

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON PARKS AND RECREATION AND CIVIL RIGHTS

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October 20, 2009

Start: 1:36pm

Recess: 3:42pm

HELD AT: Committee Room
City Hall

B E F O R E:

HELEN D. FOSTER, LARRY B. SEABROOK
Chairpersons

COUNCIL MEMBERS:

Elizabeth Crowley

Alan J. Gerson

Letitia James

Helen Sears

Matthieu Eugene

Darlene Mealy

Michael C. Nelson

Julissa Ferreras

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

Robert Garafola
Deputy Commissioner, Management and Budget
Department of Parks and Recreation

Alessandro Olivieri
General Counsel
Department of Parks and Recreation

Ricardo Granderson
Equal Employment Opportunity Officer
Department of Parks and Recreation

David Starks
Assistant Commissioner, Budget and Fiscal Management
Department of Parks and Recreation

Annika Holder
Chief, Parks Opportunity Program
Department of Parks and Recreation

Kathleen Comfrey
Senior Counsel
New York City Law Department

Michael Schnall
Director of Government Relations
Department of Parks and Recreation

David Terhune
Personnel Director
Department of Parks and Recreation

ReNika Moore
NAACP Legal Defense Fund

Ejim Dike
Director, Human Rights Project
Urban Justice Center

2 CHAIRPERSON SEABROOK: Good

3 afternoon. My name is Larry B. Seabrook and I am
4 the Chair of the New York City Council's Committee
5 on Civil Rights. I would like to thank the
6 Council Member Helen Diane Foster, Chair of the
7 Committee on Parks and Recreation for inviting the
8 Committee on Civil Rights to participate in
9 today's oversight hearing. The Committee on Civil
10 Rights appreciates the efforts of the staff from
11 both committees that worked to prepare today's
12 hearing. I would like to also thank in advance
13 the Department of Parks and Recreation for
14 testifying, the NAACP as well as other interested
15 persons that are here today. Today we will be
16 following up o a hearing we had nearly one year
17 ago on the Wright v. Stern settlement agreement.
18 In May of 2001, 11 African American and Hispanic
19 employees of the Parks Department filed a class
20 action suit against the Department, claiming that
21 it practiced racial discrimination in its hiring,
22 promotions and operations.

23 On May 15th, 2008, Federal Judge
24 Denny Chin [phonetic] signed an order settling the
25 litigation pursuant to a settlement agreement.

1
2 Fortunately for the Parks Department, this
3 settlement releases the Department of Parks and
4 Recreation and their employees from liability in
5 any action brought by class members arising from
6 the alleged discrimination that was the subject of
7 this suit. But with this release of liability,
8 the Parks Department has to meet the terms of the
9 agreement. For example, the agreement outlines
10 new processes and procedures that the department
11 must adopt with regard to filling job vacancies,
12 conducting interviews, conducting training and
13 career development programs and compensating
14 employees.

15 At our last hearing, which took
16 place five months after the signing of the
17 settlement agreement, we had the opportunity to
18 hear what steps the Parks Department was taking to
19 eliminate discriminatory practices within the
20 agency. It has been approximately one year since
21 that hearing and today we are eager to find out
22 what efforts the parks department has made thus
23 far and how successful it has been in increasing
24 diversity within the Department.

25 New York City is one of the most

1
 2 diverse cities in this nation. This City is a
 3 recognized leader in handling diversity issues.
 4 We commend the Parks Department for taking steps
 5 to rid the agency of discrimination, and in turn
 6 encourage diversity. We look forward to learning
 7 more information on the efforts made as well as
 8 the successes and failures of programs thus far.

9 There is simply no excuse in this
 10 day and age for minority under representation in
 11 any field, especially when the center of an
 12 industry is as diverse as New York City. With
 13 that, I would introduce the Council Members who
 14 are here. But I would also like you to know,
 15 state for the record, that Council Member Foster,
 16 who chairs the Parks and Recreation Committee, is
 17 running late, but she will be here as soon as she
 18 leaves another meeting. But we also have in
 19 attendance here today, Councilwoman Sears from
 20 Queens--that's a joke, Council Member Crowley from
 21 Queens, and Doctor Council Member Mathieu Eugene
 22 from Brooklyn. And so as other members come we
 23 will introduce them on their arrival.

24 And we will have the first
 25 testimony by a panel. Alessandro Olivieri,

1
2 Ricardo Granderson--a classmate of mine--and
3 Robert Garafola. And so, you're on.

4 ROBERT GARAFOLA: Good morning,
5 Chairman Seabrook and members of the Park and
6 Civil Rights Committees. I am Robert Garafola,
7 Deputy Commissioner for Management and Budget for
8 the Department of Parks and Recreation. On behalf
9 of Parks Commissioner Adrian Benepe, thank you for
10 the opportunity to follow up with you on our
11 previous discussion in the consent decree and
12 stipulation, which concluded the Wright v. Stern
13 case.

14 We've introduced Ricardo
15 Granderson, our Equal Employment Opportunity
16 Officer, and Alessandro Olivieri, our General
17 Counsel. I would also like to introduce from
18 Parks, David Starks, our Assistant Commissioner
19 for Budget and Fiscal Management; Annika Holder,
20 our Chief of the Parks Opportunity Program;
21 Kathleen Comfrey, our Senior Counsel from the New
22 York City Law Department; Sherri Rosenberg, the
23 Deputy General Counsel; and Michael Schnall, our
24 Director of Government Relations.

25 This morning I want to discuss with

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2 you how the New York City Department of Parks and
3 Recreation is growing a diverse and qualified
4 workforce and promoting a culture of opportunity,
5 diversity and transparency within the Agency.

6 Parks is confident that it's meeting our goals and
7 the obligations set forth in the consent decree
8 and the stipulation.

9 As many of you know, in the spring
10 of 2008, the Law Department and Parks concluded an
11 employment discrimination case, which commenced
12 more than ten years ago against Parks and former
13 Commissioner, Henry Stern. In resolving this
14 litigation, Parks has codified a number of
15 employment practices that were initiated under
16 Commissioner Benepe's tenure. The litigation
17 resolved in two phases. First after Parks
18 voluntarily adopted a written posting and
19 interview policy in 2004, the federal government
20 proposed settling its lawsuit against Parks.
21 Parks and the federal government subsequently
22 entered into a settlement agreement, known as the
23 Consent Decree in 2005. Parks successfully met
24 all requirements of the Consent Decree.

25 Significant steps taken by Parks

1
2 under the Consent Decree included submitting
3 biannual compliance reports through the US
4 Attorney's Office, tracking in-house titles,
5 offering managerial training courses and
6 designating career counselors in each borough.
7 Parks also launched a campaign to ensure timely
8 submissions for performance evaluations. Further
9 the EEO Office was charged with the responsibility
10 of offering EEO training to thousands of Parks
11 employees and training EEO counselors.

12 Second, the class action lawsuit
13 was settled in 2008, resulting in a stipulation
14 entered into on May 15th of that year. Most of
15 the requirements under the Consent Decree were
16 folded into the stipulation and many new
17 requirements were added. Just as Parks complied
18 with the Consent Decree, we're complying with the
19 stipulation.

20 While we will cover many of these
21 items in more detail below, some of the new
22 elements include a post-complaint follow up by the
23 EEO office; the establishment of an advisory
24 committee; the implementation of a year-long
25 management training program; training of interview

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2 panel members and the adoption of statistically
3 closed scoring method in interviews. Moreover,
4 Parks is required to conduct an adverse impact
5 type study. Parks now includes Recreation
6 Leadership as qualifying experience for
7 advancement to the titles of Parks and Recreation
8 Manager, Director of Regional and Joint Interest
9 Parks, Deputy Chief of Operations and Chief of
10 Operations.

11 With regard to salaries, Parks
12 increased the salaries of the Chiefs and Deputy
13 Chiefs of Recreation as well as Center Managers.
14 Finally, Parks conducts a regular salary review to
15 ensure pay equity among similarly situated
16 employees and has promoted five of the named
17 plaintiffs.

18 Parks is the chief steward of the
19 City's parkland. Our agency is charged with
20 caring for approximately 29,000 acres of land;
21 that's 14% of New York City. In addition to the
22 more than 5,000 individual properties ranging from
23 flagship parks to community gardens and green
24 streets, we operate playgrounds, public pools,
25 recreation facilities, nature centers and golf

2 courses, and 14 miles of beaches. We look after
3 600,000 street trees; 2 million park trees and we
4 are New York City's principal provider of
5 recreation and athletic facilities and programs.
6 We are home to free concerts, world-class special
7 events and cultural festivals. In short, we play
8 an essential role in the quality of life for the
9 citizens of this City.

10 In the winter the Parks Department
11 has about 5,700 employees, while in the summer we
12 grow to more than 10,000 employees, including
13 summer seasonals. This includes up to 3,500
14 participants from the Parks Opportunity Program, a
15 transitional job-training program. POP trainees
16 are placed in paid six-month work assignments
17 throughout the Parks Department. In addition to
18 this hands-on work experience, JTBS [phonetic]
19 spend one day of their paid workweek, in
20 employment skills counseling, job search training
21 and educational classes. These supportive
22 services help trainees overcome barriers to
23 employment. And since its inception POP has
24 connected over 10,000 trainees to jobs.

25 Regardless of the season, we're

2 always working to maintain and operate New York
3 City's parks and recreation facilities to serve
4 New Yorkers. A qualified and diverse Parks
5 workforce is pivotal to our success. The Agency
6 has made it a priority to maintain a proactive and
7 transparent hiring process and equal employment
8 opportunity infrastructure in order to strengthen
9 the framework necessary to promote diversity.

10 This infrastructure consists of a strong and
11 effective EEO office, a fair and open recruitment
12 process and widely available opportunities for
13 professional growth. We take developing an open
14 and diverse culture at Parks very seriously, and
15 have established hiring and promotion policies to
16 ensure that all our employees have a fair chance
17 to advance their careers.

18 Parks enforces the federal, state
19 and City law and the City's EEO policy to ensure
20 that all practices regarding recruitment,
21 selection, hiring, work assignments, salary
22 compensation, career development, transfers and
23 discipline are free of discrimination. The EEO
24 policy protects our staff and job applicants from
25 discrimination based on race, religion, gender,

2 age, disability, sexual orientation and other
3 protected categories.

4 Today I want to tell you a bit more
5 about the policies and practices we've put in
6 place to build and maintain a culture of diversity
7 and opportunity within Parks.

8 More than ever to grow an excellent
9 workforce we're relying on promoting qualified
10 people from within the Agency. We vigorously
11 publicize our job openings from within. All job
12 openings are posted internally on the Parks
13 intranet; listed in our employee newsletter, the
14 Daily Plant; and sent out via email in agency-wide
15 email blasts. For those without internet access,
16 job openings are posed at bulletin boards and
17 Parks buildings and recreation centers and
18 throughout the five boroughs and are available for
19 review at the Central Parks Personnel Office. And
20 the Personnel Office runs a job hotline, which
21 allows employees 24-7 access to information about
22 current openings. As a result of these practices,
23 Parks employees are exposed to new opportunities
24 for career development.

25 When we are unable to fill a

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2 vacancy internally, we cast a wide recruitment net
3 in a variety of ways on the local and national
4 markets. These outreach networks include Monster
5 Track, Idealist and the Historically Black
6 Colleges and Universities, which targets
7 institutions of higher learning. Additionally we
8 post in publications such as the Amsterdam News,
9 the Daily News, El Diario and the New York Times.
10 We're covering all the bases to ensure that we
11 attract a diverse and qualified applicant pool.

12 At the center of our efforts is the
13 EEO office. In calendar year 2008 our EEO office
14 trained over 1,920 employees in 57 training
15 sessions that consist of 90-minute sessions
16 covering such topics as harassment,
17 discrimination, reasonable accommodation; that's
18 more than one training per week. For calendar
19 year 2009, we've already trained almost 800
20 employees. In addition to live sessions for
21 staff, our management level employees also receive
22 supplemental EEO training online. The EEO office
23 is headed by Ricardo Granderson; he has worked
24 with Parks for five years and reports directly to
25 the Commissioner. The EEO office works to ensure

2 that Parks is an Equal Opportunity Employer
3 committed to full compliance with federal, state
4 and local laws prohibiting employment
5 discrimination, sexual harassment and affording
6 reasonable accommodations while at Parks.

7 Parks has designated and trained 12
8 EEO counselors to ensure that Parks employers are
9 able to address any EEO needs and concerns in a
10 safe and confident environment. The EEO
11 counselors work in a variety of offices and Parks
12 within the Department, including Citywide
13 Operations, the Parks Opportunity Program, Queens
14 Special Events and the Staten Island Greenbelt.
15 Their responsibilities include documenting
16 complaints, conducting initial investigations and
17 providing options for the resolution of
18 complaints, both in house and with outside
19 agencies. The EEO counselors meet with Ricardo
20 Granderson quarterly to cover the topics in the
21 DCAS EEO manual, as well as any other relevant and
22 topical issues. These topics cover ways to
23 identify and prevent sexual harassment,
24 retaliation, hostile work environment, strategies
25 in investigating complaints and review of current

1 cases for perspective and comment.

2
3 EEO counselors refer complaints to
4 Ricardo Granderson at the EEO office to ensure
5 they're addressed expeditiously. The EEO office
6 usually completes an investigation within 40 days,
7 which is significantly less than the 90-day
8 standard set by the Consent Decree and the Equal
9 Employment Opportunity Commission. Besides
10 investigations into direct discrimination
11 allegations, the EEO office and its counselors
12 offer support to employees with work-related
13 issues and make the appropriate referrals or
14 remedy the complaint at an early stage.

15 It is interesting to note that
16 while the EEO office receives a large number of
17 inquiries, most do not involve racial
18 discrimination or any other forms of
19 discrimination for that matter, but involve
20 workplace related issues remedied by the EEO
21 office through counseling, dispute resolution, and
22 or other agency action. Moreover it is telling
23 that in the past five years, of the 101 external
24 complaints filed with outside agencies such as the
25 EEOC, the State Department of Human Rights and the

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2 City Commission on Human Rights, only four
3 received probably cause findings, none of which
4 involved race discrimination.

5 The Parks Department has a training
6 academy at Flushing Meadow Corona Park, Queens,
7 and the courses taught in 2008-2009 include:
8 supervisory skills training, oral presentation,
9 public speaking classes, conflict resolution
10 classes, time management and leadership skills
11 training. From October 2008 to September 2009,
12 the Parks Academy trained over 10,000 Parks
13 employees. This year the academy reintroduced a
14 yearlong leadership training program to employees
15 interested in becoming managers at Parks. This
16 program provides Parks employees training to hone
17 their skills so they may grow and excel within the
18 Agency. Some of the topics covered are writing
19 skills, interpersonal communication skills,
20 leadership skills, interview skills, EEO policies
21 and--I'm sorry--interviewing skills, as well as
22 providing an overview of the Agency and its
23 divisions.

24 The class began on January 27th,
25 2009 with 28 participants. At least half of them

1
2 are African American and Hispanic. The
3 participants meet approximately once a month. To
4 date classes have been conducted and four remain
5 for the rest of the year. We're looking forward
6 to continuing this class and expanding the program
7 and seeing other Parks employees take significant
8 leadership roles in the Agency in the years to
9 come.

10 In addition, Parks sends employees
11 to be trained at the Citywide Training Center run
12 through the Department of Citywide Administrative
13 Services. The Citywide Training Center offers
14 professional development courses year-round.
15 Classes taken by Parks employees at the Center in
16 2009 include, successful letter and memo writing;
17 effective office management for today's workplace;
18 business writing clarity; and delivering quality
19 in-person customer service. From October 2008 to
20 September 2009, 197 Parks employees attended
21 classes at the Citywide Training Academy.

22 Furthermore, Parks encourages
23 employees to pursue professional development
24 through the Citywide Organization and Executive
25 Development Programs. These programs,

2 administered through DCAS provide specialized
3 development opportunities for seasoned executives
4 and emerging leaders in City government. Programs
5 include the Leadership Institute, a training
6 program for middle to high-level managers; and the
7 Management Academy, a program that trains
8 technical employees to grow into management roles
9 in the agency. Additionally for 2009 and 2010,
10 DCAS has developed a new program called the Nexus
11 Institute, in which Park employees will be
12 enrolled.

13 With the focus on growing the
14 careers of our own workforce, Parks personnel has
15 designated six trained career counselors, one in
16 each borough and one in our Central Office.
17 Career Counselors meet with our employees to
18 discuss their career paths within Parks, based on
19 the information provided to them by the employee
20 counselors, provide beneficial information on the
21 Civil Service ladders in Parks, how vacancies are
22 filled, the industry policy on transfers, upcoming
23 Civil Service exams and training opportunities
24 through the Parks academy and DCAS. The names and
25 contact information of the six career counselors

1
2 have been publicized by Personnel and are on the
3 parks intranet. Counselors are predominantly a
4 District Manager, a Chief of Operations, a
5 Personnel Director, a Chief of Administrative
6 Services, within their respective boroughs.

7 The designated counselors are
8 highly knowledgeable of the various opportunities,
9 career ladders, titles and trainings within the
10 agency. Additionally, upon meeting with an
11 employee career counselor, they're required to
12 record the employee's name, title, career goals
13 and any questions asked during the session, onto a
14 standardized career consultation form that is
15 collected and maintained by the Director of
16 Personnel and by the EEO officer.

17 To further ensure that our hiring
18 process is fair and professional, Industrial
19 Psychologist Kathy Klein [phonetic], was hired to
20 work with the Parks Personnel and Training
21 Division to developed a structured interview
22 training curriculum. The Director of Personnel,
23 the Deputy Director of Personnel and the Director
24 of Training use this curriculum to train
25 perspective interview panelists on objective

1
2 decision-making skills and the importance of
3 consistent questioning and scoring among panel
4 members. The training is one day long, with the
5 second half of the day focused on putting lessons
6 into practice through mock interview exercises.
7 In fiscal year 2009, we conducted 11 trainings for
8 255 participants. All interview materials and
9 questions as well as the composition of the hiring
10 panels are reviewed and signed off by the Agency's
11 EEO officer. Those who have completed the
12 training are now better qualified to conduct
13 objective and fair interviews.

14 To address an issue regarding on of
15 the requirements under the stipulation, Parks
16 agreed to hire a consultant to perform a content
17 validity study as a demonstration of our good
18 faith and commitment to diversity even though we
19 felt we were not required to do so under the terms
20 of the stipulation. In the simplest form, a
21 content validity study develops interview
22 questions that are directly related to knowledge,
23 skills, abilities required for a position. The
24 content validity study will cover the important
25 position of Parks and Recreation Manager.

2 Parks have received responses to
3 our request for proposals and will begin
4 interviewing proposing firms next month.

5 Under the stipulation, Parks
6 Assistant Commissioner for Budget and Fiscal
7 Management conducts a pay equity study upon the
8 event of a new hire, a promotion or an individual
9 complaint of salary disparity. In those study
10 Parks reviews the pay rates of similarly situated
11 employees to ensure pay fairness. From May 2008
12 to the present, Parks instituted 25 raises for
13 class members and 28 raises for females. Most of
14 these were based on our own proactive review of
15 salaries rather than complaints.

16 To address employment
17 discrimination and retaliation concerns, Parks
18 established an advisory committee, which has met
19 four times since September 2008. The Committee is
20 chaired by General Counsel Alessandro Olivieri,
21 additionally, Parks EEO officer Ricardo Granderson
22 is on the Committee, with three class member
23 representatives. At these meetings there has been
24 an exchange of ideas and useful dialogue to ensure
25 that Parks has a culture that embraces and

1 promotes opportunity. At the request of the
2 Committee, Parks further clarified the role of
3 Parks Advocate Office compared to the EEO office
4 through a variety of presentations; conducted a
5 review of seasonal crew step up appointments;
6 evaluated an individual job selection; and
7 explored additional training opportunities.

8 Recently, three members of the Committee resigned.

9 While we regret their decision, we have moved
10 quickly to appoint new members based in part on
11 the outgoing members recommendations. We have
12 already held a coordinating meeting with the new
13 members and are scheduled for a formal meeting in
14 November, early November. We look forward to an
15 active and vibrant dialogue through the auspices
16 of the Committee.
17

18 We at Parks are proud of the work
19 we are doing to cultivate and maintain a qualified
20 and diverse workforce. Our Agency boasts a
21 comprehensive infrastructure to support and train
22 our employees so they can best serve New Yorkers
23 in all five boroughs. The Parks Commissioner and
24 the highest levels of leadership at the Agency are
25 committed to promoting a culture of opportunity,

1
2 diversity and fairness. These sound policies and
3 practice have helped us attract and maintain a
4 diverse workforce at all levels and develop an
5 infrastructure that enforces equal employment
6 practices and encourages an atmosphere of
7 opportunity and career development.

8 Parks is confident that it's
9 meeting our goals if establishing a culture of
10 opportunity and obligation set forth in the
11 Consent Decree and stipulation. We believe that
12 fostering a diverse environment is of critical
13 importance for this agency and we remain committed
14 to this mission. I welcome any questions now,
15 Chairman.

16 CHAIRPERSON SEABROOK: Thank you
17 very much, Commissioner. Let me just introduce a
18 number of members who have come in. We have
19 Council Member Mike Nelson from Brooklyn, Council
20 Member Darlene Mealy from Brooklyn, Council Member
21 Alan Gerson from Manhattan, Councilwoman Tish
22 James from Brooklyn.

23 There is a couple of questions that
24 I have, and thank you for the testimony. And just
25 a few questions that I have. One is regarding the

1
2 career development, from your testimony on page 4.
3 In your testimony you mentioned that there is a
4 year-long leadership training program. And what
5 did the 28 participants get out of the program?

6 ROBERT GARAFALO: This is a program
7 that we do at the Parks Academy, and basically it
8 is training people to become future managers in
9 the Agency. We've interviewed a number of people,
10 have brought in approximately--I think over 50% of
11 the people in the group are Hispanic and African
12 American, and essentially we are looking for the
13 leaders of the future of the agency and this is
14 one of the tools that we think it will be. So the
15 people are getting all sorts of leadership and
16 supervisory training classes. They're getting
17 exposure to the various parts of the Agency,
18 understanding how decision-making is done, getting
19 supervisory classes, and also public speaking,
20 writing classes, etcetera--so trying to develop
21 the skills that are necessary to move to that next
22 level.

23 CHAIRPERSON SEABROOK: So have any
24 of these participants been promoted?

25 ROBERT GARAFOLA: First of all, the

1
2 class is still on. I can find that out. I don't
3 have that with me right now, but the year is not
4 over. They're in ten months of the program. The
5 program will be over at the end of December.

6 CHAIRPERSON SEABROOK: Okay.

7 ROBERT GARAFOLA: And we can give
8 you those numbers.

9 CHAIRPERSON SEABROOK: Yeah. I'd
10 like to see if you can provide the Committee with
11 that. And you raise the issue of one of the--

12 ROBERT GARAFOLA: [Interposing] One
13 other thing I could just add. This program will
14 be continuing at Parks and hopefully expanded as
15 well.

16 CHAIRPERSON SEABROOK: Okay. And
17 you raise the issue out of the Consent Decree that
18 there was an agreement by both parties that the
19 level of posting of jobs and recruitment efforts.
20 And you have here that you had expanded your level
21 of recruitment. Out of this expansion of
22 recruitment--and I see you listed the Historically
23 Black Colleges, etcetera--how many people from
24 Historically Black Colleges have actually been
25 hired by the Parks Department out of your

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recruitment or interview?

ROBERT GARAFOLA: We would have to get back to you on that. I don't have that number.

CHAIRPERSON SEABROOK: Okay. I would like to know the number that's there, and that's been interviewed, and also the number of those postings in the local colleges and recruitment efforts on the CUNY system as well. So we need to know those numbers.

You raised the issue about the establishment of this Advisory Committee. What was the purpose of this advisory committee?

ROBERT GARAFOLA: Why doesn't Alessandro Olivieri talk about it? He was on the Advisory Committee.

CHAIRPERSON SEABROOK: Okay.

ALESSANDRO OLIVERI: The Advisory Committee was established under the stipulation.

CHAIRPERSON SEABROOK: Right.

ALESSANDRO OLIVERI: And it's designed to address discrimination and potentially retaliation concerns. And the purpose of the Committee is for a group to get together and

1 discuss issues that are of concerns to people at
2 the Parks Department regarding those issues or
3 other related issues, and see what can be done to
4 address them before matters have risen to an EEO
5 matter or a litigation matter. So it is an early
6 warning system or an attempt to have a dialogue on
7 matters that are of concern to the agency and to
8 make sure that it percolates up so that it can be
9 addressed. As in the Commissioner's testimony,
10 based upon some issues raised at some of the
11 meetings there was a concern that employees at the
12 Agency were unfamiliar with the distinction
13 between the EEO office and our disciplinary unit,
14 the Parks Advocate's Office. So Mr. Granderson
15 and the head of the Parks Advocate Office, Pierre
16 Rivera, went and did a series of trainings all
17 throughout the Agency to discuss the differences
18 between the divisions as well as assuring
19 employees that if there are confusions that they
20 could go to either one of them if they're still
21 confused, but to try to address that issue.

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23 We also explored issues regarding a
24 particular posting and the hiring from that.
25 There were some concerns over that, which we went

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2 over, as well as Mr. Granderson initiated a review
3 of some seasonal step ups. There was a concern
4 raised by the Committee. I think the new
5 Committee, the new members that have come on,
6 we've had a preliminary meeting recently, we're
7 scheduling a new meeting in early November, and
8 one of the initial items on there is trying to
9 address concerns for potential language barriers
10 for advancement and to make sure we're encouraging
11 employees who may not feel confident in their
12 English skills to still seek advancement and to
13 try to see what we can do to make them more
14 comfortable. So that's an early step on the
15 agenda for the next meeting. But those are the
16 type of items that are covered by the Advisory
17 Committee. Ricardo, do you?

18 RICARDO GRANDERSON: Sure. And if
19 I could just dovetail some of what has already
20 been said. I think the significance of the
21 Advisory Committee is that it reflects that the
22 Agency is open and receptive to including not only
23 class members, but members of the Agency with
24 regard to employment opportunities and training in
25 the Agency. That's the first point. The second

2 point is relative to the Leadership Training
3 Academy. I think it's important to note that of
4 the 28 participants, that one of those
5 participants evolved from our job training
6 participant program. As you may be aware, the Job
7 Training Participant Program or the JTP program is
8 a program that allows those on public assistance
9 to transfer to the workplace, and I think it's
10 extremely important that one of those participants
11 emanated from that program and by being in the
12 Leadership Training Program, that represents for
13 her potential entrée to the next level in
14 opportunity and management.

15 CHAIRPERSON SEABROOK: In reference
16 to this advisory, how many members are on this
17 panel?

18 ALESSANDRO OLIVERI: There are five
19 members on the Committee; I am the Chair. Mr.
20 Granderson is also on it, and then there are three
21 other members.

22 CHAIRPERSON SEABROOK: And the
23 three other members, how are they selected? What
24 is that diversity that exists within that
25 Committee of three? I know the two of you; but

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the three?

ALESSANDRO OLIVERI: Yeah. Well the Committee is selected based upon recommendation by, initially by members of the class, the plaintiffs in the Wright v. Stern case, and then with the new group based upon the outgoing members as well as recommendations from Mr. Granderson and me to Commissioner Benepe. The current breakdown is there's a mixture of male and female and Hispanic and African American, so the panel is incredibly diverse.

CHAIRPERSON SEABROOK: So what is the time of service that there for those individuals on this Advisory Committee?

ALESSANDRO OLIVERI: Well the Committee meets quarterly, if not more so, and we're open to meeting more frequently. The Committee Members, I am required, my position as well as Mr. Granderson's, we're required--although we do it obviously very willingly, we're required to serve on the Committee. The other members serve--if they desire, if they wish to leave, they're not obligated to serve on it. So they serve for as long as they desire.

2 CHAIRPERSON SEABROOK: Okay. So
3 then why did these three people leave abruptly?

4 ALESSANDRO OLIVERI: Well they felt
5 there was a need for a change. They had some
6 concerns over a pace of certain issues on the
7 Committee, which we respectfully disagreed with.
8 We're sorry to see them go. But I think they then
9 recommended other people to serve, so I don't
10 think they had a problem with the committee
11 itself. They suggested it was time for a change.

12 CHAIRPERSON SEABROOK: So who are
13 the three new members on this advisory Committee?

14 ALESSANDRO OLIVERI: They include
15 David Ray [phonetic] who is a named plaintiff in
16 the suit; they include Emil Lopes from the Bronx,
17 who is a PRM, I believe, a Parks and Recreation
18 manager, and then the Chief of Recreation in
19 Queens, Iris Rodriguez Rosa.

20 CHAIRPERSON SEABROOK: All three
21 left?

22 ALESSANDRO OLIVERI: No, those are
23 the current members.

24 CHAIRPERSON SEABROOK: And these
25 are the current members. So the previous members,

1
2 all three left and they made these
3 recommendations, and so these are the three people
4 that are already going to serve or are these just
5 recommendations.

6 ALESSANDRO OLIVERI: No, the
7 Commissioner, based upon the recommendation to the
8 Commissioner, he selected them. We've already met
9 with them and they are prepared to serve. In
10 fact, as we've already testified to, we had a
11 preliminary meeting with them to start setting the
12 agenda for the next meeting, which we expect to
13 hold in early November.

14 CHAIRPERSON SEABROOK: Okay. So
15 people had some concerns about the pace in which
16 this agreement was meeting its obligation.

17 ALESSANDRO OLIVERI: I believe
18 their concern was the pace of the Committee, not
19 the stipulation.

20 CHAIRPERSON SEABROOK: So, what was
21 the pace of the Committee?

22 ALESSANDRO OLIVERI: Well I believe
23 the pace of the Committee was efficient and
24 proactive, and I believe already many useful
25 things have come from it. There have been some

1
2 training initiatives, including increasing the
3 training opportunities in the agency, including
4 additional conflict of interest board training
5 from that board. Again, the trainings that I
6 discussed that Mr. Granderson and Ms. Rivera did,
7 detailed trainings, which came directly from the
8 Committee; it was an initiative from the
9 Committee, not self-started, as well as review of
10 items that they asked for. So I think the
11 Committee achieved some initial successes and we
12 look forward to continuing to be successful.

13 RICARDO GRANDERSON: And I echo the
14 statements of my colleague, but I think it's
15 important to say that we allowed the Committee
16 members themselves to set the pace of the
17 Committee. And so, I believe that the issue is
18 not that the agency was not meeting its burdens or
19 obligations, but I believe that the members
20 themselves for their own personal reasons thought
21 that it was in the best interest of the agency in
22 juxtaposition with their professional
23 responsibilities to recuse themselves and to
24 recommend other members, who as Alessandro noted,
25 are enthusiastic about participating in the

1
2 process. So with regard to the pace, the pace
3 really was set by those members of the Committee.
4 In fact, Alessandro and his staff regularly
5 reached out to the members and asked them
6 specifically for specific dates and times. So
7 pace, with all due respect to them, was not an
8 issue for which we assume any responsibility.

9 CHAIRPERSON SEABROOK: Okay. So
10 then, all right. Statistically, has there been
11 any significant changes from the original lawsuit
12 that was filed and that which you have gone
13 through and made plans to change a wrong, which
14 was legally stated as a wrong? What has been done
15 statistically that can show that you have made
16 some changes of those things that you were
17 actually found to be liable for?

18 RICARDO GRANDERSON: Well first of
19 all, as a matter of fact, the Agency was never--
20 and Alessandro can correct this--was never
21 determined to have been liable for anything. The
22 first issue was settled by way of a consent decree
23 and the second was simply settled, that the Agency
24 never admitted to any fault or wrongdoing. With
25 that being said, I want to talk specifically about

1 the changes that have been made.

2
3 CHAIRPERSON SEABROOK: Well let's
4 talk about the consent decree and the agreement
5 that the Court should rule that there was a wrong.
6 And there was an agreement to correct--if there
7 was no wrong, then we wouldn't be here. So
8 obviously there was something wrong and people
9 brought a suit, and a consent decree says that
10 there are some things that need to be dealt with
11 and agreed upon.

12 RICARDO GRANDERSON: Okay. And I'm
13 going to address that.

14 CHAIRPERSON SEABROOK: Okay.

15 RICARDO GRANDERSON: First of all,
16 I think it's important to note that the agency,
17 and particularly Commissioner Benepe, has
18 empowered me with a wide degree of latitude to
19 address issues that are not just EEO related, but
20 employee-related. For example, when employees
21 have issues with regard to interpersonal conflicts
22 or issues regarding evaluations, Commissioner
23 Benepe empowers me a significant amount of
24 latitude to resolve those matters in order to
25 prevent EEO issues from arising.

1
2 Another change in the Agency I
3 believe the Commissioner has already identified
4 this, but the fact that I am required to review
5 not only the postings and the questions, but I'm
6 required to supervise and monitor the interviews
7 themselves as well as those who are conducting the
8 interviews. I'm also required to sign off not
9 only at the beginning of the interview process but
10 at the end of the interview process.

11 Another change that I'd like to
12 broach, I think it's important to note, is that
13 the Department of Citywide Administrative Services
14 requires that City agencies provide EEO training
15 every two years. At the Parks Department we're
16 doing training every year. That's a change that I
17 think is important to note.

18 We've also created what is called
19 an Employee Service Board to address the concerns
20 of employees who have concerns with regard to
21 their evaluations. That's an important change
22 that did not exist before. I think it's an
23 important change and it should be noted.

24 With regard to the Leadership
25 Academy, there's no need to belabor that point. I

1
2 believe that the Commissioner has already
3 addressed those issues, but the other important
4 change is that Commissioner Benepe approves most
5 of the recommendations that come from the EEO
6 office, which I think is important. And when he
7 does disagree, those disagreements are based on
8 his perception of the facts and those issues that
9 are reasonable and in the best interest of the
10 Agency.

11 Another important change that did
12 not exist before is that we follow up all EEO
13 related complaints subsequent to the conclusion
14 and the resolution of the complaint; that's
15 something that did not exist before. It's an
16 important tool, because it gives us the ability to
17 determine whether there has been any subsequent
18 adverse action or any retaliation against the
19 employee as a result of the complaints. And to
20 date there have been no complaints or evidence to
21 suggest that there has been any retaliation
22 subsequent to the filing of the complaints.

23 I believe that that litany of items
24 that I've just articulated represents substantive
25 changes that have been made by the agency.

1
2 CHAIRPERSON SEABROOK: There was
3 the issue of those individuals of those
4 individuals who had brought this cause of action,
5 and were placed in lower-paying jobs and underpaid
6 relative to similar situated Caucasians that were
7 in there. How has that been addressed?

8 ROBERT GARAFOLA: I'll address
9 that. Just in terms of some of the things that
10 we've done, we have our Assistant Commissioner of
11 Finance and Management, he--and I talked about in
12 this statement before in the testimony--that he
13 sets up an equity review. So any time we have a
14 new hire, promotion, he looks at the various
15 people in the various parts of the agency and
16 looks at what types of jobs they're doing. And he
17 makes a comparison of what the various jobs are,
18 and jobs that are similarly equated, he tries to
19 make sure that the compensation is similar
20 throughout the agency. And he will go and he will
21 make recommendations to the Commissioner in order
22 to, you know, change those things. So that is
23 something that is being done. It's being done as
24 we speak. We do that constantly. And that's
25 something that has changed, I'd say, fairly

1
2 dramatically.

3 CHAIRPERSON SEABROOK: Okay. We
4 have been joined by Councilwoman Julissa Ferreras-
5 -I keep forgetting, the wrong name--from Queens,
6 who is on the Committee as well.

7 I am going to come back for a
8 second round of questioning. Any questions from
9 members? Council Member Gerson? Then I'll come
10 back.

11 COUNCIL MEMBER GERSON: I just have
12 one, because Mr. Chair you were so thorough in
13 your questioning. But I'm just curious. As part
14 of your effort to promote advancement within the
15 Department, does the Department have any program
16 which pays partially or fully tuition expenses for
17 employees to get appropriate higher education
18 credits that would be appropriate or would
19 facilitate their career advancement?

20 ROBERT GARAFOLA: There is a
21 Citywide program that we encourage people to do,
22 and we actually put that on our Intranet and we
23 put it out in terms of bulletins. That is where
24 people can get, they can get reimbursement,
25 enrollment reimbursement, educational

1 reimbursement, if they do that. So that is
2 something that is done. It's done on a Citywide
3 basis.
4

5 We also encourage people to take
6 up, you know, go to college--

7 COUNCIL MEMBER GERSON:

8 [Interposing] Do you monitor how that is
9 disseminated and made available and encouraged or
10 how much that Citywide program was utilized within
11 Parks?

12 ROBERT GARAFOLA: It's used. I
13 would not say it's like, you know, thousands or
14 hundreds of people are getting those scholarships.
15 A few people do get those scholarships. We can
16 get the names of the people who've gotten those
17 scholarships. But it's a Citywide program; it's
18 fairly competitive. We also encourage people to
19 go back to school and actually go to orientation
20 programs at some of the local colleges, the City
21 colleges, etcetera, and do that as well. So we
22 have encouraged that. Our Personnel Director has
23 been involved in that and the Deputy Director of
24 Personnel has been involved in that. David, do
25 you want to talk a little bit about it? Do you

1
2 want to come up? Yes, why don't you come up now?

3 COUNCIL MEMBER GERSON: Come on up.

4 ROBERT GARAFOLA: This is David
5 Terhune our Personnel Director.

6 DAVID TERHUNE: How are you doing?
7 Yes, it's David Terhune; I'm the Personnel
8 Director at Parks and Recreation. And my Deputy
9 Director works with a group called the Center for
10 Worker Education. This is a group that tries to
11 get people who are working full time into college
12 courses, so that they can complete their degree,
13 if they don't have their degree. I believe that
14 we're setting up a get together with people and
15 we're publicizing another time for people to get
16 together to take advantage of this program and
17 work with the Center for Worker Education with
18 City colleges to start taking classes and
19 completed their degree.

20 COUNCIL MEMBER GERSON: CWE I'm
21 familiar with and they're a very good organization
22 and program. I just think that's something that
23 ought to be, you know, encouraged, explored,
24 facilitated, I believe beyond--and again I'm not
25 prepared to comment in detail--but I believe

2 beyond the Citywide program. Other City
3 departments have had their own or have their own
4 programs to encourage. I think at one point in
5 the school system Para Professionals were afforded
6 opportunities to go back and receive, you know,
7 partial payment for courses to enable them to
8 become teachers. The Fire Department had a
9 program, maybe for applicants or people within
10 EMS. Anyway, there are other, I believe, programs
11 which compliment the Citywide. And, you know,
12 that might be something to look at further because
13 my understanding is that's one of the most
14 effective ways, whether its in the public sector
15 or the private sector. As you know, many private
16 sector companies have these type of programs to
17 encourage in-house advancement. Many people, you
18 know, have the ability and the interest but just
19 cant afford. And then of course even within the
20 CUNY system, in addition to tuition, time
21 allowances to enable people to go back, while
22 remaining on the payroll. So I would just urge
23 you to look at that as an additional tool to
24 continue the work you described.

25 DAVID TERHUNE: Absolutely. I'll

1
2 look in to that. Thank you for telling me.

3 COUNCIL MEMBER GERSON: Sure thing.
4 Thank you, Mr. Chair.

5 RICARDO GRANDERSON: If I could
6 just make two points. That the Director of
7 Personnel has posted the Continuing Worker
8 Education Program and all of its details on our
9 Intranet, but in addition to that we also
10 regularly send out flyers to our field staff
11 informing them about the Continuing Worker
12 Education Program. It's also important to note
13 that prior to the consent decree and the
14 settlement, that we did not have the Continuing
15 Worker Education Program; it was also an outgrowth
16 of the agency's belief that we do want to
17 encourage all employees to seek opportunities at
18 the agency.

19 CHAIRPERSON SEABROOK: Question
20 from Mike Nelson.

21 COUNCIL MEMBER NELSON: Hi. I was
22 curious, how long--Mr. Terhane [phonetic], did I
23 pronounce the name right?

24 DAVID TERHUNE: Terhune.

25 COUNCIL MEMBER NELSON: Dejeune

2 [phonetic].

3 DAVID TERHUNE: Terhune, T-E-R-H-U-
4 N-E.

5 COUNCIL MEMBER NELSON: Okay.
6 Nelson is a lot easier. I apologize. How long
7 have you been in your post? I'm sorry. How long
8 have you been in the present post that you're in,
9 the position?

10 DAVID TERHUNE: As Personnel
11 Director?

12 COUNCIL MEMBER NELSON: Yes.

13 DAVID TERHUNE: Since 1991, May of
14 1991.

15 COUNCIL MEMBER NELSON: Oh, so you
16 were during--

17 CHAIRPERSON SEABROOK:
18 [Interposing] You've got to talk in the
19 microphone.

20 DAVID TERHUNE: Oh, I'm sorry. May
21 of 1991.

22 COUNCIL MEMBER NELSON: So you were
23 in this position when all of this consent decree,
24 whatever, was settled or whatever?

25 DAVID TERHUNE: Yes.

2 COUNCIL MEMBER NELSON: How do you
3 think it happened? Do you think there was active
4 omission or commission? I mean I'm sure you
5 wouldn't say commission, but that we didn't have
6 the requisite, if you will, amount of people of
7 color getting into positions in Parks.

8 DAVID TERHUNE: Well I think that
9 one of the things that might have been a problem
10 was that not every position was posted, you know,
11 agency-wide. We've done postings throughout my
12 entire tenure as the Personnel Director. But
13 there were some positions, people getting certain
14 titles, in which it was felt that, you know, why
15 would this person get it, why didn't I have an
16 opportunity. So I think it was more of a matter
17 of whether there was opportunity or not and
18 whether the agency was providing it, which we are
19 certainly posting--every position that we have
20 available goes out. We focus on internal
21 candidates. We want to promote from within. So I
22 think that that's sort of addressed that issue.

23 COUNCIL MEMBER NELSON: It wasn't
24 posed in the, say, Amsterdam News or El Diario or
25 some of the others?

2 DAVID TERHUNE: If we were looking
3 for outside candidates, someone who is not working
4 at Parks, we would post in those papers. And
5 we've posted in the Amsterdam News for quite some
6 time and in other newspapers. I think it's more a
7 matter of just making sure anytime there's a
8 position where you would say, you're the director
9 of this or the coordinator of that, that you don't
10 simply anoint someone, that you make sure there's
11 a posting for it, that it's a competitive process
12 and you select the best candidate for the job.

13 COUNCIL MEMBER NELSON: We're on
14 the right track now, at least. That's the good
15 news. I would never say that let's say a person
16 of color had 50% of the application points and
17 there was a white person who had 100%, I wouldn't
18 say you automatically have to you know, just put
19 in the person of color, but I know there's an
20 awful lot of people of color who are 100%. So, at
21 least, you know, if you don't know history you're
22 doomed to repeat it. Sometimes even if you know
23 history you're doomed to repeat it. So constant
24 vigilance is involved. But on the positive side
25 I'm glad that we have made great strides, you have

2 at Parks Department and hopefully you will
3 continue in the proper manner. I thank you, sir.

4 DAVID TERHUNE: Thank you.

5 CHAIRPERSON SEABROOK: Council
6 Member Mealy.

7 COUNCIL MEMBER MEALY: I would like
8 to know, just to piggyback on our Chair, could you
9 give us the ethnic group--you said there's only
10 five of you--you never told if it was African
11 American. You said you're the chair, this young
12 man. What's the three others? Are they Spanish?
13 Asian?

14 ALESSANDRO OLIVERI: I believe I
15 did, ma'am, but I'm certainly happy to reply.

16 COUNCIL MEMBER MEALY: No, you
17 never told us.

18 ALESSANDRO OLIVERI: Well I'll
19 certainly be clearer then. Yes. I believe there
20 are two people who identify as Hispanic; one is an
21 African American, and then Mr. Granderson and
22 myself.

23 COUNCIL MEMBER MEALY: Okay. Thank
24 you for that. I just didn't hear it.

25 ALESSANDRO OLIVERI: And one of the

1
2 Hispanic members is female. So we have a gender--
3 as best we can, gender as well as ethnic
4 diversity.

5 COUNCIL MEMBER MEALY: So that's
6 the new three one.

7 ALESSANDRO OLIVERI: Yes. And the
8 previous ones were, one Hispanic, two African
9 American, again one female.

10 COUNCIL MEMBER MEALY: Okay. I
11 have two other questions. You said that you
12 advertise in the Amsterdam. About how much money
13 have you spent on advertisement in Amsterdam
14 Newspapers?

15 ROBERT GARAFOLA: I can get you
16 those numbers.

17 COUNCIL MEMBER MEALY: Could you
18 give me a round about figure?

19 ROBERT GARAFOLA: You know--

20 COUNCIL MEMBER MEALY:
21 [Interposing] Compared to other newspapers you
22 advertise in?

23 ROBERT GARAFOLA: I'd have to get
24 back to you on that. I really don't know the
25 number offhand.

2 COUNCIL MEMBER MEALY: Chair, I
3 really think we should.

4 CHAIRPERSON SEABROOK: Yes.

5 COUNCIL MEMBER MEALY: Because if
6 we're going to be fair, we have to advertise
7 everywhere, especially if you're trying to get to
8 the disenfranchised individual.

9 Another question I would like to
10 ask, is this with the WEP workers just as well,
11 these promotions or it's training? Or do you all
12 still deal with the WEP workers?

13 ROBERT GARAFOLA: First of all the
14 WEP program currently is incredibly small in the
15 Parks Department. There's probably only--

16 COUNCIL MEMBER MEALY:
17 [Interposing] But do they have an opportunity to
18 participate in this?

19 ROBERT GARAFOLA: They do have an
20 opportunity. But let me make it clear, there's a
21 program in the Parks Department called the Park
22 Opportunity Program, and that program, yes, the
23 people in there do have the ability to
24 participate--

25 COUNCIL MEMBER MEALY:

1 [Interposing] Do you have the percentage, how
2 many?
3

4 ROBERT GARAFOLA: Well
5 approximately, the last time we looked around 300
6 people had come through the Park Opportunity
7 Program and come into full-time jobs in the Parks
8 Department. And maybe Annika Holder, who is the
9 chief of the POP Program, she can explain to you a
10 little bit about it.

11 COUNCIL MEMBER MEALY: I would to
12 know if any of them came into supervisory
13 positions.

14 ANNIKA HOLDER: Hi, Annika Holder,
15 Chief of the Parks Opportunity Program. So just
16 in regard to some of your question, just last year
17 alone we hired approximately 25 to 27 year-round
18 CPWs, City Park Workers, and these are individuals
19 earning closely \$30,000 to \$35,000 a year. In
20 addition to that there are staff who work for me.
21 I run the Job Training Program, and so definitely
22 we've hired a number of our trainees to work as
23 employment counselors, case managers. In the
24 Agency within itself, I think it's our Staten
25 Island Chief of Recreation, she's earning in like

1
2 upper 80s or so, and she came from our program
3 several years ago. So definitely there's some
4 diversity in regard to that, and a number of
5 people who've gone through our program are now in
6 positions in the agency. A very good example, we
7 had an assistant gardener from one of our pilot
8 programs a little bit over a year and a half ago,
9 and she's earning close to \$40,000, so definitely.

10 COUNCIL MEMBER MEALY: Okay. I'm
11 glad to hear that then. Thank you. Have there
12 been any audits in regard to the employment
13 practices.

14 ROBERT GARAFOLA: There is going to
15 be an audit that is going to be starting very
16 shortly with EEOC. We just got a first letter--

17 COUNCIL MEMBER MEALY:
18 [Interposing] Thank you.

19 ROBERT GARAFOLA: We haven't had an
20 opening conference yet. Usually you get a letter
21 and then they schedule an opening conference. The
22 opening conference hasn't been scheduled yet, but
23 that will happen shortly.

24 COUNCIL MEMBER MEALY: What do you
25 expect to get from the audit? After the audit is

1
2 done, will you change your practices?

3 ROBERT GARAFOLA: I think what we
4 will do is--obviously the auditors generally come
5 in and they review our practices and make
6 recommendations. You know, they evaluate what's
7 going on, they make recommendations. And like any
8 audit, we look at the recommendations and findings
9 very closely and if we think they, you know, make
10 sense and we can do it, we will do it, if there's
11 anything that they come up with. Hopefully we're
12 covering our bases. We're doing things
13 comprehensively. We're building an infrastructure
14 and framework within the department which we think
15 is very robust and we think that, you know, we
16 think it's going to be a clean and good audit.
17 However, you never know. They can come up with
18 things, and if they do, we will make the changes
19 that are necessary.

20 COUNCIL MEMBER MEALY: Okay. Thank
21 you. And I would like to see the statistics on
22 that.

23 ROBERT GARAFOLA: We will.

24 COUNCIL MEMBER MEALY: Thank you.

25 CHAIRPERSON SEABROOK: It's our

2 hope that you can provide us with that information
3 as it relates to the advertising. A couple
4 questions, but I'm going to give this over to the
5 Chair of the Parks Department, Helen Foster, and
6 I'll come back later.

7 CHAIRPERSON FOSTER: Thank you.

8 First, let me apologize, conflict of schedule, and
9 found out that I was an Honoree where I was, so I
10 couldn't leave. So I apologize. I've been caught
11 up to date on what we're doing and I'm going to
12 turn it back over to you. But I think what is
13 important as we have this discussion is that this
14 is clearly an agency that both myself as Chair of
15 the Parks Committee and Council Member Seabrook,
16 as Civil Rights, can do some oversight.

17 But I think that the issue of
18 making sure our workforces reflect this diverse
19 city goes beyond that, and when we look at the
20 Mayor and his agencies and his lack of color in
21 every level of hierarchy in his agencies, it goes
22 to why we are having this discussions today in
23 terms of what was not done or could have done
24 better in this suit. And I think that as you look
25 when we have budget meetings and be it the Police

1
2 Department, the Department of Education, any
3 department, the people sitting at the table never
4 reflect the diversity of this City. And we have
5 had the conversation too long, and from where I'm
6 sitting the whole--you know, we go to HBCUs and we
7 try to attract applicants and we go here and we go
8 there, it's almost insulting that it is--we're
9 still having these conversations. We're still
10 saying that we need to, when we hire people of
11 color, make sure that they are matriculating like
12 every other group. And clearly we don't have two
13 heads that make it difficult or more of a problem
14 for us to progress in the workforce.

15 I'm interested, and I will let
16 those of us that have been here continue with the
17 questions, but I'm interested in finding out what
18 exactly is the procedure in the Parks Departments
19 and what Mr. Granderson's role is in terms of how
20 much authority he really has to say a duck is a
21 duck when it's a duck. Meaning, if there is
22 something that is clearly wrong with the hiring
23 practices, and then once we get hired with the
24 ability to move on, how much authority does he
25 have? And of course we're not trying to put him

1 on the line here, but the reality is that when we
2 have these conversations, and you know, Mr.
3 Granderson I'm sure when you go to meetings that
4 every diversity officer or anyone trying to bring
5 diversity into a corporation or agency, it's
6 always a black man or a person of color. I always
7 find it interesting how we seem to be the only
8 ones who can hold those positions as if, like I
9 white man can't look around a room and say I'm
10 sitting at a table with a bunch of other white
11 men, this might not be too diverse. So I'm
12 interested in hearing what real authority Mr.
13 Granderson has within the Parks Department. And I
14 know that he reports to Commissioner Benepe, but
15 what happens when we get people of color in the
16 Parks Department and making sure from union jobs
17 or concessionaires or anything else, what's
18 happening. And I can give you an example. When
19 we talked about a concession for the new Yankee
20 Stadium I asked if they looked to any local
21 vendors. And they're looking to put the Tennis
22 Concession with a local vendor. Well I know for a
23 fact not to many of my local vendors can run a
24 tennis concession because they're not tennis
25

1
2 players nor do they know how to run a concession
3 for tennis. But then what happens is when we
4 group it together, I guarantee you the
5 concessionaire that runs the tennis stadium at
6 Yankee Stadium with, you know, the whole
7 replacement park land is not going to be someone
8 community-based and is not going to be someone of
9 color.

10 And then again we hear that, well,
11 they didn't reply to the RFP or they weren't
12 qualified. What are the obstacles that we are
13 putting in place to say that someone is not
14 qualified and then say, but we reached out? So
15 I'm very interested to hear what's happening. So
16 thank you, Chair. I'll let--I don't know who else
17 had questions. Council Member James, you had
18 questions, and then we'll continue. Thank you.

19 COUNCIL MEMBER JAMES: Thank you,
20 Madame Chair. Let me concur with your comments.
21 Someone once described the Mayor's administration,
22 they used a metaphor, they compared it to the
23 snowcapped mountains of Colorado. My question--

24 CHAIRPERSON FOSTER: [Interposing]
25 Except on the snowcapped mountains of Colorado you

1
2 fortunately get to see like the Black Ski Summit
3 and other people, so there are some people of
4 color there, but they're not across the hall.

5 COUNCIL MEMBER JAMES: My question
6 is in management. Could you please describe or
7 give me the demographics of the Parks Department's
8 management as of today?

9 ROBERT GARAFOLA: The management
10 right now is approximately 67% white. It's 25%
11 Black and Hispanic, and I believe it's 7% Asian.

12 COUNCIL MEMBER JAMES: How many of
13 those are women?

14 ROBERT GARAFOLA: I don't know the
15 number of that offhand, but I can find that out
16 for you.

17 COUNCIL MEMBER JAMES: Are women in
18 the majority or in the minority, would you say?

19 ROBERT GARAFOLA: Excuse me?

20 COUNCIL MEMBER JAMES: Are women in
21 the majority or in the minority?

22 ROBERT GARAFOLA: I believe they're
23 in the minority.

24 COUNCIL MEMBER JAMES: I understand
25 you have leadership training, and I applaud you

1
2 for that, but there are a significant number of
3 professionals of color in the City of New York.
4 Training aside, to what extent do you reach out to
5 the professional organizations of color in the
6 City of New York? Or are you aware of them?

7 Leadership training suggests that
8 there's not sufficient numbers of leaders of color
9 in the City of New York, and I challenge that
10 notion.

11 ROBERT GARAFOLA: The way we do
12 recruit, we do recruit through the newspapers,
13 also do it on websites and we've also done it
14 through the Historically Black Colleges and
15 Universities. In terms of organizations, David,
16 do you want to...

17 [Pause]

18 ROBERT GARAFOLA: I mean in terms
19 of the supervision program that Parks has and the
20 leadership program that Parks has, we've been
21 developing our leadership program within the
22 agency and we have 28 people in the program right
23 now and that's one of the programs that we are
24 doing. We plan on continuing that program. That
25 program's been running for around 10 months right

now and we're going to continue that program.

COUNCIL MEMBER JAMES: Without any disrespect, the individuals who are in the audience who are employed by the Parks Department, could you please raise your hand?

[Pause]

COUNCIL MEMBER JAMES: Okay, thank you. In terms of the case that was brought against you, and I understand it was a different administration; there were basically two claims of disparate treatment. One claim was dismissed; you were successful in getting summary judgment. But the second claim with regards to the interview process and minimum job requirements and things like that, you were successful in overcoming the challenge to this summary judgment. So I need to know a little bit more about your scoring process. Can someone describe to be a little bit about the scoring process during an interview?

ALESSANDRO OLIVERI: Sure, let me just take a crack at that and then I'll give it to David Terhune.

COUNCIL MEMBER JAMES: Okay, sure.

ROBERT GARAFOLA: In terms of our

1
2 scoring, one of the things we did do is we hired
3 an industrial psychologist and we had that person
4 go through our scoring methodology in terms of
5 what we do. And they also looked at--

6 COUNCIL MEMBER JAMES:

7 [Interposing] Is that psychologist a person of
8 color?

9 ROBERT GARAFOLA: No, it's not.

10 COUNCIL MEMBER JAMES: Okay.

11 ROBERT GARAFOLA: And--

12 COUNCIL MEMBER JAMES:

13 [Interposing] Has that psychologist ever trained
14 in terms of--in areas related to diversity? What
15 is their background?

16 RICARDO GRANDERSON: I mean I know
17 that Dr. Klein has worked with many City agencies
18 on these kinds of issues.

19 COUNCIL MEMBER JAMES: And that
20 explains the snowcapped mountains of Colorado.

21 [Pause]

22 COUNCIL MEMBER JAMES: So can you
23 talk to me a little bit about the scoring process?

24 ROBERT GARAFOLA: In terms of the
25 scoring process what we've done is we've looked at

1 what the job entails, what skills are needed, what
2 abilities are needed in terms of what those jobs
3 are. And then in order to develop a matrix and a
4 scoring program, in terms of that, and also in
5 terms of the questions, developing questions that
6 will be used in each of the interviews that we'll
7 have. So there's going to be a clear and
8 objective review in terms of the recruitment
9 process, in terms of the interview process. And
10 also we're having people trained in terms of--and
11 they've been trained in the Parks, and there's 255
12 people that have gone through this panel training
13 so that they can go through this and really
14 understand what they are supposed to be doing in
15 terms of interviewing, what the skills are, what
16 they're supposed to be looking at, and to really
17 try to make it a much more fair, objective and
18 equitable process in terms of training.

20 COUNCIL MEMBER JAMES: Now it's
21 important that you understand that no one here,
22 particularly not I, am urging that you have a
23 quota system and or you establish some goals. All
24 that I am asking for is basic and fundamental
25 fairness so that there is a level playing field.

1
2 And I do know that this is a different
3 administration, and I do know that you have made
4 best efforts to try to diversify the Parks
5 Department, and thus far I have been pleased.

6 I also know that there was a claim
7 in your lawsuit with regards to the under-funding
8 of Parks in communities of color. As someone who
9 represents a very diverse district, I can tell you
10 that that is not the case in my district. But I
11 would like to take some credit for that.

12 So I've read your testimony, I've
13 read the aspects of the settlement agreement. Are
14 you still under the jurisdiction of the Federal
15 Judge, Judge Chin?

16 ROBERT GARAFOLA: No, we're not.

17 COUNCIL MEMBER JAMES: You're not.

18 ROBERT GARAFOLA: Oh, we are?

19 COUNCIL MEMBER JAMES: So no
20 magistrate--I thought you were still under.

21 DAVID TERHUNE: Yes. I think the
22 Commissioner misunderstood the question. The
23 federal government--we are no longer under the
24 consent decree. Obviously the stipulation is
25 still subject to Judge Chin, so during the course

1 of the stipulation. So the short answer is yes.

2
3 COUNCIL MEMBER JAMES: And the
4 annual review with respect to adverse impacts on
5 people of color--I don't like the word minority,
6 people of color--who is responsible for that?

7 ROBERT GARAFOLA: David Stark. He
8 is our Assistant Commissioner of Finance and
9 Management.

10 COUNCIL MEMBER JAMES: And when
11 will that review be completed for this year?

12 ROBERT GARAFOLA: It was done
13 already.

14 COUNCIL MEMBER JAMES: It is done
15 already?

16 ROBERT GARAFOLA: Yes, it was.

17 COUNCIL MEMBER JAMES: Do we have
18 copies of that?

19 ROBERT GARAFOLA: We can get you
20 copies.

21 COUNCIL MEMBER JAMES: That would
22 be appreciated. And one of the aspects of the
23 lawsuits is related to compensation, and I do know
24 that you have paid out some employees, not related
25 to the litigation but related to I guess a study

1
2 of some sort. Is that correct?

3 ALESSANDRO OLIVERI: We did equity
4 reviews, we talked about in the testimony, that we
5 actually look at, you know, salaries comparable
6 staff salaries within the agency to determine if
7 there's not an equitable distribution in terms of
8 what the salaries are. And the Assistant
9 Commissioner will make a recommendation to the
10 Commissioner.

11 COUNCIL MEMBER JAMES: And let me
12 ask you a question, that issue of equity, is it
13 more related to gender than it is to race? What
14 were the aspects that you studied?

15 ALESSANDRO OLIVERI: It was both.

16 COUNCIL MEMBER JAMES: It was both.

17 ALESSANDRO OLIVERI: Yes.

18 COUNCIL MEMBER JAMES: So as far as
19 those individuals who received some adjustment in
20 their salary, how many of them were of color? Do
21 you know?

22 ALESSANDRO OLIVERI: It was close
23 to 50%, and in terms of females, it was over 50%.

24 COUNCIL MEMBER JAMES: And was that
25 included in the monetary award, or that was

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separate and apart?

ALESSANDRO OLIVERI: Separate from the monetary award. This is actions that we took, proactively took, at the Parks Department.

COUNCIL MEMBER JAMES: And there's ongoing review of the issue of compensation?

ALESSANDRO OLIVERI: Yes, there is.

COUNCIL MEMBER JAMES: Okay. Thank you. Thank you, Madame Chair.

CHAIRPERSON FOSTER: Thank you.

RICARDO GRANDERSON: If I may, I'd like to address the point that Council Member Foster broached. And good afternoon, Council Member.

CHAIRPERSON FOSTER: Good afternoon. Before you address it, can I get the rest of my questions out and then you can address them all?

Specifically for you, Mr. Granderson, how many people--well let me take a step back. How many EEOC Officers are there, if you know and in terms of the Citywide agencies?

RICARDO GRANDERSON: You mean how many EEO Officers are there at each agency?

2 COUNCIL MEMBER FOSTER: Yeah. Do
3 you know that?

4 RICARDO GRANDERSON: Well each
5 agency usually has one.

6 CHAIRPERSON FOSTER: At least one.
7 And how many in the Parks Department?

8 RICARDO GRANDERSON: One.

9 CHAIRPERSON FOSTER: And what does
10 your staff consist of?

11 RICARDO GRANDERSON: Well I've got
12 12 EEO counselors; I've got one deputy director
13 and one admin.

14 CHAIRPERSON FOSTER: And they all
15 report to you?

16 RICARDO GRANDERSON: Well the admin
17 and the deputy director report to me, and the EEO
18 counselors are essentially shared staff who offer
19 their services pro bono if you will.

20 CHAIRPERSON FOSTER: So they
21 technically have another title, be it whatever,
22 and just are EEOC counselors.

23 RICARDO GRANDERSON: Yes.

24 CHAIRPERSON FOSTER: And what type
25 of authority--let me take a step back. Do you

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train these 12 officers?

RICARDO GRANDERSON: Yes.

CHAIRPERSON FOSTER: And how often do you meet with these officers?

RICARDO GRANDERSON: I meet with them quarterly as a minimum, but I also provide them training that is based on the DCAS model training, because DCAS provides training to all EEOC officers, and I utilize their manual to provide training to that EEO counselor staff, and that's done on a quarterly basis at a minimum.

CHAIRPERSON FOSTER: At a minimum.

RICARDO GRANDERSON: Yes.

CHAIRPERSON FOSTER: But you can call them in as you need.

RICARDO GRANDERSON: Yes.

CHAIRPERSON FOSTER: Or meet with them as you need.

RICARDO GRANDERSON: Yes.

CHAIRPERSON FOSTER: And how much autonomy do you have in your position in terms of investigating a case, making a determination and then bringing it to Commissioner Benepe?

RICARDO GRANDERSON: I have

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2 complete autonomy with regard to investigating
3 facts, meeting with staff with their
4 representatives in all cases or most cases, and
5 ultimately it's very facile. I prepare a report
6 and submit it to the Commissioner for his review.
7 And one of the points that I made earlier is that
8 most of my recommendations are supported by the
9 Commissioner. There are, however, some instances
10 where we respectfully disagree, as intelligent
11 people disagree all the time. In those instances
12 he makes decisions or overrules my decision based
13 on his perception of the facts, based on his
14 understanding of how the Agency works. But I have
15 to say, unequivocally, most of my recommendations
16 are supported by the Commissioner.

17 CHAIRPERSON FOSTER: How long have
18 you been in this position?

19 RICARDO GRANDERSON: Five years
20 this November 14th.

21 CHAIRPERSON FOSTER: And in your
22 five years, November 14th, how have you seen your
23 position in terms of--let me take that back. In
24 the five years, have you noticed a difference in
25 terms of workforce, work environment and

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2 diversity?

3 RICARDO GRANDERSON: I have to say
4 that the Agency manages 14% of the City's landmass
5 and essentially functions 24 hours a day. We've
6 got uniformed officers, our PEP division; we've
7 got architects; we've got lawyers; we've got City
8 park workers. And that entity, that collective in
9 and of itself, is very diverse. When I attend
10 cabinet meetings, when I look around the room,
11 notwithstanding the snowcapped mountains, that I
12 do see a significant amount of diversity
13 represented at those meetings.

14 With that being said, I believe
15 that if you're talking about the positions at the
16 top, at the highest levels, in those positions
17 you're not going to have a significant degree of
18 attrition; that's just a matter of fact, that
19 Commissioners aren't going to just summarily
20 decide to take sabbaticals or leave. But with
21 that being said, I do believe that the Agency is
22 engaging in good faith effort. Have we been
23 successful? No. but I have to say, and I want to
24 broach the point about my authority or lack
25 thereof, I have to say that my authority is

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2 comparable to that of any other EEO officer in any
3 other City agency. Notwithstanding, it's
4 important to note that I am one of three people
5 that report directly to Commissioner Benepe, and
6 that reporting relationship, I believe, has a
7 significant degree of cachet, which yields a
8 degree of influence, as represented by the numbers
9 of employees who regularly contact the office for
10 me to resolve issues. Last year alone, in
11 conjunction with the Personnel Division, we were
12 able to salvage the job of an employee where there
13 were some issues with regard to the termination.
14 And I regularly intervene on behalf of employees
15 where there are issues with regard to the writing
16 or the drafting of evaluations or issues with
17 regard to how disciplinary conferences are
18 prepared or issued. So in terms of diversity, the
19 Agency in and of itself is a diverse agency.

20 I believe your concern is whether
21 I'm seeing diversity at the highest levels. All I
22 can say in response to that question is that the
23 Agency is regularly engaging in a good faith
24 effort to identify, train those who potentially
25 could lead the Agency in the future.

2 CHAIRPERSON FOSTER: Do you know
3 what the percentage of Commissioners are that are
4 at the Parks currently that were there under the
5 Wright v. Stern?

6 RICARDO GRANDERSON: I'd be
7 speculating. If you're interested in actual
8 numbers, I believe that Commissioner Garafola
9 could tell you the details.

10 ROBERT GARAFOLA: In terms of
11 commissioners that we have, currently there's--in
12 terms of Deputy Commissioners, there's four Deputy
13 Commissioners now. And before the breakdown it
14 was 100% male and white, and now it's one African
15 American, and one woman. And in terms of the
16 Borough Commissioners, it's 60% white and 40%
17 Hispanic. And in terms of--

18 CHAIRPERSON FOSTER: [Interposing]
19 How many Black Borough Commissioners do you have?

20 ROBERT GARAFOLA: We have none at
21 this time.

22 CHAIRPERSON FOSTER: You have none,
23 you're saying?

24 ROBERT GARAFOLA: None at this
25 time, for Borough Commissioners. Correct.

2 CHAIRPERSON FOSTER: At this time.
3 You had some before?

4 ROBERT GARAFOLA: Not that I know
5 of.

6 CHAIRPERSON FOSTER: So you have
7 none and--

8 ROBERT GARAFOLA: [Interposing] We
9 have two Hispanic Commissioners. Borough
10 Commissioners, sorry.

11 CHAIRPERSON FOSTER: But no Black
12 Commissioner.

13 ROBERT GARAFOLA: For Borough
14 Commissioners.

15 CHAIRPERSON FOSTER: No, I
16 understand. But none?

17 ROBERT GARAFOLA: Yes, that's
18 correct.

19 CHAIRPERSON SEABROOK: Ever?

20 ROBERT GARAFOLA: No, I didn't say
21 ever, I'm just saying now.

22 CHAIRPERSON FOSTER: But you said
23 at this time, so at what time did we have one?

24 ROBERT GARAFOLA: I'm just saying
25 right at this moment, that's all I'm saying.

2 CHAIRPERSON FOSTER: So do you know
3 in the past if we had one?

4 ROBERT GARAFOLA: I don't believe
5 so.

6 CHAIRPERSON FOSTER: So it could be
7 ever. Okay, go ahead. I'll let you finish.

8 ROBERT GARAFOLA: One person, I was
9 just told by our Personnel Director, that our
10 Borough Commissioner in Queens was Black, at one
11 point.

12 CHAIRPERSON FOSTER: At one point.

13 ROBERT GARAFOLA: Yes.

14 CHAIRPERSON FOSTER: And do you
15 know at what point that point was?

16 ROBERT GARAFOLA: I know he left to
17 go to Cleveland and had a job as a Parks
18 Commissioner in Cleveland.

19 CHAIRPERSON FOSTER: And how many
20 of the Commissioners, be it Borough, Deputy,
21 Assistant Commissioner, how many of those
22 Commissioners were in the administration at the
23 time of that lawsuit, if you know?

24 ROBERT GARAFOLA: I don't know that
25 offhand. I can get that information for you.

2 CHAIRPERSON FOSTER: Could you
3 please?

4 ROBERT GARAFOLA: Yes.

5 CHAIRPERSON FOSTER: Do you, Mr.
6 Granderson, have access when you meet with
7 Commissioner Benepe, do you have access to
8 salaries so that when you're sitting in the
9 diverse senior management meeting you know who is
10 making what?

11 RICARDO GRANDERSON: Yes.

12 CHAIRPERSON FOSTER: And are the
13 salaries comparable?

14 RICARDO GRANDERSON: The salaries
15 are comparable based on experience and skill set,
16 yes.

17 CHAIRPERSON FOSTER: Comparable
18 based upon experience and skill set.

19 RICARDO GRANDERSON: Yes. What I
20 mean by that is--

21 CHAIRPERSON FOSTER: [Interposing]
22 No, no. I understand what you mean. My point is
23 how does one get experience and skill set, when
24 other than being involved and being able to
25 matriculate in an agency, so therefore you can

1
2 have a comparable salary based upon experience and
3 skill set? And of course, as you know, this isn't
4 directed at you, you just happen to be in the
5 seat. But I am not comforted when I hear that
6 every agency has an EEOC Officer when you look at
7 the agencies, the lack of diversity is clear.
8 When I ask about a Black Borough Commissioner and
9 we don't have one at this time, indicates to me
10 that either we just lost one or we're looking for
11 one as opposed to we just don't have one. So
12 there is not a lot of comfort. But that's not the
13 word I'm looking for. There is not a lot of trust
14 in this system, because we're almost asking the
15 wolf to watch the henhouse, and then acting like
16 we don't know why there aren't any hens.

17 But let me ask a few questions
18 about this Park Leadership--let me get the right
19 terminology. The Park Leadership Academy or the
20 Park Leadership--what's it called?

21 ROBERT GARAFOLA: Training Program.

22 CHAIRPERSON FOSTER: Park
23 Leadership Training Program. It's my
24 understanding that we don't have statistics yet as
25 to how effective that has been or has not been.

2 ROBERT GARAFOLA: I think the
3 question that was raised by Chairman Seabrook was
4 the issue of the people that were in the program
5 how many people got promoted as of right now. And
6 I was just saying I don't have the numbers with me
7 at the moment and I would get back to him on those
8 numbers.

9 CHAIRPERSON FOSTER: Okay.

10 ROBERT GARAFOLA: There are 28
11 people in the program currently and they've been
12 in the program for about, I would say close to 10
13 months.

14 CHAIRPERSON FOSTER: I would be
15 very interested in getting those numbers. Lastly,
16 what is the Parks Department's long-term plan,
17 assuming that in January things will be the same
18 and there won't possibly be a new Parks
19 Commissioner with new Commissioners. What would
20 be the plan going forward in terms of addressing
21 still the systemic issues within the Parks
22 Department to address exactly what Wright v. Stern
23 was trying to?

24 ROBERT GARAFOLA: I think a lot of
25 the steps that we've taken so far we're going to

2 continue and expand on them. We've gone through a
3 lot of the measures I sort of raised in the
4 testimony and talked about a number of changes
5 that have occurred in the last few years. And,
6 you know, we will continue that. Also in terms of
7 our recruitment and our outreach and going through
8 the whole process of interviewing and also the
9 reviews. And Mr. Granderson was mentioning a
10 number of things in terms of what, you know, he is
11 involved in. And he said, you know, in terms of
12 his discussions with the Commissioner. But he
13 also, you know, comes to me all the time and also
14 to David Stark, our Assistant Commissioner for
15 Finance and Budget and also Alessandro Olivieri.
16 So he brings those issues to us whenever he has
17 issues, and to come for some kind of resolving on
18 those issues. And we deal with that, you know,
19 forthright with him. And those are some things
20 that he does.

21 And also in terms of a lot of the,
22 whether they're complaints that come to him, they
23 could be just employment complaints that he deals
24 with as well. The Commissioner has really allowed
25 him to go out there and deal with those issues and

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2 really try to deal with them at a preliminary
3 basis so they don't become a more important issue
4 than it is, and tries to deal with those things.
5 And he's been able to do that very well.

6 The other thing I just wanted to
7 say is in terms of mentioning some of the things
8 in terms of since Commissioner Benepe has been
9 Commissioner, in terms of the number of the people
10 that he has appointed and in terms of the top
11 people in the Agency, he's made a very strong
12 effort of adding diversity to even the higher
13 levels. And it's a slow process, because as Mr.
14 Granderson said, a lot of the people there have
15 not necessarily changed, but when there are
16 changes and when he does have the ability to make
17 that decision, he has appointed people of color to
18 these positions as well. So yes, there is a long
19 way to go, there's no question. I don't want
20 anyone to think that we're--that this agency is,
21 you know, okay we've done our thing and we're
22 done. Clearly from this statement, you know, this
23 is a mission that's very important to us. We live
24 this every day in the Agency. It's taken a toll.
25 It's been on the Agency for close to ten years

1
2 we've been dealing with that and we take it very
3 seriously.

4 DAVID STARK: David Stark. I just
5 wanted to add one quick thing.

6 CHAIRPERSON FOSTER: Can you pull
7 the mic a little closer to you, please?

8 DAVID STARK: Sure. Right now 90%
9 of the positions in the Agency have a rate of pay.
10 So what we've established is, if you're going to
11 become an Associate Parks Service Worker, everyone
12 knows what they're going to earn. If you're going
13 to be a crew chief, everyone now knows what
14 they're going to earn. And when we did the equity
15 actions what we looked for is people in similar
16 titles. And if there was a discrepancy we moved
17 everybody up so they're in that same point of
18 reference. Every borough Commissioner has the
19 same salary. Every Deputy Commissioner has the
20 same salary. Every PRM earns the same salary. So
21 what we've done is we've really taken that, why do
22 I make this why does he make that, out of the
23 game. And 50% of the promotions that were done,
24 approximately, went to class members since we've
25 installed--

2 CHAIRPERSON FOSTER: [Interposing]
3 Went to?

4 DAVID STARK: Class members.

5 CHAIRPERSON FOSTER: Okay.

6 DAVID STARK: And I think it's been
7 a tremendous outcome there. The equity actions
8 that were done, 50% class members, 45% white, 6%
9 Asian. All the promotions done since May of '08
10 have been very, very fair there. And right now
11 we're in a hiring freeze, so we're looking within
12 the Agency to fill almost every vacancy. And I
13 don't think that there is a systemic problem in
14 the Agency right now.

15 CHAIRPERSON SEABROOK: Just a
16 couple questions as it relates to those issues
17 internally. The people who filed the original
18 complaint, out of the 11, five were moved up,
19 promoted. What happened to the six other people?

20 ROBERT GARAFOLA: Three of the
21 people left the Agency. And the other people are
22 still with the Parks Department.

23 CHAIRPERSON SEABROOK: Question,
24 there was the class of, that the previous
25 Commissioner created, these people created this

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2 lawsuit, this level of recruitment. And I don't
3 know, maybe somebody needs to kind of tell me, was
4 there specific recruitment and a budget allocation
5 for recruitment at Harvard? Does anybody know
6 that was there? Any monies paid to advertise at
7 Harvard for the recruitment of these individuals
8 that were hired? Does anybody know that?

9 ROBERT GARAFOLA: I don't know of
10 any budget that was allocated for that activity,
11 no.

12 CHAIRPERSON SEABROOK: But the
13 majority of those people were hired from Harvard.
14 None from Harvard?

15 ROBERT GARAFOLA: I think--

16 CHAIRPERSON SEABROOK:
17 [Interposing] Well there was enough of them. How
18 many women in that group?

19 ROBERT GARAFOLA: I don't know the
20 breakdown of that group right now.

21 CHAIRPERSON SEABROOK: I'd like to
22 know that. I'd like to know the breakdown of that
23 group of who was hired. And it was Ivy Leaguers
24 and I'd like to know where they came from. And
25 I'd also like to know that they were hired for

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2 different positions to be placed that weren't
3 advertised. Is that correct? These positions
4 were not--that's what the Court says, that these
5 people, these positions were never posted. These
6 people were hired and there was a complaint about
7 these people being hired for positions that were
8 never posted and then they were later, in terms of
9 computer skills and everything else, which these
10 people had. Are these people still in this
11 Agency? Are they?

12 ROBERT GARAFOLA: There may be a
13 few people still in the Agency. I don't--

14 CHAIRPERSON SEABROOK:
15 [Interposing] That was hired--

16 ROBERT GARAFOLA: [Interposing] A
17 lot of them have left also.

18 CHAIRPERSON SEABROOK: That brought
19 this suit, that they're in this agency, we'd like
20 to know. And were these people promoted. Are
21 they at the same titles in which they were hired
22 or have they been promoted?

23 ROBERT GARAFOLA: We'll get that
24 information for you.

25 CHAIRPERSON SEABROOK: We'd like to

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know that.

ROBERT GARAFOLA: Okay.

CHAIRPERSON SEABROOK: Because they were hired under a different set of circumstances as to how they were hired. That's what brought the complaint. And then all at once, I'd like to know where these people are. Are they still at the level in which they were hired? Have they been promoted?

ROBERT GARAFOLA: Okay.

CHAIRPERSON SEABROOK: Because I think that's the issue of that class of. And I'd like to know, Councilwoman Mealy raised the issue about advertisement in Amsterdam News, etcetera, and I'd like to know what type of advertisement went to the Ivy League.

ROBERT GARAFOLA: I would just like to add, most of the people, from what I remember, have left the Agency, are not with the Agency. But we will check the statistics.

CHAIRPERSON SEABROOK: Okay. I would just like to know, you know the ones, what happened to the 11, so I'd like to know what happened to the--

2 ROBERT GARAFOLA: [Interposing]

3 Okay.

4 CHAIRPERSON SEABROOK: Does anybody
5 know number of people that were hired out of this
6 class of?

7 ROBERT GARAFOLA: Offhand I don't
8 know the number.

9 CHAIRPERSON SEABROOK: Anybody?
10 Somebody was around. The personnel guy was
11 around. Somebody's got to know. Somebody that
12 created this problem with this lawsuit, somebody
13 got hired. Somebody raised--it wasn't two or
14 three people. Somebody's got to know.

15 ROBERT GARAFOLA: We'll get back to
16 you.

17 CHAIRPERSON SEABROOK: Okay.
18 Because I'd like to know the number of people that
19 we're talking about.

20 CHAIRPERSON FOSTER: Who.

21 CHAIRPERSON SEABROOK: Because it
22 obviously created such a stink that it brought a
23 lawsuit and it was real. So we'd like to just
24 know what happened, those people came on in one
25 people then all at once they had these other

1 skills and then boom they're up the ladder. We'd
2 like to know where they are. That's my concern.

3
4 CHAIRPERSON FOSTER: Just, I want
5 to close with you, Mr. Granderson. The question
6 that I asked in terms of assuming that the
7 Commissioner is still the Commissioner in January
8 and everything, you know, things are the same, is
9 there anything going forward that you think the
10 Parks Department needs to do? And I ask that
11 coming from your perspective as also the officer,
12 but as a Black man. And as you know, New York
13 City has a higher unemployment rate of Black men
14 than we do nationally. So you are kind of in the
15 catbird seat, in that you are Black man, you have
16 a job and you are in charge of making sure that as
17 much as possible the Agency is diverse. So
18 without saying anything that will put you into
19 that 11%, what do you see going forward?

20 RICARDO GRANDERSON: Well, I
21 believe that part of the quote is, power concedes
22 nothing without a demand. And part of my job is
23 to make reasonable demands relative to EEO. And
24 much to the chagrin of some, but fortunately my
25 Commissioner, as I have reiterated, has been very

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 2 supportive. And going forward I will continue to
 3 make those demands. And I suspect, as was the
 4 case in the past, that he will support most of
 5 what I do. And with regard to those situations
 6 where we have reasonable disagreement, and
 7 obviously with deference to him, based on his
 8 understanding of the agency, then I defer in those
 9 contexts.

10 With regard to my subjective state
 11 as a Black man and being employed, I say to you
 12 that over the past year I have personally had a
 13 hand in the reemployment of four persons of color
 14 who, for one reason or another, let's call it bad
 15 processing, had been employed with the Agency and
 16 lost their job. And I think that is a function of
 17 my being able to make demands and also a function
 18 of the Agency, specifically personnel, being
 19 receptive to my demands and having the ability to
 20 look at the facts when I present facts in various
 21 memoranda; they're able to look at the facts and
 22 conclude: you know what, in the interest of
 23 fairness and equity it right to reemploy this
 24 particular employee, or it would be right and
 25 proper to allow the employee to continue to

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2 collect unemployment. So, I'm hoping that some of
3 those efforts result in people being employed,
4 reemployed, not wrongfully terminated and being
5 treated fairly and equitably in the workplace.
6 That's what I'm hoping.

7 CHAIRPERSON SEABROOK: Well I'm not
8 going to let you take all that weight by yourself.
9 Commissioner, because I know the Commissioner of
10 Parks is a decent man and he didn't have anything
11 to do with that other guy that was there, but
12 anyway--what are the goals of this agency as it
13 relates to seeing what has happened, to understand
14 the historical dynamics that took place and this
15 legal ramification that brought this to the front?
16 I'm certain that there have been discussions.
17 What is the goal of this agency as it relates to
18 reaching a level of diversity that says that we're
19 going to--since you have a hiring freezes, but
20 that still doesn't stop you from hiring within,
21 what are some of those goals that you're looking
22 at? Because obviously it is not what it should
23 be, but there should be some goals. And there is
24 nothing illegal about goals. And I just want to
25 hear from you.

1
2 ROBERT GARAFOLA: I think the key
3 thing that we have to do at Parks is we have to
4 have an open process. It's got to be everybody
5 has to be able to be eligible to interview for any
6 of the positions that are available. Also, people
7 have to obtain training, get the ability to get
8 the training so they can really upgrade their
9 skills so they have access, whether it's the
10 Career Counselors getting skill training, taking
11 training at our Parks Academy and doing that, but
12 also applying that in terms of going and getting
13 interviews; and also the whole hiring process,
14 making sure that it's a fair process, the process
15 doesn't discriminate in any way, shape or fashion
16 and, you know, we can give jobs that are--when
17 people come in and they come for those positions
18 that they get a very fair opportunity at getting
19 those positions.

20 And one of the things that we are
21 looking for is to improve those numbers that we
22 were talking about. Those are numbers that we're
23 working towards. That's something that I think
24 the Commissioner wants to do and he will continue
25 to do that. So those are some of the things that

1 we're talking about. I think in terms of our
2 leadership program, we want to extend that
3 program, expand that program, so we have more
4 opportunity for the people in that program to
5 really be able to move into management level
6 positions. We're also opening the recreation
7 areas and some of the positions there so that
8 people from those positions can move into other
9 opportunities within the Agency, whether it's
10 maintenance and operations, whether it's
11 administration and management, whether it's the
12 parks enforcement--upper levels of those
13 divisions, so there's really a crosspollination
14 within the Agency so people have the opportunity
15 that they can move around. We've had some
16 movement like that recently in terms of a number
17 of the people in the recreation division who
18 basically felt to some extent--I think one of the
19 issues in the lawsuit, they felt they were in
20 recreation, they really couldn't get out of the
21 recreation division and they were sort of
22 stovepiped in that particular division. And we've
23 had people move out, become park and recreation
24 managers and work in the operation division, which
25

1
2 is a really big part of the Agency as well, and
3 those people can move on to other positions
4 within.

5 Also, in terms of our Park
6 Opportunity Program, which we have lots of people
7 who come through the process, and some of the
8 people come in and stay in the Parks Department,
9 get jobs in the Parks Department, that those
10 people can move up and get--whether it's seasonal
11 step up positions, get supervisory positions, move
12 up within the organization as well. So there's a
13 lot of things that we're talking about, a lot of
14 goals that my Commissioner has in terms of what we
15 want to do, what the top management in this Agency
16 is committed to doing, what our Personnel Director
17 and our other staff are doing.

18 We're not here to say this is
19 perfect. We're not here to say that, you know,
20 we've achieved everything. I would never say
21 that, and we do have a ways to go. But I think
22 we're on the right track. I think we're on the
23 right direction. And as long as I am here,
24 Commissioner Benepe and the other people who are
25 sitting here, and my Personnel Director, we plan

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on doing that.

CHAIRPERSON SEABROOK: And I hope that information--I am very concerned about getting the information that you had indicated that you would provide us with. That is important to us so that we can have that information. So if you could get that out, we would appreciate it.

ROBERT GARAFOLA: Thank you.

CHAIRPERSON FOSTER: Thank you. I would reiterate the importance of the information, additionally, to make sure that what we are in fact implementing is getting the results that we desire. And I think that there are so many times that we implement something and the results that we desire aren't what we get. So Mike, please follow up with us. Thank you very much.

[Pause]

COUNCIL MEMBER FOSTER: ReNika Moore, NAACP, Legal Defense Fund.

[Pause]

CHAIRPERSON SEABROOK: Maybe you might want to stay and listen to what she has to say, some of you. Everybody can't leave. Are you going to stay? All right.

2 COUNCIL MEMBER FOSTER: Ejim, why
3 don't you come up and speak on this panel also?
4 Ejim Dike from the Urban Justice Center New York
5 City Human Rights Initiative. Thank you. Ms.
6 Moore, you can get started.

7 RENIKA MOORE: Good afternoon,
8 Chairman Seabrook, Chairwoman Foster. My name is
9 ReNika Moore. I am an Assistant Counsel with the
10 NAACP Legal Defense Fund. The Legal Defense Fund
11 is the nation's oldest civil rights legal
12 organization. It was started by Thurgood Marshall
13 here in New York City, and for the past 60 years
14 we have been working on behalf of African
15 Americans and other people of color to eliminate
16 barriers created by racial discrimination. Along
17 with co-counsel, the Legal Defense Fund represents
18 the plaintiffs in the Wright v. Stern lawsuit.

19 As we've discussed, the Wright v.
20 Stern lawsuit settled last year, and I'm here to
21 speak about the Parks Department's compliance with
22 the settlement. And while we acknowledge that the
23 Parks Department has, with some exceptions,
24 followed the letter of the settlement, we believe
25 that the Department has gone no farther than what

1
2 is required. We question their true commitment to
3 fixing the wrongs of the past and ensuring a
4 workplace free from discrimination. And because
5 of this we have serious concerns about the
6 continued obstacles faced by workers of color in
7 the Department.

8 My testimony today will address
9 three areas, first, our areas of concern regarding
10 the compliance with the settlement; second, the
11 challenges to EEO enforcement faced by other City
12 agencies; and third, what the City can do to
13 address these challenges.

14 I do want to clarify what the
15 claims were in the Wright v. Stern lawsuit. The
16 lawsuit was initially filed in 2001 by African
17 American and Hispanic park workers. They filed a
18 lawsuit to challenge widespread discrimination in
19 pay, promotion, racially segregated job
20 assignments and routine retaliation against class
21 members who complained about discrimination.

22 After more than six years of divisive litigation
23 and a year of intense mediation, the plaintiffs
24 and the City reached a settlement in May of 2008.
25 The settlement provided for comprehensive changes

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2 to the Parks Department's employment practices
3 that were intended to ensure fair and equal job
4 opportunities for all parks workers regardless of
5 race or ethnicity.

6 The settlement provided for \$12
7 million in back pay and compensatory damages to
8 workers who had been discriminated against. At
9 the time the settlement proceeds have in large
10 part been distributed to all eligible class
11 members. In total, approximately 2,275 class
12 members have received some form of monetary relief
13 from the settlement.

14 The Parks Department has taken
15 positive steps towards reducing discrimination,
16 but we believe more is needed. The Parks
17 Department has met its reporting requirements
18 under the settlement and has taken constructive
19 steps towards improving equal opportunity,
20 including revamping its process for filling job
21 vacancies and reinstating the managerial training
22 program that you heard earlier that former
23 Commissioner Stern had abolished.

24 In July of this year, after we
25 concluded that the settlement stipulations

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2 required adverse impact analysis, conducted by
3 Parks, showed an impermissible selection rate for
4 minorities. The City agreed to conduct a content
5 validity study for the Parks and Recreation
6 Manager Position. We were encouraged by the Parks
7 Department's undertaking because of our concerns
8 about ongoing discrimination in the interview and
9 promotion process for managerial level positions.
10 However, we're now three months later and the City
11 has yet to hire an expert to conduct the study,
12 raising serious concerns about delays in the
13 completion of this study. Such delays have real
14 life consequences for workers of color who are
15 seeking jobs but who are unfairly and unlawfully
16 excluded.

17 There are other areas of concern.
18 For example, the Advisory Committee, which we
19 talked about before. So to explain, the Advisory
20 Committee was provided for by the settlement, and
21 it included three class members as well as the
22 Parks General Counsel and the Parks EEO officer.
23 So the Committee's purpose was to address
24 discrimination and retaliation raised by the
25 workers in the Parks Department. The Committee

1
2 has just finished its first year of operation, and
3 as it came to a close, the class members who were
4 represented on that Committee were three former
5 plaintiffs from the Wright v. Stern lawsuit.
6 Together they have more than 50 years experience
7 through the Parks Department, and they led the
8 effort to improve minority opportunities both
9 within the Department and through the litigation.
10 These three representatives collectively decided
11 to resign from the Advisory Committee because of
12 their concerns and their frustration and
13 disappointment with the Advisory Committee, and
14 because they felt they were being subjected to
15 retaliation because of their role on the
16 Committee.

17 The class members found that their
18 questions, their concerns and their suggestions
19 were being ignored or languaged with no follow up.
20 They found that meetings were rushed, often
21 without enough time to address all topics on the
22 agenda. The class members on the Committee also
23 felt targeted for retaliation because of their
24 outspoken advocacy on behalf of minority workers.
25 During their term on the Committee, two of the

1 three workers were called into the Parks
2 Advocate's Office or the Department of
3 Investigation to respond to baseless accusations
4 for infractions that even if true should not have
5 warranted the full scale investigations. They
6 were of the nature that would typically be handled
7 by a supervisor. Class members' questions about
8 who made the complaints and their requests to
9 review evidence supporting the allegations went
10 unanswered.
11

12 Furthermore, we've observed little
13 progress since we first file Wright v. Stern in
14 the number of African Americans and Hispanics in
15 high-level Parks Department positions. We
16 continue to see all white or nearly all white
17 pools of candidates interviewed for Director level
18 and other high-ranking positions. For example, in
19 the last reporting period there were six white
20 applicants and no minority applicants interviewed
21 for one Chief of Operations positions, which is a
22 historically all white title. And then, only
23 three white candidates and no minorities
24 interviewed for a Director of Public Information
25 position. I'll also add that there was a Director

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2 of Concessions position that was also filled with
3 only one white applicant, and that white applicant
4 was chosen for the job.

5 In many instances we see parks only
6 posting for the job vacancy in question once, and
7 did not repost the job, nor did they open the
8 position to external applicants, despite the small
9 number of applicants, particularly non-white
10 applicants. In light of the history of under
11 representation of African Americans and Hispanics
12 in these and other high-level positions, we
13 believe Parks should take further steps to ensure
14 at a minimum that a diverse pool of candidates is
15 interviewed. Such steps would include reposting
16 of job announcements, training and recruiting of
17 qualified minorities, particularly where the
18 applicant response rate is low and or lacks any or
19 very few applicants of color. In the hiring
20 context, we know of at least one instance where
21 the Department hired a white applicant from
22 outside the Department, despite Commissioner
23 Benepe's prohibition on external hires.

24 Taken together, the overarching
25 message conveyed by the Department's actions is

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2 that the Department is mechanically endeavoring to
3 comply with the terms of the settlement without
4 showing a genuine commitment to improve EEO
5 practices within the Department.

6 Next, I'd like to talk about what's
7 going on with other City agencies. There are two
8 key areas where the City could take important
9 steps to improve equal access to employment, civil
10 service exams and better maintenance and
11 availability of EEO data. Last year, when the
12 Director Counsel of the Legal Defense Fund
13 addressed these two committees, he stressed the
14 need for New York to reevaluate its civil service
15 hiring process and to stop using poorly designed
16 written exams that do little to predict success on
17 the job. Since then, we have even more proof of
18 the need to reevaluate the City's civil service
19 exams.

20 As you are no doubt aware, this
21 summer, a federal judge in Brooklyn found that the
22 New York City Fire Department's employment tests
23 discriminated against and excluded hundreds of
24 African American and Hispanic fire fighter
25 candidates from the FDNY. The result is that the

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2 City's firefighting force of 11,000, only 7% are
3 African American or Hispanic, an embarrassingly
4 low number for a City that is 50% African American
5 and Hispanic. In another lawsuit that LDF is
6 currently defending on appeal, the City relied on
7 discriminatory Civil Service exams and recruitment
8 practices in a manner that broadly excluded
9 African Americans, Hispanics and women from
10 employment as custodians and custodian engineers
11 in New York City's public schools.

12 For New York to make real progress
13 in eradicating employment discrimination from City
14 Agencies, it must stop using outdated
15 discriminatory exams that do not select the best
16 people for the job. Moreover, the Supreme Court's
17 recent decision in Ricci v. DeStefano, preserves
18 and indeed encourages employers to be deliberate
19 in creating any selection process. And the Court
20 recognized that employer's voluntary compliance
21 efforts are essential to our civil rights laws.
22 Therefore, rather than wasting millions of dollars
23 defending discriminatory practices as the City is
24 doing in the firefighter lawsuit, the City should
25 be investing money and resources in developing

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2 fair, nondiscriminatory job related selection
3 tools for hiring and promotions.

4 Finally, we cannot impress upon the
5 Council enough how crucial accuracy and
6 transparency in EEO data are to the effective
7 enforcement of EEO laws. New York City agencies
8 come up woefully short on both fronts. For
9 example, in the Parks litigation we found that the
10 Department was using in-house titles to circumvent
11 the Civil Service system, undermining its purpose
12 to select the best individual for positions
13 regardless of race, gender, ethnicity or other
14 protected categories.

15 The Parks Department is not alone.
16 Many other City agencies use in-house or office
17 titles to manipulate civil service systems and
18 employ antiquated data collection, reporting and
19 filing systems that make it impossible to identify
20 which agencies are developing a diverse workforce
21 and which agencies are struggling to offer jobs
22 and promotions on a non-discriminatory basis. The
23 City must collect better data on who seeks jobs,
24 who holds what job at what salaries, who advances
25 and who seems to be hitting a glass ceiling, and

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2 we as Civil Rights Advocates need to be able to
3 obtain that data. I'd like to thank you for the
4 opportunity to testify today. I would like to say
5 that while aggressively implementing the
6 provisions of the Wright v. Stern settlement are
7 an important first step, particularly in
8 addressing the discrimination in the Parks
9 Department, I hope that the Council is willing to
10 pursue the additional measures that I've suggested
11 to confront race discrimination in Parks, but also
12 across other City agencies. The City owes its
13 workers, at the least, a fair and equal
14 opportunity to perform and advance their jobs,
15 without regard for race.

16 EJIM DIKE: Good afternoon. Thanks
17 for having me. My name is Ejim Dike. I'm the
18 Director of the Human Rights Project at the Urban
19 Justice Center. I'm testifying on behalf of the
20 New York City Human Rights Initiative, which is a
21 coalition of over 100 local groups in New York
22 City, local human rights groups.

23 Our coalition has been advocating
24 for a passage of a bill that would prevent
25 discrimination in New York City agencies for a

1 while now. Our members have endorsed a bill
2 called Intro 731, the Human Rights in Government
3 Operations Audit Law, a proactive anti-
4 discrimination bill that was reintroduced in March
5 of 2008 by Council Member Foster and that was
6 assigned to one of the Committees here today,
7 Civil Rights Committee, Chaired by Council Member
8 Seabrook, who is also a sponsor of the bill.
9

10 As we know, the hearing today was
11 called because after several years of litigation,
12 not to mention the cost, it was concluded that the
13 New York City Department of Parks and Recreation
14 needed to address the under representation of
15 Black and Hispanic employees, address disparities
16 in pay and advancement opportunities. As part of
17 that settlement, the City agreed to review its
18 employment programs and to be more proactive in
19 eliminating discrimination or discriminatory
20 practices.

21 There are a lot of mechanisms that
22 were outlined today by the Parks Department and
23 that have also been suggested by the NAACP Legal
24 Defense Fund. These are all mechanisms that Intro
25 731 would institutionalize if passed.

2 Intro 731 would identify and remedy
3 disparities in City employment and service
4 delivery, in particular policies that have a
5 disproportionate negative effect on people of
6 color and women as well as other protected classes
7 under New York City's Human Rights Law. Passage
8 and implementation of Intro 731 would also help
9 prevent the kind of practices that led to the
10 lawsuit against the Parks Department in the first
11 place.

12 Even though litigation is an
13 important tool in achieving social justice, as a
14 practical matter, many of the lawsuits against the
15 New York City government could have been prevented
16 if City agencies and their leadership had better
17 information about their own programs and how they
18 effect different populations.

19 Intro 731 was introduced in City
20 Council and assigned to Civil Rights Committee
21 well over a year ago. To date it has yet to be
22 scheduled for a hearing. Coincidentally, staff
23 from the City of San Francisco, who testified in
24 support of this bill the first time that it was
25 introduced, were just invited to the White House

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2 to advise the White House Council on Women and
3 Girls on how to address gender iniquities, based
4 on a similar bill that they passed in San
5 Francisco. So we're calling on members of the
6 Civil Rights Committee and the Speaker to
7 demonstrate the political will to eliminate
8 discrimination and schedule an immediate hearing
9 and vote on Intro 731. Our appeal to you is to
10 ensure passage of Intro 731 this year. As you
11 know, failure to vote on the bill this year will
12 mean that it will need to be reintroduced in the
13 next legislative session. There are countless
14 victims of discrimination who cannot afford to
15 wait for that. Thank you.

16 CHAIRPERSON FOSTER: Thank you.
17 That's nice, you've brought your own little
18 cheering section for you.

19 Ms. Moore, let me just ask a few
20 questions. With the three members that resigned
21 off the Committee, do you have specifics as to
22 what their frustration was? I understand about
23 meetings being rushed and feeling like it was not
24 taken seriously, but do you have specific acts
25 that you can tell me or tell me later so that when

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2 we follow up with the Parks Department
3 specifically as to what--you know like a meeting
4 being rushed can be subjective.

5 RENIKA MOORE: Right. So, their
6 concerns were related to request they had
7 specifically requested, for instance that
8 diversity trainings be offered and made available
9 to all Parks workers. They had also asked for
10 trainings related to conflicts of interest, which
11 was apparently coming up and being raised by
12 minority workers in the Parks Department. And
13 they found that requests like those were presented
14 in the Committee meetings and that they weren't
15 given any response to. In some instances there
16 was a situation where the Parks Department did
17 actually meet the request, but they were not told
18 about it. So as a liaison to the Committee they
19 were working with workers of color in the Parks
20 Department and they weren't getting any response;
21 they weren't getting any follow up related to
22 requests for specific trainings. There were
23 issues raised about non-responsiveness to EEO
24 officers where they felt like they were making
25 complaints but nothing was happening. And there

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2 was the sense that the Committee wasn't responding
3 to those complaints. So those are the two that I
4 can speak to specifically, but I'd be happy to
5 provide you with more examples of specific
6 instances where they felt like they weren't
7 receiving a response.

8 CHAIRPERSON FOSTER: Thank you.
9 And Ejim--am I saying that right? Because you say
10 your name so much better than I do.

11 EJIM DIKE: Ejim.

12 CHAIRPERSON FOSTER: Ejim.

13 EJIM DIKE: Yes.

14 CHAIRPERSON FOSTER: See and I
15 guess I'm saying it phonetically how it looks.
16 I'm like E-jim [phonetic]. And I know this, but
17 I'm asking for the record. What are some of the
18 tools and mechanisms that the Intro would provide
19 so that we're doing this proactively in terms of,
20 I'll say airing our dirty laundry before it gets
21 dirty type of thing?

22 EJIM DIKE: Yes. A number of
23 things. First it requires every City agency, in
24 this case it would be the Parks Department, to
25 collect data that's disaggregated by race and

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2 gender, at least, on its employees and also the
3 services it provides. Now the City already does
4 this for employees. The second step is that on a
5 regular basis it would be required to analyze that
6 data to see whether there are any policies or if
7 there are disparities that are based on race or
8 gender that it identifies in its employment
9 practices, which would include advancement
10 opportunities pay and also in the way that
11 services are delivered. Based on that the agency
12 would be required to proactively develop an action
13 plan that it has to make public, that it can be
14 held accountable to, with benchmarks and a
15 timeline, and then implement the steps in that
16 action plan. I mean these are all simple steps
17 that it would be required to take, but it would be
18 required to do it on a regular basis. And the
19 whole process would be monitored by a task force,
20 a human rights taskforce made up of community
21 members, included people who are directly effected
22 by bad policies that are identified and ex-officio
23 City agency staff members.

24 So, in other words, a lot of the
25 things that the Intro 731 is asking agencies to

1 do, the settlement, they're commonsense solutions.
2 So the settlement, LDF, people are recommending a
3 lot of these steps. We're just asking that they
4 be institutionalized.
5

6 CHAIRPERSON FOSTER: And currently
7 what city has this type of practice?

8 EJIM DIKE: Yes. I alluded to it.
9 The City of San Francisco passed a similar bill in
10 1998. In fact the first time this bill was
11 introduced and there was a hearing on it in 2005,
12 their staff came here to testify on behalf of the
13 bill. They've since, like I said, they've become
14 national experts on the issue, if you will.
15 However, in San Francisco they're only looking at
16 gender; here we're looking to protect all the
17 protected classes in New York City's Human Rights
18 Law.

19 CHAIRPERSON FOSTER: And part of
20 the process is already being done by City Agencies
21 in terms of the collection of the data. It's a
22 matter of collecting it and then doing something
23 with it.

24 EJIM DIKE: Absolutely. And I
25 think shifting in terms of the debate, we heard a

1 lot of times today that the City or that the Parks
2 Department did not admit to discrimination. In
3 many ways that's not the question. The question
4 is, is there under representation, are there
5 disparities, and if so, as a City do we care to
6 address them. That's the real issue here and not
7 arguing needlessly over--I mean I understand in
8 legal terms why that's the issue, but in terms of
9 an internal agency policy, they should be
10 concerned about addressing the problem that has
11 been identified and not arguing whether or not
12 there's a problem in the first place.

14 CHAIRPERSON FOSTER: Thank you.

15 RENIKA MOORE: And I'd just like to
16 also clarify on the point of collection. While
17 it's true that the data is being collected by many
18 agencies, I think there is some concern,
19 particularly for those of us who try to get the
20 data that it's not being collected in uniform
21 ways. So what you'll see, even within the Parks
22 Department, is they might have multiple sources
23 for information about race data. So you have,
24 when a person applies for a job, there might be
25 data on the application form but in the litigation

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2 the Parks Department represented that they
3 primarily use the DCAS system to pull racial data.
4 But on their adverse impact study they used a
5 different source for the information. And not
6 everyone filled in the information, so there were
7 people whose race was unidentified. And so, in
8 some instances there's too much data. And so what
9 we need is a consistent means by which they're
10 collecting this information. So sometimes it's
11 not just the issue of collection, but also that
12 its collected uniformly and accurately.

13 COUNCIL MEMBER FOSTER: Thank you.

14 CHAIRPERSON SEABROOK: There will
15 be a hearing as it relates to the bill that you're
16 talking about. We're working on that now, so
17 we'll be dealing with that issue.

18 You raised the issue of these
19 individuals who were on this Advisory Committee,
20 and correct me if I'm wrong, I think you made the
21 statement that there was some reprisals or there
22 was also DOI--something to that effect with this
23 group as to why they left.

24 RENIKA MOORE: So two of the class
25 members who served on the Committee were subjected

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2 to incidents where they were called in. In one
3 instance, Kathy Walker is a class member who
4 served on the Advisory Committee and was called in
5 because she had not been at her--she manages a
6 recreation center and she was not there. And so
7 apparently there was a complaint lodged that she
8 wasn't in the building. In fact she had been at
9 Central Rec, which is also a part of her job.
10 Normally that would have been a situation where a
11 supervisor would ask, you know, where were you.
12 And instead, she was called into the Parks
13 Advocate's Office to answer for that. In a
14 separate instance Rob Wright is another named
15 plaintiff from the Wright v. Stern lawsuit. And
16 he was called into the Department of Investigation
17 for a question of whether he had hired a relative.
18 The claim was baseless. He didn't receive any
19 information about where the claim came from.

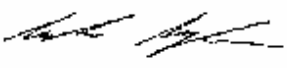
20 CHAIRPERSON FOSTER: Thank you.

21 Sorry. We're having budget negotiations at the
22 same time. What I'd like to say is that you heard
23 it from, I won't call it the horse's mouth, but
24 you heard it from Council Member that we will have
25 a hearing and when it needs to be reintroduced in

1
2 January, we will do that. Because what I think
3 we're seeing across the board is that there is so
4 much resistance, I think from agencies, because of
5 course we're disrupting the status quo and the
6 good old boy's network, but I also think that
7 especially this agency and this Mayor likes to put
8 a lot of weight in numbers. And as we know in
9 dealing with DOE or any other agency, things and
10 numbers can be manipulated. If what I call a new
11 classroom would be a new classroom, they call
12 putting chairs in tables and now it's a classroom,
13 new. So it's a matter of manipulating numbers and
14 also semantics. So I look forward to work with
15 both of you as we move forward with this hearing
16 to start addressing in a proactive happening in
17 what is supposed to be the most diverse City in
18 the world. So thank you very much for taking the
19 time to come out. That's it. There being no more
20 testimony, this meeting is adjourned. Thank you.

C E R T I F I C A T E

I, Erika Swyler certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date October 28, 2009