

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL & HUMAN RIGHTS

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December 12, 2024  
Start: 1:29 p.m.  
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HELD AT: Committee Room - City Hall

B E F O R E: Nantasha N. Williams  
Chairperson

COUNCIL MEMBERS:  
Rita C. Joseph  
Christopher Marte  
Rafael Salamanca, Jr.  
Kevin C. Riley

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

JoAnn Kamuf Ward  
Commission on Civil and Human Rights Deputy  
Commissioner of Policy and External Affairs

Katherine Carroll  
Commission on Civil and Human Rights Deputy  
Commissioner of Law Enforcement Bureau

Hillary Scrivani  
Commission on Civil and Human Rights Senior  
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Beverly Neufeld  
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Sehar Khawaja  
Legal Momentum

Miriam Clark  
NELA New York

Cristobal Gutierrez  
Make the Road New York

Hillary Wilson  
Community Service Society of New York

Rebekah Cook-Mack  
Legal Aid Society

Sean McIntosh  
Society for Human Resource Management



1  
2 SERGEANT AT ARMS: Good afternoon and  
3 welcome to today's New York City Council hearing for  
4 the Committee on Civil and Human Rights. At this  
5 time, we ask that you silence all electronic devices,  
6 and at no time is anyone to approach the dais. If  
7 you'd like to sign up for in-person testimony or have  
8 any other questions throughout the hearing, we ask  
9 that you see one of the Sergeant at Arms. Chair,  
10 we're ready to begin.

11 CHAIRPERSON WILLIAMS: Okay, for real  
12 this time. Good afternoon everyone. My name is  
13 Nantasha Williams and I serve as the Chair to  
14 Committee on Civil and Human Rights. Thank you to  
15 everyone joining us for this afternoon's hearing.  
16 Today's oversight topic is not an entirely new one  
17 for this committee. While many advancements have  
18 been made in combatting, discrimination in the  
19 workplace is something we continue to fight in this  
20 city, and just as importantly, we also continue to  
21 fight to make sure New Yorkers have the means to seek  
22 justice when they feel they have been discriminated  
23 against in their workplace. While there is no such  
24 thing as an acceptable form of discrimination,  
25 there's something uniquely dangerous in the kind that

1 happens at work. We spend a lot of time at our jobs,  
2 and many of us are at work even more than at home.  
3 We depend on our jobs to put a roof over our heads  
4 and food on our tables, and discrimination in the  
5 workplace doesn't only cause harm to those who are  
6 directly targeted, it can also create an incredibly  
7 toxic and harmful environment for those around them.  
8 Imagine having to face multiple days a week every  
9 week at a job that you need to support your family.  
10 This is what many New Yorkers face. This afternoon I  
11 look forward to learning more about today's landscape  
12 in relationship to workplace discrimination,  
13 especially within the context of the most recent  
14 amendments to New York City's Human Rights Law. I'm  
15 hoping for a fruitful discussion with the  
16 Administration surrounding its thoughts on current  
17 enforcement practices of anti-discrimination laws and  
18 policy, as well as feedback from all witnesses on the  
19 legislation that will be heard. We'll start with  
20 Intro 808A sponsored by Majority Whip Brooks-Powers.  
21 This bill would amend and expand the Pay Transparency  
22 Law enacted in 2022 by providing additional guidance  
23 on what factors may be relevant to determining a pay  
24 range for a specific position and will require  
25

1  
2 additional information be disclosed in job postings  
3 such as benefits, eligibility, and potential for  
4 bonuses or stock options. Intro 871, sponsored by  
5 Council Member Hanks, would require employers to  
6 offer caregivers reasonable work accommodations that  
7 would enable them to uphold their caregiving  
8 obligations so long as those accommodations do not  
9 interfere with an employee's ability to satisfy the  
10 essential responsibilities of the job. This  
11 requirement would correspond to existing requirements  
12 that employees with disabilities receive reasonable  
13 accommodations that allow them to do their jobs.  
14 Intro 982, sponsored by Council Member Cabán, would  
15 apply to employers who are covered by Federal Fair  
16 Labor Standards or the New York State Labor Law and  
17 who employ more than 25 employees. Those employers  
18 would be required to report annually to the  
19 Department of Consumer and Worker Protection on their  
20 employees' total annual salary or wages, location of  
21 employment, job title and various demographic data  
22 and additional-- and any additional information  
23 required by DCWP that would allow the City to better  
24 understand employer's compliance with pay equity  
25 laws. Intro 984, sponsored by Majority Leader

1 Fariás, would require the Office of Data Analytics to  
2 work with DCWP and CCHR to publish an annual report  
3 analyzing data on pay equity in the private sector.  
4

5 Lastly, we have my bill, Intro 1064. This bill aims  
6 to increase transparency around promotional

7 opportunities in the workplace. It would require

8 employers to make reasonable efforts to disseminate

9 information about promotional and other job

10 opportunities to their employers on the same day and

11 prior to the date that the employer makes a hiring or

12 selection decision. Within 30 days, employers will

13 be required to disseminate the following information

14 to employees would work regularly with a selected

15 candidate, the name of the selected candidate, the

16 candidate's former job title and new job title, and

17 information about how other employees might

18 demonstrate interest in similar opportunities in the

19 future. It is my hope that this bill can aid in

20 removing the anxiety and barriers around upward

21 advancement in the workplace and help all New Yorkers

22 be able to feel more knowledgeable, confident and

23 comfortable in engaging with their employers about

24 future opportunities. Thank you to committee staff

25 Jessica and Liam and Finance staff for their work on

1  
2 this hearing, and thank you to my colleagues who have  
3 also joined us today, Council Members Joseph, Riley,  
4 and Marte, Hanks, Cabán, and Majority Leader, and  
5 with that, I'll actually turn it to our Majority  
6 Leader for some remarks on her bill.

7 COUNCIL MEMBER FARÍAS: Thank you, Chair  
8 and good morning colleagues and everyone present  
9 today. I am proud to be before you to discuss Intro  
10 984, a bill I've introduced that seeks to address one  
11 of the most pressing issues in today's workforce, pay  
12 and employment equity for private employees. This  
13 bill is part of our continued effort to ensure that  
14 all New Yorkers regardless of their background, race,  
15 gender or any other protected class are treated  
16 fairly in the workplace. I want to extend my thanks  
17 to the co-prime sponsors of this bill, including co-  
18 primes Majority Whip Brooks-Powers and Council Member  
19 Tiffany Cabán, whose bill Intro 982 is also being  
20 considered alongside mine. Together, these two bills  
21 aim to shine a light in the disparities that persist  
22 in the labor market and provide actionable data that  
23 will help us close the wage gap and create more  
24 equitable workplaces. We all know that wage  
25 transparency and equity are crucial for addressing



1  
2 systemic inequities. Women, particularly women of  
3 color, immigrants and working-class New Yorkers  
4 continue to face wage gaps and employment  
5 disparities. It is unacceptable that in 2024 women  
6 still earn significantly less than men for the same  
7 work with Latinas, Black women and other women of  
8 color experiencing even larger gaps. These inequities  
9 compound over time, affecting families, communities  
10 and our local economy. For working-class people, pay  
11 inequity exasperates the struggles they already face,  
12 high housing costs, healthcare expenses, and the  
13 challenge of raising a family in one of the most  
14 expensive cities of the world. Without transparency  
15 and accountability, these disparities remain hidden,  
16 making it difficult for workers to advocate for fair  
17 compensation or for policy makers to effectively  
18 address the problem. My bill, Intro 984, would  
19 require the Office of Data Analytics working with the  
20 Department of Consumer and Worker Protection and the  
21 New York City Commission on Human Rights to conduct  
22 an annual study on pay and employment equity among  
23 private employers with 150 or more employees. This  
24 study will examine disparities based on the protected  
25 classes and our city's Human Rights Law such as

1 gender, race, age and disability status so we can  
2 clearly identify where the inequities exist. We are  
3 in ongoing discussions on employee sizes with  
4 advocates and look forward to hearing more from the  
5 public today. With this data in hand we'll have the  
6 tools to hold employers accountable and to ensure  
7 that pay equity action plans are not only  
8 recommended, but also implemented across industries.  
9 My bill mandates that these findings be reported  
10 annually to the Mayor and the City Council with clear  
11 recommendations on how to eliminate wage gaps and  
12 promote fairness in hiring and promotions.

13 Thankfully, Council Member Cabán and I think alike  
14 and I had the same similar idea a little later than  
15 she did, and so I get the opportunity to co-prime on  
16 her Intro 982. Council Member Cabán's bill focuses  
17 on compliance with equal pay laws in regard to  
18 improving wage transparency by requiring employers to  
19 report specific wage and employment information to  
20 the Department of Consumer and Worker Protection.

21 And as we have been in so many discussions with  
22 advocates, changes are currently also being  
23 considered on employee size, and we look forward to  
24 hearing that feedback today. This information  
25

1 includes job titles, salaries, and demographic data  
2 like gender and race, and will provide much needed  
3 transparency in the workplace. Together, these bills  
4 form a comprehensive approach to tackling wage  
5 inequity. Intro 982 creates transparency by bringing  
6 employer practices into the public eye by collecting  
7 itemized data from employers, while my bill follows  
8 up by analyzing this data and ensuring that we take  
9 proactive steps to ensure disparities through  
10 informed policy. Wage transparency isn't just about  
11 accountability, it's about empowerment. When workers  
12 can see the numbers they can fight for fairness.  
13 Wage transparency is one of the most powerful tools  
14 we have to close the pay gap. It allows employees to  
15 understand how they're being compensated in  
16 comparison to their colleagues, which is especially  
17 critical for women, people of color, and working-  
18 class New Yorkers who have been historically paid  
19 less. Transparency brings these disparities to the  
20 forefront, forcing employers to justify pay  
21 difference and paving the way for fair compensation  
22 structures. Moreover, wage transparency promotes  
23 trust and fairness in the workplace. It ensures that  
24 decisions around pay, promotions and benefits are  
25

1 based on merit and not biased against protected  
2 classes. With these two bills we are taking a stand  
3 to ensure that pay equity is no longer a distant goal  
4 but a reality for all New Yorkers. As a council, we  
5 must continue to lead the change and charge for fair  
6 and transparent workplace practices. Intros 984 and  
7 982 are steps towards dismantling the systems that  
8 perpetuate inequity and inequality in advancing  
9 justice for working people across our city. I urge  
10 my colleagues to support these bills, not only  
11 because they're the right thing to do, but because  
12 our city's future depends on creating workplaces that  
13 reflect the values of fairness, equity and  
14 opportunity for all. Thank you, Chair for the time.

16 CHAIRPERSON WILLIAMS: Thank you. And  
17 now Council Member Hanks followed by Council Member  
18 Cabán for more remarks on their bills.

19 COUNCIL MEMBER HANKS: Thank you, Chair.  
20 Good afternoon. I'm Kamillah Hanks and I am proud to  
21 represent the northshore of Staten Island. Thank you  
22 for the opportunity to hear Intro 871 before the  
23 Civil and Human Rights Committee. I would like to  
24 begin by expressing my gratitude to Chair Williams,  
25 this committee and my co-signers for convening this

1 hearing, and for her leadership on these issues  
2 affecting New Yorkers, their workforce and families.  
3 I'm here today to speak in support of Intro 871, a  
4 bill I introduced last spring that aims to provide  
5 critical support for parents and guardians who serve  
6 as primary caregivers to individuals and registered  
7 permanent disabilities including autism. This  
8 legislation seeks to ensure employers are provided  
9 with reasonable accommodations such as remote work  
10 options, flexible schedules to caregivers who face  
11 unique and often overwhelming challenges. New York  
12 State recently became the first in the nation to  
13 guarantee paid family and maternal leave. This  
14 council has consistently led the way in advancing  
15 worker protections. This bill would be the first in  
16 the country to mandate flexible scheduling and remote  
17 accommodations for caregivers with individuals with  
18 autism. Staten Island has the highest rate of autism  
19 per capita in the state and one of the highest in the  
20 nation. For many caregivers, balancing work and  
21 caregiving is extremely challenging and often  
22 requiring them to use their own sick or vacation time  
23 to care for their child. As you will hear today from  
24 Richard Quinn [sp?], a City Department of  
25

1  
2 Transportation worker and single father Teshawn  
3 [sp?], affectionately known as Shawny-bear [sic] a  
4 non-verbal young man living with autism. Like many  
5 parents and guardians of children with autism,  
6 Richard faces constant challenges providing certified  
7 care aids to support his son's needs. Currently,  
8 Richard is working from home because his certified  
9 aide is out with COVID. This experience highlights  
10 the urgent need for this legislation, and Richie  
11 [sic] will testify remotely today, balancing his  
12 caregiver responsibilities with work, giving him less  
13 time to recover from his own illness. Parents and  
14 guardians of children with autism often face  
15 workplace discrimination due to their caregiver  
16 responsibility. This absolutely must change. Thank  
17 you for your time today, and thank you, Chair  
18 Williams.

19 CHAIRPERSON WILLIAMS: Council Member  
20 Cabán.

21 COUNCIL MEMBER CABÁN: Thank you and  
22 great minds, Majority Leader. Good afternoon and  
23 thank you for being here today to discuss the  
24 persistent issue of pay and employment inequality in  
25 New York City. I'm proud to talk about Intro 982

1 which will establish much-needed transparency around  
2 pay disparities. It will require the largest  
3 employers in the city to report anonymous data on pay  
4 and demographic information. While in line with  
5 advocates-- what advocates have requested, it will  
6 apply only to businesses with 100 or more employees.  
7 Its impact will be outsized. Along with Intro 984,  
8 sponsored by our Majority Leader, it will allow us to  
9 shine a light on the ongoing pay gaps across race and  
10 gender in our city. Thank you, Chair Williams for  
11 uplifting this bill and to the Majority Leader,  
12 Council Member Fariás, for your partnership and  
13 leadership. Thank you, Majority Whip Brooks-Powers  
14 and all the Council Members who have already signed  
15 on. By requiring big businesses to report pay data,  
16 we're taking a bold step towards wage transparency.  
17 We are also positioning New York City as a national  
18 leader in the fight for gender pay equity. That's  
19 immensely important at a time when the Trump  
20 Administration is threatening to dismantle the anti-  
21 discrimination protections in federal agencies like  
22 the Equal Employment Opportunity Commission. The  
23 cutting-edge data collection provided for by this  
24 bill which is already being done in the UK and parts  
25

1 of the EU will generate crucial information for  
2 identifying patterns of inequality and ensuring that  
3 large employers are held accountable. The ripple  
4 effects of this will be profound. We must continue  
5 to prioritize fairness, accountability and equity,  
6 and New York City has the opportunity to lead by  
7 example, and with your support we can make that  
8 vision a reality. Thank you, and thank you again,  
9 Chair.

11 CHAIRPERSON WILLIAMS: Thank you. Last  
12 but not least, Majority Whip Brooks-Powers for  
13 remarks on her bill.

14 COUNCIL MEMBER BROOKS-POWERS: Thank you  
15 and good afternoon Chair Williams, colleagues,  
16 advocates, and members of the public. I'm honored to  
17 present Introduction 808, a crucial step forward in  
18 our ongoing work to ensure pay equity and  
19 transparency for all New Yorkers. Despite progress,  
20 wage disparities persist, especially for women and  
21 communities of color. Women working fulltime earn  
22 just 84 cents per every dollar earned by men, and the  
23 disparities are even greater for Black women and  
24 Latinas who earn 64 and 54 cents respectively. These  
25 gaps are more than statistics. They are barriers to



1 economic security. Housing stability and  
2 intergenerational wealth [inaudible]. Excuse me.  
3 Introduction 808 built on the existing wage  
4 transparency law by requiring that job postings  
5 include not just salary ranges, but also  
6 comprehensive information about benefits like health  
7 insurance, bonuses and retirement plans. By  
8 mandating that pay ranges be accurate and  
9 justifiable, we hold employers accountable and  
10 empower workers to negotiate fairly. This bill also  
11 requires employers to retain written records  
12 justifying deviations from posted pay ranges for  
13 three years, ensuring consistency and transparency in  
14 hiring practices. These measures not only promote  
15 fairness, but also fosters trust in the workplace.  
16 I'm grateful to chair Williams for convening today's  
17 hearing, my colleagues for their support, and the  
18 advocates who have long championed pay equity.  
19 Together we are taking the significant step toward  
20 eliminating systemic inequities and building a  
21 workforce for everyone has an equal opportunity to  
22 thrive. Thank you.  
23  
24  
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2 CHAIRPERSON WILLIAMS: Thank you. And  
3 now I'll turn it over to Committee Counsel to  
4 administer the oath.

5 COMMITTEE COUNSEL: Thank you, Chair.  
6 Good afternoon. Welcome. My name is Jessica Boule  
7 [sp?]. I'm Counsel to the Committee on Civil and  
8 Human Rights. Today, we will hear testimony from the  
9 City's Commission on Human Rights. Joining us as  
10 panelists we welcome JoAnn Kamuf Ward, Deputy  
11 Commissioner of Policy and External Affairs,  
12 Katherine Carroll, Deputy Commissioner of the Law  
13 Enforcement Bureau, and Hillary Scrivani, Senior  
14 Policy Counsel. Panelists, please raise your right  
15 hands. Do you affirm to tell the truth, the whole  
16 truth and nothing but the truth before this committee  
17 and to respond honestly to Council Member questions?

18 DEPUTY COMMISSIONER WARD: I do.

19 DEPUTY COMMISSIONER CARROLL: I do.

20 HILLARY SCRIVANI: I do.

21 COMMITTEE COUNSEL: Thank you so much.  
22 Commissioner, please begin when ready.

23 DEPUTY COMMISSIONER WARD: Thank you so  
24 much. Since you already introduced us, I won't re-  
25 introduce us. Good afternoon Chair Williams, Council

1  
2 Members, and Committee staff. Thank you for  
3 convening today's hearing on these really significant  
4 topics. We're excited to speak with you today about  
5 the City Human Rights Law and the agency's work  
6 combatting discrimination in employment. I will talk  
7 briefly about the law, and then speak about the five  
8 bills on today's agenda. There are more details in  
9 my written testimony. As you know, to fulfill the  
10 Commission's dual mandate of enforcement and  
11 fostering intergroup relations, the Commission's two  
12 largest units are Community Relations and Law  
13 Enforcement. The Community Relations Bureau sits at  
14 the center of our prevention efforts and is  
15 responsible for outreach, education and training,  
16 reaching over 140,000 New Yorkers in fiscal year 24,  
17 to raise awareness of New Yorkers' rights and  
18 obligations under the law. The Law Enforcement  
19 Bureau conducts testing, launches investigations,  
20 initiates complaints, enters settlements, and takes  
21 cases to trial to address individual and structural  
22 discrimination. CCHR received a record number of  
23 inquiries to the Law Enforcement Bureau in fiscal  
24 year 24. The New York City Human Rights Law  
25 prohibits discrimination in employment, housing, and

1 places of public accommodation. I will focus today  
2 on the employment protections. As some of you have  
3 already referenced in your opening remarks, the Human  
4 Rights Law codifies that employees in New York City  
5 have a right to a workplace free from discrimination  
6 and harassment in over 25 protected categories. The  
7 law applies to employers with four or more employees  
8 or one or more domestic worker. Notable for today's  
9 hearing, it has been illegal to discriminate on the  
10 basis of caregiver status in employment since 2016.  
11 Workers have frequently faced a caregiver penalty  
12 that can include losing pay, losing hours or losing a  
13 job. These consequences are amplified for women  
14 identifying caregivers, particularly women of color,  
15 as well as low wage workers. In order to foster  
16 inclusive workplaces, the Human Rights Law already  
17 requires employers to provide reasonable  
18 accommodations on the basis of disability, pregnancy  
19 and related conditions, religion and statuses of  
20 victim of domestic violence. Each of these  
21 categories are defined in separate provisions of the  
22 law. And a request for a reasonable accommodation  
23 triggers the obligation of an employer to engage in a  
24 cooperative dialogue to determine if there's an  
25

1  
2 accommodation that allows and employee to fulfil the  
3 central requisites of their job. If an employer can  
4 demonstrate an undue hardship, and accommodation does  
5 not need to be granted. Since the start of fiscal  
6 year 22, seven amendments to the Human Rights Law  
7 employment provisions have either taken effect or  
8 have been signed into law. The Commission is  
9 committed to ensuring that the Human Rights Law  
10 enables equitable access to job opportunities and  
11 that New Yorkers can enjoy workplaces free from  
12 discrimination. The aim of the law is for employers  
13 to focus on the skillset of the applicant which  
14 cultivates dynamic and inclusive workplaces, because  
15 as we have all seen and many of us have experienced,  
16 hiring practices that may seem neutral on their face  
17 can perpetuate inequity and lead to the exclusion of  
18 qualified candidates. So, I will turn now to the  
19 proposed bills. The Administration supports  
20 enhancing transparency and pay for prospective and  
21 current employees. This can address the information  
22 gap between employers and employees and level the  
23 playing field on the job market, ensuring that all  
24 employees have an equal chance at promotion and  
25 professional growth. A lack of transparency has long

1 perpetuated differential pay and career trajectories  
2 across gender, race and age. As was mentioned, since  
3 2022 the Human Rights Law has required employers to  
4 include a good faith pay range and all job  
5 advertisements in New York City. Intro 808A amends  
6 the Human Rights Law to require that employers  
7 include a job description and non-wage compensation  
8 in a posting. That includes benefits, bonuses and  
9 information on potential equity. Intro 808A also  
10 codifies the factors that employers must take into  
11 account when determining a good faith pay range such  
12 as qualifications the amounts the pay by those-- paid  
13 to those currently holding equivalent positions.  
14 Where employers deviate from the range in final pay,  
15 808A requires employers to keep written records of  
16 the reasons. Finally, 808A includes disclosure  
17 provisions. The Administration supports the intent  
18 of 808A and is keen to enhance job-seeker information  
19 and to balance that objective with the reality of how  
20 job postings are created and disseminated. We look  
21 forward to further discussions with Council on  
22 approaches to increase pay transparency and to  
23 learning more from stakeholders on these topics as  
24 well. Intro 1064 is also an amendment to the Human  
25

1 Rights Law. The bill would require employers of 100  
2 or more employees to make reasonable efforts to  
3 inform all employees of new job opportunities at the  
4 same time and prior to selecting a candidate for a  
5 job. Intro 1064 also requires employers to make  
6 efforts to inform coworkers of new hires, including  
7 the name of the individual selected, their job title,  
8 and for internal hires, their prior job title. The  
9 Administration supports efforts to ensure new job  
10 opportunities are known to all qualified candidates,  
11 but has some concerns about potential harmful impacts  
12 of sharing individual information. We look forward  
13 to further discussions about Intro 1064. Turning to  
14 the third amendment to the Human Rights Law, Intro  
15 871, which as was mentioned, amends the Human Rights  
16 Law to require covered entities to provide a  
17 reasonable accommodation on the basis of caregiver  
18 status. Caregiver is a protected category, as I  
19 mentioned, in the Human Rights Law, but there's no  
20 affirmative obligation for employers to provide  
21 reasonable accommodations on this basis. The  
22 Administration strongly supports the aim of ensuring  
23 that New Yorkers are not forced to choose between  
24 caring for children or adult family members and  
25

1 working through the addition of reasonable  
2 accommodations to the law. Legislation that promotes  
3 the ability of caregivers to meet their job  
4 requirements without unjust consequences has been  
5 explored by the Commission for several years, and has  
6 the potential for significant positive outcomes for  
7 New Yorkers. While the Administration supports the  
8 intent of 871, there are several elements that  
9 warrant further exploration. As currently drafted,  
10 the bill would require reasonable accommodations  
11 based on caregiver status in employment, housing, and  
12 places of public accommodation. The unique  
13 considerations regarding people with disabilities and  
14 people that are caregivers warrant creating a  
15 standalone section for caregivers, as for the other  
16 areas of reasonable accommodations in employment.  
17 This would signal there may be different  
18 considerations for employees and employers in this  
19 context. Ultimately, it should be clear for  
20 caregivers what their rights are and what the process  
21 for an accommodation entails. We look forward to  
22 speaking further with Council about this legislation.  
23 Turning now to the other two bills. Intro 982 would  
24 require-- well, the version we had would require  
25



1 employers with over 25 employees to submit to DCWP  
2 employee information related to pay, location, job  
3 title, and information such as gender, race and birth  
4 year. Additionally, these employees would be  
5 mandated to submit to DCWP potentially self-  
6 certification regarding compliance with federal,  
7 state, and local equal pay laws. This introduction  
8 calls on this agency and the Commission on Gender  
9 Equity to work with DCWP to develop the affirmations.  
10 Intro 984, as we've heard, would require the Office  
11 of Data Analytics in consultation with DCWP and CCHR  
12 to annually collect data and conduct a study of  
13 employers to identify disparities on the basis of  
14 protected categories regarding pay and benefits,  
15 employee rates, and retention. In addition to  
16 collecting the data, Intro 984 requires an annual  
17 analysis in develop of recommendations for creating  
18 and implementing pay employment and retention equity  
19 action plans. While the Administration supports the  
20 intent of advancing pay equity and employee retention  
21 across New York City, these two bills raise legal  
22 policy and operational concerns. We appreciate the  
23 Council's time and attention and welcome your  
24 questions.  
25

1  
2 CHAIRPERSON WILLIAMS: Thank you. Okay,  
3 let's begin by looking at a few trends in the  
4 reported statistics across the last five years.  
5 According to CCHR's annual reporting since 2020,  
6 employment-related inquiries are consistently a  
7 leading source of inquiry. Employment-related  
8 inquiries comprise between 12 and 20 percent of all  
9 inquiries received by the Commission from FY 2020 to  
10 FY 2023, peaking in FY 2022. However, in FY 2024,  
11 CCHR reported that the number of workplace related  
12 inquiries dropped to only nine percent of the total  
13 complaints received by CCHR. That is roughly a 40  
14 percent drop compared to the five-year average and  
15 also compared to pre-pandemic rates, all of which  
16 hovered around 15 percent of total inquiry. This was  
17 true not only in relative terms, but also in absolute  
18 numbers. Employment-related complaints in FY 2024  
19 were 30 percent lower than the preceding four-year  
20 average and the pre-pandemic average. That's a lot  
21 of numbers. Hope you were following that. Is CCHR  
22 aware of what might have caused such a significant  
23 drop in workplace-related inquiries in FY 24? And in  
24 CCHR's view, is the drop in inquiries likely to  
25 represent an actual decrease in discrimination

1 incidents in the workplace, or is there a possibility  
2 that this reflects under-reporting or another  
3 underlying change?  
4

5 DEPUTY COMMISSIONER CARROLL: Thank you,  
6 Chair Williams, and thank you for having me as my  
7 first time in this role as Deputy Commissioner before  
8 the hearing. I'm very excited to be here to talk  
9 about our work. I think that you're exactly right in  
10 talking about under-reporting. It's not our position  
11 that as the statute has been broadened that people are  
12 complying with it more. More likely than that, that  
13 it's under-reported due to other circumstances that  
14 are going on in a person's life. I think typically  
15 we recognize that it's not someone's priority always  
16 to report discrimination when they have other issues  
17 such as being unhoused or having housing instability  
18 or worrying about having a job that they report  
19 discrimination after all of that.

20 CHAIRPERSON WILLIAMS: Okay. The next  
21 question is, did the drop in employment-related  
22 inquiries occur in relation to a significant type of  
23 complaint or in relation to a particular protected  
24 class, or was it evenly distributed across the board?  
25

1  
2 DEPUTY COMMISSIONER CARROLL: We continue  
3 to see disability and retaliation as being the top  
4 two back and forth over this five-year period in  
5 terms of complaints filed and then in terms of  
6 inquiries we've seen a spike with amendments such as  
7 the amendment to the Fair Chance Act and then  
8 amendments to salary transparency.

9 CHAIRPERSON WILLIAMS: The Commission  
10 reports that employment-related complaints comprised  
11 over 60 percent and sometimes over 70 percent of all  
12 complaints filed every year since FY 2020. Why does  
13 such a high percentage of employment inquiries reach  
14 the complaint stage compared to other types of  
15 complaints?

16 DEPUTY COMMISSIONER CARROLL: I think  
17 first off, the number of protected classes in the  
18 employment jurisdiction is higher than any of the  
19 other jurisdictions, and it has been continually  
20 amended over the last five years to expand those  
21 protections as opposed to the other areas of our law.

22 CHAIRPERSON WILLIAMS: Does CCHR track  
23 its success rate for employment-related complaints  
24 brought before OATH? If so, what is it?

1  
2 DEPUTY COMMISSIONER CARROLL: Thank you  
3 for that question. It's very exciting when I get to  
4 talk about our litigation work, because it's the fun  
5 part as a lawyer what we get to do. So, I think  
6 first, when we refer a case to OATH, it's after  
7 there's been a probable cause determination in an  
8 investigation and we've been unsuccessful at settling  
9 it without taking it before an administrative law  
10 judge. So, it tracks really the most resistant  
11 employers who don't want to comply with the law and  
12 want to really go to battle with us on a particular  
13 case. The bulk of our cases that we refer to OATH do  
14 settle through the mandatory settlement conference  
15 that we're required to appear before, before we can  
16 take a case to trial, and then once we take a case to  
17 trial, I'm happy to say that only employment case  
18 that went to trial were we unsuccessful in the last  
19 10 years.

20 CHAIRPERSON WILLIAMS: And compared to  
21 how many cases actually went to trial?

22 DEPUTY COMMISSIONER CARROLL: I'm also  
23 only aware of one in the last 10 years were housing  
24 cases that we were unsuccessful.

2 CHAIRPERSON WILLIAMS: Okay, so you only  
3 had one case and the one case you did have was  
4 unsuccessful?

5 DEPUTY COMMISSIONER CARROLL: Oh, how  
6 many cases--

7 CHAIRPERSON WILLIAMS: [interposing] Like  
8 how many cases in total have you brought to court?

9 DEPUTY COMMISSIONER CARROLL: Oh, I'm  
10 sorry,--

11 CHAIRPERSON WILLIAMS: [interposing] And  
12 then which--

13 DEPUTY COMMISSIONER CARROLL: did not  
14 understand.

15 CHAIRPERSON WILLIAMS: And then you said  
16 one was-- only one was unsuccessful. So I was just  
17 wondering how many cases have been brought to court.

18 DEPUTY COMMISSIONER CARROLL: the number  
19 of cases that have gone to trial, I don't have off-  
20 hand, but we have referred over 26 in the last fiscal  
21 year, and we're continuing to push forward in trying  
22 to move the cases we take to litigation so that we  
23 can expand the jurisprudence on the extremely broad  
24 statute that we have.

1  
2 CHAIRPERSON WILLIAMS: Okay. Does CCHR  
3 tracked the average time it takes to resolve an  
4 employment-related complaint compared to other types  
5 of complaints. If not, do you have a sense of  
6 whether the time it takes to reach a resolution is  
7 similar to other kinds of complaints or if it's  
8 faster or slower than others?

9 DEPUTY COMMISSIONER CARROLL: we don't  
10 track based on jurisdiction the average age of a case  
11 or how long it takes to resolve a case. In the last  
12 fiscal year, 30 percent of our docket was under a  
13 year old, and the average across all jurisdictions  
14 were under two and a half years. I would say  
15 anecdotally the majority of our pre-complaint work is  
16 done in the housing space, so it's likely that our  
17 length of investigations for employment cases is  
18 longer than housing.

19 CHAIRPERSON WILLIAMS: The Commission has  
20 previously stated that it prioritizes pre-complaint  
21 interventions to resolve cases before they reach the  
22 complaint stage which can help achieve immediate  
23 relief for those suffering from ongoing  
24 discrimination. However, the share of employment-  
25 related pre-complaint interventions dropped

1 significantly in FY 24, both in absolutely numbers  
2 and as a percentage. For example, there are more  
3 than 115 pre-complaint interventions related to  
4 employment in fiscal years 2019 and in 2020, but only  
5 eight in FY 23 and six in FY 24. Can you tell us  
6 what led to that drop?  
7

8 DEPUTY COMMISSIONER CARROLL: To explain  
9 a little bit about our pre-complaint process, when we  
10 evaluate whether a case is a good candidate for that,  
11 we look at our likelihood in being able to be  
12 successful in doing a pre-complaint intervention and  
13 to whether we will choose to take it down that path  
14 or not. In FY 22, as people-- and FY 21, as people  
15 were returning to work and there were more requests  
16 about related to COVID and remote work, we had a  
17 sense that that was an area where we could get  
18 involved with pre-complaint work and be very  
19 successful in helping employers and employees  
20 navigate the return to work and how it interplayed  
21 with disability. As we've moved past that, we've  
22 really been focusing the work on source of income and  
23 disability and housing, because it's an area where  
24 there's still very concrete and absolute violations  
25 that are occurring, and so we're able to turn around



1  
2 a negotiation more quickly. In the employment space  
3 there's a lot more nuanced and insidious  
4 discrimination that requires a full investigation for  
5 us to move forward on, but we are exploring other  
6 ways to increase our pre-complaint work as the  
7 agency's continuing to move forward.

8 CHAIRPERSON WILLIAMS: Could you give us  
9 more insight into CCHR's testing process and what  
10 that looks like specifically in relation to  
11 discrimination in the workplace?

12 DEPUTY COMMISSIONER CARROLL: Absolutely.  
13 We've been doing significant testing on salary  
14 transparency since that statute went into effect, and  
15 we are continuing to do that and plan to continue to  
16 expand that work. Our testers do what's called match  
17 paired testing where they will have all their  
18 qualities the same except for one protected class,  
19 and conduct a test that way to see if the person, the  
20 protected class, gets treated differently. In  
21 addition, our testers are looking at publicly  
22 available information that might show a per say  
23 violation of the statute such as a failure to post a  
24 salary range.

1  
2 CHAIRPERSON WILLIAMS: Are these testers  
3 like fulltime people within the agency or these like  
4 part-time random people?

5 DEPUTY COMMISSIONER CARROLL: They're  
6 part-time.

7 CHAIRPERSON WILLIAMS: I'm just like who  
8 are these testers?

9 DEPUTY COMMISSIONER WARD: they're part-  
10 time but they're not random. They're-- so it's--  
11 they've all been there for several years. So they  
12 are part-time consistent employees, meaning they're--  
13 yes. So, they are--

14 CHAIRPERSON WILLIAMS: [interposing] Do  
15 they have to go through like the same--

16 DEPUTY COMMISSIONER WARD: [interposing]  
17 They are trained in that.

18 CHAIRPERSON WILLIAMS: arduous process of  
19 like city employees, or like can they-- were they  
20 quickly hired? Like, how does that work? Like, are  
21 they like bona fide city employees? Are they-- do  
22 they operate more like consultants?

23 DEPUTY COMMISSIONER CARROLL: They don't  
24 operate like consultants; however, they're not  
25 unionized is my understanding. But they are, as my

1  
2 colleague was saying, they've been-- our team has  
3 been with us for several years now and are, I think,  
4 wonderful at their job.

5 DEPUTY COMMISSIONER WARD: Yeah, but I  
6 think they're not consultants in the way that they  
7 can be hired in a-- at a faster clip, I'll say, than  
8 some of the hiring processes that we go through,  
9 because they're considered employees.

10 CHAIRPERSON WILLIAMS: Got you. We see  
11 from CCHR's annual reports that the number of tests  
12 conducted can change from year to year as did the  
13 numbers of tests conducted in relations to different  
14 categories of discrimination. On what basis does  
15 CCHR determine these numbers? Are there any factors  
16 that could lead to a test prematurely ending or  
17 leading to inconclusive results?

18 DEPUTY COMMISSIONER CARROLL: Thank you  
19 for the opportunity to talk more about our testing  
20 program. In the housing space, I will say we've done  
21 a significant amount of testing around source of  
22 income discrimination, and that is most frequently  
23 where we will see an inconclusive test because of the  
24 quick turnover in the housing market. If we have two  
25 people who are calling the same broker or landlord,

1  
2 for example, sometimes only one of them will get  
3 through because apartments fly off the market so  
4 quickly, and so that is what we refer to as an  
5 inconclusive test. In the employment space, when  
6 there are amendments to the statute, you know, we  
7 like to focus testing because sometimes there is a  
8 gap in how quickly the public is fully aware of what  
9 their rights are. And so as agency we proactively  
10 try to look at the protected class that was added to  
11 the statute most recently so that we can gauge  
12 enforcement and compliance without solely relying on  
13 complaints from the public.

14 CHAIRPERSON WILLIAMS: Yeah, I did some  
15 testing, source of income testing, and it was really  
16 heard because no one really answered. So, yeah, that  
17 makes sense. So, I want to turn some of my questions  
18 to trends and employment-related complaints. So with  
19 FY 24 as the exception, the Commission has received a  
20 surprisingly consistent number of employment-related  
21 inquiries across the last five to seven years,  
22 usually upwards of 1,500 inquiries. Yet, CCHR's  
23 jurisdiction over different types of discrimination  
24 in the workplace and the categories of people who  
25 benefit from anti-discrimination protections in the

1  
2 workplace have increased significantly in those  
3 years. How have the types of inquiries received by  
4 the commission changed over recent years, and how  
5 have they remained consistent?

6 DEPUTY COMMISSIONER CARROLL: So, in  
7 terms of complaints that we've filed, we've remained  
8 consistent with disability and mortality issue being  
9 the top two in employment. However, in the last five  
10 years with the amendments to the statute first  
11 amended in the Fair Chance provision, we saw an  
12 uptick in inquiries related to conviction record and  
13 arrest record, and then similarly in the last two  
14 years we've seen an uptick or we've seen salary  
15 transparency be at the forefront because it was the  
16 most recent amendment is our assumption.

17 CHAIRPERSON WILLIAMS: Yeah. So is it  
18 fair to say that when we pass these laws it's like  
19 maybe like an adjustment period of people realizing  
20 that this is a particular protection or a particular  
21 thing that they have to do in the cases, salary,  
22 transparency-- its' like an action. Like, when they  
23 post a job description it has to have a range. But  
24 like, so do you think just a case of like people  
25

1  
2 getting acclimated to the law and it, like, tapers  
3 off?

4 DEPUTY COMMISSIONER CARROLL: I think  
5 that there's also a learning curve on members of the  
6 public about what states a complaint or a claim that  
7 we can actually file as opposed to what feels like  
8 might be discrimination. So our inquiry stage, you  
9 know, we really encourage members of the public to  
10 reach out to us whenever they feel they've been  
11 discriminated against so that we're not creating a  
12 barrier to them coming to us. And then we have a  
13 conversation with them to analyze whether it falls  
14 under our statute. And I think when there are--  
15 there's publicity about bills, but maybe not about  
16 the full detail of them, we get a lot of inquiries  
17 and then our hotline staff are doing some of that one  
18 on one education as they're explaining to people who  
19 call who think they've been discriminated against  
20 whether they may or may not state a claim.

21 CHAIRPERSON WILLIAMS: So, I know you said  
22 that disability and retaliation are the top two. Do  
23 you think there are any other important developments  
24 related to discrimination, employment-related  
25 discrimination inquiries and complaints in recent

1 years? So, I mean, you said salary transparency.  
2 Maybe you kind of like already answered this. But  
3 just looking for anything else that you can provide  
4 around important developments in employee-related  
5 discriminations outside of disability, retaliation,  
6 and I-- again, suppose like salary transparency right  
7 now in this moment might be mixed into that.

9 DEPUTY COMMISSIONER CARROLL: I think-- I  
10 would imagine that with the amendment to the statute  
11 related to Fair Chance housing that we'll see another  
12 uptick in criminal conviction and arrest record as we  
13 do the education around that piece. And I think the--  
14 - we've continued to see reports on gender-based  
15 harassment grow because of the statute of limitations  
16 extension. So it's not necessarily reflected in the  
17 complaints filed, but in terms of what we're seeing  
18 more people are able to file those complaints because  
19 of the extension of the statute of limitations to  
20 three years for those claims.

21 CHAIRPERSON WILLIAMS: Thank you. I know  
22 some of my colleagues have questions that need to go.  
23 So I will pause on my questions to turn it over to  
24 Council Member Cabán who has some questions on her  
25 bill.

1  
2 COUNCIL MEMBER CABÁN: Thank you very  
3 much, Chair. I appreciate the accommodation. Thank  
4 y'all for being here. I guess I'll start with some of  
5 the most basics. Since you support the intent of the  
6 bill as your-- stated in your testimony. Do you  
7 commit to working with the Council in getting that  
8 intent implemented into law?

9 DEPUTY COMMISSIONER WARD: I think-- I'm  
10 going to speak for CCHR. There's a number of  
11 agencies named in this bill in particular. Always,  
12 we are committed to working with Council to achieve  
13 the objectives. I think this bill has a lot of moving  
14 parts, and I'm happy to talk through some of the  
15 concerns so we can talk about what those are, because  
16 I think some of the areas that we're thinking about  
17 is the expertise to do effectively the type of  
18 analysis that is required under this bill. And so  
19 happy to talk through those with you.

20 COUNCIL MEMBER CABÁN: Yeah, let's-- I  
21 mean, in the testimony again you said that there was  
22 some policy and operational concerns. Can you  
23 elaborate on what those policy and operational  
24 concerns are?



1  
2 DEPUTY COMMISSIONER WARD: Yeah, and  
3 sure, again, I'm going to speak from the perspective  
4 of CHR.

5 COUNCIL MEMBER CABÁN: Of course.

6 DEPUTY COMMISSIONER WARD: and recognize  
7 that the Law Department and some of the other named  
8 agencies are also continuing to work through the  
9 bill. I think there's a kind of threshold question  
10 for us, because none of us have this information  
11 about what data is-- what the scope of the data  
12 itself would be. I think we don't have at our agency  
13 at least, but I don't think many agencies have a full  
14 grasp of how many employers will fall into the  
15 category that is within 984. So there's a data  
16 sourcing questions. I think secondly from our  
17 perspective at CCHR, we don't have the expertise to  
18 do statistical analysis of data. I know there's other  
19 agencies that are named as well, but our mandate as  
20 we've talked about comes into play when there's  
21 instances of individualized discrimination related to  
22 the Human Rights Law. We don't have auditing  
23 capacity or the in-house expertise to make  
24 recommendations again. I think across the very  
25 important but very diverse set of areas in this bill

1  
2 which are pay, retention rates, and employment  
3 statistics. I think one thing-- this is the third  
4 piece that I'll point out relates to that. The  
5 actual protected categories in our law, I think the  
6 data that is in our read that is asked for across  
7 protected categories, some of that information  
8 employees do not want to share with their employers,  
9 right? There are things like religion. There are  
10 things like sexual orientation that are protected  
11 categories in our law that a lot of employers don't  
12 collect, and even if they were collecting it, I don't  
13 know that it would be accurate to base a study upon.  
14 So, I think you mentioned gender. You mentioned three  
15 categories in your opening remarks. I think the way  
16 we've read the bill, it's much more extensive than  
17 that. So we'd want to think about what does that  
18 mean for employees.

19 COUNCIL MEMBER CABÁN: May I briefly  
20 follow up, Chair? Thank you. I appreciate it. I  
21 mean, one, I get the sense that it doesn't seem like  
22 it would be impossible to figure out how many  
23 companies, employers would be affected by this and I  
24 do want to highlight the fact that there are other  
25 agencies that would be involved here. But more

1  
2 specifically would raising the floor for coverage  
3 from companies with 25 employees to 100 employees  
4 ease some of those concerns?

5 DEPUTY COMMISSIONER WARD: I think  
6 likely, and I don't think it would be impossible. I  
7 think I'm speaking from this perspective of data that  
8 we have or are aware of.

9 COUNCIL MEMBER CABÁN: And then I would  
10 just finally, as a more broad question, for y'all and  
11 I'll leave it here just to double-down sort of on the  
12 importance of this. In y'all's view, how does race  
13 intersect with gender and shaping the pay gap in New  
14 York City, and are there disparities within the gap  
15 based on race and ethnicity, and what are the long-  
16 term economic and social consequences of the gender  
17 pay gap in New York City? How does it impact women's  
18 financial security, their overall wellbeing and the  
19 city's economy as a whole?

20 DEPUTY COMMISSIONER WARD: Yeah, I mean,  
21 I think we are generally aware of the wide reports of  
22 gender disparities and pay disparities. From our  
23 agency perspective that's not something that we have  
24 data on other than when it comes to us in an  
25 individual complaint, but I hear the-- again, the

1  
2 emphasis of the bill, and I think we recognize pay  
3 equity is a huge issue for lots of New Yorkers, and I  
4 think because it's so significant it's going to take  
5 multiple stakeholders to solve that includes likely  
6 CCHR, other agencies, and potentially members of the  
7 private sector and other actors as well.

8 COUNCIL MEMBER CABÁN: But you agree that  
9 there's lots of New Yorkers, that bucket of people  
10 includes a majority of women, people of color, and  
11 the intersection of other--

12 DEPUTY COMMISSIONER WARD: [interposing]  
13 Yes, I agree, those are the most impacted  
14 individuals.

15 COUNCIL MEMBER CABÁN: That's great.  
16 Thank you. And I know you do.

17 DEPUTY COMMISSIONER WARD: Yeah.

18 COUNCIL MEMBER CABÁN: I just wanted to  
19 make sure that that was on the record. Thank you,  
20 Chair.

21 CHAIRPERSON WILLIAMS: No problem.  
22 Majority Leader?

23 COUNCIL MEMBER FARÍAS: Thank you, Chair,  
24 and I'd like to associate myself to the questions and  
25 responses of Council Member Cabán. I think the main

1 goal of what we're trying to do here with at least  
2 this package or one of the main goals is to make sure  
3 that beyond equal payday that we get to celebrate all  
4 as women in this sector for, you know, on behalf of a  
5 lot of people, but particularly the days throughout  
6 the years that we're celebrating and trying to raise  
7 awareness around the wage gap and equal pay, that  
8 we're doing in our capacity where we can both in the  
9 public sector which we've done a lot of work around,  
10 but also the, you know, accountability part of the  
11 private sector as well. So, Council Member Cabán  
12 already asked questions around your testimony that I  
13 had as well. I'm just going to ask a couple  
14 questions regarding to the hiring or the requirement  
15 of the hiring of new staff. I think both Intro 808,  
16 871 and 984, my bill, would all require hiring new  
17 staff. So roughly speaking, how would you folks  
18 anticipate that each law would affect CCHR's  
19 caseload? For example, would each one be expected to  
20 generate a lot or relatively few new inquiries or  
21 complaints?  
22

23 DEPUTY COMMISSIONER WARD: So, I think  
24 when we're talking about-- there's the two or three  
25 that amend the Human Rights Law, right, caregiver,

1 pay transparency, and 1064 which I don't have a good  
2 name for at this time. I think each time the Human  
3 Rights Law has been amended, and Chair Williams has  
4 heard me say this many times so she will not be  
5 surprised, our staff has stepped up and with our  
6 existing capacity we handle those complaints, and I  
7 will say a huge part of our efforts at compliance  
8 with the Human Rights Law is also something that  
9 we've alluded to, the prevention piece. So for every  
10 amendment that impacts the rights and responsibility  
11 of New Yorkers we get the word out, and we've done  
12 that consistently with all of the amendments that  
13 we're talking about today and would do so if the law  
14 was amended. I think as we've said, we can always do  
15 more with more, but we feel very confident in the  
16 ability of our staff to handle some of these  
17 complaints. I think 808A in particular is largely  
18 something that is already covered by our law. We've  
19 seen an uptick in inquiries in that area. We think  
20 that trend could continue, but it's something that  
21 we've been able to handle, and I think when we look  
22 at 871 and caregiver accommodations, it's an area  
23 where our staff has deep expertise already given the  
24

1  
2 four areas of reasonable accommodations that already  
3 exist.

4 COUNCIL MEMBER FARIÁS: Okay, thank you.  
5 I mean, with the upcoming, you know, budget  
6 discussion that we'll be having if-- I think most of  
7 us here, if not all of us here do not want the  
8 prevention of hiring new people to prevent bills that  
9 we think are necessary for the city to be  
10 implementing and passing. So, I say that to say  
11 where there could be advocacy to expand beyond, not  
12 just to make the ease better for your staff, but also  
13 to anticipate some of the needs that the Council is  
14 asking for. If I can ask one question, Chair? And  
15 then just-- this is just to the cost estimate  
16 provided by OMB for Intro 984. It's estimated that  
17 CCHR would require \$310,000 annually to fund three  
18 new staff members for a unit focused on pay and  
19 workplace equity. Just wanted to verify if that's  
20 correct.

21 DEPUTY COMMISSIONER WARD: Yeah, so the  
22 fiscal impact statement that we submitted as part of  
23 this new process is definitely a preliminary  
24 assessment that really looks at the four corners of  
25 the bill. So it happens during the process, if this

1 bill is to move forward, is we then assess are these  
2 activities that can be handled by current staff and  
3 adjustments are made. So, I think we've already  
4 mentioned today on the record that there's going to  
5 be changes potentially to these bills. So  
6 undoubtedly the fiscal impact statement will change  
7 throughout the budgetary process.

9 COUNCIL MEMBER FARIÁS: Okay. And has  
10 CCHR created any specialized unit for implementation  
11 of specific portions of the Human Rights Law in the  
12 past?

13 DEPUTY COMMISSIONER WARD: So, there have  
14 been some areas where we have had specific teams  
15 focused on an area of the law. I think we are at our  
16 most nimble when we have staff that can move across  
17 areas and really respond as we've already identified  
18 in this hearing. There are trends that happened when  
19 the law changes. There are trends like COVID that no  
20 one is expecting, and I think it's helpful to be able  
21 to respond to those things as they happen.

22 COUNCIL MEMBER FARIÁS: Okay, thank you.  
23 That's the last question I have. I do just want to  
24 reiterate, you know, we hope this is a priority for  
25 the Administration, and like equal pay, pay



1  
2 transparency, wage equity is something that is  
3 concurrent. It's something that, you know, we have to  
4 have awareness days around. It's something that  
5 we're consistently fighting to find both public  
6 sector and private sector, and employers to help us  
7 in the fight for it, and you know, I hope in this  
8 upcoming cycle, we can utilize these bills, but also  
9 advocacy on behalf of the upcoming budget to get more  
10 support to create spaces where we can focus on this,  
11 you know, cohesively. So thank you for the time,  
12 Chair.

13 CHAIRPERSON WILLIAMS: No problem.  
14 Council Member Hanks?

15 COUNCIL MEMBER HANKS: Thank you so much,  
16 Chair. Thank you so much. I just have a quick  
17 question and just wanted to hear it in laymen's terms  
18 in plain English, because the testimony is little-- I  
19 can't really understand it. So, maybe everyone else  
20 can't understand it either. So, when you talk about  
21 how the Administration supports the intent of my bill  
22 871, you go in to talking about several elements that  
23 warrant further exploration. I just want to  
24 understand in plain English what would that further  
25

1  
2 exploration be, and how do you see us going forward  
3 and coming to an agreement? Easy peasy [sic].

4 HILLARY SCRIVANI: Thank you for your  
5 question, Council Member Hanks. So, as you said in  
6 the testimony and you just repeated, we support the  
7 aim of the bill to address discrimination in the  
8 workplace against caregivers and specifically by  
9 reasonable accommodations. I think we have two key  
10 concerns that I can elaborate on regarding the bill.  
11 The first goes to the structure. So, as we mentioned  
12 in the testimony, there are four reasonable  
13 accommodation categories that already exist in the  
14 law. It's pregnancy, disability, religion, and then  
15 status as a victim of domestic violence, and each of  
16 those reasonable accommodations has their own section  
17 in the law which gets at the unique circumstances,  
18 the specific needs that might come out of being a  
19 member of the protected category and what you need in  
20 the workplace, and then also addressing what kind of  
21 conversations would like surrounding those reasonable  
22 accommodations. So what you would suggest is having  
23 reasonable accommodations on the basis of caregiver  
24 status also have its own section in the law to  
25 address that uniqueness, and I think related to that

1 being coupled with disability right now-- disability  
2 reasonable accommodations also extend in places of  
3 public accommodation and in housing. It's the only  
4 protected category that has that extension for  
5 reasonable accommodations. And you know, here we're  
6 focused on employment today, but that would be  
7 another reason getting at the specific issue with  
8 caregivers, why OB would see that as warranting its  
9 own section of the law. And then the second concern  
10 relatedly has to do with the impact. We think a lot  
11 of people would potentially be covered by the law  
12 caregiver definition, and could be entitled to  
13 reasonable accommodations under this. so, we would  
14 want to just make sure again, going back to having  
15 its own section, having language in the law that is  
16 clear about who's covered, what a reasonable  
17 accommodation process would look like to make sure we  
18 can educate the public, both employees and employers  
19 about any new rights and obligations.

21 COUNCIL MEMBER HANKS: Thank you. I look  
22 forward to having that conversation with you. When  
23 we talk about caregivers, it could be you're a  
24 caregiver of a senior. You could be a caregiver of a  
25 child that has disabilities. And so I think that the

1 spirit of this bill was done because possibly the  
2 current law that you're speaking about isn't  
3 understood, and quite possibly not followed by  
4 employers. So, the reason why this has come up and  
5 it's an issue is because while there may be section  
6 in the law, we're not entirely sure that employers  
7 are adhering to those sections of the law. so I  
8 think we need to be a little bit more specific and  
9 even if that involves the education of employers and  
10 employees so they understand their rights, because if  
11 you don't understand your right or if the section is  
12 not being adhered to, then it doesn't matter whether  
13 it's there or not. So I appreciate that, and we'll  
14 be in touch about that, and I look forward to making  
15 this bill fabulous for you and the people who need  
16 it.

17  
18 HILLARY SCRIVANI: Thank you, Council.  
19 Thank you, Council Member Hanks.

20 CHAIRPERSON WILLIAMS: You're welcome.  
21 Council Member Joseph?

22 COUNCIL MEMBER JOSEPH: Thank you. Thank  
23 you for being here. Just a quick question around  
24 capacity. As of yesterday there was about 27  
25 vacancies with CCHR, 15 of which are in the law

1 enforcement. What is the breakdown of vacancies by  
2 position and department? How does the vacancies  
3 impact LEB's ability to investigate in closed cases?  
4 Do you have a timeline as to when you plan on filling  
5 those positions? Because that work has to get done  
6 in order for all of that we're talking about needs to  
7 happen.

8  
9 DEPUTY COMMISSIONER WARD: Yeah. I'm  
10 going to start with the good news.

11 COUNCIL MEMBER JOSEPH: Alright.

12 DEPUTY COMMISSIONER WARD: So, I think  
13 the-- something that this commissioner has been  
14 committed to is staffing up the Law Enforcement  
15 Bureau, and we're making progress on that front. I  
16 think the Law Enforcement Bureau today has I want to  
17 say 50, very close to 50, staff members which is an  
18 increase from where we have been. I will also say  
19 that even before that number, and this is what I said  
20 already to Council Member Fariás' question, I think  
21 our staff works incredibly hard and is truly  
22 committed to the mission of the agency which makes it  
23 an amazing place to work, but also means that we are  
24 doing everything in our power to achieve the mandate  
25 on a daily basis. So I think there's not a direct

1  
2 one-to-one correlation between staffing or vacancy  
3 numbers and the number of complaints that we are able  
4 to file. But you know, as I said, we can do more with  
5 more, and we appreciate the support of this committee  
6 and Council, and look forward to talking about that  
7 in budget negotiations. As for the hiring timeline,  
8 we are looking at applications all the time and  
9 operating in the space where we are working with OMB  
10 to fill the vacancies as quickly as we can.

11 COUNCIL MEMBER JOSEPH: Does that hinder  
12 the work that you do because there's a lack of  
13 staffers? I know we could do more with more, I know.  
14 So, does that hinder any of the cases, and how fast--  
15 if you had more, how quickly can you close the case?

16 DEPUTY COMMISSIONER WARD: I'm going to  
17 defer to my colleague on how quickly. I think one  
18 thing I will say is because we are an agency that is  
19 a file as-of-right agency, we take every case that  
20 comes to us. If people want to file a complaint,  
21 that is filed. An area where there could, I think,  
22 be growth is in our commission-initiated work, and we  
23 thank-- I thank people in this room for using City of  
24 Yes as an opportunity to potentially grow that area  
25

1  
2 of commission staff, and I think that will have a  
3 great impact on New Yorkers.

4 DEPUTY COMMISSIONER CARROLL: I would  
5 agree and echo my colleague's statement. A lot of  
6 our process requires cooperation from both sides, and  
7 there's not a lot, no matter how much staff, we can  
8 do that we can get folks who don't want to work with  
9 us to work with us. So, it really does allow us to  
10 look at more systemic problems from an agency  
11 perspective rather than having to focus solely or  
12 mostly on the cases that have come to us by the  
13 public because that is our underlying mandate.

14 COUNCIL MEMBER JOSEPH: How long does it  
15 take from the beginning to the end to close a case?

16 DEPUTY COMMISSIONER CARROLL: Our current  
17 average is just around two and a half years.

18 COUNCIL MEMBER JOSEPH: Two and a half  
19 years. And how many-- you didn't answer my second  
20 part of the question. What is the breakdown of  
21 vacancies by position and departments?

22 DEPUTY COMMISSIONER WARD: Yeah, so I  
23 don't have that information today, so we're happy to  
24 follow up with that.

1  
2 COUNCIL MEMBER JOSEPH: Get it back to  
3 us?

4 DEPUTY COMMISSIONER WARD: Yep.

5 COUNCIL MEMBER JOSEPH: Okay, thank you.  
6 Thank you, Chair.

7 CHAIRPERSON WILLIAMS: You're welcome. I  
8 just wanted to leave you the opportunity to talk  
9 about other areas, because I know we have had this  
10 conversation. I know the Council has been really  
11 focused on the LEB unit, and I know when I met with  
12 the commissioners of CCHR, one of the things we  
13 discussed was preventative measures and outreach, and  
14 that's a space that I don't think as a Council we  
15 spent time discussing in terms of like resources in  
16 need. Because yes, LEB is important and it's  
17 important to have a place to adjudicate issues of  
18 discrimination, but we don't even want those cases to  
19 occur, and in large part that takes like preventative  
20 outreach and education. So, I just wanted to give  
21 you an opportunity to talk about other areas of CCHR  
22 that you feel could potentially use more support or  
23 more uplifting and how that is related to the many  
24 laws that we have passed in the Council over the



1 course of the last decade that has tremendously  
2 expanded your work.

3  
4 DEPUTY COMMISSIONER WARD: Yeah, no it--  
5 I think it's a great question, and I think I am  
6 constantly impressed by the outreach and reach of our  
7 agency, and I think we have really leveraged and want  
8 to continue to leverage partnerships with community-  
9 based organizations and with Council people. I mean,  
10 this is a little bit of a double-dip because I'm  
11 still talking about LEB here, but one of the things  
12 that we have started to do as an agency is when we go  
13 to resource fairs and we're working with folks to  
14 have resource fairs on particular issues, to have LEB  
15 staff in the room, because I think the idea of  
16 community outreach and filing complaints go hand-in-  
17 hand. So really thinking about how do we have  
18 greater synergies across the areas of work that are  
19 the center of our mandate. And I think that another  
20 area that has been very significant for the  
21 commission over time has been things that we produce  
22 and I think this came up already, the public-facing  
23 materials that we produce about the law, sometimes  
24 it's really important that they're hyper-legalistic  
25 because they are for lawyers and judges to understand

1  
2 how we interpret the law, and we want to be doing  
3 more in that space, but it's also really important  
4 that it is understandable to everyone in New York  
5 City, and so those are just areas where we want to  
6 continue to do more that are outside of Law  
7 Enforcement Bureau.

8 CHAIRPERSON WILLIAMS: Thank you. I have  
9 a few questions from the Majority Whip who had to  
10 leave. She wants to know what data does the  
11 Commission have on current wage disparities in New  
12 York City across race and gender?

13 DEPUTY COMMISSIONER CARROLL: Sorry, can  
14 you ask that again. I didn't catch the question.

15 CHAIRPERSON WILLIAMS: Sure. What data  
16 does the Commission have on current wage disparities  
17 in New York City across race and gender?

18 DEPUTY COMMISSIONER CARROLL: We don't  
19 hold that information.

20 CHAIRPERSON WILLIAMS: Why?

21 DEPUTY COMMISSIONER WARD: We only hold  
22 the information if it comes up in an individualized  
23 case where someone is saying that they have  
24 differential terms and conditions on the basis of  
25 their protected category. Then an investigation

1  
2 could surface the pay to comparators, but there's no-  
3 - we don't have capacity to-- or I think the mandate  
4 or the possibility of requesting that information at  
5 large from employers.

6 CHAIRPERSON WILLIAMS: Thank you. How has  
7 the implementation of wage transparency laws impacted  
8 these disparities since their enactment?

9 DEPUTY COMMISSIONER WARD: Please ask  
10 that again.

11 CHAIRPERSON WILLIAMS: How has the  
12 implementation of wage transparency laws impacted  
13 these disparities since their enactment?

14 DEPUTY COMMISSIONER WARD: I don't have a  
15 specific data-driven response to that question. I  
16 think what I can say from public reporting and from  
17 what we have seen anecdotally is that there's been a  
18 lot of compliance which means that there's an  
19 increase in information for job applicants. So, I  
20 think as part of a c-change of how jobs are being  
21 posted nationally, there's just more information of  
22 the hands of job applicants, and so I don't have data  
23 on how wages themselves have been impacted, and I  
24 think it would be early to try and figure out that  
25 answer, but I do think we see and have spoken both on

1  
2 a personal and professional level to lots of people  
3 who are excited to see this law so that they can make  
4 a choice on the front end about whether or not to  
5 apply for a job.

6 DEPUTY COMMISSIONER CARROLL: I would  
7 just add one thing about this particular provision of  
8 the law. The bulk of the reporting that we're  
9 getting is happening with anonymous tips, because  
10 people are seeing ads and sending them to us. So we  
11 don't even have the demographic information about the  
12 people who are reporting the violations. So it is--  
13 to echo my colleague's point-- still very early for  
14 us to be making that analysis.

15 CHAIRPERSON WILLIAMS: Thank you. How  
16 many complaints of non-compliance with the existing  
17 wage transparency laws has the Commission received  
18 since the law went into effect? Can you share some  
19 examples of enforcement actions taken against  
20 employers who failed to comply? And I might as well  
21 just ask the question, which is how would a bill like  
22 Intro 808 that expands wage transparency requirements  
23 impact the wage disparities we see in our city?

24

25

1  
2 DEPUTY COMMISSIONER CARROLL: So, since  
3 its enactment came into effect, we've seen 858  
4 inquiries and 61 claims.

5 DEPUTY COMMISSIONER WARD: Yeah, so I  
6 will speak-- I will speak on 808A. So, I think, you  
7 know, we have already stated that we support the  
8 aims. I think we see potential positives to having a  
9 range of relevant factors articulated. I think one  
10 thing that we have flagged just from an enforcement  
11 perspective is as soon as you have an enumerated  
12 list, employers or other covered entities will say  
13 that's the only thing I need to consider, or you  
14 didn't say this was relevant, so maybe that's not  
15 relevant. That's how lawyers tend to operate. But I  
16 think we have seen other approaches in other  
17 jurisdictions that are percentages or some other kind  
18 of numerical band which I think to CCHR does not  
19 reflect the reality of the sizes of businesses that  
20 we interact with, right? There's going to be  
21 different expectations I think for much smaller  
22 businesses than much larger businesses. So, I think  
23 the factors will help in the future of the  
24 implementation of this law identify, you know, what  
25 are employers looking at. It also gives more

1 guidance to employers who I think often felt they  
2 were not sure what their range should include.

3 Similarly, I think the record-keeping provision it's  
4 like going to be a burden on smaller employers.

5 Again, I'm thinking of the very small employers

6 covered by our law, but I think from an investigatory  
7 perspective, having a record of why something

8 deviated from the posting will be helpful for our

9 work, but also for future job applicants. I think the

10 one flag that we had was just for the inclusion of

11 non-wage compensation, the breadth of what that can

12 entail and balancing the job posting which is

13 increasingly like four words on Twitter or LinkedIn,

14 and just thinking about ways that you can make that

15 information accessible to employees or job applicants

16 in a sort of accessible way, easy to find, not hidden

17 somewhere, but maybe not all in job posting. That's

18 something we'd want to hear from advocates about,

19 because that's just a kind of anecdotal reaction.

20 CHAIRPERSON WILLIAMS: Yeah, I spoke to

21 some business folks, and I don't-- and I know the

22 bill was amended, so I don't know if this is still in

23 there, but there was a conversation around like if

24 someone gets hired and they pay them something that  
25

1 is outside of what the salary range is, like repost--  
2 like, the reposting of the job seemed-- it didn't  
3 seem like it was a thing that one, made sense, or  
4 two, like would help job applicants who were looking  
5 on job board if they already made the offer. So,  
6 like I was trying to-- like, some of the things it's  
7 like how does-- to your point, like, how does the  
8 employer record-keep that information, and how can  
9 that information be used to support further wage  
10 transparency issues and/or disparity issues. Because  
11 they gave an example of a woman who they interviewed  
12 for one position and she-- of course, they used a  
13 woman as an example. You know, I understand this.  
14 But like, they used a woman as an example of that.  
15 They hired who they came in and she interviewed for  
16 one role. After speaking to this woman, they learned  
17 that she could fulfill all these other roles, and  
18 they started thinking about like how they wanted to  
19 like hire her, but that she probably should get a  
20 higher wage, and they felt like this bill would not  
21 have allowed them to look at her independently and  
22 extrapolate and determine whether or not she should  
23 get a higher wage based off of the interview, and the  
24 fact that they were then now asking her to do other  
25

1 things that were almost like-- not completely, but  
2 somewhat outside of the job description. So, I don't  
3 know how this factors into what you're saying, but I  
4 just-- that was like one of the biggest things that  
5 they mentioned. They mentioned other things, but  
6 that was the biggest thing that I found was like,  
7 okay, that sounds like if it really happened that  
8 way, it sounded, you know, fair to kind of inquire  
9 how this would impact a decision like that in terms  
10 of the actual job description.

12 DEPUTY COMMISSIONER WARD: yeah.

13 CHAIRPERSON WILLIAMS: Because it's going  
14 back to the job description.

15 DEPUTY COMMISSIONER WARD: I think just--  
16 and this comes up, I think, with a few of the bills,  
17 like there's structural problems and the solves [sic]  
18 are coming down to an individual job posting or an  
19 individual notice of a hire. I think it's very like  
20 thinking about what are the solutions for the  
21 systemic structural hiring problems is really  
22 challenging, and I think there's some ways to build  
23 elements of transparency into what employers are  
24 doing that don't necessarily lead to an enforcement  
25 fix, right? Like, if someone is getting offered a



1 wage way below what's in a job posting, like, that's  
2 a hard thing for someone to report, and then we're  
3 going to react, and then the job's going to be gone.  
4 But I do think some of the ethos of the bills that  
5 are talked about today are about having employers  
6 post more information so that there's just generally  
7 more information available to both applicants and  
8 current employees.  
9

10 CHAIRPERSON WILLIAMS: Yeah. And could  
11 you share-- and I don't know if you answered this--  
12 examples of enforcement actions taken against  
13 employers who failed to comply?

14 DEPUTY COMMISSIONER CARROLL: The vast  
15 majority of the complaints that we field to-date on  
16 this have been commission-initiated and based on the  
17 anonymous tips that I was mentioning earlier, where  
18 people are seeing a posting. There's no range at all  
19 and they're reporting it as a per-say violation that  
20 we're exploring as an agency. We have a handful of  
21 cases that are basically the experience that my  
22 colleague just explained where someone has applied  
23 for a job, they're offered something significantly  
24 below that, and those are all active investigations  
25 that we can't speak about publicly.

1  
2 CHAIRPERSON WILLIAMS: Okay. And like  
3 the enforcement, has there been any like real  
4 enforcement or like--

5 DEPUTY COMMISSIONER CARROLL: Well, for  
6 the-- for the Commission--

7 CHAIRPERSON WILLIAMS: [interposing]  
8 Specific actions that might have been taken so far?

9 DEPUTY COMMISSIONER CARROLL: So, we've  
10 managed to close through conciliation processes the  
11 bulk of the commission-initiated cases by compliance  
12 through the notice requirements. So we've served the  
13 complaint that's given them 30 days to comply, and  
14 the vast majority of employers that we have served  
15 that on have complied and those cases have been  
16 resolved.

17 CHAIRPERSON WILLIAMS: Has anyone like  
18 been fined or anything like that?

19 DEPUTY COMMISSIONER CARROLL: I'm sorry,  
20 could you say that again?

21 CHAIRPERSON WILLIAMS: I'm just saying  
22 has anyone been fined?

23 DEPUTY COMMISSIONER CARROLL: Not as of  
24 yet. We're imagining that that's going to be coming  
25

1  
2 down the line as we're getting second and third  
3 report.

4 CHAIRPERSON WILLIAMS: And then I have a  
5 question. Like, some of these like, head hunters,  
6 and-- it's like-- I was going on some of their  
7 website and like they post job descriptions, but it's  
8 not like the entity itself. It's not-- like, if  
9 Chase Bank hires a head-hunter and then the head-  
10 hunter like has a job description on their website,  
11 maybe not even on LinkedIn or Indeed that's on their  
12 website, like maybe it just has like the job-- maybe  
13 it's not even like crafted in like a typical job  
14 description. It just has, like, the information.  
15 Like, how do we-- how do you look at those? Because  
16 it happened to-- this is like a lot of random  
17 stories. I happened to run into these guys from  
18 Goldman Sachs one day in a restaurant and they were  
19 saying-- they were actually talking about this out  
20 loud and I was, like, mortified. Like, oh, my gosh.  
21 So then I went over and I started talking to them  
22 about it, and then they were saying that essentially  
23 like a lot of these companies are just going to start  
24 using these firms and do these, like, hidden hiring  
25 processes to not necessarily, like, comply with

1 salary transparency. I was just wondering, like, how  
2 are you thinking? I know you've been seeing a lot of  
3 these different type of things, like, especially the  
4 other issues with like the very large salary ranges  
5 which is a little disingenuous. I'm just wondering,  
6 like, how you're thinking about this currently,  
7 addressing them, and then like in the future how you  
8 may think about, like, addressing those particular  
9 issues where they're kind of like finding ways to  
10 somewhat like skirt around the law?

12 DEPUTY COMMISSIONER CARROLL: I think  
13 that's a really great question and goes to a lot of,  
14 I think, our concerns regarding the pay  
15 transparency's 30-day notice period, because it does  
16 currently treat all employers and all agents of  
17 employers no matter what size in kind of a one-size-  
18 fits-all. I personally would have higher  
19 expectations for Goldman Sachs than perhaps the  
20 family that owns the deli on the corner of my street  
21 in terms of their ability to comply with the statute.  
22 As it relates to head-hunters, it's not yet something  
23 that we've seen, although it does point to what we  
24 always see in anti-discrimination work where  
25 initially we see very clear violations, and then we

1 see those who don't want to comply attempting to find  
2 ways to get around the law. What you're describing  
3 sounds like it would still be a very clear-cut  
4 violation under our statute. We would consider any  
5 agent acting on behalf of an employer to be liable on  
6 their own behalf and then also on behalf of the  
7 employer. Some of the websites where people can  
8 self-publish is a little bit more complicated,  
9 because of a federal law in that space. But  
10 certainly with head-hunters and that kind of agent  
11 relationship, we would absolutely be going after  
12 those. So I would love to know about what's going on  
13 with Goldman Sachs.

14  
15 CHAIRPERSON WILLIAMS: Would it be the  
16 head-hunter that would get in trouble or like the  
17 business itself?

18 DEPUTY COMMISSIONER CARROLL: It would be  
19 both. It's very similar to in the housing space the  
20 broker/landlord relationship.

21 CHAIRPERSON WILLIAMS: I didn't know  
22 that. Thank you. I'll turn it to the Majority Whip  
23 to ask whatever final questions she has, because we  
24 are rounding out her questions.

1  
2 COUNCIL MEMBER BROOKS-POWERS: Thank you,  
3 Chair, and thank you for asking my questions earlier.  
4 I had to step out for a training. But I had a brief  
5 follow-up question. So, you mentioned in testimony  
6 that a provision in Intro 808, acquiring a written  
7 record when an employer offers a salary outside of  
8 the advertised pay range would be helpful for your  
9 work. Would you please elaborate on that point? And  
10 one last follow-up question is do you think it would  
11 be beneficial for the agency's work if a public study  
12 were conducted on wage disparities in New York City?

13 DEPUTY COMMISSIONER CARROLL: Thank you  
14 for that question. I'll take the first half and then  
15 turn it over to my colleague. Regularly in anti-  
16 discrimination investigations, we're looking to see  
17 if there are patterns that trace a protected class  
18 for a particular job description. So we ask as part  
19 of our investigations what records the employer has  
20 that will track and be able to demonstrate one way or  
21 the other if discrimination is occurring. Whenever  
22 there's mandated record-keeping it makes our ability  
23 to do that much easier, because we know that they're  
24 supposed to have those records when we ask for them.  
25 If they don't provide them, it probably means they're

1  
2 trying to hide something. And in acknowledgement of  
3 that, in the bulk of our settlements that are looking  
4 at systemic discrimination, we require as part of the  
5 settlement record-keeping so that if there's  
6 discrimination in the future, it's easier for us to  
7 access out.

8 DEPUTY COMMISSIONER WARD: and was the  
9 second question would a study on wage disparities be  
10 helpful? Was that the--

11 COUNCIL MEMBER BROOKS-POWERS: Yes.

12 DEPUTY COMMISSIONER WARD: Yeah, I think  
13 for our particular work since it's so driven by  
14 individual complaints, I think it would be useful to  
15 know, but I don't know that it would change the  
16 enforcement work. I think it would inform guidance  
17 that we're giving to employers, right, when we know  
18 specifics about the disparities, but I don't think it  
19 would change the enforcement work. It might inform  
20 our public-facing materials and other engagements,  
21 but I rarely think more information is not helpful,  
22 and I know there's other agencies named in the bills  
23 who might feel differently.

24 COUNCIL MEMBER BROOKS-POWERS: Okay.

25 There was a question that somebody text me around how

1 many cases do LEB attorneys have? I know we asked  
2 this before, but can you-- do you have that  
3 information on how many attorneys-- how many cases an  
4 LEB attorney has to manage?

5  
6 DEPUTY COMMISSIONER CARROLL: the  
7 attorneys on average have between 40 and 50 and they  
8 ramp up to that when they're on-boarded, and that can  
9 grow or diminish depending on how many cases they  
10 have in litigation, because that can be significantly  
11 more work intensive than a regular investigation  
12 moving through the initial stage.

13 COUNCIL MEMBER BROOKS-POWERS: Okay,  
14 thank you.

15 CHAIRPERSON WILLIAMS: So, I am turning  
16 my questions to trends in employment-related  
17 complaints. Early in 24, CCHR released a report  
18 highlighting that New York City's growing number of  
19 worker co-ops which are businesses owned and operated  
20 by their workers may introduce new considerations and  
21 questions for combatting discrimination in the  
22 workplace. Can you share a little bit about your  
23 findings and how the Commission conducts its work in  
24 relation to worker co-ops, and has the Commission



1  
2 made any changes in its work on the basis of that  
3 report?

4 DEPUTY COMMISSIONER WARD: We love that  
5 report. Thank you for asking about that report. It  
6 was-- we with the Center for Family Life in Brooklyn  
7 received a very small grant to explore how to build  
8 trust and relationships between local government and  
9 worker-owned co-ops, and I think this is an area  
10 where Council has been very supportive through  
11 funding and other measures. So we worked together  
12 for a year with the Center for Family Life to bring  
13 worker-owned cooperative members to CCHR and hold  
14 focus groups, generally thinking about what is  
15 awareness of the Human Rights Law, and I think it  
16 turned into what are people's experiences with human  
17 rights which can mean a lot of different things to a  
18 lot of different people, but you know, this is a  
19 space where a lot of immigrant and a lot of immigrant  
20 women are turning for economic stability. So we  
21 partnered very closely. We've held the focus groups  
22 in Spanish, and as the report was released towards  
23 the end there were three recommendations that we made  
24 to ourselves. One was very much dependent on there  
25 being a second year of the project which did not come

1  
2 to fruition, but two of the pieces are things that  
3 we're acting upon, and that is updating our  
4 trainings, especially things like our required sexual  
5 harassment training to make it more accessible to  
6 individuals who are not sitting at a computer all day  
7 like some of us. And so we will be releasing an  
8 updated kind of more tech-friendly version of the  
9 sexual harassment training which is required for  
10 employers-- for employees including domestic workers  
11 so that that can happen, and that people can share it  
12 with their employers more easily. And then I think  
13 the other piece where we've continued to work very  
14 closely with the Center for Family Life is around the  
15 projections in our law and doing trainings and  
16 outreach and education with Center for Family Life  
17 and their members.

18 CHAIRPERSON WILLIAMS: Thank you.

19 Discrimination in employment can be particularly  
20 insidious for those dealing with language barriers or  
21 for employees who are worried about their immigration  
22 status. That was a really good question. Thanks,  
23 Committee. Thinking about this incoming elect-- this  
24 incoming federal government we have here. Can you  
25 please describe how the Commission works with people

1  
2 who prefer to speak a language other than English  
3 when making an inquiry or filing a complaint?

4 DEPUTY COMMISSIONER WARD: I will let  
5 Kathy respond to that piece. I will say that our  
6 trainings themselves are offered in an array of  
7 languages, very much for the reasons that many people  
8 prefer to receive information in another language,  
9 and I would say in the past year or two we've made  
10 special efforts to also reach new arrivals in  
11 languages like Wolof and others through working with  
12 CBOs and other sibling agencies, just very basic--  
13 these are your rights in New York City-- efforts.  
14 And so we are constantly thinking about language  
15 accessibility and other forms of accessibility in our  
16 work, but I'll let Kathy answer about enforcement.

17 CHAIRPERSON WILLIAMS: I think that you  
18 all did do some forms of outreach at like some of the  
19 shelters and--

20 DEPUTY COMMISSIONER WARD: A lot of it  
21 was-- we did in shelters, but also a lot of faith  
22 spaces throughout New York City through our Community  
23 Relations Bureau.

24 CHAIRPERSON WILLIAMS: Specifically to  
25 like new migrants.

1  
2 DEPUTY COMMISSIONER CARROLL: In terms of  
3 providing services through the Law Enforcement  
4 Bureau, we have access to a translation service that  
5 we use whenever someone comes to us and requires to  
6 speak in a language that we don't currently have on  
7 staff. That goes for people who rely on ASL  
8 interpretation as well. And immigration status, our  
9 law enforcement staff are instructed to never ask  
10 about immigration status. We take great pains to  
11 make sure that we don't have any records related to  
12 anyone's immigration status. If someone feels  
13 they've been discriminated against based on their  
14 status as being undocumented, we will treat that as a  
15 perceived protected class to ensure that there are no  
16 public records related to that. We continue to work  
17 with our General Counsel and with advocates to  
18 certify for U-visas where it's appropriate, but  
19 that's an entirely separate process from the law  
20 enforcement materials that might be subject to  
21 Freedom of Information lawsuits and other avenues  
22 that might make their immigration status public.

23 CHAIRPERSON WILLIAMS: How do you foresee  
24 this possibly changing in the next couple of months,  
25 or your office being impacted by things that may

1  
2 happen in the federal government, because-- it's like  
3 we're like creatures of the state, states are  
4 somewhat creatures of like the federal government,  
5 and like I know our Title Eight laws and everything  
6 that governs their agency is somewhat impacted-ish  
7 [sic] by these other branches of government. So how  
8 do you perceive potential challenges in how we can  
9 enforce things like-- is it that we need to just  
10 double-down, because I've been reading a lot of stuff  
11 about how municipalities and states are going to have  
12 to be even more diligent with this incoming federal  
13 climate, or do you think like-- I don't want to say  
14 scale back, because that sounds bad. But like how  
15 are you all thinking about this, and what do you  
16 anticipate as potential challenges?

17 DEPUTY COMMISSIONER WARD: I think it's a  
18 both/and. I think we need to step up talking about  
19 what the protections are in our city, and our agency  
20 and many others are already having these  
21 conversations. We're pulling together what-- every  
22 training talk exactly about what the Deputy  
23 Commissioner was saying about what your rights are  
24 and what you should or should not be telling our  
25 agency. We're pulling together just trainings on

1 that, everything that's about our national origin  
2 protections so that those can be deployed in short  
3 order to people that need to know that. So, I think  
4 it's getting the word out about the right of everyone  
5 in New York City to be free from discrimination. You  
6 can turn to our agency. I expect there will be some  
7 increases in inquiries, but that people are also  
8 going to be more guarded about reporting to  
9 government, right? Like, yes, we are able to  
10 differentiate that we are not the federal government.  
11 We are not the state government that I think nuance  
12 is lost on people who are afraid of what the  
13 government is doing. So I think we will be relying  
14 heavily on the community partners that we already  
15 have and ensuring they know that we are here. I think  
16 it's hard to say what will happen with federal  
17 agencies akin to ours that currently receive  
18 complaints like the complaints we receive, but we  
19 will be watching that very, very closely.

21 CHAIRPERSON WILLIAMS: Yeah, I'm just  
22 thinking about something goes to trial, like federal  
23 court, and like the federal courts like I learned is  
24 kind of like 50/50 right now with potential for  
25 incoming administration to appoint more judges to the

1 federal circuit court. I was wondering like how  
2 they'll interpret immigration status, and a lot of  
3 these other protected classes that, like, in a lot of  
4 ways in the education space and maybe even government  
5 procurement space, certain classes and demographics  
6 have been, like, verbally on the chopping block. And  
7 so, you know, we have these three branches of like  
8 executive, legislative and judicial, and I feel like  
9 so much stuff nationally has been like strike down by  
10 way of the courts. So I'm just also wondering how  
11 you feel about our municipal laws being potentially  
12 challenged by way of, like, what the incoming  
13 administration may or may not be saying about  
14 different protected classes that here in New York  
15 City we've made like protected classes that may not  
16 have the same level of protection in other branches,  
17 but then going to trial you're kind of like faced  
18 with, like, you know, United States law in many ways.

20 DEPUTY COMMISSIONER WARD: Yeah, I mean,  
21 I think the protections that are in our law and  
22 several areas are being and have been challenged,  
23 right, not New York City law in particular, but  
24 municipal laws and protections around gender identity  
25 and sexual orientation, obviously protections around

1 race and looking at diversity, equity and inclusion.  
2 I think all of these things are possible. I feel  
3 very lucky to live in New York City where lots of  
4 people, I think, at the city level are really  
5 thinking about what are the protective actions that  
6 we can take, and we are and have always been prepared  
7 to engage in amicus briefs and other forms of  
8 litigation with sibling agencies and the Law  
9 Department, and I think that is an area for everyone  
10 to say and touch upon, but I think I also cut you  
11 off. So did you want to add?

12  
13 CHAIRPERSON WILLIAMS: Thank you. So,  
14 has the Commission seen any major shifts in the  
15 number of types-- number or types of employment-  
16 related inquiries from immigrants in the city? For  
17 example, many domestic workers may be recent  
18 immigrants. How many inquiries has the Commission  
19 received related to the enactment of Local Law 88 of  
20 2021 which extended employment protections to  
21 domestic workers?

22 DEPUTY COMMISSIONER WARD: Great  
23 question. I was going to give a Staten Island shout-  
24 out, but Hanks is not here. The signing of that law  
25 was one of the first things I did when I joined the



1 Commission so I feel very tied to it, and my  
2 grandmother was a domestic worker and my mom is a  
3 healthcare workers. So, I think a lot of the impetus  
4 for changing that law was a change in workplace  
5 culture and the recognition that employers have  
6 responsibilities. I think we feel very confident  
7 that there is a shift in how employers of domestic  
8 workers feel their responsibilities and what that  
9 looks like. I would say a lot of the focus in this  
10 area has been on education outreach and partnership.  
11 So we have at our agency a liaison focused on low  
12 wage and domestic workers who was really the focal  
13 point for working with organizations like NDWA,  
14 Idicar [sic] and others who are in this space. What  
15 we have been doing is been part of something called  
16 the Care Standards Board which is an effort to create  
17 sort of workplace standards. This is not a  
18 litigation effort, right? It's thinking about how do  
19 you take the protections like what are in the Human  
20 Rights Law and discuss them with an employer to  
21 ensure that workplaces are actually dignified and  
22 safe for workers. I think we have not seen a huge  
23 uptick in cases from people in the domestic worker  
24 space as a result of this law, but I also think  
25

1 that's not a surprise. I don't think litigation was  
2 the aim of changing the law. I think the other thing  
3 I will just say is-- we had before this law went into  
4 effect some types of domestic workers were filing  
5 cases with us. I think the numbers have not shifted  
6 significantly since the law changed.

8 CHAIRPERSON WILLIAMS: And just a quick  
9 question. I meant-- I was thinking about this before  
10 I went on my whole tangent about this incoming  
11 administration. The access to language that you  
12 have, is it like that language bank that all agencies  
13 have access to? It's something different? Okay.  
14 because I've heard a lot of my colleagues who are  
15 like strong advocates for language access in New York  
16 City talk a lot about that particular program and how  
17 ineffective it is. So I was just wondering, like,  
18 what is the language access service that you all  
19 have, and is it like truly robust around different  
20 dialects? I know you mentioned Wolof which is like  
21 amazing, because I know that's been a big thing with  
22 the new migrants and getting access to services in  
23 their language. But just wondering if you can share  
24 a little bit more about like what that is?

1  
2 DEPUTY COMMISSIONER CARROLL: Sure. So  
3 there are I think two pieces depending on the type of  
4 work we're doing. So for the Law Enforcement Bureau,  
5 in the last year in our annual report we had an  
6 uptick in the number of intakes we had conducted in  
7 languages other than English, and we rely on the  
8 language service we have in-house for staff attorneys  
9 that speak additional languages besides English, as  
10 well as a private company that is a dial-in service,  
11 but as we need. I don't know that we've had a  
12 circumstance where we've looked for a language in  
13 that capacity and been unable to find it through the  
14 service that we work with. Then when-- in terms of  
15 training, I don't know if you want to talk--

16 CHAIRPERSON WILLIAMS: [interposing] And  
17 the service is the phone service?

18 DEPUTY COMMISSIONER CARROLL: Yes.

19 CHAIRPERSON WILLIAMS: Okay, yes, that is  
20 the service that I've heard many of my colleagues  
21 complain about. So I don't know if you guys have any  
22 issues with that service. Is that-- has that service  
23 been helpful?

24 DEPUTY COMMISSIONER WARD: It's-- the  
25 service we use is better than nothing, and it's--

1  
2 I've-- having the phone conversation, phone  
3 translation is never going to be as good as having an  
4 in-person translator, but it does allow us to be  
5 nimble and be relatively responsive, too. When  
6 someone reaches out to us we can have that  
7 conversation immediately rather than needing to have  
8 someone come in. And as more cases to trial and  
9 there's more involved, conversation's happening in  
10 other languages both do use in-person translators  
11 for the trials to make sure that nothing's lost in  
12 translation there.

13 CHAIRPERSON WILLIAMS: Okay. That was a  
14 nice political way to say like kind of sort of it's  
15 decent, it's kind of sort of not.

16 DEPUTY COMMISSIONER WARD: But I do-- I  
17 mean, I'll just add I think the largest languages  
18 that we see outside of English is Spanish. We have a  
19 lot of staff that speak Spanish, so and we have staff  
20 that speak-- I think it's 26 languages. We can get  
21 back to you on that exactly. But we also outside of  
22 the law enforcement intake process have a lot of ways  
23 to engage with members of the public in other  
24 languages and our trainings are in-- most of them now  
25 are in Spanish and English, but we also have

1 trainings that are in Mandarin and Arabic. And so we  
2 are able to formally reach people with our full  
3 materials in a number of languages separate than the  
4 language service.  
5

6 CHAIRPERSON WILLIAMS: You said 26  
7 languages spoken amongst CCHR staff?

8 DEPUTY COMMISSIONER WARD: it is around  
9 that number. Don't quote me on 26. It hovers  
10 between 20--

11 CHAIRPERSON WILLIAMS: [interposing] Then  
12 how many people speak said language? Like, how many  
13 people speak another language outside of English at  
14 CCHR? How many staffers?

15 DEPUTY COMMISSIONER WARD: That is a  
16 great question that I do not have the answer. I  
17 don't have the answer right now. There are people--  
18 some people who speak three to four languages, and  
19 then we have a lot of dual language speakers.

20 CHAIRPERSON WILLIAMS: Do they get extra  
21 pay for like speaking different languages?

22 DEPUTY COMMISSIONER WARD: I do not have  
23 the answer to that question.

24 CHAIRPERSON WILLIAMS: Okay. I look  
25 forward to getting the answer to those two questions.



1  
2 protections. We have a specific training focused on  
3 domestic worker rights that has for the past several  
4 years been offered several hundred times each year,  
5 reaching about eight-- 7,000-8,000 people a year. so  
6 I think-- I'm sure there are people that are not  
7 captured, but I think we have very strong  
8 relationships in that space and are increasing who we  
9 are reaching in part because of the very strong  
10 partnerships with some of the groups that I  
11 mentioned.

12 CHAIRPERSON WILLIAMS: Just kidding. In  
13 the Commission's view, what can the city do to better  
14 support immigrant workers and ensure that they can  
15 secure their rights under the Human Rights Law?

16 DEPUTY COMMISSIONER WARD: Education,  
17 education, outreach, awareness, and I think  
18 increasingly partnerships with credible community-  
19 based organizations, right? Again, we already  
20 mentioned and we saw in prior versions of this  
21 administration, there's a chilling effect on  
22 communications with government from people who are  
23 either non-citizens or perceived to be non-citizens  
24 or have individuals as such in their families. So I  
25 think repeating the message about what protections

1  
2 are and reaching people, not waiting for people to  
3 come to government are critical.

4 DEPUTY COMMISSIONER CARROLL: I think  
5 additionally, just to what my colleague mentioned  
6 earlier about law enforcement staff going to  
7 community-based organizations, we ae-- our plan is  
8 now starting a more robust version of that in  
9 January. It's something that we had done previous to  
10 COVID and are now rolling out again to make sure that  
11 people don't need to come to a government office  
12 necessarily to be able to file a complaint or find  
13 out information about what their rights might be.

14 CHAIRPERSON WILLIAMS: And I know the  
15 Mayor's Office is probably going to flip out and you  
16 probably cannot answer this question. But, I'm just--  
17 - my brain is just going, and I'm thinking about like  
18 a lot of the reports that have come out about the  
19 Mayor potentially like revisiting New York City  
20 Sanctuary City status, and like you mentioned some of  
21 the work that you do to essentially protect people's  
22 status and not have it exposed to various  
23 authorities. Are you able to do that because we are  
24 a sanctuary city or is that just like what you do  
25 period? Like is there special protections amongst



1 many-- and I know, we have like a briefing on Friday  
2 to learn more, but I'm just wondering, yeah, like are  
3 you able to protect status and to really provide  
4 robust support for immigrants in New York City  
5 because we are a sanctuary city, or again, is it just  
6 kind of like par for the course what you do  
7 regardless of whether or not we were a sanctuary  
8 city?  
9

10 DEPUTY COMMISSIONER WARD: So, I think  
11 there's a lot-- there's a lot of layers to that  
12 question. I think, you know, we live in a federalist  
13 country where federal law is often supersedes local  
14 law. The work that we do and the rights they have as  
15 virtue of the Human Rights Law are not going  
16 anywhere, right? We are-- protect the rights of  
17 everyone to be free from discrimination regardless of  
18 national origin or citizenship status. That is going  
19 to continue to be true. The sanctuary status is more  
20 related to information sharing between city  
21 authorities and federal authorities, and I'm not an  
22 expert on those mechanisms or what they are, but I  
23 think I can say firmly that the Commission will  
24 continue to protect all New Yorkers.  
25

1  
2 CHAIRPERSON WILLIAMS: Thank you. There  
3 has been a nationwide trend toward increasing pay  
4 transparency for employees and potential employees in  
5 recent years, including in New York City where the  
6 Council passed Local Law 32 of 2022 to increase pay  
7 transparency in job listings. The Committee also  
8 heard testimony today about a bill that would further  
9 expand pay transparency requirements. Could you  
10 share a little bit more about what trends and  
11 challenges CCHR has encountered so far in  
12 implementing the pay transparency law? You already  
13 answered this about inquiries. And then lastly, is  
14 the Commission aware of any challenges encountered by  
15 employers or employment agencies in implementing the  
16 law? So, has anyone come and express why something  
17 is a challenge? And then overall, if you have  
18 anything else you care to share about trends in  
19 challenges around the law?

20 DEPUTY COMMISSIONER WARD: Yes. So I'll  
21 say, I mean, anecdotally when the law went into  
22 effect there's a lot of questions about what if-- I  
23 mean, this goes to some of the example you gave  
24 before, Chair. What if we find an amazing candidate  
25 and we have this range, and what do we do then? And

1 this, you know, this law is about the posting. And I  
2 think some of the record-keeping provisions address  
3 this, right? People could always pay a different  
4 amount. I think now paying a different amount is  
5 going to raise a bunch of questions which I think is  
6 the goal of the law in the first place. But I think  
7 any time there's a change in the law, there has to be  
8 a change in employer practice, and that is easier for  
9 some employers than others, and that, you know, we  
10 have to recognize there's sometimes an employer  
11 burden. I think there were a number of question  
12 about what will be considered good faith, but we've  
13 seen in practice the ranges have not been super  
14 outlandish really since some in the beginning I think  
15 got a lot of media coverage. But I will say one  
16 thing, and the Deputy Commissioner mentioned this a  
17 bit, the enforcement structure for this law is  
18 different than the other protections in our law,  
19 right? There's a cure period. So, what happens is  
20 an employer receives notice of a violation via a  
21 complaint, and then they have time to cure it. So,  
22 we've seen people curing it, and that is good, but it  
23 means that it's kind of-- it's not in sync with other  
24 protections. So, say you were going to come to us  
25

1  
2 because you've experienced gender-based  
3 discrimination, and you also had a salary  
4 transparency violations-- like, those things are not  
5 going to move together in the same way, because one  
6 has a cure period and one doesn't. So it just  
7 changes the enforcement strategy.

8 DEPUTY COMMISSIONER CARROLL: It also has  
9 an impact on our ability to use the agency discretion  
10 on when we put resources towards extremely large  
11 employers-- Goldman Sachs from your example-- to a  
12 smaller employer. They all have the same 30-day  
13 period, and in order to trigger it we have an  
14 administrative burden to put out the formal notice  
15 and then process when they have in fact cured it,  
16 rather than some of our other areas. Fair Chance, I  
17 think, is the perfect analogy, because it's another  
18 area where there's-- there were a lot of per-say  
19 violations just in advertisements right after it went  
20 into effect. in that area we had the ability to  
21 target kind of larger employers, the ones who should  
22 have known better, who have in-house counsel that can  
23 be advising them on these things, and the ones who  
24 maybe are, you know, a mom and pop store that don't  
25 necessarily have the same resources.

1  
2 CHAIRPERSON WILLIAMS: Thank you. So,  
3 just a few questions on your capacity, and then the  
4 legislation, and then we're done. As of December 11  
5 of 2024, there were 27 vacancies within CCHR, 15 of  
6 which are in the Law Enforcement Bureau. What is the  
7 breakdown of vacancies by position and department,  
8 and how do vacancies impact LEB's ability to  
9 investigate and close cases? And you can feel free  
10 to share if you have other vacancies, because I do  
11 want to acknowledge a lot of our conversation is  
12 about focusing on not just LEB but the other units at  
13 CCHR as well.

14 DEPUTY COMMISSIONER WARD: Yeah, and I  
15 think Councilwoman Joseph asked the very similar  
16 question. We don't have the details on the  
17 breakdowns right now. I can say we have-- I can say  
18 our headcount. Headcount is 136. Our active staff  
19 is 112. And what I was saying before as the good  
20 news is the Law Enforcement Bureau is staffing up and  
21 so we feel very good about that, and I continue to  
22 say that our staff is doing really great work, and I  
23 think that will be reflected in our forthcoming  
24 reports even if fiscal year 24 saw some dips in some  
25 of the areas of our work.

1  
2 CHAIRPERSON WILLIAMS: Thank you. As we  
3 can see from your annual reports, CCHR has a large  
4 amount of data available that can help provide  
5 insight into the kinds of discrimination occurring in  
6 New York City, including in the workplace. How many  
7 staff members do you have available to handle data  
8 analysis like what we've highlighted today?

9 DEPUTY COMMISSIONER WARD: So, we have it  
10 in the Law Enforcement Bureau a team and an  
11 administrative team that is responsible for entering  
12 and tracking the data specifically around cases  
13 filed, closed, all of the things that you see  
14 reported already in either our annual report or the  
15 MMR, and we have one person on staff who plays the  
16 role that you mentioned, auditing and looking at the  
17 trends in data, and that's by virtue of a decision by  
18 the Chair to move someone into a Chief of Staff role  
19 with that responsibility.

20 CHAIRPERSON WILLIAMS: Guys should have  
21 another person, only one person. So much data. Do  
22 you think that's enough to like analyze all the data  
23 that you collect, and like--

24 DEPUTY COMMISSIONER WARD: Well, a lot of  
25 the data because it's in the form of individual

1 cases, it's not really actionable. I think this, you  
2 know,-- Council Member Selvena Powers asked would  
3 wage information be helpful to us. I think so often  
4 in our cases we're looking at an individual's  
5 experience and it's very fact-specific inquiry, and  
6 some of that data is not really ever going to be  
7 sharable. I think that analysis of case trends is  
8 very helpful, and I think it's already been helping  
9 us determine where do policy and procedures need to  
10 shift, how are we making sure that we're being  
11 effective and really tracking impact over time?

13 CHAIRPERSON WILLIAMS: Even though you  
14 can't share it externally, like internally do you  
15 feel like it is enough to just have like a single  
16 person analyzing data for even internal usage?

17 DEPUTY COMMISSIONER WARD: I have never  
18 worked anywhere with anyone who had that job, so I  
19 think one person has been amazing. I think it's been  
20 really helpful to the agency to have that role.

21 CHAIRPERSON WILLIAMS: Okay. Onto the  
22 legislation. The Commission has said that for  
23 several of the bills being heard today, if they were  
24 enacted, CCHR would need to add an Executive General  
25 Counsel to implement them. Can you please describe

1  
2 the role of an Executive General Counsel and how it  
3 differs from a Supervising Attorney role? And then  
4 can you describe the role an Executive General  
5 Counsel implementation in each of the following bills  
6 if they were to be enacted, Intro 808A, Intro 871 and  
7 Intro 1064.

8 DEPUTY COMMISSIONER WARD: So, as I was  
9 saying, the fiscal impact statements are looking at  
10 each bill on their own. So if this bill were to come  
11 into play, this is all the things that would be  
12 needed for this particular bill. As the budget  
13 process moves on we identify is there already someone  
14 at the agency doing that job that can take this on.  
15 So, I think the fiscal impact statement is not like a  
16 true measure of what it means for CCHR staff. So  
17 I'll start by saying that. I can talk about the  
18 Executive Agency Counsel role. It's a civil service  
19 title. So, that is something that is set separately  
20 than my role. Do you want to talk through the fiscal  
21 impact statements of each bill, is that what you're  
22 asking?

23 CHAIRPERSON WILLIAMS: If you can do it  
24 briefly, sure. I think we just-- we're trying to  
25 understand like what the nature of the role would be



1  
2 for an Executive General Counsel. Like, what would  
3 they do that would be any different from a  
4 Supervising Attorney role? Like, why--

5 DEPUTY COMMISSIONER WARD: [interposing]  
6 Yeah, so.

7 CHAIRPERSON WILLIAMS: is that particular  
8 role--

9 DEPUTY COMMISSIONER WARD: [interposing]  
10 Yeah, so an exec-- a Supervising Attorney is an  
11 internal title for an Executive Agency Counsel. So  
12 Executive Agency Counsel is like-- there's 10  
13 managerial levels that fall within Executive Agency  
14 Counsel. What we have identified for these bills in  
15 the way our agency is structured is that we have  
16 Supervising Attorneys who obviously oversee cases.  
17 We have Case Attorneys who are handling the  
18 individual cases. Executive Agency Counsel at our  
19 agency also includes people on the Office of the  
20 Chair team who do some of the legal guidance work and  
21 other appeals work. It's-- we have other people who  
22 also hold that role. So, it's just a civil--

23 CHAIRPERSON WILLIAMS: [interposing] It's  
24 synonymous? It's a synonymous term?

1  
2 DEPUTY COMMISSIONER WARD: Supervising  
3 Attorneys are Executive Agency Counsels.

4 CHAIRPERSON WILLIAMS: Okay. Thank you.  
5 How many Executive General Counsels or Supervising  
6 Attorneys work at the Commission in fiscal year 2024  
7 and how many CCHR staff currently hold that title?

8 DEPUTY COMMISSIONER WARD: I don't have  
9 that information today, so we'll have to follow up.  
10 Most of the questions related to staffing, we're  
11 going to have to follow up with you.

12 CHAIRPERSON WILLIAMS: Okay. I'll just  
13 ask them.

14 DEPUTY COMMISSIONER WARD: Sure.

15 CHAIRPERSON WILLIAMS: If you don't have  
16 the answers, just send it to us when you do. The  
17 other question is, what is the typical caseload for  
18 an Executive General Counsel? Have that?

19 DEPUTY COMMISSIONER CARROLL: For the  
20 Supervising Attorneys for FY 24 we had six on staff,  
21 and as my colleague was mentioning, they supervised  
22 individual staff attorneys, but each of them also  
23 carried a caseload of approximately 20 cases, but  
24 then as it relates to other people that hold those  
25 titles outside of law enforcement, they obviously

1 don't have a case load in the same way. So the  
2 breakdown is a little bit different.

3  
4 CHAIRPERSON WILLIAMS: Okay. Intro 808A,  
5 871 and 984 would all require the hiring of new  
6 staff. Roughly speaking, how would anticipate that  
7 each law would affect CCHR's caseload? For example,  
8 would each one be expected to generate a lot or  
9 relatively few new inquiries and complaints?

10 DEPUTY COMMISSIONER WARD: So, I think,  
11 as I was saying, there-- if they were to all pass  
12 together, the fiscal impact statements become a more  
13 super salad. I don't know what the right analogy is  
14 of things mixed together, and so we would look at our  
15 existing staff at the time of the effective date of  
16 the law and say do we have these positions? Are we  
17 able to fulfil this part of the mandate, and that  
18 goes through the normal OMB budget process where  
19 we're working together to identify adjustments based  
20 on what the law ends up looking like. I think it's  
21 very hard to project what a change in the law could  
22 be for-- mean for our agency. That's in part because  
23 some of the changes in the law allow people to go to  
24 court or come to us. So, it doesn't necess-- it's  
25 not like a clear one to one or a clear linear

1 pathway. I think pay transparency we are already  
2 doing and it's already known about, because we've run  
3 campaigns and we've done a lot of publicity about  
4 that. So, I don't see that those numbers will shift.  
5 I think it's a bigger question with 871. It will  
6 depend what that law ends up looking like.

8 CHAIRPERSON WILLIAMS: Okay. And yes,  
9 this new law that we all have to comply with where we  
10 get the financial impact statements has like caused  
11 us to like think about things now, even though, you  
12 know, we were just chatting like things can change.  
13 So not sure how effective it is to have this now.  
14 But it's good information at least for us to be able  
15 to interrogate in these hearings. Specifically, the  
16 cost estimate provided to the committee by OMB for  
17 Intro 871 that you just mentioned estimated that CCHR  
18 would need to hire 10 positions to implement the  
19 bill, including one Executive Agency Counsel, one  
20 Executive Director of Training Development, two  
21 Supervising Attorneys, two Agency Attorney Level II,  
22 one Agency Attorney Level I, one Community  
23 Coordinator, one Associate of Human Rights  
24 Specialist, and one Human Rights Specialist. Can you  
25 tell us how each of these roles would focus-- what

1  
2 each of these roles would focus on and how they would  
3 work together if Intro 871 were to be enacted?

4 DEPUTY COMMISSIONER WARD: So, just want  
5 to be clear again, this is not saying if 871 passes  
6 we need 10 new roles. This is saying these are the  
7 type of roles that would be involved in  
8 implementation of 871. I'm happy to talk about each  
9 of them. So, I think Executive Director of Training  
10 and Compliance is probably clear from its title,  
11 thinking-- and this goes to what Chair Hanks was  
12 saying, education and outreach on changes in the law  
13 is super important. We recognize that. I've  
14 already-- I've mentioned that we're revamping some of  
15 our trainings and that remains an area where CCHR  
16 wants to continue to focus, because prevention is  
17 obviously key to a city free from discrimination.  
18 The Supervising Attorneys and the Agency Attorneys  
19 are folks that would work in the Law Enforcement  
20 Bureau to process cases, either front line staff or  
21 the supervising staff that the Deputy Commissioner of  
22 Law Enforcement spoke about. And then some-- the  
23 Community Coordinator titles, Associate Human Rights,  
24 and Human Rights Specialists are either working in  
25 LEB on the administrative and intake side, or working

1  
2 in our Community Relations Bureau in terms of getting  
3 the word of new protections, and then the other  
4 Executive Agency Counsel listed here could  
5 potentially be in the Law Enforcement Bureau, or it  
6 could potentially be in the Office of the Chair  
7 working on things that I talked about like appeals of  
8 cases from the Law Enforcement Bureau, legal  
9 enforcement guidance and public-facing materials for  
10 more legal audience.

11 CHAIRPERSON WILLIAMS: When we pass these  
12 laws, like what is the internal process at your  
13 agency? Because I feel like it's almost like you  
14 have to like conduct many different strategies.  
15 Like, maybe you decide to do a craft and training.  
16 Maybe you decide to do an outreach effort for the  
17 particular demographic that would be most impacted by  
18 the law. So, like, I'm just now wondering based off  
19 of you describing the potential positions internally  
20 that would play a role in implementing the law.  
21 like, what is the process within your agency when  
22 we're passing these laws, and how do the various  
23 departments interact with each other to, you know,  
24 execute with as much, you know, efficiency as  
25 possible?

1  
2 DEPUTY COMMISSIONER WARD: Yeah, I think  
3 it's because the changes to the law are so different,  
4 I don't think I can say there is a clear pathway for  
5 every single law. I can tell you that I report back  
6 on these hearings and all of the bills as they're  
7 introduced. We try to know about the bills way  
8 before a hearing, and we talk internally about what  
9 the change would mean for our law, and that's part of  
10 what our leadership meeting are about, and the  
11 leadership team includes folks that are focused on  
12 the finance and staffing side. So we have a Deputy  
13 Commissioner of Administrative Services. It includes  
14 Kathy Carroll as Deputy Commissioner of Law  
15 Enforcement. It includes myself, our Chief of Staff,  
16 and the head of our Community Relations Bureau. So,  
17 we meet very often and we talk about the changes that  
18 are coming in the law and strategies for outreach,  
19 education, and ultimately implementation, and we do  
20 trainings for our staff, as well, so that we're all  
21 on the same page about what these changes mean.

22 CHAIRPERSON WILLIAMS: Okay. Does CCHR  
23 foresee any hurdles in relations to the definition of  
24 caregiver within the context of Intro 871? For  
25 example, for parental caregivers living in a

1  
2 multiparent home, would CCHR's interpretation be that  
3 both parents qualify for a workplace accommodation?  
4 Should they seek one? Or does CCHR envision that  
5 there needs to be some sort of disclosure to  
6 employers on how many caregivers the dependent is  
7 reliant on?

8 HILLARY SCRIVANI: Thank you for your  
9 question, Chair Williams. I think that-- so the  
10 current definition of caregiver is a person who  
11 provides care for a minor-- excuse me, direct and  
12 ongoing care for a minor child or a care recipient  
13 which is, you know, inclusive of an adult family  
14 member with a disability or something of that nature.  
15 I think at this stage we don't have any specific  
16 feedback on the current caregiver definition, but as  
17 we spoke in the question and answers earlier and  
18 referred to in our testimony, we think clarity is  
19 key. If the bill was to move forward with reasonable  
20 accommodations, we would look forward to hearing from  
21 stakeholders and speaking with counsel, you know,  
22 about if an update to the definition would be  
23 appropriate.

24 CHAIRPERSON WILLIAMS: Thank you. Keep  
25 going out of the questions. It takes a while to



1 load. In the cost estimated-- cost estimate provided  
2 by OMB for Intro 984, it is estimated that CCHR would  
3 require \$310,000 annually to fund three new staff  
4 members for a unit focused on pay and workplace  
5 equity. Is this correct? And if so, has CCHR created  
6 a specialized unit for implementation of specific  
7 portions of the Human Rights Law in the past?

9 DEPUTY COMMISSIONER WARD: So, we have  
10 never had a specific law lead to a specific new type  
11 of unit. I think this preliminary proposed draft  
12 fiscal impact statement reflects what we have said I  
13 think in the Q&A already. We do not have individuals  
14 with expertise to do the type of work anticipated in  
15 this law.

16 CHAIRPERSON WILLIAMS: Does CCHR intend  
17 to create units like this moving forward with more  
18 specialization? I know you and I have had a ton of  
19 conversations about the maybe misperceptions around  
20 like a Source of Income Unit within LEB and how it's  
21 not really like a real unit. It's just, you know,  
22 maybe like on attorney or a few attorneys, but that  
23 all attorneys may deal with source of income. So,  
24 you know, I know this is something that this council  
25 has raised before or we make assumptions that you

1  
2 have your LEB unit delineated in very specific ways  
3 based off of like focus areas. So, have you thought  
4 about that? Do you have any plans or intend to in  
5 the future to create specialized units within LEB?

6 DEPUTY COMMISSIONER WARD: So, I'll start  
7 just by saying I think one of the reasons that  
8 there's this specific new unit identified in this  
9 preliminary draft early version fiscal impact  
10 statement is because it's different in kind than any  
11 of the work that we've done to date. I think we want  
12 to be effective and responsive agencies. So, we're  
13 always thinking about how can we structure ourselves  
14 to be most effective. I think within the Law  
15 Enforcement Bureau creating units is a different  
16 question than the one of creating a unit to do  
17 something that we don't have staff currently to do,  
18 but I'll let you answer--

19 DEPUTY COMMISSIONER CARROLL: I think as  
20 Deputy Commissioner Kamuf Ward mentioned earlier, we  
21 do really want to be able to be nimble and be  
22 responsive to things as they change in the city. For  
23 example, you know, we've already started seeing more--  
24 - an uptick in inquiries related to immigration  
25 status and citizenship status since the federal

1 election and that obviously for the last four years  
2 had not been the case. So our ability currently to  
3 pivot and make space for doing kind of pre-complaint  
4 interventions in that work and being really  
5 responsive to that community that we anticipate and  
6 already are seeing is being targeted makes our work I  
7 think more effective because we can be responsive to  
8 things more quickly than when there might be a  
9 legislative solution to reaching those pieces.

11 DEPUTY COMMISSIONER WARD: And I'm just  
12 thinking about this in the context of Fair Chance.  
13 So we have done employment Fair Chance work for a  
14 significant amount of time. that puts us in a really  
15 good position when it comes to implementing Fair  
16 Chance housing, because we have a lot of knowledge  
17 about what that looks like, and again it's employment  
18 and housing so you're not necessarily going to think  
19 oh, this is an area where there's going to be a huge  
20 benefit to having folks that are able to work in both  
21 areas, but I think that knowledge transfer is also  
22 super important.

23 CHAIRPERSON WILLIAMS: Thank you. Excuse  
24 me. Two more questions on my bill. This bill is  
25 intended, 1064, to reduce systematic racial

1 inequities and promotional opportunities that may be  
2 partially due to a lack of access to information. It  
3 was modeled after similar initiatives in Colorado,  
4 Illinois, and other states that increased  
5 transparency around when promotional opportunities  
6 become available and how employees can prepare for  
7 future opportunities when they arise. Is the  
8 Commission familiar with these initiatives in other  
9 states and localities?  
10

11 DEPUTY COMMISSIONER WARD: So, we-- or I  
12 am familiar with the Colorado bill, but I'm not with  
13 the others that you mentioned.

14 CHAIRPERSON WILLIAMS: Is the Commission  
15 aware of how many its employment-related inquiries  
16 might be related to discrimination in access to  
17 promotional opportunities?

18 DEPUTY COMMISSIONER WARD: I-- not-- I  
19 don't have that information with me.

20 DEPUTY COMMISSIONER CARROLL: We do track  
21 it, but we don't have it with us at the moment.  
22 Happy to get back to you.

23 CHAIRPERSON WILLIAMS: Okay. Well,  
24 that's all my questions. Looking forward to getting  
25 your responses to the questions you were unable to

1  
2 answer today, and looking forward to continuing to  
3 work with you on strengthening our laws.

4 DEPUTY COMMISSIONER WARD: Thank you.

5 COMMITTEE COUNSEL: Thank you so much.

6 And after a very short moment we will move to public  
7 testimony.

8 CHAIRPERSON WILLIAMS: Thank you. We  
9 will now open the hearing for public testimony. I  
10 would like to remind members of the public that this  
11 is a formal government proceeding. Please observe  
12 decorum at all times and remain silent at all times  
13 unless you have been invited to the witness table to  
14 testify. The witness table is reserved for people  
15 who wish to testify. No video recording or  
16 photography is allowed from the witness table.  
17 Further, members of the public may not present audio  
18 or video recordings as testimony. However, the  
19 public may submit transcripts of audio or video  
20 recordings to the Sergeant at Arms. These will be  
21 included in the hearing record. If you wish to speak  
22 at today's hearing, please fill out an appearance  
23 card with the Sergeant at Arms and wait to be  
24 recognized. When recognized, you will have two  
25 minutes to speak on today's hearing topic which is

1 about workplace discrimination and/or the bills we  
2 heard. If you have a written statement or additional  
3 written testimony you wish to submit for the record,  
4 please provide a copy of that testimony to the  
5 Sergeant at Arms or you can email written testimony  
6 to testimony@council.nyc.gov within 72 hours after  
7 this hearing. And now, we will call the first panel.  
8 Beverly, Sehar, and Miriam.

10 SEHAR KHAWAJA: Good afternoon. Thank  
11 you, Chair Williams and members of the Committee for  
12 convening this hearing. My name is Sehar Khawaja. I  
13 am the Director of Economic Justice at Legal  
14 Momentum, the women's legal defense and education  
15 fund. I'm testifying today in support of Intros  
16 808A, 982 and 984. Together, these pay transparency  
17 bills have incredible potential to address gender and  
18 race-based pay inequity, and we thank Council Members  
19 Brooks-Powers, Cabán, and Fariás for their  
20 leadership. For over 50 years Legal Momentum has  
21 been at the forefront of using the law to advance  
22 gender equality and we are grateful for the Council's  
23 partnership in enacting pioneering pay transparency  
24 legislation efforts that have since reverberated  
25 across the country. Because we have a clear roadmap

1  
2 for how the rights of women and people of color will  
3 soon be systematically degraded at the federal level,  
4 we are once again at a critical moment for New York  
5 City to strengthen protections for those who are most  
6 vulnerable. Since our pay transparency law was  
7 enacted two years ago now, we have proof that it  
8 works, that it's essential to closing the gender and  
9 racial pay gaps across income levels, and that it can  
10 be improved. Intro 808A would make six improvements,  
11 address loopholes and gaps, improvements that are not  
12 unprecedented, and I'm going to highlight three.  
13 First, the vague standard that requires that salary  
14 ranges be in good faith is unhelpful, encouraging  
15 posting of over-broad and inaccurate ranges. 808A  
16 would clarify that a salary range should be based on  
17 objective factors like job responsibilities,  
18 requisite skills, and organizational budget. This  
19 standard pushes employers to price the job and not  
20 the person, limiting the role of discriminatory bias  
21 in salary setting. Second, under the current law,  
22 the posted pay range may not reflect what employers  
23 actually pay for the position, leaving us with zero  
24 transparency in those scenarios. To close this  
25 loophole, 808A correctly requires employers to keep a

1 record if they pay outside the posted range. Lastly,  
2 for decades we have outlawed pay discrimination while  
3 denying employees the basic information that would  
4 allow them to assess whether they're being paid  
5 unfairly. This is an absurd scheme that 808A would  
6 correct by requiring the employers to disclose pay  
7 ranges to existing employees for their current  
8 positions. And very quickly, on Intros 982 and 984 I  
9 will briefly say that while we have a number of  
10 recommendations for improving the efficacy of these  
11 bills which will be in our written testimony, we are  
12 incredibly encouraged by their introduction and  
13 strongly support the implementation of a pay data  
14 reporting scheme in New York City. Thank you.

16 MIRIAM CLARK: Hi, I'm Miriam Clark. I'm  
17 the Legislative Chair of the New York affiliate of  
18 the National Employment Lawyers Association. We're a  
19 350 lawyer organization of people representing  
20 employees. I'm also a partner in the law firm of Ritz  
21 Clark and Ben-Asher. I've been representing New York  
22 employees for 35 years. As you have heard from  
23 others, the wage gap in New York City between white  
24 men and women, especially Black and Latinx women, is  
25 enormous and disgraceful, and current complaint-based



1 laws no matter how strong such as the one in New York  
2 City do not seem to be chipping away at this problem.  
3 The solution that has been shown to work is salary  
4 transparency legislation, and thanks to your  
5 leadership, New York City has taken the lead in this  
6 area. However, the changes in 808A are necessary to  
7 achieve that transparency. I'm going to talk about  
8 just some of the most important changes that we see  
9 affecting our clients in 808A. First of all, the  
10 need to describe all forms of transportation in a job  
11 posting. I know that was briefly alluded to in prior  
12 testimony, but it's important to know that when  
13 employers are allowed to omit from job posting things  
14 like stock options or RSUs or all sorts of non-cash  
15 forms of compensation, they can then pick and choose  
16 which favorite employees will have access to these  
17 valuable perks. In many jobs, these perks far exceed  
18 the value of somebody's base salary. On the other  
19 hand, the availability of crucial benefits such as  
20 paid maternity leave, long-term disability insurance  
21 can be fundamental to the decision-making of an  
22 employee, but employees are understandably reluctant  
23 to ask at an interview about the availability of  
24 these benefits, because they're afraid they'll signal

1 to the employer that God forbid they're about to get  
2 pregnant or they have an illness that might cause  
3 them to be disabled. By requiring upfront employers  
4 to inform people of these incredibly important often  
5 life-changing forms of compensation, it would be only  
6 empty to have the job postings as they are now simply  
7 focused on base salaries. These are the things that  
8 really matter. It's also important that job postings  
9 include job descriptions. When employers are  
10 permitted to post jobs without job descriptions,  
11 workers may be lured into accepting dead-end low-  
12 skilled positions without realizing it. We know this  
13 happens all the time to women workers and workers of  
14 color who end up getting foisted into, for example,  
15 administrative work while similarly qualified workers  
16 who are male or white are put on management training  
17 tracks. Finally, salary transparency for current  
18 employees allows employees to make informed choices  
19 about their possibilities for growth and advancement.  
20 It also allows both employees and employers to flag  
21 and address potential examples of failures of pay  
22 equity. For example, I've had clients who were  
23 highly qualified who were mysteriously frozen in a  
24 position near the bottom of the pay range with no  
25

1 explanation ever given. In conclusion, NELA New York  
2 strongly urges that the Council pass 808A as an  
3 additional step toward achieving the pay equity that  
4 New Yorkers deserves and justice requires. Thank  
5 you.  
6

7 BEVERLY NEUFELD: Thank you, Chairperson  
8 Williams, for calling today's hearing. We're very  
9 excited to be here. I'm Bev Neufeld, Founder and  
10 President of PowHer New York. We're over 100  
11 organizations across New York State working  
12 collaboratively to advance women's economic equality,  
13 and I think that we have been before you before.  
14 PowHer's been leading a 20-year campaign and we've  
15 made a lot of progress. Today's bills once again--  
16 and there's a suite of bills that you're talking  
17 about today-- challenge us to confront engrained  
18 practices in systemic wage inequality and to take  
19 action, and that action that we're talking about  
20 today which New York City has already done is greater  
21 transparency. Matter of fact, New York City has  
22 embraced pay transparency with Local Law 59 in 2022  
23 which you were so much a part of which requires  
24 salary range disclosure, and 808A offers essential  
25 amendments which my colleagues have talked about.

1 PowHer New York fully endorses all of those  
2 amendments, and we thank the Majority Leader--  
3 Majority Whip Brooks-Powers for her diligence in  
4 proposing really comprehensive needed changes to the  
5 current law. But the next step in transparency is  
6 the equal pay data analysis and reporting as proposed  
7 by Intro 982, Council Member Cabán, and 984 from  
8 Council Member Farías. Pay data reporting, it is  
9 already policy in New York City, but for the public  
10 sector. So, what we're asking for here is that the  
11 private sector match New York City's already strong  
12 commitment to ending wage and opportunity inequality  
13 with further transparency. Matter of fact, New York  
14 State Legislators have already embraced pay day  
15 reporting with the passage of the Hoylman bill which  
16 was in 2022. California, Illinois, United Kingdom,  
17 the European Union have all embraced and are actually  
18 doing pay data reporting. Citi Bank, American  
19 Express, Pfizer, Goldman Sachs right here in New York  
20 City, they are complying with laws that were written  
21 and enforced in the UK, but New York City workers  
22 don't have the advantage of finding out the  
23 information that those reports show. So we have a  
24 hostile federal government, as you've already  
25

1 implied. What can New York City do to protect its  
2 workers, to protect pay equity, to keep advancing pay  
3 equity also for the business community? And by  
4 instituting 984 and 982 that will be a big step.  
5 Obviously as well, 808 is essential, and we're very  
6 excited about the condition of that bill. I think 984  
7 and 982, we have assurances from the sponsors that  
8 they'll continue working on them. They're  
9 complicated, and they-- but we're very excited about  
10 them being on the table and for discussing them  
11 today. Thank you so much for hearing us.

13 CHAIRPERSON WILLIAMS: Thank you and  
14 thank you for your testimony. Next up we have  
15 Cristobal, Hillary and Rebekah, my human rights  
16 advocacy group friend. Thank you so much for your  
17 patience.

18 CRISTOBAL GUTIERREZ: Good afternoon,  
19 Chairperson Williams. Thank you for staying. My  
20 name is Cristobal Gutierrez and I'm an attorney at  
21 Make the Road New York. Make the Road is a worker  
22 center with over 28,000 low-income members, and you  
23 can read more about us in my testimony. We are  
24 generally supportive of the bills under consideration  
25 that advance the rights of workers such as the one

1 presented and analyzed in this hearing. However, we  
2 want to make sure that this committee and this City  
3 Council understands that if these bills are not  
4 supported by a significant increase in budget, they  
5 will be dead-letter [sic] since they will be  
6 unenforceable for those they are meant to protect.  
7 We organize mainly undocumented workers. We saw in  
8 the first Trump Administration how employers were  
9 emboldened. We are seeing Mayor Adams' commentaries  
10 on sanctuary laws. We know that workers will fear  
11 retaliation. The Commission as it is has delayed  
12 investigations. Last we heard, it took six months  
13 for an intake. We have sexual assault cases that  
14 have been at the Commission since 2016 and still have  
15 not been adjudicated. Sexual harassment is increased  
16 in people who have fear of deportation. That is a  
17 fact. It's been well-studied and documented.  
18 Undocumented workers can't go to the EEOC or DHR, the  
19 EOC, the Federal Anti-discrimination Agency, because  
20 they could share information with ICE. DHR as a  
21 state agency is not function-- does not function.  
22 So, in conclusion, we urge you to-- if you're going  
23 to move these bills along, we urge you that the  
24 budget needs to be significantly increased. We are  
25

1  
2 nowhere near the staff numbers that we had pre-  
3 pandemic, and since then there have been three  
4 additions to the law, and still no staff. So, thank  
5 you.

6 HILLARY WILSON: Thank you, Chair  
7 Williams, for this opportunity to testify today. My  
8 name is Hillary Wilson and I'm a Senior Policy  
9 Analyst at the Community Service Society of New York,  
10 a leading nonprofit that champions a more equitable  
11 city and state through research, advocacy and direct  
12 services. I will focus today on why the salary  
13 transparency bills that have been discussed today are  
14 both necessary and feasible. In a recent CSS report  
15 we found that women not only earn less than men, but  
16 are more than twice as likely to have no savings set  
17 aside for a rainy day. These disparities persist  
18 despite strong equal pay laws at the state and local  
19 level, some of which we've discussed today. While  
20 job seekers have no doubt benefitted from salary  
21 range transparency laws and salary history bans,  
22 information on pay remains out of reach for many  
23 workers because of a persistent culture of secrecy in  
24 the workplace. Intros 808A, 982 and 984 addressed  
25 this problem head-on by taking the burden of

1 uncovering pay information off of individual workers  
2 and affirming their right to know whether they're  
3 being paid fairly. I understand that Council Member  
4 Cabán intends to amend Intro 982, and I think Council  
5 Member Fariás also intends to do this, too, to  
6 require businesses with 100 employees or more to  
7 report pay data. According to our analysis at CSS,  
8 there are a total of 5,354 such establishments in New  
9 York City. This represents just 2.3 percent of all  
10 New York City establishments. Those businesses with  
11 operations in states like California or Illinois or  
12 abroad in the UK or the EU are likely already  
13 reporting data on pay. As these places have their  
14 own reporting laws on the books. In short,  
15 businesses of this size likely already have the  
16 capacity and the know-how to collect pay data as  
17 proposed in the bills. It is past time that we close  
18 the gender and racial pay gap, and I believe that  
19 these bills will help us get there. Thank you.

21 REBEKAH COOK-MACK: Good afternoon.

22 Thank you for having us here. Thank you for this  
23 hearing and for the opportunity to testify. My name  
24 is Rebekah Cook-Mack. I'm a staff attorney at the  
25 Legal Aid Society. And as the proposed legislation



1 under discussion today exemplifies Council is very  
2 clearly committed to the work of the Commission and  
3 to expanding the protections that the Commission  
4 enforces. But to meaningfully impact the lives of  
5 New Yorkers, the City Council commitment to the work  
6 of the Commission and the enforcement of anti-  
7 discrimination laws must include adequate funding so  
8 that the Legal Aid Society and other organizations  
9 can be sure that when we refer a New Yorker who has  
10 faced discrimination to the Commission, their case  
11 will be investigated promptly and thoroughly and  
12 effectively. Unfortunately, today, the Commission  
13 does not function as a partner in protecting the  
14 people of New York City in bringing bad actors to  
15 justice. Its staff has not kept pace with its  
16 responsibilities, and even as its purview has grown,  
17 its budget has shrunk significantly. Nonprofits like  
18 the Legal Aid Society used to file regularly in the  
19 Commission, because it allowed us to help more  
20 people, but today we do not. We rarely file there.  
21 We're hesitant to refer pro se individuals there  
22 because the waits are too long and the outcomes are  
23 poor. We listened to your questions today, and we  
24 agree they are very, very important. Council Member  
25

1 Joseph asked questions. Council Member Fariás asked  
2 questions. how is the Commission staffed and ready  
3 to help New Yorkers, and the answer is it is not, and  
4 without adequate funding and the ability to attract  
5 and hire staff to fill openings, New Yorkers who have  
6 been discriminated against will go without justice.  
7 Without funding the laws Council has passed will not  
8 reach their intended effect, and without attention  
9 now today, the cost of this disinvestment to  
10 vulnerable New Yorkers will become acute as federal  
11 agencies retreat from this arena and they have  
12 nowhere else to turn. Reinvigorating the Commission  
13 and rebuilding its staff will take time and requires  
14 immediate funding and focus. We ask Council and the  
15 Mayor to act now so that the Commission can rebuild  
16 and be prepared to meet the needs of New Yorkers in  
17 the coming years, especially undocumented New Yorkers  
18 under this upcoming new administration. The time to  
19 act is now, and where we are at is nowhere near where  
20 we need to be, and it will be really tragic if the  
21 City of New York cannot move forward to really have a  
22 commission that New Yorkers deserve in a moment when  
23 they will not be able to get help elsewhere. So, you  
24

1  
2 know, we implore Council and the Mayor's Office, the  
3 Mayor, to reinvest in this commission. Thank you.

4 CHAIRPERSON WILLIAMS: Thank you.

5 Cristobal, I know you were here when I was asking  
6 questions on like immigration. Is Make the Road at  
7 all, like, making assessments or preempting possible  
8 challenges next year around like immigrant status and  
9 workplace discriminations, and what you feel the city  
10 should or should not be doing, like as we kind of  
11 like brace ourselves for the incoming administration?

12 CRISTOBAL GUTIERREZ: We are at the  
13 moment, I think, seeing the likely litigation that  
14 there will be at the federal level. We-- but we're  
15 not envisioning at the moment an attack on the I  
16 [sic] or racial equity measurement or undocumented  
17 status, no. Yeah.

18 CHAIRPERSON WILLIAMS: Thank you. And  
19 thank you both for raising the budget concerns, and I  
20 encourage all the advocates still in the room to like  
21 join our work group and advocacy for budget, because  
22 when it comes to the budget fight, there are not a  
23 lot of people that are advocating for money for CCHR,  
24 and this is a conversation that I have with  
25 everybody, the Commissioners of CCHR. I had the

1 conversation with my colleagues, and I also like put  
2 a mirror in front of all of the advocates who like  
3 are constantly supporting and promoting bills that  
4 give this agency more work. they are absent during  
5 the budget fight and it annoys me, because you know,  
6 like we can't pass these laws and expect them to be  
7 implemented accurately or efficiently if this agency  
8 does not have the money to do it. And every single  
9 year-- we did better this year. we did better this  
10 year, but my last three budget cycles-- this will be  
11 my fourth budget cycle-- there is no advocacy from  
12 the advocates. There's advocacy for the bills, but  
13 once the bills are passed and the bills become law,  
14 the advocates are silent on the budget ask, and so  
15 this is just my firm plea to individuals to get  
16 involved. I think we're open to expanding our work  
17 group. We call it the Human Rights Working Group.  
18 We meet regularly to talk about strategies, to make  
19 sure that we are uplifting the needs for the budget  
20 and CCHR, and EPC, because that's another agency that  
21 does a lot of work internally in New York City  
22 government, completely underfunded and not able to  
23 actually do much to ensure that New York City itself  
24 has equal employment practices within our city  
25

1 government workforce. so, if you're listening, you  
2 know, I hope-- you know, if you're listening like  
3 virtually on the Zoom or like virtually on like  
4 Council webpage and you're an advocate, I'm  
5 encouraging you to reach out to us to join our fight,  
6 because again, we-- there was all this advocacy for  
7 Fair Chance for Housing. I mean, the hearing was  
8 crazy. It was all day, and then when it comes to us  
9 actually talking about the budget to ensuring that  
10 CCHR has the money to carry out the work, those same  
11 advocates are not there. So, if advocates take the  
12 time and energy to push for legislation, then they  
13 should take the time and energy to push for proper  
14 budget allocations to ensure that the laws that you  
15 feel so passionately about can be truly enforced and  
16 implemented, because that is a problem. A part of  
17 the reason why some of these laws don't work maybe  
18 it's not really law, it's the fact that the agency  
19 itself can't enforce the law to its fullest  
20 potential. And so, yeah, maybe more laws are needed,  
21 or maybe the agency itself should be able to properly  
22 enforce these laws. So that's my Ted talk and my  
23 rant, and it's like just a pet peeve I have because  
24 advocates disappear when it's time to talk budget  
25

1 specifically for CCHR and EEPC, and you know, that's  
2 just my ongoing energy and swag for this committee.  
3 Like, if you are here for this legislative hearing,  
4 then I expect you to also be there when we're talking  
5 about budget during all the budget fights. So with  
6 that, thank you so much. We have one more person on  
7 Zoom. Sean McIntosh?

9 SERGEANT AT ARMS: You may begin.

10 SEAN MCINTOSH: I hope you can hear me  
11 okay, and with that, good afternoon, Chair Williams  
12 and members of the Committee. My name is Sean  
13 McIntosh and I'm a Senior Advisor of the Government  
14 Relations at SHRM, the Society for Human Resource  
15 Management. As a trusted authority on all things  
16 work, SHRM represents over 340,000 members across 180  
17 countries, impacting the lives of more than 362  
18 million workers and their families. We appreciate  
19 the Council's focus on key workplace issues including  
20 [inaudible] pay transparency and pay equity.  
21 Pertaining to Intro 871, SHRM strongly supports the  
22 principle of providing reasonable accommodations to  
23 employees for the purposes of caregiving. SHRM and  
24 the SHRM Foundation are leading the way to accelerate  
25 support for family caregivers. Our research shows

1 that one in four workers lack reliable care for their  
2 loved ones. More than half of workers find it  
3 difficult to balance their work and home commitments.  
4 We know that employers who support caregivers see  
5 increased retention, improved wellbeing and enhanced  
6 organizational loyalty from their workers. However,  
7 [inaudible] to ensure that implementation of this  
8 legislation does not create undue hardship for  
9 employers, particularly small and medium-sized  
10 businesses. Regarding Intro 808A, SHRM has long  
11 recognized the importance of transparency in job  
12 listing in compensation practices. Our research  
13 indicates that nearly 70 percent of organizations  
14 that list pay ranges in job advertisements say that  
15 it has led to more people applying for their job, and  
16 66 percent discovered that it has increased the  
17 quality of their applicants. While we share the goal  
18 of enhancing transparency, we are concerned about  
19 potential administrative burdens and unintended  
20 consequences that may arise from the requirements of  
21 this bill. Lastly, regarding Intro 982, SHRM believes  
22 that all employees should receive fair compensation  
23 for their work regardless of gender, race, or other  
24 protected characteristics. While we support the goal  
25

1 of improving wage transparency and equity, we  
2 encourage the Council to consider an alternative  
3 approach that emphasized education, advocacy and best  
4 practices rather than imposing burdensome reporting  
5 requirements that ultimately best serve employers and  
6 their workers. SHRM is ready to partner with the  
7 Council to address these critical workplace issues,  
8 and we share--

10 SERGEANT AT ARMS: [interposing] Thank  
11 you. Your time expired.

12 SEAN MCINTOSH: your commitment to  
13 creating workplaces where all New Yorkers can  
14 succeed. More details can be found in our written  
15 testimony submitted to the committee, and we're also  
16 available should you have any questions. Thank you  
17 for your leadership and the opportunity to testify  
18 today.

19 CHAIRPERSON WILLIAMS: Okay. And then we  
20 have a few more people. Not sure if they're still  
21 on. Andrew Aragon, Richard Quinn, or Solange Charas.

22 SERGEANT AT ARMS: You may begin.

23 CHAIRPERSON WILLIAMS: Okay, I think they  
24 jumped off. And so, since I already gave my Ted  
25 talk, this committee hearing is done. [gavel]



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COMMITTEE ON CIVIL & HUMAN RIGHTS

C E R T I F I C A T E

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



Date January 8, 2025