilization data and provide
4 recommendations to (1) Correct underutilization by
5 agency and group. (2) Review the reliability of
6 racial and ethnic classification questions and
7 determine if categories accurately capture the city's
8 workforce, and (3) strengthen affirmative employment
9 plan oversight and enforcement for agencies. Local
10 Law 13 buttresses the EPC's authority to recommend
11 corrective actions including legislative, regulatory
12 and budgetary changes to address system issues that
13 challenge the city as an employer. The EEPC is
14 required to analyze and report citywide ethnic and
15 racial underutilization and adverse impacts annually
16 for the next ten years with the first report due to
17 the Mayor, City Council and the public in February
18 2021.

19 COMMISSIONER REESE: That's the fiscal
20 impacts and the proposed new needs of this bill.
21 Historically, the EEPC has been fiscally responsible
22 given our small budget. Money saving strategies such
23 as eliminating out of office interviews, and audit
24 initiation and conclusion conferences and decreasing
25 the number of Commission meetings, converting to a

1 completely electronic or virtually paperless audit
2 process, hand delivering mail to agencies and most
3 importantly for going to much needed training for
4 staff has enabled us to have an even smaller fiscal
5 footprint. Although the EPC supports the spirit of
6 the sexual harassment and NYC Act, and Local Law 13
7 of 2019, the accomplishments of these major subject
8 areas, and the importance of providing a thorough and
9 separate evaluation for each creates an excessive
10 burden that necessitates additional staff and
11 resources. In addition, the need for up to date
12 training renews with the passage of new laws. Upon
13 the Council's request for the financial impact of
14 Local Law 13, the EEPC proposed at a minimum, the
15 hiring of the data sciences or statisticians of full-
16 time labor economists, two subject matter
17 consultants, and two policy interns. The additional
18 cost is estimated at \$337,456. In addition, in light
19 of the growth in our workforce and the passing of
20 each new legislation, the EPC has a responsibility to
21 provide supporting equipment, resources, train and
22 training to further the audit and research work that
23 is essential to our Charter mandate. The additional
24 cost for this equipment, resources and training is
25

2 estimated at about \$160,559. The total combined cost
3 is \$498--\$498,015. We ask for the Council's support
4 as the last of additional funding will compromise
5 education for our EEO program analysts, the validity
6 and reliability of our audit, the fulfillment of our
7 two 2018 to 2021 audit plans for the prevention of
8 and response to sexual harassment, which includes a
9 remaining 110 municipal entities, and the fulfillment
10 of our new reporting mandate required by Local Law 13
11 of 2019. In addition, the continued lack of a
12 chairperson impairs the Board of Commissioners'
13 ability to function as the Charter requires a quorum
14 to effectuate decision making. The EEPC is committed
15 to fulfilling the goals of the aforementioned
16 legislation and with the--and with the Council's aid
17 we believe we will be able to do so. [background
18 comments/pause]

19 CHAIRPERSON EUGENE: Thank you very much
20 thank you for your testimony and thank you for being
21 here.

22 COMMISSIONER REESE: Thank you.

23 CHAIRPERSON EUGENE: You have made
24 several recommendations to the Charter Revision--you
25 have made several recommendations to the Charter

2 Revision to the New York City Charter Revision that,
3 for example to tie your budget to the Office of the
4 Comptroller. Could you give us a little bit more
5 detail about that, and is there any increase of your
6 budget?

7 COMMISSIONER REESE: We actually made a
8 recommendation that the city for our budget—use the—
9 the format that was used with the Independent Budget
10 Office not to tie it to the Comptroller's Office's
11 Budget, but that arrangement for the Independent
12 Budget Office in the Charter says that the
13 Independent Budget Office should get 10% of—10% of
14 the city's budget?

15 JUDITH GARCIA QUINONEZ: Of the Budget
16 for OMB.

17 COMMISSIONER REESE: Of the Budget for
18 OMB. So, what we recommended was using a strategy
19 similar to that, and we chose the Comptroller's
20 Office as a similar auditing body for our budget to
21 sort of I guess mimic that formula.

22 CHAIRPERSON EUGENE: Related to the Local
23 12—to the Local 13, you requested three additional
24 positions to fulfill the requirement of this Local
25 Law. That will increase roughly your budget about

2 25%. Can you tell us why you need those three
3 positions to fulfill the requirement of the Local Law
4 13?

5 COMMISSIONER REESE: Sure. If we look at
6 our [coughs] our organization chart, which we
7 attached to the testimony, the organization chart
8 under Research Unit, we would actually be fully
9 staffing our Research Unit. Our Research Unit looks
10 at--the Audit Unit looks at individual agencies and
11 audits and evaluates individual agencies. The
12 Research Unit looks at a--on a broader scale across
13 agencies to make recommendations to the city. To
14 this day we haven't been able to fund that unit
15 properly. We believe that although Local Law 13 says
16 that you should receive information from the Mayor's
17 Office on Data Analytics, that the EEPD would need to
18 have its own staff such as the data sciences and the
19 labor economists to fulfill the requirement of Local
20 Law 13 to review the reliability of race-racial and
21 ethnic classification and determine if the categories
22 actually accurately capture the city's workforce.
23 The Audit Unit right now is inundated with addressing
24 the Stop Sexual Harassment in Employment Act. The
25 Research Unit we believe with these positions would

2 be able to verify the data that it gets from the
3 city, determine whether or not the racial and ethnic
4 categories are appropriate because we would be
5 looking in tandem with the labor analysts that we're
6 asking for—the labor economists. We would be looking
7 at the—the city's labor force, and there are agencies
8 that are in our jurisdiction that are not non-mayoral
9 agencies. So even if we receive information from the
10 Mayor's Office on Data Analytics, we still wouldn't
11 be able to have information for non-mayoral agencies.
12 So, we would be tasked with putting together a
13 framework to collect information from the non-mayoral
14 agencies, and to validate the information that we
15 receive.

16 CHAIRPERSON EUGENE: But in your current
17 staff—I'm sorry, Ms. Reese. (sic)

18 COMMISSIONER REESE: I wanted to add to
19 it. We're really looking at some that is different.
20 We're looking at under-representation in particular
21 job titles for which you really do need the knowledge
22 of a labor economists. That I believe is somewhat
23 that is an added burden to what the staff is
24 currently doing, and I think what you're hearing from
25 the Executive Director it is a need that perhaps we

2 have had for a while that is now a responsibility
3 that has been placed on it that is in addition to our
4 current responsibility with looking at the treatment
5 of the city's employees. This is really somewhat
6 like the outreach you were talking about before, but
7 looking where there is truly if for—for want of a
8 different term discrimination in some job titles,
9 and—and a lack of people in other job titles, and
10 some of that goes to the description of the skills,
11 the description of the titles, whether or not those
12 titles factually capture the needs of the workforce
13 in that area. This is far more intricate than
14 looking at just the number of people in a minority
15 group or a female or just a group that has been
16 discriminated against. It's really doing a fact
17 finding to see why there aren't any more females who
18 are painting the bridges or why there aren't any more
19 females who are licensed architects in City Planning
20 for want—and I'm just throwing—I'm really shooting
21 form the hip, but using that as examples of the kind
22 of thing. There—it's really a knowledge not only of
23 what's available in the city within the city
24 workforce, but what's available to come out and
25 outreach to bring into the city and employees. I—if

2 I have misspoken, the Executive Director will correct
3 me.

4 CHARISE TERRY: Essentially, you're
5 correct and—and essentially it will create an extra—
6 and additional burden that we can't handle right now
7 with the current staff.

8 CHAIRPERSON EUGENE: Yeah, I—I do
9 understand that, but can your current staff—your
10 current staff, can your current staff provide the
11 reports? Is there anyway that the current staff, the
12 staff that you have right now, they can provide the
13 reports required by the Local Law 13?

14 COMMISSIONER REESE: If we're talking
15 about a comprehensive report that includes analysis,
16 I mean we can get information from the Mayor's Office
17 on Data Analytics, and we don't even know what
18 information they will give us because we haven't
19 gotten it yet or, you know, we haven't started to
20 address this yet, but it depends on the information
21 we get, but the info—the data that we get has to be
22 one checked, verified by an independent body such as
23 us, and (2) we have to then look at the information
24 in meaningful ways, and come up with recommendations
25 for the city, and I believe that would create an

2 excessive burden on the staff that we already have
3 because we do have a mandate in the meantime to audit
4 141 agencies every four years. A fair answer to your
5 question is I'm not sure we could comply with Local
6 Law 13 without the additional staff.

7 CHAIRPERSON EUGENE: So-but in the-in the
8 2018 testimony on this bill when it-it was proposed,
9 EEPC mentioned that they have already been to form a
10 substantial portion of what the bill proposed.
11 There's a change right now. Why this change, you
12 know?

13 COMMISSIONER REESE: This is because-
14 Okay. So, the EEPC reports-the EEPC has different
15 types of audits.

16 CHAIRPERSON EUGENE: Uh-hm.

17 CHARISE TERRY: One-the audit that is
18 similar to what Local Law 13 is asking for is called
19 The Employment Practices Audit. In that audit, what
20 the EEPC does is we look at underutilization. We
21 look at the agencies' numbers, and we say how have
22 you been addressing underutilization or how have you
23 been-what efforts have you used to eliminate it? We
24 do that in an audit and we report it individually by
25 agency. What Local Law 13 is asking us to do is to

2 report it annually for all agencies so it's-it's
3 different.

4 CHAIRPERSON EUGENE: Uh-hm. So--

5 CHARISE TERRY: [interposing] If we're
6 reporting it individually, the EEPC has a mandate of
7 141 agencies on a quadrennial cycle, and so that
8 would mean about 36 agencies per year. That would not
9 mean that we would be addressing all agencies
10 annually.

11 CHAIRPERSON EUGENE: [coughs] You have
12 requested also in addition \$498,015 for additional
13 equipment and resources that you need, you know, to
14 fulfill the requirement of Local Law 13, but your
15 budget is only \$1.25, on \$1.25 million. Why it's all
16 so expensive?

17 COMMISSIONER REESE: Well, we—we have a
18 breakdown here--

19 CHAIRPERSON EUGENE: Uh-hm.

20 COMMISSIONER REESE: --in the two pages
21 that are attached. Half of it is hiring professional
22 staff, hiring for professional staff that we can give
23 meaningful recommendations to the city, and the
24 other, these are new needs that we have already
25 submitted to OMB and they are for training, which we

2 have to stay on top of because we audit agencies.
3 They are for equipment that we would need. We've--
4 we've made a decision to eliminate the number of
5 meetings that we have. We've asked for electronic
6 equipment such as a spark board for awhile, which
7 means that we can hold video conferences, and we can
8 use technology to replace meetings. It's really so
9 that we can spend more time in-house doing analysis
10 rather than, you know, having meetings and being
11 outside, but we do need upgrades to our current
12 technological devices and equipment, and we believe
13 that this can help us do the job efficiently.

14 CHAIRPERSON EUGENE: Uh-hm. You have also
15 requested--

16 COMMISSIONER REESE: [interposing] Want
17 to add to that the Executive Director and prominent--
18 and working with DOITT over the last several years,
19 ahs really automated a good many of the processes.
20 So, we have--she has attempted to reduce as much
21 manpower that isn't--that is waste--in some sense
22 wasted and put it into an analysis. So that the
23 reports are done in a timely fashion, and so that we
24 meet the mandate of the Charter in fact, in actually
25

2 auditing every one in the Commission, of every one in
3 the agencies every four years.

4 CHAIRPERSON EUGENE: You have also
5 requested from OMB increased funding for training one
6 of the OMB staff over two years. How is this
7 increased funding going to improve your work output?

8 CHARISE TERRY: I'm sorry. Can you--can
9 you--?

10 CHAIRPERSON EUGENE: You have requested
11 also an additional one of your staff is also from OMB
12 for training for over two years. We want to know how
13 this additional funding will improve your work a lot?
14 [background comments/pause]

15 CHARISE TERRY: Oh, right. A part of
16 our--we haven't been able to secure a consistent
17 training budget for our staff.

18 CHAIRPERSON EUGENE: Uh-hm.

19 COMMISSIONER REESE: The EEPC believes--
20 our analysts come in in a title called Community
21 Coordinator, which is the title that's broad enough
22 in the city that we can try to request people that
23 already have EEO skills because we haven't had a
24 consistent--a substantial training budget for out
25 staff. We believe that requesting this consistent

2 training will give our analysts uniformed training
3 across the board so that they can handle certain
4 issues. The training is extremely important because
5 we have to stay ahead of what the agencies that we're
6 auditing, what their programs are, what their
7 practices are, what the new laws are and so that's
8 something that we've tried to do consistently ,but we
9 haven't been able to train consistently. We even
10 have a floor (sic) training in house. We have
11 training that's in house, however, a part of
12 supplementing the--the in-house informal training, so
13 to speak that we would--that our staff receives is
14 having them obtain a certificate so they can be
15 certified an EEO because we are conducting an EEO
16 relate audit. So the training for us is very
17 important.

18 CHAIRPERSON EUGENE: Absolutely. The
19 training is always important, you know, very
20 important--

21 COMMISSIONER REESE: Yes.

22 CHAIRPERSON EUGENE: --if we want to
23 achieve our goal and if we want to provide a better,
24 you know, results, and--but could you tell us about
25

2 the type of training that you provide to your staff?
3 What type of training that you provide?

4 COMMISSIONER REESE: In house or the
5 training that we're requesting here?

6 CHAIRPERSON EUGENE: Uh-hm.

7 CHARISE TERRY: The training that we're
8 requesting here is Cornell. Cornell has an EEO
9 certificate. It's one of the few schools—I don't know
10 if there's any other school that offers an EEO
11 certificate in this areas.

12 COMMISSIONER REESE: No, there's some.

13 CHARISE TERRY: Right. They offer
14 Affirmative Action Training. They offer Affirmative
15 Action Plan Training, Investigations training, EEO—
16 the Law of EEO, which covers sexual harassment
17 prevention. What else is in the EEO Program?

18 COMMISSIONER REESE: The Diversity and
19 Inclusion.

20 CHARISE TERRY: Right and Diversity and
21 Inclusion training. They pretty much offer every
22 type of EEO training that you can receive. So, the
23 EEPCC historically has sent its analysts to obtain a
24 certificate for Cornell.

2 CHAIRPERSON EUGENE: Okay, but if OMB
3 doesn't give you an additional three positions, how
4 do you plan to comply with Local Law 13 if you don't
5 receive the three additional staff that you requested
6 to OMB?

7 CHARISE TERRY: If you don't get the
8 money, how will do it? The—the plain answer is I
9 don't know. The—the kind—the financiers I don't know.
10 I don't know. I don't know how. I don't know how.
11 The thing is—I can put it practically for you. If we
12 don't get the additional positions, we can obtain
13 information from the Mayor's Office on Data
14 Analytics, and we can publish it. That's it, which is
15 tantamount to anyone else obtaining information from
16 the Mayor's Office on Data Analytics. What we want
17 to do is obtain the information, analyze it, put
18 recommendations to it, sound recommendations. We
19 want to verify it. We want to be able to have people
20 on staff that can tell us this information is
21 accurate, this information is based on the current
22 labor market that can match the labor market to
23 whatever information we receive and for the agencies
24 that are non-mayoral, we need to put together a
25 framework that will allow us to collect this

2 information from those agencies because we'll still
3 have a segment of agencies that we don't have
4 information for.

5 COMMISSIONER REESE: And that those
6 agencies are not—

7 CHARISE TERRY: Right. That's the bottom
8 line.

9 COMMISSIONER REESE: Why don't we know
10 and then write what those agencies. So we wouldn't
11 know it the community, from the school—the-our city
12 universities.

13 CHARISE TERRY: Right, there are—there
14 are non-mayoral agencies is what the Commissioner is
15 saying that—that we don't have information for them.
16 We don't have the—well, the—the district—

17 COMMISSIONER REESE: [interposing]
18 District Attorneys. We would not have information
19 for the District Attorneys.

20 CHARISE TERRY: [interposing] there are
21 elected officials—

22 COMMISSIONER REESE: [interposing] We
23 would not have—yeah.

24 CHARISE TERRY: —there are CUNY colleges.
25 There are community boards. There are other agencies

2 under our jurisdiction that we may not have
3 information for them and the Mayor may not have
4 information for. In addition, Local Law 13 does not
5 restrict our reporting to mayoral agencies. So, it's
6 broad. It says report data about the city, which I
7 think we would have to pick and choose what exactly
8 that means because if it's the Health and Hospitals
9 Corporation, which is not under our jurisdiction.

10 COMMISSIONER REESE: Or the EDC.

11 CHARISE TERRY: Right or the—we also have
12 the Economic Development Corporation the Housing
13 Development Corporation. There are agencies that
14 those two lack two agencies they can send to our
15 audit, but we would not, the Office of Data Analytics
16 would not have information about these agencies. We
17 would have to find a way to obtain that type of
18 information, and then compare it to the mayoral
19 agencies that we could have—

20 COMMISSIONER REESE: And without--

21 CHARISE TERRY: --a comprehensive report.

22 COMMISSIONER REESE: --without additional
23 funds we would be diverting our—without—without
24 additional funds, we would be diverting our audit
25 teams. So, on one side we have this commitment to

2 audit everybody. We are now refining it and doing
3 sexual harassment audits. We would have tote people
4 away and put them [coughing] with Local Law 13. It's
5 not an efficient way of dealing with the
6 responsibility and probably not more than being
7 efficient. I don't think it's responsible, and--

8 ANGELA CABRERA: [interposing] So maybe
9 we're not doing our job. I mean we really lack the
10 money to be able to do all the things that we should
11 be doing that is mandated by the Commission, and I
12 think that it's time. My God, [coughs] this is 2019,
13 and I've been on here for quite some time, and I
14 could see what are lacking. People ask me on the
15 street: What do you do? What do you do? How do you
16 do this? And--and I have to say sometimes that we
17 don't have enough of a budget to be able to do all
18 the things we should be doing. So, we need your
19 help.

20 CHARISE TERRY: So the Commissioners are
21 saying we want to do more, but of course we can pull
22 together something but will it be meaningful for the
23 city? That's the question because we would be
24 limited in what we can report. It would sort of

2 undermine the--the spirit of the act of the--the Local
3 Law 13.

4 CHAIRPERSON EUGENE: Alright. Thank you
5 very much. Let me say something. We are not trying
6 to put you in the hot seat and to increase the burden
7 to you, and we are pushing and, you know, the
8 wonderful job that you are doing, and we know that
9 you have a lot to do. You've got a very smart
10 budget.

11 CHARISE TERRY: Yes.

12 CHAIRPERSON EUGENE: And we know that,
13 and the--the services and the job that you are doing
14 in the city of New York is very, very important, very
15 important. So the reason that we are asking
16 questions, just to have a better idea of your need
17 and for people to understand--

18 CHARISE TERRY: [interposing] Yes.

19 CHAIRPERSON EUGENE: --your needs, and
20 the resources because any time there's moral
21 requirements, that's mean also more resources, more
22 work--

23 CHARISE TERRY: Right.

24 CHAIRPERSON EUGENE: --and we know that,
25 you know. As a--as a matter of fact, this is a very

2 difficult time. You have more work than before. You
3 know, everything is different than before. So, in the
4 City Council we are your partners. You know that we
5 are working together. We are not here to put you in
6 the hot seat, or to try to increase the burden for
7 you, but just to understand, you know, your need and
8 to have the conversation and to figure out what
9 exactly we should do together because this is team
10 work--

11 CHARISE TERRY: Right.

12 CHAIRPERSON EUGENE: --to ensure that you
13 provide wonderful services that you are providing to
14 make sure that we protect our constituents, my
15 constituents, Council Member Rosenthal's
16 constituents, all New Yorkers who are working so hard
17 and who believe in the philosophy of New York City
18 That's the reason we had this conversation, and I do
19 understand your need. I do understand that you need
20 more resources because without the resources and
21 without, you know, the--the proper funding, even you
22 have a good heart, you have dedication, you want to
23 do everything that you can do, if you don't have the
24 necessary resources and the right funding, I know
25 that it is going to be very, very difficult for you.

2 And I appreciate all the responses, and you can
3 ensure that we in the City Council we are working
4 together with you, and to ensure that you can do your
5 job in a way that everybody in New York City can
6 benefit from that. Council Member Rosenthal, please.
7 Council member, are you ready? Uh-hm.

8 COUNCIL MEMBER ROSENTHAL: It's so great
9 to see you all again.

10 CHARISE TERRY: Thank you. You, too.

11 COUNCIL MEMBER ROSENTHAL: It's been a
12 while, and so I just want to jump in with a few
13 questions. I noticed that you currently have 14
14 full-time positions. Is that Right?

15 CHARISE TERRY: Right for the 20—for the
16 2020 Budget.

17 COUNCIL MEMBER ROSENTHAL: Right.

18 CHARISE TERRY: [interposing] We'll have
19 15.

20 COUNCIL MEMBER ROSENTHAL: Are they all
21 filled?

22 CHARISE TERRY: We have 13 currently.

23 COUNCIL MEMBER ROSENTHAL: You have 13
24 currently. You're supposed to get one more—

25 MALE SPEAKER: Are they all filled?

2 COUNCIL MEMBER ROSENTHAL: Right we're in-
3 -

4 CHARISE TERRY: No, they're not all
5 filled.

6 COUNCIL MEMBER ROSENTHAL: Okay. Is
7 there three?

8 CHARISE TERRY: We had the Director of
9 Research maybe a month ago or maybe two months ago
10 leave, and we have just identified another person,
11 and to fill that position.

12 COUNCIL MEMBER ROSENTHAL: There are 11
13 filled FT lines, and two or three vacancies.

14 [background comments] Twelve and one vacancy.

15 COMMISSIONER REESE: We have 12.

16 COUNCIL MEMBER ROSENTHAL: So, you have
17 one or two vacancies, and are you subject to the
18 freeze or if you find somebody, can you hire?

19 CHARISE TERRY: We're hoping that we can
20 get a waiver from the freeze. Our agency is such
21 that one person makes a tremendous impact.

22 COUNCIL MEMBER ROSENTHAL: Yes.

23 CHARISE TERRY: So, we've identified
24 someone, and we're hoping that they would stay and I
25 can--

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 And are you actively searching?

4 CHARISE TERRY: We have, right. We've--
5 we've been interviewing and we just identified a
6 candidate--

7 COUNCIL MEMBER ROSENTHAL: Okay, great.

8 CHARISE TERRY: --this last application.

9 COUNCIL MEMBER ROSENTHAL: Great, and has
10 the Mayor given any feedback about why a chair has
11 not been appointed? Have you been in communication
12 about that?

13 CHARISE TERRY: [interposing] We were
14 going to say something about that, yeah.

15 COMMISSIONER REESE: Well, I'd like to
16 point out that there are only two Commissioners here.
17 That's not because we weren't all invited. It's
18 because the other two had prior commitments. We have
19 had several times where have not had a quorum. I
20 personally have asked the Mayor's office of
21 appointments why we don't have anybody and they were
22 going to get back to me. That was a year ago,
23 Commissioner--Council Member.

24 COUNCIL MEMBER ROSENTHAL: Right, right.

25

2 COMMISSIONER REESE: So, the answer to
3 the question is: We don't know why.

4 COUNCIL MEMBER ROSENTHAL: [interposing]
5 okay.

6 COMMISSIONER REESE: we find it almost
7 impossible to deal because the issue of having two of
8 us arrive for a meeting and the third one can't get
9 for some reason-

10 COUNCIL MEMBER ROSENTHAL: Yes.

11 COMMISSIONER REESE: --and we don't have a
12 quorum, and we can't deal with approving audits and
13 we can't deal with dealing with the requirement of
14 what the Commissioners have to do.

15 COUNCIL MEMBER ROSENTHAL: [off mic] What
16 was your change for? How many.

17 COMMISSIONER REESE: It has to be jointly
18 appointed by both the Council--

19 CHARISE TERRY: [interposing] And the
20 Mayor.

21 COMMISSIONER REESE: And the Mayor.

22 COUNCIL MEMBER ROSENTHAL: Yep, we'll look
23 into that.

24 COMMISSIONER REESE: Oh thank you.

2 COUNCIL MEMBER ROSENTHAL: We'll look
3 into that.

4 COMMISSIONER REESE: So, each person is
5 jointly appointed.

6 COUNCIL MEMBER ROSENTHAL: Does it
7 require the City Council's sign-off as well-

8 COMMISSIONER REESE: Yes.

9 CHARISE TERRY: Yes.

10 COUNCIL MEMBER ROSENTHAL: --or is this
11 just City and the Mayor's office?

12 CHARISE TERRY: It is.

13 COMMISSIONER REESE: No, it's-it's joint.
14 I will add to it although I'm doing this with right
15 fear and trepidation. Both Commissioner Cabrera and
16 myself are holdovers from the last Mayor.

17 COUNCIL MEMBER ROSENTHAL: Yep, yep. He-
18 this Mayor is looking to have you. I happen to know
19 that's true, and then my last two questions are just
20 about some of the reports that you do. It's my
21 understanding the ten agencies were required to
22 deliver an annual statement on their commitment to
23 prevent sexual harassment. I was wondering why they
24 were-why these tenants in particular and if you could
25 send over to us those statements.

2 CHARISE TERRY: In--during the course of
3 our audit we have I think for the sexual harassment
4 Audit there's about standards. We have uniform
5 standards that we create for every audit based on
6 city, state, federal law policy, the city policies
7 and some of the federal practices also that our
8 Commission approved for each subject matter, and one
9 of those standards is that because we believe that
10 these practices are implemented from the top down
11 that the head of the agencies issue a statement
12 against sexual harassments. So--

13 COUNCIL MEMBER ROSENTHAL: Within the
14 agency that they--

15 CHARISE TERRY: [interposing] Right.

16 COUNCIL MEMBER ROSENTHAL: --issue a
17 statement. Yeah.

18 CHARISE TERRY: To all employees--

19 COUNCIL MEMBER ROSENTHAL: Yes.

20 CHARISE TERRY: --and to--and--and to hold
21 managers and supervisors responsible--

22 COUNCIL MEMBER ROSENTHAL: [interposing]
23 Sure.

24 CHARISE TERRY: --for carrying out the
25 statement. So if there are ten agencies that receive

2 that, it's only because they have not issued a
3 statement specifically.

4 COUNCIL MEMBER ROSENTHAL: To this day?
5 Do you know if there's been any corrective action?
6 Okay.

7 CHARISE TERRY: Yes, so if-if we required
8 it, there has been a corrective action issued, and
9 the Charter says, Section 832 says that after the
10 EEPCC finds any practice that may non-compliant that I
11 know of.

12 COUNCIL MEMBER ROSENTHAL: So at this
13 juncture--

14 CHARISE TERRY: [interposing] Yes .

15 COUNCIL MEMBER ROSENTHAL: --all 30
16 agencies have issued?

17 CHARISE TERRY: [interposing] Right.

18 COUNCIL MEMBER ROSENTHAL: Okay, and do
19 you--the 30 criteria that you look at, could you send
20 us that list or is that public on your website?

21 CHARISE TERRY: It's not public, and it's
22 only in draft format, and the reason we don't
23 distribute it even though we can share some of it
24 with you, or we can discuss it, is because if we need
25 to add something tomorrow because either there's a

2 new law or we noticed some pattern again that
3 agencies have that the commission wants to vote to
4 another—to add another standard, we don't like to
5 risk the chance of some agencies having some
6 standards and other agencies having other standards
7 or them saying well last time you told us it was 30.
8 Now it's 31, you know.

9 COUNCIL MEMBER ROSENTHAL: Right, but
10 wouldn't you just keep an updated list on your
11 website?

12 CHARISE TERRY: We do have an updated
13 list.

14 COUNCIL MEMBER ROSENTHAL: You can have a
15 draft. You can put the date on there so that they
16 couldn't say that. I don't understand why that's not
17 a hurdle you can get over.

18 CHARISE TERRY: It's a part—it's usually
19 a part of our preliminary determination that we share
20 with agencies. When we are looking at agencies, we
21 tell them preliminarily. We—we share all of the
22 standards in our preliminary determination. It's a
23 document that we send to agencies, and the agencies
24 have that.

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 So, agencies have that document, but you can't send
4 it to the public?

5 CHARISE TERRY: No, we can send you the
6 Preliminary Determination or we can discuss it. I'm
7 just letting you know about that--

8 COMMISSIONER REESE: [interposing] The
9 changes.

10 CHARISE TERRY: Yeah, that it changes.

11 COUNCIL MEMBER ROSENTHAL: What?

12 CHARISE TERRY: That you may not always
13 have the current copy, and then--

14 COUNCIL MEMBER ROSENTHAL: [interposing]
15 I-I--this is why I believe in footnotes.

16 CHARISE TERRY: Right, and then also we
17 don't have the other members of the Commission and
18 that the Commission issues something that we could
19 decide.

20 COUNCIL MEMBER ROSENTHAL: Okay. So, can
21 you send over what you have?

22 CHARISE TERRY: I don't see why it's not
23 to share.

24 COUNCIL MEMBER ROSENTHAL: Okay, thank you
25 very much, and then there were nine agencies that

2 were instructed to provide a quarterly report to EEPC
3 regarding the EEO Programs and Implement--
4 implementations efforts. So, could you share--

5 CHARISE TERRY: [interposing] So you
6 could weigh them.

7 COUNCIL MEMBER ROSENTHAL: --what--one of
8 those reports looks like? Is that up on your
9 website? What do they reflect?

10 CHARISE TERRY: But, so the Charter
11 requires each agency to issue an annual plan of its
12 activities to afford employees and applicants equal
13 opportunities. The Charter requires that.

14 COUNCIL MEMBER ROSENTHAL: Yep.

15 CHARISE TERRY: The Charter also requires
16 that the agency send it to the EEPC, DCAS and the
17 Civil Service Commission. Not the Council. Right.
18 I would have to go back to the Charter, but
19 definitely the EEPC, DCAS and the Civil Service
20 Commission. I think the Council is in there.

21 COUNCIL MEMBER ROSENTHAL: Okay.

22 CHARISE TERRY: and the EEO plans that we
23 ask for are quarterly plans of how the agencies are
24 implementing their quarterly reports of how the
25 agencies implement-

2 COUNCIL MEMBER ROSENTHAL: [interposing]
3 Right.

4 CHARISE TERRY: --the Annual Plan, their
5 Annual Plan. You can have a plan, but how are you
6 implementing it? So--

7 COUNCIL MEMBER ROSENTHAL: [interposing]
8 And then you review those reports and how they're
9 doing?

10 CHARISE TERRY: Right and DCAS sends to
11 agencies--if that was to the format and sends the
12 format to agencies on the ways that they can report
13 the information. The information includes things
14 like what activities they've done with regard to, you
15 know, EEO or sexual harassment. It has who are their
16 EEO professionals. It identifies the EEO
17 professionals. It has complaint information. It
18 has reasonable accommodation information. That is
19 now reported in a link, the complaint information.
20 What else do they contain? Reasonable
21 accommodations.

22 COUNCIL MEMBER ROSENTHAL: Wait. It's a
23 link from your website to the agencies?

24 CHARISE TERRY: The link from DCAS, from
25 the agencies. It's a link that--that's in the--the

2 format that DCAS gives the agencies that links to
3 DCAS in some way.

4 COUNCIL MEMBER ROSENTHAL: Right, we tried
5 the--

6 CHARISE TERRY: [interposing] We have
7 requested, right, to try get access to the link, but
8 we haven't been able to.

9 COUNCIL MEMBER ROSENTHAL: so, you don't
10 have access to the link?

11 CHARISE TERRY: No, and I think we also
12 copied you on our recent letter where we asked for a
13 summary of complaints from the DCAS.

14 COUNCIL MEMBER ROSENTHAL: But wait, but I
15 cannot. I'm catching up and--and I don't mean to
16 grill you because basically the answer to this whole
17 situation is you guys clearly need more resources--

18 CHARISE TERRY: [interposing] Right.

19 COUNCIL MEMBER ROSENTHAL: --and I think
20 that would really settle so many of these issues, but
21 we're also having problems with getting this
22 information that we're supposed to be getting, and
23 for links working or not working. So, could you
24 just--and we can meet. It doesn't have to be this

2 open hearing, but--so you're supposed to get from DCAS
3 information about--

4 CHARISE TERRY: Well, yes.

5 COUNCIL MEMBER ROSENTHAL: --al the EEO
6 information for each agency. You're--you're supposed
7 to be able to see that because they have that
8 information, and then you look at it, write a report
9 about it?

10 CHARISE TERRY: Right but--

11 COUNCIL MEMBER ROSENTHAL: [interposing]
12 And you don't have access to that? That link doesn't
13 work for you either?

14 CHARISE TERRY: No, we don't have access
15 to it, correct.

16 COUNCIL MEMBER ROSENTHAL: But like do
17 you--have you written a letter to the Mayor or to DCAS
18 saying yo?

19 CHARISE TERRY: Yes, and actually we
20 copied you on the last letter--

21 COUNCIL MEMBER ROSENTHAL: Okay.

22 CHARISE TERRY: --we sent. Yes.

23 COMMISSIONER REESE: Yes, you did.

24 CHARISE TERRY: And the--the Speaker.

2 COUNCIL MEMBER ROSENTHAL: Okay, the
3 Speaker. I'd be interested in following up on that
4 because we're obviously doing a lot of tracking on
5 the sexual harassment topic.

6 CHARISE TERRY: [interposing] I know we
7 copied you because I was the loud mouth.

8 COUNCIL MEMBER ROSENTHAL: And—and I
9 appreciate you for that. [laughter] You know and I
10 will say there's one thing. I mean and we should sit
11 down after this hearing, but in reviewing the reports
12 they've released, they're remarkably thin. You know
13 the responses to the climate surveys for example are
14 so completely lumped together for the entire city
15 that it defies the original point of having the
16 report to see whether or not one agency is doing
17 better than another in terms of how well people—how
18 comfortable people feel in the workplace.

19 COMMISSIONER REESE: Uh-hm. You are
20 underscoring the point I was making I think before
21 you entered, which is the reason as to why we need a
22 labor economist. We need to have someone who's
23 skilled in knowing what the workforce is surrounding
24 us to know whether or not we have—we are really
25 under-utilizing employees within the city.

2 COUNCIL MEMBER ROSENTHAL: As usual,
3 really appreciate the work that you're doing. Thank
4 you very much, Chair. I just have to get back to the
5 other hearing.

6 CHAIRPERSON EUGENE: Thank you very much,
7 Council Member Rosenthal. Thank you very much. In
8 term of discrimination, what is the discrimination
9 you found that most common in term of discrimination
10 complaint and when you address the cases, the issues,
11 what type of discrimination you found most common?

12 COMMISSIONER REESE: We would have to
13 look back into the information to answer that
14 question. Right now we're focused on sexual
15 harassment policies.

16 CHAIRPERSON EUGENE: Uh-hm.

17 CHARISE TERRY: So, we would have to take
18 a comprehensive look at the discrimination complaint
19 information.

20 CHAIRPERSON EUGENE: I'm talking about
21 discrimination in term of jobs.

22 CHARISE TERRY: In terms of employment.

23 CHAIRPERSON EUGENE: Jobs, employment.

24 COMMISSIONER REESE: In—in order to give
25 you a fair answer, I think the Executive Director is

2 being accurate. We'd have to go back and look at
3 that data. To try to do it by just shooting from the
4 hip and saying it's against women or it's against or
5 it's against people of color, I think is just unfair
6 or it's against males in some job titles. I don't
7 think we—I don't think we off the top of our heads
8 know the answer

9 CHARISE TERRY: And not—

10 COMMISSIONER REESE: We'd have to look at
11 the data.

12 CHARISE TERRY: But not even that. The
13 last time we got aggregated discrimination complaint
14 information was in 2015. We brought this issue to
15 the Council I think the last time we presented
16 testimony, but we've been trying to get it from DCAS
17 since then, and we haven't been able to.

18 CHAIRPERSON EUGENE: Can you forward it
19 to—to my Office of the City Council the data you have
20 in terms of job discriminations?

21 CHARISE TERRY: Job discriminations?

22 CHAIRPERSON EUGENE: Yes, in terms of
23 how—you know, regarding races and, you know,
24 ethnicity and stuff like that?

25

2 CHARISE TERRY: That would be complaint
3 information.

4 CHAIRPERSON EUGENE: Yes.

5 CHARISE TERRY: And that's the
6 information that we're not getting from DCAS.

7 CHAIRPERSON EUGENE: Okay.

8 CHARISE TERRY: So, in order for us to do
9 the complain information, we would have to request it
10 from every city agency, and we would have to I guess
11 give them a period, a set period to report which
12 complaints they've had, which we can do, and it would
13 take us time, but DCAS has that information. The
14 agencies are required to put it in a link that we
15 can't access.

16 CHAIRPERSON EUGENE: Yeah, but part of
17 your ways to oversee that and to ensure that, you
18 know, you can have an idea in terms of--

19 CHARISE TERRY: Well, this is what we've
20 requested and way at the beginning of the sexual
21 harassment, Stop Sexual Harassment in Employment Act,
22 we did request the information once again.

23 CHAIRPERSON EUGENE: Okay.

24 CHARISE TERRY: We made three request.
25 We copied the Council in the last request because

2 the-DCAS wasn't responsive. However, I would say
3 since then DCAS has contacted us, and they said that
4 they would be willing to-to give us the information,
5 but we have-we're having-

6 COMMISSIONER REESE: They're exploring
7 it.

8 CHARISE TERRY: Right, they're exploring
9 it, and we're supposed to-actually, we requested a
10 meeting with them to figure out why we couldn't-we
11 can't get access to the information.

12 CHAIRPERSON EUGENE: So what DCAS is-DCAS
13 is doing with the complaint with the data that they
14 have. What-what they are doing with it?

15 CHARISE TERRY: We don't know. To our
16 understanding agencies they send the format out.
17 Agencies have a link where they can click and they
18 can enter their complaint information, and we don't
19 know it's in there because we can't get to it.

20 CHAIRPERSON EUGENE: Hm.

21 COMMISSIONER REESE: But just to-we do
22 when we do audits look at job titles and look at the
23 composition of the employees within those job titles,
24 but that doesn't answer your question. As to-I think
25 your question is what's the major complaint in terms

2 of job discrimination, and that would have to do
3 with—we would have to have access to the complaint
4 information in order to meaningfully answer your
5 question--

6 CHAIRPERSON EUGENE: So, can you give us--
7 -

8 COMMISSIONER REESE: --would know that
9 it's to the Fire Department, and in a particular job
10 titles there were no females, and it was
11 overwhelmingly one ethnic group or another, but that
12 doesn't—that may answer some questions, but not the
13 question you're asking.

14 CHARISE TERRY: Yeah, that's an issue of
15 underutilization. It's just different from whether
16 or not people are filing complaints. That's all.

17 CHAIRPERSON EUGENE: Can you give us
18 some—a few detail, more detail about your process
19 audit, the, you know, the—the—your process when you
20 do audits?

21 CHARISE TERRY: The current audit now?

22 CHAIRPERSON EUGENE: Yes

23 CHARISE TERRY: the protocol or--?

24 CHAIRPERSON EUGENE: The process, the
25 protocol if you want.

2 CHARISE TERRY: Okay. So, when we begin
3 an audit, we send—well, we send an initiation letter
4 telling the agency that we're going to audit them.
5 Primarily we send it based on the fact that we have
6 haven't gotten to the agency within the last four
7 years, and the Charter says that we should audit
8 every agency one every four years. We send an
9 engagement letter, we recruit—we tell the agency that
10 they can request a conference if they need an
11 explanation. Most agencies don't. Then we send a
12 follow-up survey. We send a follow-up—we send a link
13 to a follow-up survey, which—well it's about five
14 surveys. One has to do with the distribution of
15 their policy and how they are getting the policies
16 out to employees. Another has to do with the
17 complaint processes, and we don't look at whether or
18 not there are findings of discrimination in each
19 complaint. But we do—do look at the—the complaint
20 practice and whether or not it affords employees an
21 interactive process to have their complaints voiced,
22 and that they are addressed within a reasonable
23 amount of time, and that if there's any change such
24 as maybe the employee decides not to file a complaint
25 or to withdraw the complaint that the agency is

2 documenting all of the steps in the process
3 accurately. So we look at the complaint process. We
4 look at the distribution of the policies. We look at
5 whether or not there's a way to file an anonymous
6 complaint. We look at whether or not the--the agency
7 head--how the agency head holds managers and
8 supervisors for cooperating with agency's policies.
9 We look at whether or not the policies are available
10 to people with disabilities, and that includes
11 providing a reasonable accommodation process also.
12 Did I miss anything? We look at the agency head's--we
13 look at the agency head's policy statement, and
14 laying the foundation for--for the agency. We look at
15 whether there is internal training for an--

16 COMMISSIONER REESE: [interposing] It is
17 important. (sic)

18 CHARISE TERRY: Right, non-discrimination
19 training informing employees on their rights and
20 responsibilities in--in employment. This--this is
21 actually for the sexual harassment prevention and
22 procedures audit.

23 COMMISSIONER REESE: Right.

24 CHARISE TERRY: So, there are different
25 audits we do. Right now, this is the audit that

2 we're conducting. So, we look at all of those things
3 under-with relation to sexual harassment. Once the
4 agency has-so, we have new electronic process where
5 if the agency answers the question on the survey we
6 put a lot of work into meticulously having a
7 breakdown of questions that inform us on whether or
8 not the agency has met the standards that we put
9 forth. If an agency answers yes that they have a
10 policy, our system tell them to upload the policy.
11 So, we're able-if they answer yes for anything, we're
12 able to see how they've demonstrated that they, in
13 fact, are in compliance with that standard. At the
14 end of us analyzing all of the uploads and looking at
15 all of the questionnaires that the agency has filled,
16 we may have follow-up questions here or there. We do
17 a conference. We tell the agency that this is a
18 preliminary review of what-of-of your outstanding
19 areas or the areas of non-compliance. We give them
20 a couple of days to-if there's anything that we
21 missed they can correct it, and then we issue what we
22 call or the Charter says is a preliminary
23 determination of their area-their areas of compliance
24 and non-compliance. The agency has two weeks to
25 respond to the preliminary determination. Once they

1 respond, we—they tell us how they are going to
2 address the issue or how they have addressed the
3 issue. Some agencies argue about the findings that
4 we've made. Once we factor in any feedback the agency
5 has given us, we issue a final determination. That's
6 where the Commission votes and says our findings at
7 this point are final and the Charter says we should
8 put the agency into a period for up to six months
9 where they tells monthly how they are going to
10 implement our correction actions. Some agencies
11 implement them in one month. Other agencies take six
12 months. It depends on the corrective action. At the
13 end of that, the commission looks at the agencies—
14 well, our staff looks at the agencies' implementation
15 of any of the actions, and the Commission determines
16 whether or not the agency is in compliance. The
17 Commission votes. We issue a Certificate of
18 Compliance, and we see the agency in four years.

20 COMMISSIONER REESE: What is clear is we
21 have no penalty, and we have and certainly
22 recommended to the last Charter Revision Commission
23 that we be given the ability to have some sort of
24 penalty because if we have an entity that wishes not
25 to comply, there's very little we can do other than

1 telling the Mayor and in some sense they're not even
2 mayoral agencies that there as been non-compliance.

3
4 COMMISSIONER CABRERA: And for non-
5 mayorals the Charter says we can do the same. For
6 mayoral agencies we can tell--ask the mayor to
7 intercede and direct the agency to comply and for
8 non-mayorals we can issue a report and essentially I
9 guess it amounts to shaming agencies just giving the
10 agency a non-compliance status.

11 CHAIRPERSON EUGENE: And that's it?

12 COMMISSIONER CABRERA: Yes, we have no-

13 CHAIRPERSON EUGENE: There's no other.

14 JUDITH GARCIA QUINONEZ: That's no
15 penalty. In that--in our [background comments]
16 [laughs] Right and in our recommendations to the
17 Charter Revision Commission we asked that perhaps one
18 of the penalties could be that we can issue a report
19 to agencies like the Comptroller, the Mayor's Office
20 and tell the agents and OMB and tell the agencies
21 that are responsible for giving the agency money that
22 they should restrict an employment practice, which we
23 find to be--which we find to be a barrier, which would
24 essentially restrict the agency from using that and

2 hiring. It's tantamount to like a hiring freeze
3 until they implement the corrective action.

4 CHAIRPERSON EUGENE: Well.

5 COMMISSIONER REESE: That's our
6 recognition. We want to recognize and share with you
7 what we wrote. It's in our Annual Report, yes. So
8 that's one way that we can have some peace, but the
9 Charter is what it is.

10 CHAIRPERSON EUGENE: Okay, but in term of
11 diversity within the agencies, we know that seven
12 agencies they have been trying to improve the
13 diversity within the agencies, but it seems that
14 there have been only at the lower ranks not at the
15 higher ranks. So, is there anything that you have
16 been doing to ensure that the improvement of the
17 diversity goal across the ranks, and then at the
18 lower level and the higher level? Especially in the
19 uniform agencies that-

20 COMMISSIONER REESE: That's where I think
21 Local Law 13 can help. Okay. I believe that's where
22 Local Law 13 can help because a portion of what you
23 would be looking at is under representation all over
24 the agency not necessarily just in the lower ranks.
25 I would assume that's a portion of why it has been

2 made into legislation. Looking at the—the—looking at
3 promotion, and we, in fact, did have a conference on
4 promotion. So, we are attempting to do that. In the
5 agency's employment, what we call the employment
6 practices audits, which we have I guess postponed
7 since the sexual harassment Act came into effect
8 because now we're auditing agencies on sexual
9 harassment, we look at utilization and adverse
10 impact. Well, we require the agencies to do a
11 utilization analysis. Most mayoral agencies already
12 have a utilization analysis in the citywide Equal
13 Employment Opportunity Database system. It's called
14 feeds (sic). DCAS controls that database system. We
15 look at—we take the underutilization numbers and we
16 ask the agencies: Have you studied your
17 underutilization numbers? And for the titles that
18 are either discretionary we ask them how have they
19 fortified their recruitment resources so that they
20 can do outreach to the under-utilized groups, and for
21 civil service titles we ask them if they've had
22 meetings with DCAS and if they've addressed
23 [coughing] with DCAS the fact that the Civil Service
24 titles if they've looked at ways that they can change
25 the criteria to—so that we—they change the applicant

2 pool so that, you know, they'll have more minorities
3 in the applicant pool. Civil Service tests are a
4 little bit more difficult, but we do that in that
5 audit. We look at their recruitment resources. We
6 look at whether or not they're doing outreach to
7 minorities, and specifically for the titles that have
8 underutilization and this is the audit that's more in
9 line with Local Law 13. That's where we look at the
10 agency's efforts to correct any underutilization that
11 may be present. Commission Reese was—was just
12 speaking about a conference that we held last year.
13 I think we also invited the—the Council, but we did a
14 report on occupational segregation, and which is a
15 different issue, but it looks at the slotting I guess
16 of certain races and genders into certain titles.
17 So, there may not be underutilization because most
18 people or most let's say uniform titles may be
19 predominantly male. So, the applicant who may be
20 predominantly male or the labor pool that goes into
21 these titles may be predominantly male. It may not
22 cause under-utilization, but they may be—there may be
23 a slotting of gender into certain titles like certain
24 uniform titles may be heavily male, certain
25 secretarial titles may be heavily female. So, we

2 explore that phenomenon so to speak in our conference
3 last year, and we have a report of it in our annual
4 report for 2018. [pause]

5 CHAIRPERSON EUGENE: We are talking about
6 diversity and also fairness and New York City as you
7 know is a place we call it Rainbow, we call New York
8 City Rainbow or American Pot because of the diversity
9 of people living in New York City, and people are
10 entitled of all the services that New York City
11 provides, and our agency I believe we will do a
12 better job when we diversify our own staff when we
13 put people from different backgrounds as many as we
14 can, people who speak different languages and other
15 for us that are at our institution to be able to
16 better serve the people of New York City who belong
17 to so many communities so many groups. Could you
18 tell me about—could you tell us about the diversity
19 inside EEP?

20 COMMISSIONER REESE: At our agency?

21 CHAIRPERSON EUGENE: Yes, how is the
22 diversity at your agency?

23 CHARISE TERRY: How diverse? Our—I think
24 our—the agency is actually the most diverse it's
25 been.

2 COMMISSIONER CABRERA: There finally are
3 some men. [laughter]

4 CHARISE TERRY: No, so, our-it starts
5 with our commission. Our commission we don't have a
6 chair.

7 CHAIRPERSON EUGENE: I'm sorry.

8 CHARISE TERRY: --but it starts with the
9 Commission members. We have diversity in our
10 Commission members. We have Hispanic. We have
11 white, we have black, we have Indian, and it's-it's
12 in our staff, too. We have Asian, we have black, we
13 have Hispanic, we have white. Every race in our 13-
14 member staff.

15 CHARISE TERRY: We also have men and
16 women.

17 COMMISSIONER CABRERA: Right. So, trust
18 me, we truly agree with the spirit of Local Law 13,
19 and we want to look at it and we want to address it
20 in a meaningful way because this is something that we
21 care about.

22 CHARISE TERRY: My statement is that for
23 the workforce of the city or to resemble the
24 population of the city, which is exactly what I think
25 you were you saying.

2 COMMISSIONER CABRERA: Right.—

3 CHARISE TERRY: And we are attempting to
4 have that happen as best we can.

5 CHAIRPERSON EUGENE: When I was speaking
6 previously I mentioned that your request (sic) was a
7 little bit expensive due to your budgets, but—but I
8 do believe that in order for you to have a better
9 representation of different communities or different
10 people, you need a budget for that or you need
11 resources.

12 COMMISSIONER CABRERA: Yes.

13 CHAIRPERSON EUGENE: And I hope that you
14 can have the resources that you requested because
15 honestly, if we want to have a good representation
16 and different agencies in order to better serve New
17 Yorkers, we need resources, but I agree with you.
18 And my last question is did you publish the
19 underutilization of funding that you are facing.

20 COMMISSIONER CABRERA: You said did we--?

21 CHAIRPERSON EUGENE: [interposing] Did
22 you publish that underutilization?

23 COMMISSIONER CABRERA: Oh, did we publish
24 it?

25

2 CHAIRPERSON EUGENE: The findings—the
3 findings?

4 COMMISSIONER CABRERA: No

5 CHAIRPERSON EUGENE: When you do find it
6 in your research—in your research, what you do with
7 the result of your research, you findings? Do you
8 publish them?

9 COMMISSIONER CABRERA: The—well, we did
10 send the Occupational Segregation Report that we did.
11 It's on our website. So, what we do is we send—it's
12 a part of our Annual Report, but what we do is we
13 send a link to our annual Report to all of the city
14 agencies. We just send an email with a link, and
15 invite city agencies to review our annual report, and
16 it pretty much has everything that we've done and all
17 of the issues that we've explored in it.

18 COMMISSIONER REESE: [off mic] Didn't we
19 send a separate pack to the people who attended?. We
20 did a final report that we sent to all the attendees
21 a conference piece.(sic) I found it.

22 COMMISSIONER CABRERA: Right, but that's
23 primarily EEO, EEO and HR staff at the city agencies.

24 CHAIRPERSON EUGENE: But in addition to
25 sending them to the city agencies, do you publish

2 them on the Internet and brochures and do have, you
3 know, did the public have access to your report?

4 COMMISSIONER CABRERA: Through our
5 website. We—a part of our request is also a printing
6 budget [laughs because we don't have a printing
7 budget. We just basically publish our report
8 electronically.

9 CHAIRPERSON EUGENE: Uh-hm.

10 COMMISSIONER CABRERA: So, we don't print
11 hard copies of our reports.

12 COMMISSIONER REESE: on the other hand,
13 everything is digital these days. So, the fact that
14 we are merely digital probably is okay. So, it is
15 available on our website.

16 CHAIRPERSON EUGENE: Okay.

17 COMMISSIONER REESE: But we did put
18 together for the people who participated a report of
19 the conference. We're speaking about public reports
20 and that's one of the—that's one of the areas that
21 we've built into the responsibility for these
22 individuals creating some sort of a public access so
23 that we can—we would be able to have a lighter
24 viewership of these right, reports.

2 CHAIRPERSON EUGENE: Okay. Thank you so
3 very much for your testimony, and thank you for what
4 you're doing.

5 COMMISSIONER REESE: Thank you.

6 CHAIRPERSON EUGENE: The wonderful job
7 that you are doing every single day.

8 CHARISE TERRY: I just wanted to say I
9 wonder also if you could help us with DCAS to respond
10 to some of the things that we have mentioned, and I
11 think that this agency is so important that people
12 wonder what's going on in the city of New York. Are
13 we really promoting and hiring people that are black,
14 yellow, of course, white, but the thing is that we
15 have to show that, and it's people really coming out
16 of the city of New York, the city agencies, of all
17 natures, and I think that this agency is so important
18 to this city of New York and we'd love to have it,
19 but thank you very much.

20 CHAIRPERSON EUGENE: Thank you so very
21 much. I wrote it down already. It's here,
22 [laughter] and I got to say also your budget is very
23 limited for what you have to do. I thank you so much
24 on behalf of the City of New York for what you are
25 doing. Thank you.

2 COMMISSIONER CABRERA: Being somewhat
3 sarcastic, a half a million out of 83 billion is not
4 a whole lot of money.

5 CHAIRPERSON EUGENE: Thank you very much
6 and have a nice day.

7 COMMISSIONER REESE: Thank you so much.

8 CHAIRPERSON EUGENE: Thank you. [pause]
9 Now we are calling the next panel. Erica Gonzalez,
10 and Soledad Latino (sic) from rom Workers Justice
11 Project.

12 TRANSLATOR: You know what, not that
13 isn't on.

14 CHAIRPERSON EUGENE: Is it on? Uh-huh.
15 That's okay. [pause] Thank you very much. You can
16 start any time, but just state your name for the
17 record. [pause]

18 ERICA GONZALEZ: My name is Erica
19 Gonzalez.

20 TRANSLATOR: I am Soledad LaPino.
21 [pause]

22 CHAIRPERSON EUGENE: Go ahead, please.

23 ERICA GONZALEZ: [Speaking Spanish]

24 TRANSLATOR: Good morning Chairman Eugene
25 and distinguished members of the Committee on Civil

2 and Human Rights. My name is Erica Gonzales. I am
3 Mexico. I am a member of the Workers Justice Project
4 and I would like to tell you a little a part of my
5 story. First, I want to thank you for the first
6 opportunity to testify today.

7 ERICA GONZALEZ: [Speaking Spanish]

8 TRANSLATOR: I experienced discrimination
9 in a factory where I worked for 10 years. The
10 manager discriminated Mexican women for our way of
11 speaking referring to us in undermining attitude and
12 distributing work unfairly.

13 ERICA GONZALEZ: [Speaking Spanish]

14 TRANSLATOR: The manager made fun of us
15 Mexicans for what we ate, our culture and how we
16 dressed. She had grotesque expressions and we were
17 under-appreciated and she had no shame in using
18 offense vocabulary when referring to us in front of
19 everyone.

20 ERICA GONZALEZ:[Speaking Spanish]

21 TRANSLATOR: Also she would give
22 professional treatment to the men. Men would do the
23 light work while women had to do heavy loading. She
24 also favored people from her culture by giving them
25 simple tasks like putting stamps on envelopes while

2 us the Mexicans were asked to carry heavy bags. We
3 ended up suffering ergonomic problems while others
4 were sitting comfortable in chairs.

5 ERICA GONZALEZ: [Speaking Spanish]

6 TRANSLATOR: The owner would always
7 justify the manager. There was a time when a co-
8 worker had an argument with the manager and the owner
9 asked her to apologize so the manager would feel
10 well. My co-worker refused, left the job and ended
11 up taking a part-time outside the factory because the
12 situation was unsustainable.

13 ERICA GONZALEZ: [Speaking Spanish]

14 TRANSLATOR: Once I was fired, I
15 submitted a complaint to the Commission of Human
16 Rights. That's when I found out that I was not only
17 being discriminated for being Mexican, but also I
18 experienced gender discrimination simply because I
19 was woman. Regrettably, it has been almost three
20 years, and I have not heard either from my lawyer nor
21 from the Commission on Human Rights.

22 ERICA GONZALEZ: [Speaking Spanish]

23 TRANSLATOR: The Worker Justice Project
24 was my salvation because when I left the factory I
25 went into a terrible depression. For 10 years I went

2 from my house to the factory, from the factory to my
3 house. I had no friends or family outside of work.
4 Luckily a friend took me to the Workers Justice
5 Project and there I participated in for the first
6 time in the meaning of a domestic woman.

7 ERICA GONZALEZ: [Speaking Spanish]

8 TRANSLATOR: Listening to these stories
9 moved me because I realized there was discrimination
10 in other branches of work. These women were forced
11 to clean on the knees. They could not eat. They
12 almost did not give them water to drink, and they had
13 to comply with a series of rules that make them
14 stand. These women were being humiliated. I had a
15 lot of anger because of what I had gone through, and
16 now to meet these women told me that I had to do
17 something to support them and make a change in
18 society.

19 ERICA GONZALEZ:[Speaking Spanish]

20 TRANSLATOR: Workers Justice Project gave
21 and continues to give me many trainings such as OSHA
22 training, leadership trainings and being part of
23 several workers committees like boroughs and in
24 Latin. (sic) They are fighting for justice and
25

2 dignity of workers. It also allowed me to be part of
3 a cleaning cooperative called Apple Echo Cleaning.

4 ERICA GONZALEZ: [Speaking Spanish]

5 TRANSLATOR: This organization became my
6 new house because every day I had something to do
7 inside or with the Workers Justice Project. In these
8 almost three years I have grown into a person as a
9 leader. What I most appreciate of the Workers
10 Justice Project is that they helped me empower myself
11 to find my voice. I am a leader and I have a voice
12 that people listen to what I want to communicate.
13 Thanks to Workers Justice Project not only am I
14 becoming a mentor to the new committee members, but I
15 also have learned English. I'm about to graduate
16 from TASK which is before DED, and soon I will start
17 a career focusing on health and safety.

18 ERICA GONZALEZ: [Speaking Spanish]

19 TRANSLATOR: Today more than ever we
20 depend on our center to continue fighting, learning
21 and contributing to the economy of the city. I'm
22 here to ask that in this new Fiscal Year you support
23 the Day Labor Centers with \$3.6 million so that my
24 center and other centers can continue to exist and
25 support my community.

2 ERICA GONZALEZ: [Speaking Spanish]

3 TRANSLATOR: In conclusion, thank you for
4 the opportunity to testify. We hope you will
5 consider the Day Labor—the Day Laborers and
6 Cooperative Centers as part of your priorities during
7 this year's budget negotiation process and we look
8 forward to continuing to work closely with you.

9 ERICA GONZALEZ: [Speaking Spanish]

10 TRANSLATOR: Thank you for giving me the
11 time to express myself, and to join our struggle. We
12 hope to continue counting on your support so that we
13 continue to change people's lives as mine has been
14 changed. Thank you.

15 CHAIRPERSON EUGENE: [Speaking Spanish]

16 I'm sorry. Thank you very much, much you know.
17 Thank you so very much for your—for sharing your
18 stories.

19 TRANSLATOR: [Speaking Spanish]

20 CHAIRPERSON EUGENE: And I want to thank
21 you also for your courage.

22 TRANSLATOR: [Speaking Spanish]

23 CHAIRPERSON EUGENE: I want to let you
24 know that New York City the United States and the
25 society should be a place where everyone should feel

2 comfortable and to work to pray and to do whatever he
3 or she wants to do.

4 TRANSLATOR: [Speaking Spanish]

5 CHAIRPERSON EUGENE: All of us regardless
6 of the ethnicity, regardless of where we came from ,
7 regardless of our religion or political affiliation,
8 of faith and our belief, our culture we are all human
9 beings. We belong to the same human being family.

10 TRANSLATOR: [Speaking Spanish]

11 CHAIRPERSON EUGENE: We have the same
12 rights.

13 TRANSLATOR: [Speaking Spanish]

14 CHAIRPERSON EUGENE: And I know that you
15 re speaking for many other people who don't have the
16 opportunity to come over here to share with us their
17 stories.

18 TRANSLATOR: [Speaking Spanish]

19 CHAIRPERSON EUGENE: And don't let nobody
20 undermine you. You have the same rights, the same
21 privileges. You have the same values.

22 TRANSLATOR: [Speaking Spanish]

23 CHAIRPERSON EUGENE: So, but I got only
24 one question for you. What did you do when you were
25 facing the discrimination? When you were seeing that

2 you were discriminated in your work place, what did
3 you do? Or let me put it another way. Did you know
4 about the Human Rights Commission?

5 TRANSLATOR: I'm going to do both
6 question, though. [Speaking Spanish]

7 ERICA GONZALEZ: [Speaking Spanish]

8 TRANSLATOR: [Speaking Spanish]

9 ERICA GONZALEZ: [Speaking Spanish]

10 TRANSLATOR: She got fired because she
11 was organizing the other members of the factory to
12 fight against this discrimination. They were trying
13 to organize them to stop this discrimination in the
14 workplace.

15 ERICA GONZALEZ: [Speaking Spanish]

16 TRANSLATOR: And she found out about the
17 Commission of Human Rights when she was already out
18 of the factory, and a lawyer was the one that
19 introduced the Commission to her.

20 CHAIRPERSON EUGENE: Okay. Well, thank
21 you very—thank you very much, and thank you again.

22 TRANSLATOR: Thank you.

23 CHAIRPERSON EUGENE: And I appreciate,
24 you know, your testimony. Thank you and thank you to
25 you also for translating for her. Thank you, and God

2 bless you both. Thank you. Now we are calling the
3 next panel. Annie Carforo, from Neighbors Together;
4 Ramon Vulgan; Janice Flores; Tyler Tanner, Anti-
5 Family Lives. [background comments/pause]

6 ANNIE CARFORO: Hello. Thank you for
7 having us here. My name is Annie and I'm from
8 Neighbors Together. I'm here with a number of my
9 members and we're here to talk about the Source of
10 Income Unit at the Commission on Human Rights. I'm
11 going to pass it over to my member Tyler to give his
12 give his testimony.

13 CHAIRPERSON EUGENE: Thank you very much
14 to all of you, and thank you for your testimony and
15 thank you for being here, but each one of you because
16 of the time factor, because they are going to have
17 another public hearing in this room. We have to
18 leave soon. Each one of you, you have two minutes.
19 Thank you very much. Thank you. Do you want to
20 start? You got to start by stating your names please
21 for the record, please.

22 TYLER TANNER: Say again? Greetings. I'm
23 glad you all are willing to hear me. [coughs] I'd
24 like simply to give my testimony. So, I'm here to day
25 to bring light to the very real source of income

2 problem and discrimination. It is my hope that the
3 elected officials will take into consideration the
4 urgent need to better staff the Source of Income Unit
5 at the city Commission for Human Rights, and to
6 enhance the work that they are doing for the housing
7 market. To my experience looking for housing with my
8 LINK Voucher the City Phelps Voucher. I can attest to
9 the gross amount of voucher discrimination that
10 exists not-not to even mention how low it actually
11 is, but over and over you-you-you call, you-you apply
12 to these places, you meet the requirements. Your-
13 your Voucher covers the amount, and in my own
14 personal case, I've been the first there to-to submit
15 an application, met all the requirements, and
16 mysteriously, strangely, you're never picked. You end
17 up paying these application fees. Someone that's
18 homeless cannot just continue to pay fees at
19 sometimes \$100 or more over and over, and especially
20 like if you're really looking for a place you-you-
21 you're-you're going to more than one place. So, the
22 transportation costs, and these fees is-is-that's
23 crazy. Sometimes after you reach out with your
24 voucher, you-you see the landlord, you know, will
25 increase the rent to just above the voucher threshold

2 systematically disqualifying you and all other
3 voucher holders. Landlords go through outrageous
4 lengths to circumvent the--the system and--and [bell]
5 exclude--and exclude voucher holders. I'm--I'm--are my
6 two minutes up? I know for a fact working with
7 Neighbors Together we have even recorded people and
8 they--they act with impunity with--with fear--without
9 fear of--of any type of punishment, but even knowing
10 that they are--they are recorded. What's their
11 justification? I hear sometimes that they say
12 voucher holders are, you know, a lowly type people or
13 things like that, but I--I don't see that as a good
14 excuse, and they are circumventing the law. They
15 should be punished especially with some of the
16 conditions in some of the shelters, which I would
17 think personally that anybody would walk a straight
18 line--

19 CHAIRPERSON EUGENE: [interposing] I'm
20 sorry, but your time is over. Can we have--we have
21 your testimony, right?

22 TYLER TANNER: Yes.

23 CHAIRPERSON EUGENE: Okay, I'm sorry
24 about that because --

2 TYLER TANNER: [interposing] No, no
3 that's fine.

4 CHAIRPERSON EUGENE: --because of a time
5 factor.

6 TYLER TANNER: Alright, appreciate you
7 all being here.

8 JANICE FLORES: Hello. My name is Janice
9 Flores and I'm a 62-year-old single woman. I've been
10 an amulette driver for over 18 years, which took a
11 toll on my body, and I was forced into early
12 retirement. I was fortunate enough to get a housing
13 voucher in September of last year. Unfortunately, I
14 have quickly learned the harsh reality of using a
15 voucher in NYC. Source of income discrimination has
16 led me to dead end after dead end in my housing
17 search. Every call is a listing--to a listing
18 available to apartment is more or less the same. I
19 get my hopes up. I call the number listed, and the
20 broker quickly asks me about my income. I tell them
21 I have a voucher, and the conversation more or less
22 ends there. I can't believe how hard it's been to
23 find an apartment when I was driving and saw all
24 these apartments being built. I thought surely I'd
25 be able to find one that would take my voucher. Yet,

1 every attempt to use it has been shut down before I
2 can even get my foot in the door. About a month ago,
3 I went to a Know Your Rights training for voucher
4 holders, and I was introduced to the Source of Income
5 Unit. The Source of Income Unit is fighting on the
6 front lines against bad actors. They protect the
7 voucher holders from exploitation. A couple of weeks
8 ago the unit was able to refund an application fee a
9 management company had charged me before
10 discriminating anyway leaving me again without an
11 apartment, and \$100. This unit is working almost
12 around the clock, and is making huge strides, and
13 making the housing market a little more accessible,
14 but I want to be very clear, they are truly
15 understaffed. Source of income discrimination is so
16 widespread and so deeply entrenched in the landlords'
17 behaviors that the current staff of five is not
18 enough to properly address this problem. If the size
19 of the unit was doubled, they would have a greater
20 chance at ending income discrimination once and for
21 all and reduce our homeless population. I' here
22 today to emphasize that this unit under the City's
23 Commission of Human Rights is critical to confronting
24 the voucher discrimination that is keeping so many
25

2 people homeless. Without this unit, our vouchers are
3 a waste of time and paper. Source of income
4 discrimination is real. [bell] Please give this unit
5 the staff and resources it needs to do whatever is
6 asks of them. [bell] Thanks in advance.

7 CHAIRPERSON EUGENE: Thanks very much.

8 JANICE FLORES: You're welcome.

9 CHAIRPERSON EUGENE: Thank you.

10 TIFFANY LIONS: Hello. My name Tiffany
11 Lions (sic) and I'd like to thank you for this the
12 opportunity to testify. I have a city Phelps Voucher
13 and I've been looking for housing for a year and a
14 half. I'm in the process of securing a lease through
15 the Source of Income Unit at Commission on Human
16 Rights. When I was making calls on my own, I was
17 getting nowhere, and it was dev-it was a devastating
18 experience. When you first get your voucher, you
19 tell yourself it's only going to be a month, maybe
20 three at most because you're motivated to find a
21 place, and then it seems within the blink of an eye
22 six months have gone by. It's not that you're not
23 trying, and like nobody to turn to phone calls and
24 your emails. It's as if you don't exist because
25 you're homeless. You start to lose hope and doubt

2 yourself and question the things that you're doing as
3 a parent all while making these pointless phone
4 calls, and as time continues to pass, the vouchers
5 start to expire, and you find that you still haven't
6 found a place, and you start to lose hope. I found
7 the Source of Income Unit and a CCHR through a friend
8 that had gone through a similar situation at the time
9 when I was at the end of my rope. Not only were the
10 people at the unit kind and understanding, they
11 replied back to my emails and phone calls within 30
12 minutes or less, and when you're used to waiting a
13 month just to hear denial, it's a massive impact to
14 how somebody considers—to have someone consider your
15 time, and know what you're going through. They
16 reached out to a broker and guide to take us on a
17 tour of a property, something I thought that honestly
18 would never happen. I'm working to lease—now working
19 out a lease for an apartment that I was told did not
20 exist thanks to CCHR. The work that this unit is
21 doing is shining a light on the amount of
22 discrimination that's currently going on. When it
23 comes to housing discrimination, it tends to happen
24 behind closed doors, and can be difficult to prove.
25 There are not a lot of places you can go to get help.

2 I've gone to HR centers [bell] and they've pointed at
3 posters on the wall and told me call the number.

4 [bell]

5 CHAIRPERSON EUGENE: Thank you very much.
6 Thank you. Next one.

7 RAYMOND BROWN: Good morning, good
8 morning. My name is Raymond Brown. I was born and
9 raised in Harlem, New York. It hurts me to see all
10 the changes that are taking place in this city and
11 knowing that I am not going to be able to afford to
12 live in here. I just recently got a city Phelps
13 Voucher. I have a room. You know, you got to excuse
14 me. I'm going to get-

15 CHAIRPERSON EUGENE: That's alright.

16 RAYMOND BROWN: --I'm so nervous.

17 CHAIRPERSON EUGENE: Take your time.

18 That's okay, then.

19 RAYMOND BROWN: Okay, while I was in the
20 shelter, my case manager told me that the only thing
21 that would be available for me were rooms. Well, I
22 took-took-oh, I'm sorry.

23 CHAIRPERSON EUGENE: Okay.

24 RAYMOND BROWN: I took-I-

25

2 CHAIRPERSON EUGENE: That's okay. Go
3 ahead please.

4 RAYMOND BROWN: Okay, I-I took the first
5 thing that was offered to me with the voucher, which
6 was a room. They put three men in an apartment to
7 share, and it's not-not good, not helpful, not
8 conducive because-because of one person's actions,
9 everybody will be-can be asked to leave, and that has
10 happened to me already. You know, and it's not a
11 good thing, you know. Read-they tell us that all
12 they could find-afford us-afford us is rooms without
13 even taking a chance and looking for apartments. You
14 know, I think that it-the city would right to-to-to
15 build more affordable housing--

16 FEMALE SPEAKER: That's what this is
17 supposed to be.

18 RAYMOND BROWN: --and stuff, not just-not
19 just-not just for families, but for all New Yorkers
20 because, you know, I-I walk around, and I-I look and
21 I look at all the homeless people that are still
22 [bell] out on the street, and it's-it's baffling.

23 CHAIRPERSON EUGENE: Thank you very much.
24 Thank you, thank you.

2 APRIL WILLIS: Good afternoon. My name
3 is April Willis, and I have Section 8 Voucher. When
4 I call brokers about apartments, the call goes great
5 until I say I have a Section 8 Voucher.

6 CHAIRPERSON EUGENE: Uh-hm.

7 APRIL WILLIS: The conversation breaks
8 then. Some brokers will say the landlord doesn't
9 accept vouchers. Another group of brokers just like
10 be rude and just hang up on me. The constant dead
11 ends leaves me feeling very discouraged, and these
12 are not just my experiences. [Weeping] Excuse me.

13 CHAIRPERSON EUGENE: That's okay.

14 Please.

15 APRIL WILLIS: Thousands of people with
16 vouchers can confirm the same frustrations. Many of
17 them being homeless during this process. Currently,
18 I'm not homeless. I have an apartment, but I am
19 looking to move. I'm speaking for all the men and
20 women and children that are currently homeless.
21 Being without a home is imaginably hard. It can lead
22 to serious consequences like depression, health
23 issues, substance abuse and increase in crime rates
24 and suicide. I reiterate: Being without a home is
25 imaginably hard. It can lead to serious consequences

2 like depression, health issues, substance abuse, an
3 increase in crime rates and suicide. These are the
4 realities of too many homeless men, women and
5 children. Voucher holders are being discriminated
6 against all the time everywhere, in every borough by
7 a few landlords with the exception of a few people
8 who get lucky. Your search for housing with a
9 voucher is destined to be a disappointment.

10 Meanwhile, wherever you are in the city, you see
11 homelessness wherever you go—wherever you are whether
12 you're living in Midtown in a condo or in Brooklyn or
13 in Brownsville. This is a moral failure [bell]—this
14 is a moral failure to our city government.

15 Homelessness is out of control. I reiterate, this is
16 a moral failure of our city government. Homelessness
17 is out of control, and we are the richest city in
18 America. If the city is going to put their time and
19 money into creating these voucher programs to help
20 people find housing, then they have to put the time
21 and money into solving the problems that make these
22 programs not work. The Source of Income Unit at
23 CCHR, are the only people advocating for us with
24 vouchers. CCHR has helped me find an apartment after
25 looking for over seven years. CCHR was able to set

2 me up with the same broker who discriminated against
3 me. I was not able to get that apartment because my
4 Section 8 Voucher didn't approve for the apartment.
5 They have made me a believer in my Voucher. Their
6 great work has restored my hope. It is very
7 necessary to increase the size of the Source of
8 Income Unit at CCHR so they better combat
9 discrimination against voucher holders. These
10 landlords that control thousand of units and want to
11 exclude voucher holders. There are only five CCHR
12 workers. There are many more brokers and landlords
13 discriminating against voucher holder the Source of
14 Income Unit needs more staff so they can continue to
15 help more people and solve more cases. Thank you for
16 your time and for the opportunity to testify. God
17 bless all the homeless people in New York and God
18 bless all the homeless people in America.

19 CHAIRPERSON EUGENE: Thank you. Thank you
20 very much. Thank you for that testimony.

21 ANNIE CARFORO: Thank you to the members
22 of the committee for the opportunity to testify. My
23 name, like was said is Annie and I'm here to
24 highlight again with urgency the need for a larger
25 staff at the Source of Income Unit at CCHR. I'm a

2 community organizer at Neighbors Together, a social
3 service and advocacy organization located in Central
4 Brooklyn. Over a year and a half ago we began
5 organizing around Source of Income discrimination
6 because of the overwhelming consensus from our
7 members that this is the central issue in the
8 homelessness crisis. We were connected with the
9 Source of Income Unit at CCHR through a partner
10 organization, and by utilizing their services, in
11 eight months we were able to help nine of the members
12 secure permanent housing. The Source of Income Unit
13 has a remarkable response time and will contact
14 members anywhere 30 minutes to four hours after a
15 report. This is a huge factor in their success rate
16 understanding that reports tended to be time
17 sensitive and require quick intervention while the
18 housing unit is still is available. However, it is
19 becoming increasingly evident that the Source of
20 Income Unit is inundated with thousands of reports
21 and are not equipped to handle the demand that that
22 exists for their services. There are only five full-
23 time staff member in the Source of Income Unit, and
24 they will answer emails late into the evening and on
25 weekends. The amount of work required to

2 successfully do their jobs is becoming increasingly
3 unsustainable. As of right now, this unit is the
4 only support that exists to--for voucher holders.
5 This is the second year in a row the de Blasio
6 Administration has proposed to gut the Commission on
7 Human Rights, and this year instated a citywide
8 hiring freeze. Based on a posting we saw a while
9 back for staff at the Source of Income Unit and
10 conversations with our non-profit legal advocacy
11 community, we found that a very competent employee
12 was planning to join the unit at CCHR, and her role
13 now in jeopardy because of the Mayor's actions. This
14 is not a time to undermine critical programs
15 especially those that are highly successful in
16 reducing the homelessness population as the Source of
17 Income Unit is. There's a great fear that this unit
18 will not maintain its ability to be as effective as
19 it has been because of the demand for services. The
20 Voucher programs are not a viable solution for
21 housing without the legal backing of this unit. We
22 are asking for the size of the unit to be doubled to
23 10 full-time staff so they can effectively do the job
24 that has been requested of them. For context, the
25 Source of Income Unit at HRA [bell] is ten full-time

2 staff members. This unit's roll does not assist
3 individual New Yorkers and to date they have released
4 only two filings against landlords far below amount—
5 the amount of work completed by the CCHR Unit, half
6 of its size. I hope that the Council Members here
7 understand the crucial need for a more robust Source
8 of Income Unit, and will support our budget request.
9 Thank you very much.

10 CHAIRPERSON EUGENE: Thank you very much,
11 and thank you to each one of you and all of you for
12 sharing your situation, the challenges that you—you
13 just told that you are facing, and I do believe that
14 we as a city, as a society, we have to do more
15 because it is very important that we do everything
16 that we can do for everybody in New York City, and
17 the people who need shelters, a place to live, they
18 can have a place where they can live with dignity and
19 respect as human beings, and I agree with you we have
20 to do more. And I'm very sorry for—for what you are
21 going through because our society should do better
22 than that. We thank you for sharing those—those
23 stories, and God bless you.

24 MALE SPEAKER: Thank you.

2 CHAIRPERSON EUGENE: Thank you. Thank
3 you. At this time—at this time the meeting is
4 adjourned. [gavel]

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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 April 30, 2019