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COMMITTEE ON CIVIL AND HUMAN RIGHTS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN
RIGHTS

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December 2, 2021
Start: 10:26 a.m.
Recess: 3:13 p.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 3
HEARING IS ASL/CART ACCESSIBLE

B E F O R E: Mathieu Eugene,
Chairperson

COUNCIL MEMBERS:

Inez D. Barron
Daniel Dromm
Brad S. Lander
Bill Perkins
Helen K. Rosenthal

A P P E A R A N C E S

Charles Barron
New York State Assembly Member

JoAnn Kamuf Ward
Deputy Commissioner of Policy and External
Affairs at the New York City Commission on Human
Rights

Ronald Wooden Jr.
ASL Direct Supervisor for the Mayor's Office for
People with Disabilities

Katherine Greenberg
Special Counsel from the City Commission on Human
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Roger Wareham
Human Rights Attorney and a member of the
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Leah Goodridge
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Seher Khawaja
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Beverly Neufeld
Founder and President of PowHER New York

Cat Shugrue Dos Santos
Deputy Executive Director for Programs at the New
York City Anti-Violence Project

Yolanda Johnson
First Black President of Women in Development in
New York

Jessica Ramey Stender
Senior Counsel for Workplace Justice and Public
Policy at Equal Rights Advocates

A P P E A R A N C E S (CONT.)

1
2
3 Dr. Solange Charas
4 Human Capital Subject Matter Expert with a PhD in
5 Management

6 Jerry Bergman

7 Jon Taylor
8 President of the New York City Chapter of the
9 Hearing Loss Association of America

10 Matthew Greller
11 Attorney and a Lobbyist on behalf of Natto,
12 owners of New York State

13 Alex Rich
14 National Association of Theatre Owners
15 Doug Murdoch

16 John Waldo
17 Lawyer in Houston Texas

18 Kathleen Collins
19 Co-Coordinator at Downstate New York ADAPT

20 Monica Bartley
21 Community Outreach Organizer at the Center for
22 Independence of the Disabled New York, CIDNY

23 Andy Stone
24 Regional Director for Regal Entertainment

25 Raymond Smith
Consultant with the National Association of
Theatre Owners

Svetlana Kouznetsova
Advocate for open captions

April Morone
Advocate for open captions

Gail Weiss
Board of the New York City Chapter of HOA

Max Kwok

A P P E A R A N C E S (CONT.)

Robert Sunshine
Executive Director of the National Association of
Theatre Owners of New York State

Amanda Perez
General Manager at the AMC Kips Bay Theatre

Roberta Lawrence

Miriam Fisher
Disability Advocate

Robert Wolfe

Dianna Prashad
Black Female and an LGBTQ Facing Discrimination
in Support of Bill

2 SERGEANT SADOWSKY: Alright and yes we can get
3 recording starting.

4 SERGEANT AT ARMS: PC recording is up.

5 SERGEANT SADOWSKY: Recording to the Cloud all
6 set.

7 SERGEANT PEREZ: Backup is rolling.

8 SERGEANT SADOWSKY: And good morning and welcome
9 to today's Remote New York City Council Hearing of
10 the Committee on Civil and Human Rights.

11 At this time, would all Council Members and
12 Council Staff please turn on their video. To
13 minimize disruption, please place electronic devices
14 on vibrate or silent mode. If you wish to submit
15 testimony, you may do so at
16 testimony@council.nyc.gov. Once again, that is
17 testimony@council.nyc.gov. Thank you Chair, we are
18 ready to begin.

19 CHAIRPERSON EUGENE: Thank you. [GAVEL] Good
20 morning. My name is Mathieu Eugene and I am the
21 Chair of the Civil and Human Rights Committee. Thank
22 you for joining our virtual hearing today on Intro.
23 1208-A, Intro. 2020, Reso. 1039-A and Reso. 1040.

24 Today, the Committee will be hearing Intro. 1208-
25 A, sponsored by Council Member Rosenthal in relation

1
2 to prohibiting employers from posting job listings
3 without minimum and maximum salary information. Pay
4 disparity based on race and gender is something we as
5 a society have been working to address for
6 generations. Through many efforts to ensure pay
7 equity between men and women have been made. The
8 wage gap still persists. In fact, research shows
9 that this gap has changed very little over years. In
10 2020, women still earn 84 percent of what men earn.

11 Additionally, intersectional identities including
12 the race affected the wage gap. It is apparent that
13 the gender wage gap is more accurate for women of
14 color. While the wage gap for White women working in
15 United States was 79 percent as of 2021. The wage
16 gap for Black women was 64 percent. 57 percent for
17 Latinx and 82 percent for Asian women.

18 The movement to increase transparency seeks to
19 increase fairness for job applicants who are
20 otherwise calculating their salary petition in a
21 vacuum. Intro. 1208 would help increase pay
22 disparity by disclosing salary ranges for advertised
23 positions.

24 The Committee will also be hearing Intro. 2020
25 sponsored by Council Member Rosenthal. In relation

1
2 to captioning at motion picture theatres. According
3 to 2019 data, there are over 160,000 deaf, hard
4 hearing people living in New York City. Also, there
5 are many legal protections for these residents in
6 local law, deaf and hard of hearing New Yorkers still
7 face constant battles to access them. All the New
8 Yorkers enjoy are not easy. One such activities is
9 going to the movie. [INAUDIBLE 4:24] rules do
10 require that the movie theatres are equipped with
11 closed captioning in description technology. Movie
12 theatres are not mandated to provide such technology
13 or services unless a viewer requires it. And screen
14 captioning can be either in an open or closed format.
15 When captions are open, they appear on the screen for
16 all viewers to see, like subtitles. When they are
17 closed, the captioning is turned on or off and a
18 secondary device is needed to view them. Advocates
19 agree that this unfairly places responsibility on the
20 viewer. Survey shows that many people with a hearing
21 loss enjoy using open caption when they are
22 available. Intro. 2020 would offer more
23 accessibility to members of the deaf community
24 allowing them to more easily enjoy a simple pleasure
25 that many of us take for granted.

1
2 Additionally, the Committee will be hearing
3 Resolution 1039-A and 1040, sponsored by Council
4 Member Barron with Reso. 1039-A call upon the New
5 York State Legislature to pass and the Governor to
6 sign A.2619A/S.7215 in relation to establishing the
7 New York State Commission, Community Commission on
8 Reparations Remedies to examine the impacts of the
9 institution of slavery, subsequently racial and
10 economic discrimination against African-Americans,
11 and recommend appropriate remedies.

12 Reso. 1040 calls upon the United States Congress
13 to pass and the President to sign S. 1083/H.R.40 in
14 relation to establishing the Commission to Study and
15 Develop Reparation Proposals for African-Americans to
16 examine financial and other impacts of slavery and
17 continued discrimination and recommend appropriate
18 remedies.

19 The National Coalition of Blacks for Reparations
20 in America defines reparations as a process of
21 repairing, healing, and restoring a people injured
22 because of their group identity and in violation of
23 their fundamental human rights by governments,
24 corporations, institutions, and families. According
25 to the U.S. Census Bureau, 24.3 percent of New York

1 City population identified as Black or American.

2 This means that nearly a quarter of the city

3 populations would stand to benefit from the

4 exploration of this process. Black and African-

5 Americans in the United States face a

6 disproportionate amount of poverty and are generally

7 less financially secure when compared to the other

8 groups.

9
10 After hundreds of years of mistreatment and

11 inequity, slavery, segregation during the

12 reconstruction of Jim Crow eras and past and present

13 institutionalized racism of unequal distribution of

14 wealth has stunted opportunities for financial wealth

15 and growth among African-Americans.

16 Today, the average White family in the United

17 States has roughly ten times greater wealth when

18 compared to the Black and African-American family.

19 The New York City Community Commission on

20 Reparation remedies will seek to explore the best

21 method for reparation while acknowledging the

22 injustice and cruelty of slavery that take place in

23 New York and the need remedy is impacted.

24 A similar effort at the city level, we'll

25 identify the action of state and federal government

1
2 in supporting the institution of slaver,
3 discrimination and the private and public sectors and
4 the persistent negative effort of the policies on the
5 lives of Black and African-American.

6 I would like to thank the staff who have worked -
7 hello? Hello?

8 SERGEANT SADOWSKY: We can hear you.

9 CHAIRPERSON EUGENE: Can you hear me?

10 SERGEANT SADOWSKY: Yes.

11 CHAIRPERSON EUGENE: Okay, alright. I would like
12 to thank the Committee Staff Jayasri Ganapathy
13 Committee Counsel, Wiam Diouri Policy Analyst, and
14 Jack Kern Financial Analyst. And also, I would like
15 to thank also my staff Melissa Wilson.

16 Now, I would like to take the opportunity also to
17 welcome my colleague, former Council Member Charles
18 Barron and now Assembly Member. Welcome back
19 Assembly Member Barron and now, let me turn it over
20 to Council Inez Barron to give opening remarks.
21 Council Member Barron please. Hello?

22 COUNCIL MEMBER BARRON: Thank you.

23 CHAIRPERSON EUGENE: Uh, thank you.

24 COUNCIL MEMBER BARRON: Good morning and thank
25 you Mr. Chair and thank you to other colleagues that

1
2 are here and to the panelists that are here as well
3 as the community to talk about these issues.

4 I'm here to talk about Reso's that I'm
5 introducing, which are 1039-A and Reso. 1040. They
6 are similar in nature. 1039 is directed at the state
7 and 1040 is directed at the federal government.

8 What we're talking about is telling the full
9 story. You know, when we have hearings and trials,
10 you are affirmed to tell the truth, the whole truth
11 and nothing but the truth. And until all of the
12 elements, all of the components of our history and
13 our accomplishments and our contributions, our
14 knowledge, then we have only got half truths and the
15 half truth is a half lie.

16 So, what we're calling on is to support those
17 legislative issues and matters that have been
18 presented in the state and also in congress. When I
19 went to school eons ago, we never were told that New
20 York City was in fact one of the prime largest slave
21 holding states in the United States. It was second
22 in terms of the population that was held in
23 captivity, that was tortured, that had no protections
24 under the law, that were state, they were subjected
25 to state sanctioned atrocities. And we often think

1
2 about those kinds of issues as confined to the South
3 but that's not in fact limited to the South.

4 So, it wasn't until I was a mature adult and did
5 research on my own that I really became aware of the
6 fact that it was here in New York that enslaved
7 Africans. We used this skilled labor was used to
8 form the docks, to clear the forest, to produce the
9 iron works, to till the fields and to lay that road.
10 Yes, Broadway that goes from downtown Manhattan all
11 the way at least to West Chester that I know of.

12 All of that contributed to the economic wealth of
13 New York City because we were considered commodities.
14 We had no protections. We were chattel slavery. We
15 feel and we understand that this is supported by both
16 the United Nations and other international bodies
17 that this was a crime against humanity. We want to
18 call for the study of all of the impact of what
19 happened during those hundreds of years that we were
20 enslaved and the impact that still exists today in
21 terms of the economic disparity. In terms of the
22 emotional toll and in terms of the discrimination and
23 Jim Crow laws that were a part of the history of this
24 country.

1
2 So, we're calling on that in 1711, New York City
3 established the first slave market down by the docks
4 where African-Americans and indigenous people were
5 also sold. And we feel that all of the conditions
6 that are manifested today are in fact residual
7 effects from that long standing practice of
8 enslavement of African-Americans in particular and
9 indigenous people as well.

10 The impact is significant. It was manifested in
11 other policies that this country instituted. The war
12 on drugs, a mass incarceration, all of that was
13 targeted at this population of Black people and we
14 want all of the city included in a study so that we
15 can understand the extent, the broadness of what it
16 was that happened, the impact of what it is and what
17 kinds of remedies can be examined to make those
18 people and their descendants whole from the
19 atrocities that they suffered. Thank you Mr. Chair
20 and I look forward to the discussion and invite my
21 colleagues who are here to sign on to both of these
22 resolutions, Reso. 1039 and Reso. 1040. Thank you.

23 CHAIRPERSON EUGENE: Thank you so very much
24 Council Member Barron for your remarks. Thank you.
25 Now, I would like to turn it over to Council Member

1
2 Rosenthal for some remarks. Council Member
3 Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: Yup, thank you so much
5 and apologies if there's background noise. I just
6 want to start by saying Council Member Barron, thank
7 you as always for leading the way here and you know
8 you always read into what you're talking about
9 education. And what you're bringing here in your
10 Resolutions is knowledge and with knowledge comes
11 power.

12 So, I just want to thank you for your
13 Resolutions. I think I'm already signed on but thank
14 you for always educating people and opening the door
15 to more education.

16 So, good morning, my name is Helen Rosenthal. I
17 want to thank Chair Eugene for holding this very
18 important hearing and including my bills, Intro. 1208
19 for pay range transparency and Intro. 2020 for open
20 captions in the theatres. My pronouns are she and
21 her.

22 The first bill Intro. 1208 will require that job
23 listings in New York City include a maximum, a
24 minimum and maximum salary. Employers who do not
25

1
2 disclose a salary range for open positions will be
3 engaging in unlawful discriminatory practice.

4 Salary transparency is an actionable way to
5 create a more equitable workplace. Both leveling the
6 playing field for job applicants and helping to
7 identify and address systemic pay inequities. Lack
8 of upfront pay range disclosures necessitates a
9 salary negotiation in which the employer has the
10 clear upper hand. This often in results in lower
11 wages for women and people who are Black and Brown
12 upholding decades of systemic inequity and bias in
13 hiring.

14 Studies show that women net seven to 25 percent
15 lower pay rates than men. When the rate is arrived
16 at by negotiation. Lack of upfront pay disclosure
17 can also be especially harmful in the case of low
18 wage jobs. Making it more likely that candidates
19 will accept a salary they simply cannot afford to
20 live on.

21 New Yorkers desperately seeking employment and at
22 the end of a long process of applications and
23 interviews are more likely to explore terms than they
24 know about those terms. Let's face it, lack of
25 salary transparency is both discriminatory and

1
2 antiworker. Every New Yorker should have the right
3 to determine whether they will be able to support
4 themselves and their family when they apply for a
5 job. It's time to level the playing field and
6 restore some dignity to New Yorkers seeking
7 employment.

8 The second of my bills being heard today is
9 Intro. 2020 which will mandate open captioning for at
10 least half of motion picture screenings in theatres.
11 Open captioning or on screen captioning, is familiar
12 to those of us who enjoy foreign films and are able
13 to read the titles.

14 Roughly one in five New Yorkers, 20 percent
15 suffers from deafness, ranging from moderate to
16 total. Two-thirds of those experiencing deafness are
17 under the age of 65. Two-thirds experiencing
18 deafness are under the age of 65. It's important to
19 let that sink in. Such a significant segment of the
20 population deserves to enjoy fully, movies with ease.
21 The American's with Disability Act currently requires
22 closed captioned systems in movie theatres. But long
23 term experience has shown that the equipment needed
24 in order to be able to see or hear what's going on,
25 it fails far too often.

1
2 This unfairly burdens users who must request and
3 return viewing devices and poses a threat because the
4 devices are just passed out to the next user.

5 Providing open captioning is an easy, inexpensive and
6 more sanitary alternative versus cinema monitors.

7 [LOST AUDIO 21:51] movie attendance when scheduled
8 along with uncaptioned screenings. Open captioning
9 in movie screens also greatly benefits the many New
10 Yorkers who have limited English language
11 proficiency.

12 I'm open to making some tweaks to both the bills
13 and I look forward to testimony from the
14 Administration and the public. So, if you have not
15 done so already, please submit any written testimony
16 to the City Council at testimony@council.nyc.gov and
17 thank you Chair Eugene. Before I pass it back to
18 you, uhm, uh, you who are watching at home, the
19 people who are going to speak today can see each
20 other. So, I can see some of the people who are hard
21 of hearing and we [LOST AUDIO 23:04] so they could
22 read either through cart or ASL what uhm is happening
23 in this conversation. And I would just ask for those
24 who are deaf or hard of hearing, could you just raise

1
2 your hand so I can know you can hear, see, this
3 conversation.

4 Okay, oh, one hand is up. Thank you. Uhm, and
5 my system is not totally working. Uhm if anyone is
6 having a problem and most of you know me, just text
7 me and we'll try to help figure out how to make the
8 system work. Thank you. Thank you so much Chair
9 Eugene.

10 CHAIRPERSON EUGENE: Thank you very much Council
11 Member Rosenthal. I don't know if Assembly Member
12 Barron has a statement also? Committee Counsel,
13 Assembly Member Barron.

14 CHARLES BARRON: Yes, could you hear me?

15 CHAIRPERSON EUGENE: Yes, hello.

16 CHARLES BARRON: Hello, could you hear me?

17 CHAIRPERSON EUGENE: Yes Assembly Member.

18 CHARLES BARRON: Okay, thank you very much
19 Chairman. I appreciate the opportunity and I'm
20 looking forward to coming back to the Council and
21 have a good time with you and others who might still
22 be around. But thank you so much for this
23 opportunity.

24 CHAIRPERSON EUGENE: You're very welcome and
25 welcome back.

1
2 CHARLES BARRON: Yes and I think it's a timely
3 coming back because as I come back, Thomas Jefferson
4 exits with the statue, so I've been fighting that for
5 20 years. So, I appreciate the Assembly finally
6 doing that and he was a slave holder.

7 But I want to thank you so much and I want to
8 particularly thank Council Member Inez Barron for the
9 great piece that she laid out and her support of the
10 bill and the legislation. What I'd like to do in
11 just a few minutes, I want to read my Press Release
12 and then have a few words and then I'll turn it back
13 over to you Mr. Chair.

14 This is the Press Statement that we had made when
15 my bill was passed. On June 9, 2021, history was
16 made in the New York State Assembly. When the
17 Assembly passed by a vote of 103 to 45, the New York
18 State Community Commission on Reparations Remedies; I
19 put emphasis on Remedies.

20 The uniqueness of this bill is that it
21 establishes a majority community Commission on
22 reparations remedies. The community will have six
23 appointees, two from the National Coalition of Blacks
24 for Reparations in American, also known as NCOBRA.
25 Two from the December 12th movement and two from the

1
2 Institute of the Black world. These are groups that
3 have been fighting for decades for reparations. The
4 state will have five appointees. One from the
5 Governor, two from the Assembly and two from the
6 Senate. The bill was introduced in 2017, needless to
7 say there was resistance but due to our persistence,
8 massive demonstrations for restorative justice and
9 reparations becoming the defining issue of the 21st
10 century. Speaker Carl Heastie and the New York State
11 Assembly passed our bill in 2021.

12 Now, we must turn up the heat on the Senate to
13 follow suit. The same as Senate Bill, Bill S-7215
14 prime sponsored by Jabari, Senator Jabari Brisport,
15 is what needs to be passed in the Senate.

16 The Commission will be charged with the
17 responsibility of determining the amount, the forum
18 and who shall receive reparations in the state. New
19 York City, as the Councilman mentioned, was the
20 second largest slave holding city in the country.
21 Only Charleston South Carolina had more. African
22 people built the infrastructure and the economic
23 foundation of New York's parasitic predatory colonial
24 capitalist system.

25

1
2 A crime has been committed, people have been
3 injured and compensation is long over due. They
4 stole us, they sold us, they owe us, we say
5 reparations now. I'd like to finally say that New
6 York City was established as a city some say 1624,
7 some say 1625, some say 1626. But around there, it
8 was established by the Dutch. They say established;
9 they robbed, stole the indigenous peoples land. The
10 Manahatta's, the Lenape, those were the indigenous
11 people on this land. They stole it from them, put
12 them on reservations and called it New Amsterdam.
13 And then went and stole us from Africa to build the
14 economic foundation of this capitalist system.

15 So, when we talk of reparations, we're talking of
16 that early beginning. So, from that point to 1827,
17 New York City was involved in slavery. It abolished
18 slavery in 1827 but it did not abolish the practice.
19 It continued to 1840, right here in my beloved East
20 New York, there's a street named Skank Avenue. The
21 Skank family was the largest slave holders in
22 Brooklyn. And so many of the street names in
23 Brooklyn and all over the city are named after slave
24 holders. Jefferson, Washington and so many others.

1
2 So, when we go forward with this and we see that
3 and not only did we build the foundation of the
4 capitalist system, but the devastating impact it had on
5 our community. There's many writings on the Post
6 Traumatic Slave Syndrome and the dept, what's written
7 on what's owed. But the psychological impact, the
8 cultural impact. Can you imagine being stripped of
9 your culture? Not knowing where you came from or who
10 you are and you have to reestablish yourself. Dr.
11 Clark said, we are not who we are based upon where
12 the boats dropped us off in South America and North
13 American and West Indies. We are who we are based
14 upon where the boats picked us up from and we all
15 were picked up from Africa. That's why we consider
16 ourselves African people.

17 So, that kind of devastation that impacted us
18 during the middle passage, millions of us died on the
19 plantations. Millions of us died and to this day, we
20 are still dying at the hands of the police and
21 poverty. So, we have to fight for this reparations.
22 The New York City -

23 SERGEANT AT ARMS: Time.

24 CHARLES BARRON: New York City was established in
25 1845 as a slave catch and patrol, to us back into

1
2 slavery. So, I want to encourage us to pass this
3 legislation, to study reparations, and understand
4 that our people have been injured and compensation
5 can't be determined by the state or by those who
6 partook in the slave trade or the benefits of it.
7 The compensation has to be determined by this
8 commission, this community Commission and that should
9 determine what it should be. Reparations isn't
10 giving us scholarships, isn't giving us more jobs.
11 Those are things we're supposed to have as tax paying
12 citizens to this state. Separate from that,
13 reparations is a dept owed and some say it's in the
14 trillions and billions and some say it will be land,
15 it will be cash but Commission will determine that.

16 Thank you Council Member Barron. Thank you to
17 this body for entertaining or hearing on this bill
18 and hopefully it will pass along with what we do in
19 the state.

20 CHAIRPERSON EUGENE: Thank you very much Assembly
21 Member Barron. Now, I want to turn it over to the
22 Committee Counsel to introduce the Departments.

23 COMMITTEE COUNSEL: Thank you Chair Eugene. Uhm,
24 my name is Jayasri Ganapathy. My pronouns are she

25

1
2 and her. I am Counsel to the Committee on Civil and
3 Human Rights and I will be moderating this hearing.

4 Before we begin, I do want to acknowledge Council
5 Member Lander who also was present at the hearing.

6 And I would like to remind everyone that you will be
7 on mute until you are called on to testify. At which
8 point, you will be unmuted by the host. During the
9 hearing, I will be calling panelists to testify.

10 Please listen for your name to be called, as I will
11 periodically announcing who the next panelists will
12 be.

13 At this hearing, we will first be inviting
14 testimony from the Department of Civil and Human
15 Right – from the Commission on Civil and Human Rights
16 followed by testimony from the Mayor's Office for
17 People with Disabilities and then member of the
18 public.

19 During the hearing, if Council Members would like
20 to ask a question of the Administration or a specific
21 panelist, please use the Zoom raise hand function and
22 I will call on you in order. For all panelists, when
23 called to testify, please state your name and the
24 organization you represent, if any.

1
2 We will now call representatives of the
3 Administration to testify. We will be hearing
4 testimony from JoAnn Kamuf Ward, City Commission on
5 Human Rights, Deputy Commissioner for Policy and
6 External Affairs. And from Ronald Wooden Jr. ASL
7 Direct Supervisor for the Mayor's Office for People
8 with Disabilities. We will also be joined for
9 questions by Katherine Greenberg from the City
10 Commission on Human Rights, Special Counsel.

11 At this time, I will administer the affirmation.
12 Panelists please raise your right hands. Do you
13 affirm to tell the truth, the whole truth and nothing
14 but the truth before this Committee and to respond
15 honestly to Council Member questions. Commissioner
16 Ward?

17 JOANN KAMUF WARD: I do.

18 COMMITTEE COUNSEL: Supervisor Wooden?

19 RONALD WOODEN JR.: Yes, I do.

20 COMMITTEE COUNSEL: Special Counsel Greenberg?

21 KATHERINE GREENBERG: I do.

22 COMMITTEE COUNSEL: At this time, I would like to
23 invite Deputy Commissioner Ward to present their
24 testimony.

1
2 JOANN KAMUF WARD: Good morning Chair Eugene and
3 members of the Civil and – of the Committee on Civil
4 and Human Rights. I am JoAnn Kamuf Ward, Deputy
5 Commissioner of Policy and External Affairs at the
6 New York City Commission on Human Rights and my
7 pronouns are she and her.

8 It is my pleasure to join all of you today to
9 testify in support of the intent of Intro 1208-A,
10 which would amend the city's Administrative Code to
11 require employers to post the salary range on job
12 postings as described by the Chair and sponsor
13 Councilperson Helen Rosenthal both previously. We've
14 submitted longer testimony in writing and I am joined
15 today by my colleague, Katherine Greenberg, Special
16 Counsel at the Commission.

17 As many of you know, the Commission is the local
18 civil rights enforcement agency that enforces
19 compliance with the city's Human Rights Law. One of
20 the broadest and most protective anti-discrimination
21 and anti-harassment laws in the country, with 27
22 protected categories, which cover housing,
23 employment, and public accommodations.

24 By statute, the Commission has two main
25 functions. First, the Commission's Law Enforcement

1
2 Bureau enforces the City Human Rights Law by
3 investigating complaints of discrimination from the
4 public, initiating its own investigations on behalf
5 of the city, and utilizing testing to help identify
6 violations of the Law.

7 Second, through the Community Relations Bureau,
8 which is comprised of Community Service Centers in
9 each of the city's five boroughs, the Commission
10 provides workshops and trainings for New Yorkers' on
11 rights and obligations of businesses, employers, and
12 housing providers under the Human Rights Law, working
13 with community partners and sister agencies.

14 In the last six and a half years of this
15 Administration, the Commission has implemented over
16 30 amendments to the City Human Rights Law. The Law
17 has been expanded to institute one of the nation's
18 first salary history inquiry bans, prohibit criminal
19 history discrimination in employment, and to expand
20 protections against sexual harassment, among many
21 more. Additionally, our law prohibits retaliation
22 against individuals who seek to oppose
23 discrimination, file a discrimination complaint, or
24 participate in a related investigations.
25

1
2 In Fiscal Year '21, the Commission resolved 896
3 cases and assessed a record \$9.74 million in damages
4 and penalties for violations of the Human Rights Law.
5 In addition to resolving cases for monetary relief,
6 the Commission has shaped remedies to repair the harm
7 experienced by individuals and communities impacted
8 by discrimination. For example, in cases of
9 employment discrimination, the Commission has
10 negotiated resolutions that require respondents to
11 invest in paid internships, apprenticeships, and
12 create pipeline opportunities for underrepresented
13 groups in particular industries.

14 The Commission has established a cooperative
15 approach to businesses and public accommodations to
16 foster Human Rights Law compliance by improving
17 policies and practices, rather than just levying
18 fines. The Commission's staff remained steadfast in
19 efforts to vindicate New Yorkers' human rights amidst
20 a pandemic. However, discrimination remains a
21 reality. In Fiscal Year '21, the agency received
22 9,055 reports of discrimination. Consistent with
23 prior years, the most reported instances of
24 discrimination relate to disability, gender, and
25 race.

1 Some discrimination is intentional. Yet,
2
3 discrimination can also be the result of practices
4 that have a disproportionate impact on particular
5 individuals and groups. The City Human Rights Law
6 seeks to eliminate barriers to equity where they
7 exist and to strengthen dignity and equality for all
8 New Yorkers. The Commission staunchly supports pay
9 inequity as well as the enactment of legislation that
10 increase pay transparency, which is vital for equity.
11 The City Human Rights Law already contains several
12 provisions that protect against unequal treatment in
13 the terms and conditions of employment, including
14 compensation.

15 These protections apply to most employers and
16 prohibit discrimination on the basis of protected
17 characteristics including, but not limited to, actual
18 or perceived age, race, national origin, gender,
19 disability, and sexual orientation. With respect to
20 disparate pay, the City Human Rights Law provides
21 that it is an unlawful discriminatory practice for an
22 employer, employee, or agent thereof to discriminate
23 against someone in compensation or in the terms,
24 conditions or privileges of their employment because
25 of their protected characteristic.

1
2 Discrimination in pay or terms of employment,
3 however, can be difficult to detect. As employees
4 are often hesitant to share salary information with
5 colleagues, and often do not realize and are unable
6 to know that they are being compensated at a lower
7 rate for comparable work. Recognizing this reality,
8 a number of state and local governments, including in
9 New York, are taking steps to advance pay equity. As
10 I mentioned the New York City Human Rights Law was
11 expanded in 2017 to ban inquiries into salary history
12 for the purpose of encouraging pay equity. And that
13 amendment to the Human Rights Law recognizes that
14 inquiring about salary history during the hiring
15 process often creates a cycle of inequity and
16 discrimination in the workplaces, which can
17 perpetuate lower salaries, specifically for women and
18 people of color.

19 Intro. 1208-A represents a welcome step towards
20 leveling the playing field for employees, and for
21 women and people of color, as well as other New
22 Yorkers who have historically and are currently
23 harmed by wage disparities. Wages define what's
24 affordable for families, determines quality of life
25 in the short-term, and can impact one's ability to

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2 accrue equity over generations. We think that action
3 to address pay equity today will have long term
4 benefits. And that's why in 2019, the Commission
5 convened a public hearing on pay equity, working with
6 partners that include the City's Commission on Gender
7 Equity and the Department of Consumer and Worker
8 Protection, together and from New Yorkers and publish
9 a hearing report.

10 This hearing, and our work in this area, have
11 together emphasized that federal, state, and local
12 legislative and policy changes are needed to further
13 foster fairness and equity. The 2019 hearing
14 testimony underscored that, although New York City
15 has robust workplace protections, workers across and
16 within industries continue to be inequitably
17 compensated. Testimony emphasized that New Yorkers
18 experience wage disparities as the result of
19 persistent differential treatment in the workplace
20 based on gender, class, race, immigration status,
21 national origin, gender identity, and other identity
22 characteristics.

23 Testimony also reflected that a lack of
24 transparency in compensation enables pay equity to
25 persist. And in jurisdictions where there is

1
2 mandated wage transparency, the pay gap between men
3 and women has been shown to decrease, and more women
4 are hired and promoted into leadership.

5 Testimony during the public hearing in 2019,
6 resulted in other recommendations as well. Not only
7 increased transparency around pay and posting salary
8 ranges but support for greater reporting of pay data
9 and demographic information. Testimony also
10 suggested there's a need for greater services and
11 support for individuals that have been most impacted
12 by wage disparities and underpayment, including
13 raising the minimum wage, expansion of affordable
14 childcare access and outreach and training programs
15 that enhance career development. The Commission
16 looks forward to working with the City Council, as
17 well as sister agencies, to fulfill the intent of
18 Intro. 1208-A, and to working on complementary
19 initiatives that promote gender and racial equity.
20 Thank you again for the opportunity to speak today.

21 COMMITTEE COUNSEL: Thank you. At this time, I'd
22 like to invite Supervisor Wooden to present their
23 testimony.

24 RONALD WOODEN, JR.: Good morning. Can you see
25 me?

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COMMITTEE COUNSEL: Yes.

RONALD WOODEN, JR.: We're just making sure the interpreter can see, yes. Good morning Chair Eugene and members of the Committee on Civil and Human Rights. My name is Ronald Wooden, Jr. and I am the ASL Direct Supervisor for the New York City Mayor's Office for People with Disabilities, in short MOPD.

It is my pleasure to join you today in support of Introduction Number 2020 which would require movie theatres to present with open captions on screen. MOPD supports Introduction 2020 which would require movie theatres to present a certain percentage of movies with open captions on screen. Right now, there are more than 175,000 deaf and hard of hearing people who reside here in New York City. This bill would be a definite game changer for our movie going experience.

Currently, only closed caption is provided at most movie theatres. With closed captioning, deaf and hard of hearing patrons who go to the theatre must follow what is being said on devices provided by the movie theatre such as captioning or small screen that is attached to our seats, which shows the words. But that equipment does not provide deaf and hard of

1
2 hearing people who go to the theatre with full access
3 and enjoyment of the movies.

4 Most of the time, those devices do not work. As
5 a deaf person, I have often times had to get up
6 during the movie theatre, walk to the front desk, ask
7 for another piece of equipment, if available because
8 mine isn't working. During this time, I have to try
9 to explain what's happening and I have already now
10 missed 15 minutes or more of the movie.

11 And then, when I'm back, there is no guarantee
12 that the new equipment is working. Many times, by
13 the end of the movie, deaf patrons leave and just
14 say, "well, I'll watch it when it comes out on TV or
15 a different time." The situation does not allow a
16 deaf person like myself to join hearing friends or
17 family going to a movie experience.

18 Also, the equipment, even if they do work, can be
19 very uncomfortable. For example, in regards to
20 captioning glasses, they can cause a variety of
21 different issues. Headaches, swelling around the
22 eyes and nose, dizziness, plus the equipment is
23 shared between many different people, so who knows if
24 they sanitize it afterwards.

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2 Open captioning is by far superior. With open
3 captioning, your eyes can stay on the screen at all
4 times, allowing deaf or hard of hearing people to
5 enjoy the movie with the same experience that hearing
6 people do. Open captioning works 100 percent of the
7 time, without any issues and there's no sharing of
8 equipment or devices.

9 The number of deaf and hard of hearing people who
10 attend a movie showing is limited because the devices
11 are limited as well with how many the theatre has.
12 So, if you go the movies with say ten people, you
13 have to hope that they have enough equipment for
14 everyone and that no ones left not able to enjoy the
15 movie or having to go another time.

16 Finally, open captioning not only benefits deaf
17 and hard of hearing community, it can also help kids
18 learn how to read or other people learn English. We
19 understand that open captioning is growing in
20 popularity particularly among young people. On
21 behalf of MOPD and the deaf and hard of hearing New
22 Yorkers, I urge you to vote for the passage of this
23 bill, which will make New York City a fairer and more
24 inclusive by helping ensure that everyone going to
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1
2 the movies has equal access and an enjoyable
3 experience.

4 Thank you for the opportunity to speak today. We
5 look forward to further discussions with the Council
6 on this legislation and further protections for the
7 deaf and hard of hearing community. Thank you.

8 COMMITTEE COUNSEL: Thank you. I will now turn
9 it over to questions from Chair Eugene. Panelists,
10 please stay unmuted if possible during this question
11 and answer period. Thank you. Chair Eugene, you may
12 begin your questions.

13 SERGEANT SADOWSKY: Chair, you're on mute. We
14 should be able to hear you now Chair.

15 CHAIRPERSON EUGENE: Can you hear me now?

16 SERGEANT SADOWSKY: Yes.

17 CHAIRPERSON EUGENE: Thank you so very much.
18 Thank you very much. I would like to thank all the
19 speakers. I want to thank you for your statements
20 and your representations. Uh, Deputy Commissioner
21 from the Civil and Human Rights Commission, you
22 mentioned that in New York City, people are impacted
23 by the pay inequity. Can you tell us according to
24 your observations, which group are most impacted by
25 the pay equity in New York City.

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2 JOANN KAMUF WARD: Thank you very much for the
3 question. Uhm, the landscape for pay equity reflects
4 similar disparities to what we see nationally and as
5 one recent study has indicated, women are on average
6 are paid roughly \$0.82 for every dollar that White
7 non-Hispanic men are paid. While Black women are
8 paid \$0.62, Native women are paid \$0.57, and Latinx
9 women are paid \$0.54.

10 I think as I referenced, the testimony that we
11 heard in our hearing in 2019 emphasized that a number
12 of groups are impacted on the basis of gender, class,
13 race, immigration status, national origin, gender
14 identity and sexual orientation. And of course, as
15 referenced, these are intersectional challenges. So,
16 individuals who hold more than one of these
17 identities are more impacted, right. If you are a
18 woman of color or transwoman, you'll have a different
19 experience than someone who holds a different set of
20 identities.

21 CHAIRPERSON EUGENE: Pay equity in New York is
22 the fault. We have seen it every single day and we
23 talk about it all the time. But currently, could you
24 tell us about the remedies that the [INAUDIBLE 52:22]
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1
2 have in New York City to face these pay inequities to
3 overcome – to end all that?

4 JOANN KAMUF WARD: Sure and I'm going to turn to
5 my colleague Katherine Greenberg to talk about the
6 remedies are better available when we find that there
7 has been discrimination in wages.

8 KATHERINE GREENBERG: Thank you and thank you for
9 the question. So, the New York City Human Rights Law
10 does prohibit employers from paying workers less
11 because of their national origin, their race, their
12 gender, their membership in a protected class. And
13 there are state and federal laws that have similar
14 protections, although the federal law only applies to
15 larger employers, so employers of 15 or more
16 employees. I think what would really be added by
17 this bill is the transparency and information sharing
18 that employees would gain in understanding what their
19 salary is likely to be and how it might compare to
20 peers in the same or a similar role.

21 There are state and federal laws that also
22 provide wage based protections as opposed to
23 discrimination protections, for workers who
24 experience pay inequity who are paid less than
25 somebody who is in the same or a similar job. There

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2 are fewer remedies for those laws, however, there are
3 less types of money damages that are available for
4 people who experience the discrimination and
5 similarly the protections are only there for people
6 who are actually paid differently, not those who lack
7 access to information about how their pay compares to
8 their colleagues.

9 CHAIRPERSON EUGENE: Well, I think the
10 Commissioner mentioned that the Human Rights
11 Community in New York is also the reinforcement isn't
12 serious on that. And we know that there are federal
13 relation acts you know that should be upright when we
14 talk about with respect to the equity in the you pay
15 equity.

16 Uh, my concern is that what the Human, uh, the
17 Commissioner said the Human Rights have been doing to
18 ensure that the federal rules and regulation already
19 in place have been respected? It isn't under their
20 jurisdiction to do. If yes, what has been done? If
21 not, that's another story.

22 JOANN KAMUF WARD: Sure, so when we get - we do
23 receive uhm inquiries and complaints around unequal
24 pay and we have since 2018 received 45 such claims.
25 29 of these cases - to answer an earlier question

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2 Chair, were based on gender as well. And of these
3 cases, we have found probable cause in one. A number
4 have been closed and in several cases, there was no
5 determination. But I think we can talk a little bit
6 about what kind of remedies and damages and civil
7 penalties are available when we do find
8 discrimination has occurred. So, Katherine, I'll
9 turn it back over to you.

10 KATHERINE GREENBERG: Of course, thanks JoAnn and
11 thank you Chair Eugene. So, we only have the ability
12 at our agency to enforce the city's human rights law,
13 the city's anti-discrimination law. We do have a
14 work sharing agreement with at least one federal
15 agency and so, we do receive complaints under the
16 federal anti-discrimination laws. But we can't
17 investigate or prosecute them, we can just help
18 preserve people's rights.

19 But thanks to the Council and thanks to the work
20 of our agency as well, we do have the most expansive
21 anti-discrimination law in the country and we're very
22 proud of that and proud of the work that we do
23 carrying out the mandate you have given us to combat
24 discrimination here.

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2 So, you know, as JoAnn was mentioning in this
3 particular area of complaints under salary history,
4 there have been, it looks like 11 cases that have
5 resulted in a positive outcome for the complainant,
6 so a total of \$341,000 in damages collected for those
7 victims. And about 16 cases that have been filed in
8 the past three years are more recent and still remain
9 open and under investigation.

10 We have additional claims that have been filed
11 under the salary history protections of our law as
12 well. Some of them are overlapping with the equal
13 pay complaints and some are different. The salary
14 history protections is an area where we have done a
15 lot of testing and some commission initiated work as
16 well to make sure that that area of our law is being
17 enforced.

18 But our complaint process sometimes starts with a
19 complaint that's filed by a member of the public who
20 believes that they have seen an illegal add or that
21 they have been paid less than a colleague for a
22 discriminatory reason. And sometimes it starts on a
23 commission initiated bases, where a member of the
24 public provides a tip or we get information that
25 there is pay inequity going on and in those

1 instances, we may reach out to the employer before
2 filing a complaint to see if we can reach a
3 resolution or we may file a complaint as the
4 commission and conduct an investigation.
5

6 Once a complaint is filed, either by the
7 commission or by a member of the public, we gather
8 further information. So, documents, interview
9 witnesses, we get data about pay and other factors.
10 Policies, we learn more from people who are working
11 there, what they've experienced, how they are being
12 paid, why they are being paid, what they are being
13 paid. And then ultimately we reach a determination.
14 If our determination finds evidence of discrimination
15 we seek to settle or conciliate the case and if we
16 can't do that, then we would prosecute it.

17 And I think as JoAnn had mentioned earlier in her
18 opening remarks, there's a really wide array of
19 remedies that we seek in conciliation or that our
20 commissioner can order at the end of a prosecution.
21 So, that can be money damages for the complainant. If
22 they were paid less, they can get back pay, emotional
23 distress damages, attorney's fees. We as the
24 Commission can seek penalties up to \$250,000 for
25 violations of the law and there's a wide range of

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2 affirmative relief. So, fixing the legal job ads,
3 creating more change in policies, training for HR
4 employees and hiring managers, and then sometimes
5 additional steps as JoAnn had referenced such as
6 partnering with community organizations to create
7 pipelines for hiring to diversify a workforce and
8 ensure that there is access for members of
9 unrepresented groups.

10 CHAIRPERSON EUGENE: Thank you very much. When
11 we talk about pay inequity, it is very important in
12 New York City and also throughout the nations. It is
13 about the civil and human right of people who are
14 working hard. But I think that to achieve the goal
15 that we are all hoping for, we are all you know
16 searching, that it will take more than the Commission
17 on Civil and Human Rights. It will take more than
18 you know the employers or the employees. I think all
19 the companies, all of us should be involved in that
20 making the difference, to make sure we reach what we
21 are looking for pay equity. But I know that the
22 Commission mentioned that the Commission on Civil and
23 Human Rights and across the agency. But in terms of
24 working together to achieve this goal, I think that
25 the Commissioner, the Deputy Commissioner mentioned

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2 that also. The Commission of Civil and Human Rights
3 is an institution that provides training and services
4 and I do believe in this case, when we talk about pay
5 equity or inequity, it is necessary, it is very
6 important that we communicate to the employees and
7 also to the employers, and also educate them. You
8 know have them understand the need and the necessity
9 for all of us to reach this equity pay that we are
10 looking for. Providing them training and also to the
11 employers. And at the same time providing also
12 training and workshops to the employees, in order for
13 both of them to understand the need and the
14 necessity, the urgency to reach this equity pay that
15 we are talking about.

16 Could you tell us what has been done in this
17 direction? What has been done to reaching out to
18 programs? Providing training to them? Reaching out
19 also to their communities and providing also training
20 to them?

21 JOANN KAMUF WARD: Sure, so I think - we are a
22 law enforcement agency but as I mentioned, we are
23 also an agency that believes in preventing
24 discrimination before it occurs and that's why almost
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2 half of our agencies is committed to education and
3 outreach.

4 So, anytime we make a substantive amendment to
5 the law, we are thinking about how do we educate the
6 public. And to your point Chair, that means
7 individual rights holders, in this case, people who
8 will be applying for jobs, as well as employers,
9 right. So, we work broadly with all relevant
10 stakeholders. We spend both special Commissioner
11 Greenberg and I develop with our team public facing
12 materials FAQ's, fact sheets about our law which
13 should on our website but we also go into community
14 through our five community relations bureau's to
15 ensure that people understand their rights and
16 obligations where that is important. And we do
17 trainings constantly with community partners and in
18 Fiscal Year '21 for example, we reached more than
19 100,000 New Yorkers through these trainings.

20 So, we take really seriously the piece about
21 education and prevention and we also, like anybody
22 these days use our social media channels to push out
23 amendments to the law and uhm and invite everyone to
24 check us out if you have time.

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2 CHAIRPERSON EUGENE: Thank you very much. We all
3 know and I say that one more time. New York City is
4 home to so many people. When got people coming from
5 all over the place and the immigrant people they are,
6 I believe they are very effected by that also. The
7 father an immigrant, they come to the system, they
8 don't understand too much. And also, they are a very
9 easy target of.

10 So, when you have been trying to provide training
11 and uh, education to the employers and the employees
12 and uh, did you use also people who speak different
13 languages? Because we have so many people speaking
14 so many languages in New York City. What is the
15 outreach of the immigrant, the people who just came?
16 [INAUDIBLE 1:04:22] but they don't get you know
17 integrated into the system yet. They [INAUDIBLE
18 1:04:29]. What did you do? What is the effort that
19 has been done to reach out to them to make sure that
20 they are educated and also they are informed about
21 this situation?

22 JOANN KAMUF WARD: Okay, I was muted. Uhm, but -

23 CHAIRPERSON EUGENE: Did you hear me?

24 JOANN KAMUF WARD: Yes, very happy to answer this
25 question. I mean, first I'm proud to say that staff

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2 on the Commission speak over 30 languages. So, that
3 is quite important for our ability to be able to
4 share information with individuals in New York no
5 matter what language they are most comfortable
6 speaking. We also have on our staff liaisons to
7 particular community groups and work very closely in
8 the rollout of information about substantive changes
9 to our law with community groups that are well
10 embedded and often have stronger relationships with
11 communities, whether they have been historically in
12 New York or our more newly arrived in New York City.

13 We also endeavor to translate our major documents
14 into as many languages as possible and so they are
15 accessible if people read another language. We have
16 recently rolled out ruled out videos in Mixteca and
17 other indigenous peoples languages so that we are
18 reaching all the New Yorkers that we can and as that
19 changes we shift as well.

20 CHAIRPERSON EUGENE: Thank you very much. You
21 know this legislation is going to require the
22 employers to folks also that have been involved and
23 the maximum pay – hello? Yeah, what uh – how would
24 this legislation impact employees and employers in
25 New York City?

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2 Can you tell us you know, this legislation the
3 impact the employees and the employers in New York
4 City if we get connected?

5 JOANN KAMUF WARD: Sure and I think my colleague
6 Katherine spoke to this. Uhm, it requires employers
7 to post minimum and maximum salary, which in many
8 instances, employers are working with a budget. They
9 know what the ranges are and can post them with other
10 job requirements. And uhm, we think it promotes both
11 transparency right, by providing information to
12 potential employees to determine if they are going to
13 apply for a job and if they are applying for a job,
14 uhm, gives them tools to negotiate with.

15 It also can help promote more general
16 accountability because people understand the wages
17 that are available across sectors and that includes
18 all New Yorkers whether or not you're applying for
19 the job.

20 CHAIRPERSON EUGENE: And also, can you tell us how
21 will this impact in crime rates in New York City?
22 Will there be any change in the behavior and then you
23 know, the departments solution in New York City?

24 JOANN KAMUF WARD: I think that the private
25 sector right? That's the question? Is that -

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CHAIRPERSON EUGENE: Yeah.

JOANN KAMUF WARD: Uhm, yes, the hope is that it will change. That's not to say there aren't employers who are already post this information but I think the more that this information sees the light of day, the more thoughtful people have to be about how they are engaging in putting their jobs out in the world, talking about them and developing pay scales for different positions. So, I think the hope is that it will lead to a positive change in behavior that gets to the I think multifaceted and multipronged challenges that we're talking about this morning.

CHAIRPERSON EUGENE: You know, every time that we are trying to implement something there is always a cost. It's never free. So, I think there would be a cost to create the minimum and maximum salaries in the state. Do you have an expectation of the costs of this change to implement?

JOANN KAMUF WARD: In my view as I was saying, I think it's not requiring creation of a new document or new tools but rather just asking for more information to be put on the job postings that are already out there. So, there may be costs but I

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2 would imagine them to be minimal to the extent we're
3 talking about the postings.

4 CHAIRPERSON EUGENE: So, I don't know if I
5 remember freely, you mentioned or so it is very
6 difficult to deal with pay inequity in New York City.
7 It is something like this, it's very difficult to end
8 on that. But if the law get enacted, how are you
9 going to reinforce it? What are you going to do?
10 Are you going to be able to make sure that you know
11 the law accomplishes what we are looking for.

12 Because it seemed like you mentioned that it's a very
13 difficult topic or subject of situation. What is -

14 JOANN KAMUF WARD: We will start with the
15 education prong that we've already discussed right?
16 Part of uhm, ensuring rights are fulfilled is making
17 sure that individuals know what their rights are.
18 So, that is a keen first step. As my colleague
19 Katherine Greenberg already mentioned, we rely fairly
20 extensively on our relationships with sister agencies
21 as well as with community groups to understand when
22 either the laws being violated or where there is the
23 potential for violations and to step in again through
24 out trainings and outreach. We receive inquiries
25 through our info line and where we think there is the

1
2 possibility that discrimination occurred either
3 because we received an inquiry or uhm, through
4 testing which is something else that we mentioned we
5 can do right? You can look at job postings and
6 identify if there is compliance. Then we would
7 potentially either engage in a pre-complaint
8 investigation or possibly file a complaint as well.
9 And Katherine, I don't know if you want to add
10 anything to that answer.

11 CHAIRPERSON EUGENE: Will you go directly
12 straight to the enforcement and leave uh also some
13 time of notification to the employees and some
14 opportunity to correct this situation? Or you are
15 planning to go straight to reinforcement. Will there
16 be any change for the employers to try to correct
17 this situation before you implement it?

18 JOANN KAMUF WARD: Yes, when we say enforcement,
19 I think uhm, I think that means a lot of different
20 things. It can mean a complaint but we also have
21 pre-complaints initiatives to attempt to cure
22 violations and I will let Katherine speak of that a
23 little bit more.

24 KATHERINE GREENBERG: Of course and thank you for
25 the question. Yes, even our enforcement arm has a

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2 lot of different strategies to make sure that there
3 is compliance with the law and not all of them
4 involved punitive staffs.

5 One of the primary things our agency does and
6 this is our policy department and I think JoAnn
7 referenced this earlier, was putting out a lot of
8 informational materials that help to explain the law.
9 How to follow the law and where to direct questions,
10 so our policy team makes itself available by phone,
11 email, to answer compliance questions from the public
12 about how to follow the law and to give specific
13 guidance if they are finding that they are running
14 into challenges that we didn't anticipate in
15 explaining how they can comply in our materials.

16 And then even on the enforcement side, once an
17 illegal ad is reported or found, often times when
18 there's that type of violation, the Law Enforcement
19 Bureau will start by sending a letter, what's called
20 a Cease and Desist Letter that advises the business
21 of the law of how to comply. Orders them to correct
22 the job posting and to provide proof of their
23 compliance with any given period, say 30 days to
24 avoid any type of further enforcement action.

1
2 So, particularly with smaller employers and
3 particularly when we're handling a new law that
4 members of the public may only be learning about,
5 there is going to be a lot of work to do education
6 through outreach as opposed to penalties upfront.

7 CHAIRPERSON EUGENE: We know that at this time,
8 there are many people who are working at home
9 remotely. Employers there working remotely, how, you
10 know would this legislation apply to those people who
11 are working from home uh remotely? Is there any
12 application.

13 JOANN KAMUF WARD: Yeah and I'll let Katherine
14 take this one.

15 CHAIRPERSON EUGENE: I'm sorry?

16 KATHERINE GREENBERG: Thank you Chair Eugene.

17 CHAIRPERSON EUGENE: Oh, hmm, hmm, go ahead.

18 KATHERINE GREENBERG: Sorry, thank you Chair
19 Eugene. Yes, in general, so what we call the
20 territorial jurisdiction of the City Human Rights Law
21 or that question of which workers are covered is
22 something that courts throughout the State of New
23 York have spoken to. And in general, the task is
24 that the law applies if the impact of the
25 discrimination will be felt in New York City. So, in

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2 general, our agency and courts view the law as
3 applying to people who are discriminated against
4 while working in the city.

5 And so, that would include people who are working
6 in the city remotely. People who are performing work
7 at an employers location in the city. People who
8 work on the roads. Let's say they are sales people
9 and their regular work takes them into New York City
10 to perform work. They would all generally have the
11 protections of the whole City Human Right Law,
12 including this provision.

13 CHAIRPERSON EUGENE: Uh, now, at this time, maybe
14 turning to the Committee Counsel. I don't know if
15 there are colleagues who would like to ask questions.

16 COMMITTEE COUNSEL: Yes, thank you Chair Eugene.
17 I will now call on other Council Members to ask their
18 questions in the order they have used the Zoom raise
19 hand function.

20 CHAIRPERSON EUGENE: Thank you.

21 COMMITTEE COUNSEL: If you would like to ask a
22 question and you have not yet used the Zoom raise
23 hand function, raise it now.

24 Please begin your questions once I have called on
25 you and panelists, please remember to keep yourself

1
2 unmuted so you are able to answer the Council Members
3 questions. Council Member Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: Great, thank you so
5 much and again, apologies. You may see my phone
6 screen flip a few times. My screen saver is uh, uh,
7 only working on a single device right now.

8 But first, I would be remiss if I didn't thank
9 the ASL Interpreters who are here. Thank you so much
10 for your hard work. Uhm, and then for the Commission
11 on Human Rights, thank you so much for your
12 testimony. It's just so interesting to learn about
13 what's been happening around.

14 I guess my first question is, uhm, do you have
15 any suggestions and perhaps this will be in your
16 longer testimony. But the bill is very short, very
17 simple. Do you have any immediate suggestions for
18 uhm, ways to improve the bill? And my second
19 question is, what will be the biggest challenge that
20 you foresee in implementing the bill?

21 JOANN KAMUF WARD: Sure, that's a really welcomed
22 question. I think one thing that uhm, that we have
23 been talking about is when you are requiring a range,
24 is there a way to possibly have a reasonableness
25

1
2 element of it so that there is not a potential of a
3 range that is kind of so large that it would -

4 COUNCIL MEMBER ROSENTHAL: Oh right.

5 JOANN KAMUF WARD: Not disturb the purpose of
6 educating and a potential applicant on what actually
7 to expect or where this might go. So, that is one
8 thing that we would love to talk to you further
9 about.

10 COUNCIL MEMBER ROSENTHAL: Yeah and can I jump
11 right in about that. Perhaps the way to do it
12 because I think what you're referring to is that
13 there are bonuses for stock options. You know,
14 there's sort of a base salary then a things that
15 companies can add on. Uhm, and so, yeah, those are
16 great points and I don't know how, quite how we
17 capture all that but yeah, I look forward to working
18 with you on that point, how to keep it uhm, yeah,
19 realistic. Thank you. Keep going. I'm sorry I
20 interrupted. I just totally agree with you.

21 JOANN KAMUL WARD: No, no, that's right and I was
22 even talking about a simpler example of say you post
23 that you're hiring for a sales manager and the job
24 description is flat, you know the salary ranges from
25 \$5.00 to \$100,000, right? Like, something that even

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2 would fit within the law as it's drafted now but uhm,
3 would not necessarily kind of help to change the
4 knowledge and power dynamics in the negotiation or
5 the job description.

6 And on the - I mean, on the other question, what
7 do we see as the biggest challenge? I think it goes
8 to the heart of what we're talking about. This is a
9 huge challenge that comes out of years and decades of
10 both implicit and explicit bias. And so, I think
11 this is a really important piece of leveling the
12 playing field in individual actions but there's so
13 many other things that need to be done to ensure that
14 there is greater equity in the work place. So,
15 that's what I see is the biggest challenge.

16 COUNCIL MEMBER ROSENTHAL: Yeah, I agree with
17 that. I was thinking about how my situation - I
18 experienced a pay inequity situation when I started
19 working for the city actually, 30 years ago. And
20 discovered when talking to male colleagues, who had
21 the same job title that I had, that his salary was
22 about \$5,000 higher than mine. And I looked at him
23 and said, what? Uh, what?

24 And he said, yeah, I told them I have a family.
25 I'm going to need more money. Uhm, so even within

1
2 the pay range uhm, you know sometimes – and in my
3 mind's eye, that gets to your education efforts. I
4 loved hearing about the work you do throughout the
5 city to help people learn how to negotiate for a
6 better salary, you know? I mean, I was lucky enough
7 – well, first of all, I don't think you guys existed
8 but I was lucky enough to be able to just go talk to
9 the HR division and say to them you know, that's
10 ridiculous and they changed my salary and they gave
11 me the back pay to the start.

12 But I think my story is pretty unusual in terms
13 of rectifying a situation. Okay, so that's super
14 helpful. I'm going to flip my screen, so I can ask
15 you the next question, apologies. Uhm, I want to
16 talk for a second about a state bill that similarly
17 uhm, talks about mandating pay ranges to be posted.

18 I think our bill will provide an important local
19 mechanism to report noncompliance. I'm wondering
20 what you think about that and I'm wondering what you
21 think about the location of this bill in the Civil
22 Rights Law. You know that that be critical or do you
23 think the administration would suggest that we do it
24 somewhere – some place else?

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JOANN KAMUF WARD: So, I'll take the second question first. I think we're still reviewing internally and with law that kind of - the exact terminology and uhm, and the provisions but we think it makes sense given our employment jurisdiction that this would be part and parcel of what is within the Commissions jurisdiction and what we're looking at as we're addressing uhm, many types of discrimination, which often are impacting individuals at the same time.

And I'm going to turn it over to Katherine to talk about the state law piece if we have that information, otherwise we'll get back to you about that separately.

KATHERINE GREENBERG: Thank you JoAnn. Thank you Council Member Rosenthal. Yes, just to say I think that it belongs in this section of the code in Title 8 with the New York City Human Rights Law. It really compliments I think the salary history protections and the pay equity protections that exist and I think would allow us to speak with even more volume about what employers can and should do to ensure that there's pay equity among their workforce.

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2 I'm not personally familiar with the pending
3 state bill, so I can speak to specific distinctions
4 between the bill that you have proposed and between
5 the pending bill but I can say that there are many
6 areas of overlapping jurisdiction between the City's
7 Human Rights Law, the State Human Rights Law and the
8 antidiscrimination protections that exist on the
9 federal level. And for each one of those overlaps,
10 it's simply one more opportunity for government to
11 get involved in eradicating discrimination.

12 So, I would say that we support this protection
13 even if it exists on another level because that just
14 enables us further amplify and work to help combat
15 this type of discrimination.

16 COUNCIL MEMBER ROSENTHAL: That's so helpful to
17 hear. I appreciate that and I guess the one
18 challenge I really heard today was figuring out how
19 to word the bill such that uhm we don't have a
20 ridiculous pay range you know from \$5.00 to \$100.00.
21 Uhm, and do you think that that challenge is overcome
22 able?

23 JOANN KAMUF WARD: Uhm, yes. Uhm, I think it
24 definitely takes a little bit more thinking but I
25 think we can work out some solutions that we think

1
2 are workable and there's other jurisdictions that
3 have similar protections in place and so, we can look
4 to other areas for guidance as well.

5 COUNCIL MEMBER ROSENTHAL: Thank you. I ask
6 these questions because these are some of the
7 questions I've gotten and I just want to make sure
8 hearing from you that uhm, we're on the right track.
9 I think that's it for me. Uhm, I mean, one of the
10 other - so, I'm going to ask this question but it's
11 just that, uhm, it just sounds to me the numbers that
12 you were giving for how many cases that you've dealt
13 with, having to do with pay discrimination and the
14 fact that if I heard you right, just one was settled
15 in favor of the person who brought it forward. You
16 know really gives me more uhm, you know interest in
17 moving forward with this bill. You think that's a
18 fair statement?

19 JOANN KAMUF WARD: Yeah, I think so there were
20 several cases that went to mediation. So, just to
21 correct on the numbers, there was not just one that
22 was resolved.

23 But I think I mean, part of what we were saying
24 is that the - on of - there's a lot of concern about
25 bringing claims and it's very difficult for

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2 individuals to necessarily have the information to be
3 able to substantiate a claim because of some of the
4 tabu around salary history and pay that we're talking
5 about. Uhm and so I do think it provides a really
6 important platform and step to addressing some of
7 these structural issues.

8 COUNCIL MEMBER ROSENTHAL: Great, thank you so
9 much for that. Chair, I'm going to send it back to
10 you with the understanding that you'll be asking the
11 Mayor's Office of People with Disabilities separate
12 and apart from this bill line of questioning. So,
13 thank you very much.

14 COMMITTEE COUNSEL: Thank you Council Member
15 Rosenthal. Next, we have Council Member Barron.

16 COUNCIL MEMBER BARRON: Thank you very much.
17 I'll be very brief. The testimony of this panel
18 basically talks about the bill, I think it's 2020 and
19 the other bill presented by Council Member Rosenthal.
20 And first, I'd like to ask to be added to both those
21 bills. I think that they are very significant and
22 important. I also want to thank Council Member
23 Rosenthal for her kind words about me and ditto back
24 to you.

1
2 I want to ask you about my two Reso's, 1039-A and
3 1040. Council Member Rosenthal said that she
4 discovered that there was a pay disparity between the
5 work that she was doing and some one in the same
6 title and it was addressed by raising her to the
7 appropriate level and going back to her start date.
8 So that she received some type of reparations for the
9 injustice that she suffered. What is the
10 Administrations position? What is the Commissions
11 position on Reso's 1039 and 1040, which call for a
12 study of what the remedies for the impact of slavery
13 might be for our city? Oh, did you hear me?

14 JOANN KAMUF WARD: Yeah, sorry, there's a delay
15 in my ability to unmute myself.

16 COUNCIL MEMBER BARRON: Oh, okay, no problem.

17 JOANN KAMUF WARD: So, I cannot speak for the
18 Administration on these Resolutions but I can say
19 from the Commission perspective uhm, we support
20 initiatives that aim to address both current and
21 historic barriers to discrimination. Uhm, we also
22 are very big proponents of participatory decision
23 making, so as was stated earlier, the idea that any
24 panel put in place would involve community members
25 and be a joint, a joint endeavor. Uhm and further,

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2 we support initiatives that advance dignity, equality
3 and an adequate standard of living for all New
4 Yorkers.

5 So, to the extent we can support the intent of
6 any measures in that arena we would do so. And the
7 Commission, I'll just flag has done a fair amount of
8 work in the arena of anti-Black racism specifically
9 and I'd be happy to share the reports that we have
10 created in this arena and to talk further offline
11 about these Resolutions.

12 COUNCIL MEMBER BARRON: Thank you very much.
13 Thank you Mr. Chair and I appreciate the fact that
14 Council Member Rosenthal is implementing what she
15 wants us to do by having signers here and I hope
16 somebody can put in the chat - well, we don't have a
17 chat. But someone can give me information about
18 where I can go to learn sign language. I've been
19 trying, no, I've been saying for more than 25 years,
20 I'm going to learn sign language. And I did go
21 online and try to learn some of the songs to sign
22 them but it didn't work. But anyone who wants to
23 share any information about resources about where I
24 can go to learn sign language, it would be greatly
25 appreciated. Thank you Mr. Chair.

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2 CHAIRPERSON EUGENE: Your very welcome Council
3 Member Barron and thank you so much also for your
4 legislations and you have been focusing for a long
5 time and I know Council Member Barron has been
6 fighting for that also. I didn't want to speak about
7 that yet because I thought that you know we would
8 have the opportunity after but let me say that, for a
9 long time, a long time, if we can decenter people
10 Black people have been fighting for racial litigation
11 remedies for what they have been suffering but the
12 Black people have been suffering you know since for
13 millions, for many hundreds of years. And also, the
14 contribution of Black people, there is no words to
15 express and to explain to people the contribution of
16 the Black people in the United States of America. I
17 think this is something remarkably important, not
18 only for the Black people but also for all Americans.
19 We have to know history. What America is about.
20 America we call America. Who are contributing. The
21 challenges different people went through. Not only
22 Black people but everybody but especially Black
23 people have been through so much to contribute to the
24 United States of America and many people don't know
25 that. And this is about time - this is a justice.

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2 This is education, this is fairness, this is talking
3 about the history of United States of America and the
4 Commission and these two legislation, they are very,
5 very important and I hope that they will pass the
6 City Council. Thank you very much for advocacy and
7 for those legislation and thank you also to former
8 Council Member Barron and actually Assembly Member
9 and soon Council Member Barron again. Thank you very
10 much to both of you. Thank you.

11 Now, I'll turn it back to the Counsel, to the
12 Committee Counsel.

13 COMMITTEE COUNSEL: Thank you Chair Eugene. We
14 will now turn to public testimony.

15 CHAIRPERSON EUGENE: Before that, can I ask one
16 more question?

17 COMMITTEE COUNSEL: Of course.

18 CHAIRPERSON EUGENE: Council Member Rosenthal. I
19 want to thank Council Member Rosenthal for these two
20 legislations. Very important legislations that
21 address issues that many, many, many New Yorkers are
22 facing. Number one for the pay equity and also for
23 the people who need the opportunity to enjoy, you
24 know opportunities that many of us, all of us in New
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1
2 York City enjoy. I'm talking about the uh, deaf
3 people cannot hear properly.

4 So, I want to also piggyback to what Council
5 Member Rosenthal shared with us. She discovered the
6 you know pay disparity and this is - that's going to
7 exactly important information. When people are
8 informed, when people have the knowledge, what can
9 they do to implement their life. To implement their
10 life. What the difference will be because she had
11 the information. She had the knowledge. She could
12 go and ask for - ask also for payment or salaries to
13 be changed. So, my question to the Commissioner, I
14 know that my father always said that "my son, there
15 is no perfection in nothing." There is always room
16 for improvement and the Commissioner mentioned that
17 the Commission of Civil and Human Rights has been
18 providing training and also workshop to people.

19 That's great but because we know there is no
20 perfection in anything, is there also something you
21 believe that you can do in addition to what you have
22 been doing to provide to the workers the information
23 and the opportunity to have the knowledge to do what
24 Council Member Rosenthal did in terms of you know
25 going - having the information and the knowledge and

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2 the courage also to go and to say you know what, I
3 want you know to be paid equally. And I want the pay
4 equity and I want to get the salary that I deserve.
5 Is there anything that uh, the Commission of Civil
6 and Human Rights can do to make sure that people are
7 informed. That they are not denied the education to
8 take position and also to demand the salaries that
9 they deserve.

10 JOANN KAMUF WARD: Yeah, I mean, as part of what
11 I mentioned where we have uhm, the opportunity and
12 uhm, and the partnership of sister agencies like the
13 Commission on Gender Equity and Department of
14 Consumer and Workplace Protections. I think we've
15 been quite effective in going into communities and
16 hearing from individuals and having an exchange
17 that's not necessarily a workshop or training but
18 where we're hearing experiences and thinking about
19 how does our law respond? How do other agencies in
20 New York provide services that help to meet peoples
21 needs and again, working with uhm, with Council and
22 others in Administration to think about gaps and
23 protections and what's needed to address them.

24 But we are always also taking recommendations for
25 how to be improving our outreach and education. So

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2 would be open to hearing from others after the
3 hearing as well.

4 CHAIRPERSON EUGENE: Thank you very much
5 Commissioner and thank you to all your staff. Thank
6 you for what you are doing for New Yorkers. Thank
7 you so very much. We are all in this together.
8 Let's keep on going and keep doing the right thing.
9 Thank you so much. Now, I will turn it back to the
10 Committee Counsel.

11 COMMITTEE COUNSEL: Thank you Chair Eugene. I
12 see we do we have uh, Council Member Rosenthal has
13 her hand raised. So, we can go to you.

14 COUNCIL MEMBER ROSENTHAL: Thank you so much Ms.
15 Ganapathy. I appreciate you. Uhm, you know I think,
16 I just want to make sort of another point about uhm,
17 what Chair Eugene is talking about and then I'd
18 actually like, I'm hoping that the Deputy
19 Commissioner from uhm MOPD is still available for
20 questions. I have a question for him.

21 But I think you know and Council Member Barron
22 can speak to this more eloquently than I can. But
23 you know, the question in my situation is answered a
24 lot by the privilege that I had growing up, right?
25 And you know, it was taught if I don't like the

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2 situation, I go and try to fix it. And in history of
3 Black people in this country does not land – does not
4 leave Black people in the same situation as I had,
5 which is why this is uhm, this whole – the Black
6 lives movement is so incredibly important. But we
7 need to make sure everyone is empowered to make sure
8 that that their rights are heard and respected.

9 So, there are a lot of important things that come
10 out of this particular, my particular situation.

11 Uhm, Council Member Barron, I don't know if you want
12 to say something about that.

13 I am just going to jump over to the Mayor's
14 Office of People with Disabilities. I have uhm just
15 a question for you uhm on the open caption bill.

16 Uhm, I guess two questions. One is about enforcement
17 and whether or not you know MOPD believes they will
18 have a good role in enforcement and whether or not –
19 sorry for these alphabet soup but DCWP, the
20 Department of Consumer Worker Protections, whether or
21 not they will be able to enforce the bill.

22 And secondly, uhm, I really was so heartened by
23 your testimony to hear the support from the
24 administration. I'm curious in the Administrations
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2 research, have you found any drawbacks to open
3 captions? Thank you.

4 RONALD WOODEN JR.: I'm sorry, we're just
5 switching interpreters, so just give us one second
6 please.

7 COUNCIL MEMBER ROSENTHAL: Of course, thank you.
8 No problem at all and thank you very much.

9 RONALD WOODEN JR.: Yeah, only one of us has the
10 ability to unmute, that's it.

11 COUNCIL MEMBER ROSENTHAL: Uhm, what are you
12 trying to -

13 RONALD WOODEN JR.: Tony's just looking for me.
14 Hi, yes, I'm sorry. I'm sorry, it was frozen on my
15 end.

16 COUNCIL MEMBER ROSENTHAL: No worries.

17 RONALD WOODEN JR.: I'm having technical
18 difficulties Tony's saying. So, uh, in relation to
19 your first question with enforcement and DWP, DCWP
20 I'm sorry. I just want to mention very quickly that
21 you know we fully support this policy and we want to
22 make greater accessibility and equality for our
23 public spaces including our theatres.

24 Uhm, you know as a designated enforcement agency,
25 I don't foresee any issues with enforcement. Do you

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2 have any specific concerns regarding the impact of
3 the bill on its enforcement? Uhm, you know, we can
4 definitely discuss that with the sister agency.

5 COUNCIL MEMBER ROSENTHAL: Sorry, uh, uhm, no, I
6 was wanting to get a sense of – you answered the
7 question perfectly.

8 RONALD WOODEN JR.: Okay and the second question,
9 my computer was freezing a little bit, so would you
10 mind repeating the second one?

11 COUNCIL MEMBER ROSENTHAL: Not at all. Uhm, I,
12 what I said was that I am so heartened to know how
13 much support the Administration has for open captions
14 at movie theatres but I am curious in your research.
15 Have you found any drawbacks to open captions?

16 RONALD WOODEN JR.: Me, as a deaf person, no and
17 in the research as well I have not found any
18 drawbacks and I don't foresee that happening because
19 it's really about accessibility for all. And like I
20 said, it's not only the deaf and hard of hearing
21 community, it can be various different people. So,
22 no, I don't foresee any drawbacks.

23 COUNCIL MEMBER ROSENTHAL: Thank you. Thank you
24 very much. I appreciate you.

25 RONALD WOODEN JR.: You're welcome.

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2 COUNCIL MEMBER ROSENTHAL: Thank you Ms.
3 Ganapathy. I'll send it back to you.

4 COMMITTEE COUNSEL: Thank you Council Member
5 Rosenthal. Chair Eugene, do you have any additional
6 questions.

7 CHAIRPERSON EUGENE: No, that's all. Thank you
8 so very much and one more time, thank you to all the
9 speakers and the Commissioner and all the staff for
10 your Commission on Civil and Human Rights Committee,
11 thank you for your job. Thank you.

12 COMMITTEE COUNSEL: Thank you. We will now turn
13 to public testimony. I'd like to remind everyone
14 that unlike our typical Council hearings, we will be
15 calling individuals one by one to testify. Each
16 panelist will be given three minutes to speak.
17 Please begin once the Sergeant has started the timer.
18 Council Members who have questions for a particular
19 panelist should use the raise hand function in Zoom
20 and I will call on you after the panelist has
21 completed their testimony.

22 For panelists, once your name is called, a member
23 of our staff will unmute you and the Sergeant at Arms
24 will give you the go ahead to begin upon setting up
25

1
2 the timer. Please wait for the Sergeant to announce
3 that you may begin before delivering your testimony.

4 I would like to now welcome Roger Wareham to
5 testify. After Roger Wareham, we will be calling on
6 Leah Goodridge and Julia Elmaleh-Sachs to testify.

7 Roger Wareham, you can go ahead.

8 SERGEANT AT ARMS: Your time will begin.

9 ROGER WAREHAM: To the Committee on Civil and
10 Human Rights, Chairperson Eugene, Council Member
11 Barron, good morning. My name is Roger Wareham, I am
12 here today to speak in support of Proposed
13 Resolutions 1039-A and 1040.

14 By way of background, I am a Human Rights
15 Attorney and a member of the December 12th Movement,
16 which is a non-governmental organization that defends
17 the rights of people of African descent in New York
18 City, United States and throughout the global African
19 Diaspore. I'm also the International Secretary
20 General of the International Association Against
21 Torture, which like the December 12th Movement, is an
22 NGO in consulted status with the United Nations
23 Economic and Social Counsel.

24 In this capacity, I have been a regular
25 participant in the UN's Human Rights Bodies in Geneva

1
2 Switzerland since 1989. In terms of – excuse me, for
3 over 30 years, we have been actively involved
4 locally, nationally, and internationally in the
5 Campaign for Reparations for People of African
6 Descent. As a vehicle to begin repairing the damage
7 inflicted by over four centuries of chattel slavery
8 and systemic racism.

9 In 2001, the United Nations World Conference
10 Against Racism held in Durban South African declared
11 that the transatlantic slave trade and chattel
12 slavery were crimes against humanity for which
13 reparations are due, the descendants of the victims.
14 The state and national legislation, which these
15 Proposed Resolutions support are important steps in
16 advancing that declaration.

17 The COVID pandemic, which still overshadows all
18 New Yorkers has further exposed the historic and
19 continuing inequities faced by Black people
20 particularly in the area of healthcare. This is an
21 opportunity for New York City to take a stand in
22 support of the civil and human rights of its
23 citizenry of African descent.

24 The agenda for this meeting ask, in addition to
25 these Resolutions what steps could be taken to

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2 address reparations and the continued impacts of
3 slavery.

4 My answer is that the New York City Council
5 should support the campaign that is being waged to
6 have President Biden issue an Executive Order on
7 Reparations. Early on, President Biden stated that
8 he owed his election victory to support from the
9 Black community, and that he "had our back." We
10 propose that he implement that promise by issuing an
11 executive order that would include a \$50 billion down
12 payment on reparations targeted to provision of state
13 of the art healthcare facilities in Black
14 communities.

15 I end with the words that we developed for the UN
16 World Conference Against Racism. They stole us, they
17 sold us, they owe us. Reparations now. Thank you.

18 CHAIRPERSON EUGENE: Thank you very much Mr.
19 Wareham. Thank you for your testimony. Thank you.

20 COMMITTEE COUNSEL: Thank you. We will now turn
21 to questions from Council Members. I see Council
22 Member Barron has her hand raised.

23 COUNCIL MEMBER BARRON: Uh, thank you Mr. Chair
24 and thank you to the Committee Counsel. I just want
25 to acknowledge the work that Attorney Roger Wareham

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2 has done for as long as I've known him, which is
3 about 40 years. And I want to acknowledge the
4 commitment that he has. The broad breathe of
5 knowledge that he has about particularly also
6 international issues. Their involvement in the UN as
7 a non-GO and the impact that they have had in
8 bringing awareness and educating people. General
9 citizens as well as those in the particular advocacy
10 groups of the plight that we face and organizing and
11 mobilizing the people to respond.

12 I just wanted to acknowledge his presence, thank
13 him for his testimony and commend him for his work.

14 ROGER WAREHAM: Thank you and I would just add,
15 in terms of the comment that the Chairman Eugene made
16 around the importance of history. That the
17 Resolutions that are being put forward and the
18 legislation they're talking about are very important
19 because the role of African people in the United
20 States is not simply Black history, it is United
21 States history. And that's underreported and I think
22 also, in that context, the role that Haiti played in
23 terms of the struggle of Black people inside the
24 Americas, in particularly inside of North America is
25 really not always understood. And the punishment

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2 that Haiti suffered because of that to this day is
3 also that. And so, when we talk about reparations,
4 we're really talking about reparations for you know
5 what's happened throughout America particularly in
6 terms of Haiti.

7 COUNCIL MEMBER BARRON: Thank you Mr. Chair.

8 CHAIRPERSON EUGENE: Thank you very much.

9 COUNCIL MEMBER BARRON: Thank you Mr. Wareham.

10 ROGER WAREHAM: Thank you.

11 CHAIRPERSON EUGENE: Thank you very much. Thank
12 you and I appreciate the representation and your
13 commitment and your knowledge of history and the
14 knowledge of Council Member Barron or so. I think
15 the history of Black people should be taught and we
16 have to do a lot of effort to make sure that people
17 know exactly the reality, the truth, about the Black
18 people. The contribution and their sacrifice for
19 United States. Thank you so very much.

20 ROGER WAREHAM: Thank you.

21 CHAIRPERSON EUGENE: And again, thank you for
22 your testimony and Council Member Barron, thank you
23 very much for these two important Resolutions. Thank
24 you.

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2 COMMITTEE COUNSEL: Thank you Chair Eugene. We
3 will now turn to testimony from Leah Goodridge.
4 After Leah Goodridge, we will have Julia Elmaleh-
5 Sachs and Khawaja. Leah Goodridge, you may proceed
6 after the Sergeants call time.

7 LEAH GOODRIDGE: Thank you. Can I record my
8 testimony?

9 COMMITTEE COUNSEL: Yes.

10 SERGEANT AT ARMS: Your time will begin.

11 LEAH GOODRIDGE: It says please ask the host to
12 give you permission to record.

13 COMMITTEE COUNSEL: Alright, give us one minute.
14 Good afternoon. My name is Leah Goodridge and I am
15 the Managing Attorney for Housing Policy at
16 Mobilization for Justice. And thank you for hearing
17 my testimony today on Intro. 1039-2019 and 1040.

18 We are in full support of both measures to
19 establish a commission on reparations to examine the
20 impact of slavery in New York. Sorry, just one - to
21 be honest the testimony is a bit hard for me. I did
22 pray before to give me the strength of my ancestors
23 for this testimony but.

24 So, I want to talk about a place that many New
25 Yorkers know, Central Park. Central Park is a

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2 beautiful, serene space that many go to for its
3 sprawling views but beneath it lies a somber history
4 of how it was built. So, in 1825 Black families took
5 root in and built homes on a land strip calling it
6 Seneca Village. It was a thriving community and one
7 that could have produced generational wealth through
8 property ownership but it didn't turn out that way.
9 In 1853, the New York Legislature passed a law to set
10 aside land for New York's first major public park.

11 The city wanted Seneca Village torn down for that
12 park, the residents resisted, the city won. About
13 1,600 Black Americans were displaced, evicted, the
14 name of the park, Central Park. In many ways Central
15 Park and its history is symbolic of New York and its
16 connection to the slavery of people of African
17 descent. New York is a progressive state, yet it too
18 has a dark history on how it was built. And the
19 ghost of slavery are everywhere. Wallstreet, built
20 by enslaved people. Wayne Street, hidden Nigro
21 burial ground built in the 1700's, bodies of 419
22 Black people. Some historians estimate there to be
23 as many as 20,000 bodies.

24 City Hall in 1741, ten fires burned in New York.
25 Some White New Yorkers feared this could be a slave

1
2 uprising. In turn, 13 Black men were burned at the
3 stake, 17 Black people hanged, and more than 100
4 thrown in a dungeon, right there at City Hall.

5 As I mentioned, I'm a Housing Attorney, housing
6 rights and one of the most profound effects of
7 slavery in New York today is that the very people who
8 built this city are the ones who are being pushed out
9 of it. Eviction rates between 2017 and 2019, tenants
10 living in majority Black zip codes were more than
11 three times as likely to be evicted as tenants living
12 in majority White zip codes. Red lining, can't even
13 get a loan to buy a house in the land your ancestors
14 built. The list goes on. Reparations are long due
15 to correct these wrongs but it needs to be done
16 right.

17 For that to happen, we need a Commission of
18 qualified people who can study and research the
19 impact of slavery and I'm in full support of that.

20 SERGEANT AT ARMS: Time expired.

21 LEAH GOODRIDGE: Thank you for hearing my
22 testimony.

23 CHAIRPERSON EUGENE: Thank you very much for your
24 testimony. Thank you so much. Thank you.

1
2 COMMITTEE COUNSEL: Thank you. I see we have
3 Council Member Barron's hand is raised. Council
4 Member -

5 COUNCIL MEMBER BARRON: Yes, yes, thank you so
6 much. I just want to thank the panelist Attorney
7 Goodridge for the presentation that you gave. A very
8 succinct, a very powerful tidbit of the impact of
9 what African Americans did and what they were
10 subjected to and what they lost in the building of
11 the city, so thank you very much.

12 CHAIRPERSON EUGENE: Thank you Council Member
13 Barron.

14 COMMITTEE COUNSEL: Thank you. I would now like
15 to welcome Julia Elmaleh-Sachs to testify. After
16 Julia Elmaleh-Sachs we will have Seher Khawaja and
17 Beverly Neufeld.

18 Julia, you can go ahead once the Sergeants call
19 time. Oh -

20 SERGEANT AT ARMS: Your time will begin.

21 JULIA ELMALEH-SACHS: Good afternoon Chair Eugene
22 and Council Members Rosenthal and Barron. my name is
23 Julia Elmaleh-Sachs and I am a Plaintiff's Side
24 Employment Attorney at Crumiller P.C.. I am here to
25 testify today on behalf of NELA-New York, the New

1
2 York affiliate of the National Employment Lawyers
3 Association, working with PowHer New York.

4 As employees' attorneys, we regularly represent
5 employees who are subjected to discriminatory
6 treatment and practices at work. Most of our clients
7 are women and people of color who seek to remedy
8 unlawful conduct they have been subjected to by their
9 supervisors and company executives. Such unlawful or
10 discriminatory treatment sometimes includes pay
11 disparities, for the same or substantially similar
12 roles and responsibilities.

13 As an example, one of my former clients learned
14 that she was making significantly less than her male
15 counterparts only by happenstance, when she came
16 across an excel spreadsheet in the course of regular
17 business that contained salary information for all
18 employees.

19 Prior to that, she had no idea she was being
20 underpaid. Had the employer posted the salary range
21 of her role at the outset, she could have negotiated
22 a fairer compensation and the company could have
23 avoided a long, drawn out and costly lawsuit. Salary
24 range information would be immensely useful to
25 employees in other ways as well. Say an employee

1
2 asks for a raise after they have taken on extra
3 responsibility and is told that a raise is simply not
4 possible because they're already at the top of their
5 salary band. That employee may simply leave the
6 company. Alternatively, she might stay and be paid
7 less than some of her peers at her detriment.

8 If employees have access to salary range
9 information from the start of their employment, they
10 can make informed decisions when accepting a position
11 or applying for a promotion. By intentionally
12 keeping employees in the dark about salary range
13 information, employers have unfair leverage over
14 their employees and can, and often do, more easily
15 pay certain disfavored employees less than they
16 deserve.

17 The point of this bill is to create much needed
18 transparency around an often taboo topic. Similar to
19 the State Wage Notification Law, where employees are
20 made aware of their hourly and overtime rates, this
21 bill would simply endow employees with earning
22 potential information.

23 NELA New York and PowHer previously supported the
24 New York City Salary History Ban, which became
25 effective in 2017, and which mandated that New York

1
2 City employers cannot ask about an applicant's salary
3 history during the hiring process. Like the salary
4 history ban, this bill would help employees advocate
5 for themselves based on their merits and
6 qualifications, and it will help employers retain
7 talent and avoid unnecessary litigation down the
8 line. Thank you.

9 CHAIRPERSON EUGENE: Thank you very much for your
10 testimony. Thank you.

11 COMMITTEE COUNSEL: Thank you. We will now call
12 on Seher Khawaja to testify. After Seher Khawaja, we
13 will have Beverly Neufeld and Cat Shugrue Dos Santos.
14 Uh, Seher, you can go ahead once the Sergeants call
15 time.

16 SERGEANT AT ARMS: Your time will begin.

17 SEHER KHAWAJA: Good morning Chair Eugene and
18 members of the Committee on Civil and Human Rights.
19 My name is Seher Khawaja, my pronouns are she, her
20 and I am a Senior Attorney at Legal Momentum, the
21 Women's Legal Defense and Education Fund. For over
22 five decades, Legal Momentum has been at the
23 forefront of using the law to advance gender
24 equality, including pay equity. We applaud the
25 Council for its pioneering work in this area.

1
2 The purpose of my testimony today is to shed
3 light on the critical role that pay disclosure laws
4 play in advancing pay equity, particularly for women,
5 people of color, and other vulnerable workers. Today,
6 women of color and women in low-wage work continue to
7 face the most sizable and stagnant pay disparities.
8 And under our existing laws, these women bear the
9 burden and risk of identifying, challenging, and
10 correcting gender-based pay discrimination, alone and
11 in the dark.

12 Despite the passage of groundbreaking legislation
13 and state and local legislation on equal pay, pay
14 secrecy continues to undermine the efficacy of these
15 laws. The prevalence of pay secrecy prevents
16 employees from identifying disparities and allows
17 employers to endorse pay equity in theory without
18 having to implement it in practice. To address these
19 longstanding barriers, Legal Momentum has been
20 advocating for laws at the local, state, and federal
21 level that mandate pay range disclosure up front when
22 positions are posted. These laws serve various
23 critical functions.

24 They standardize salary setting to eliminate
25 opportunities for employers to inject overt and

1
2 implicit biases when making salary decisions, which
3 research shows that employers do. They curtail
4 exploitative wage practices, which thrive when we
5 don't know what employers pay their workers and which
6 disproportionately impact women who are
7 overrepresented in low-wage work. They breathe life
8 into our existing equal pay laws by giving workers
9 information to identify potential pay disparities and
10 by allowing employers to avoid those disparities by
11 setting pay in advance based on objective factors
12 rather than subjective assessments.

13 They create efficiencies for employers, helping
14 them establish more streamlined and fair pay
15 practices to avoid problematic pay disparities and
16 potential liability. They help level the playing
17 field for workers, giving women and people of color
18 more leverage in the hiring process since research
19 shows these workers are in a better position when
20 they have information regarding compensation.

21 A strong pay disclosure law should do several
22 things. It should mandate disclosure of pay ranges
23 to those seeking a job, to applicants, and to
24 existing employees. It should require ranges to be
25 reasonable and based on a range that an employer

1
2 actually relied upon. And this was touched upon by
3 the Commission. It should cover broad disclosure of
4 pay, including salary, benefits, and other forms of
5 compensation. And I know Council Member Rosenthal
6 spoke to that.

7 It should establish a simple, effective, and
8 efficient enforcement mechanism with straightforward
9 penalties for a violation to ensure compliance and
10 accountability. It should not require proof of
11 discrimination or discriminatory intent. It should
12 include concrete safeguards against retaliation for
13 anyone asserting their rights under these laws. And
14 they should require public education to ensure that
15 employees and employers are aware of their rights and
16 obligations under the law to facilitate compliance
17 and the Commission spoke to that.

18 As we tackle pay inequity, under the shadow of
19 the COVID-19 pandemic, we must recognize that our
20 current culture of pay secrecy is unjust,
21 inequitable, and thus unsustainable. Legal Momentum
22 is happy to serve as a resource and we thank you for
23 your time.

24 CHAIRPERSON EUGENE: Thank you very much. Thank
25 you for your testimony.

1
2 COMMITTEE COUNSEL: Thank you. At this time, I
3 would like to welcome Beverly Neufeld to testify.
4 After Beverly Neufeld, we will have Cat Shugrue Dos
5 Santos and Yolanda Johnson testifying. Beverly, you
6 can go ahead when the Sergeants call time.

7 BEVERLY NEUFELD: Great thank you.

8 SERGEANT AT ARMS: Your time will begin.

9 BEVERLY NEUFELD: Thank you Chairman and member
10 of the Committee for holding this hearing and special
11 thanks to Council Member Rosenthal for forwarding
12 Intro. 1208. You've had so many important bills that
13 have improved the lives of women and all people in
14 New York in your esteemed career.

15 Also, to Council Member Barron, this has been a
16 fascinating conversation around reparation remedies
17 and I think it does tie into the conversation we're
18 talking about, wage discrimination and the
19 intersectional nature of it.

20 I'm Bev Neufeld, Founder and President of PowHER
21 New York. We are over 100 organizations working
22 together collectively on economic equality for New
23 Yorkers who identify as women. I'm also a member of
24 the New York City Commission on Gender Equity.
25 PowHER has had a signature project, an equal pay

1
2 campaign. Since 2007, we've been working on this and
3 you'll hear from member of that campaign and you've
4 already heard from some.

5 We look for concrete solutions to eradicate
6 gender wage gap. And here in New York City, we are
7 so proud to have passed the salary history ban. It
8 then went on to become a New York State Law and has
9 ripple effects across the country. That's how
10 important New York laws are. Local Law 18 requiring
11 the data reporting of a race for public sector
12 employees is a game changer and it still has more
13 work to do to unroot disparities. We now have a new
14 pay equity cabinet in New York City.

15 So, we are making progress PowHER's helped pass
16 laws on a state level to protect workers from
17 retaliation and also a new standard, equal pay for
18 substantially similar work. So, what's next and
19 what's next is this bill. What's next is creating
20 openness, transparency, information sharing, and
21 really what this bill will do is create a culture
22 shift so that people have the information and
23 employers can actually go out and get the very best
24 candidate for their jobs.

1
2 We're doing this on a New York City level with
3 Senator Ramos and Assembly Member Joyner. I can't
4 emphasize how important this is to the Latina's and
5 the African American women in New York City who are
6 making so much less than their male Hispanic
7 counterparts. 700,000 Medina's and African American
8 women working full-time would have brought in \$22
9 billion in the economy in their lifetime. That is a
10 lot of money and instead, 30 percent of Latino women,
11 24 percent of -

12 SERGEANT AT ARMS: Time has expired.

13 BEVERLY NEUFELD: Women are living in poverty.
14 You have an opportunity to take an action to make a
15 real change on this. Thank you.

16 CHAIRPERSON EUGENE: Thank you very much for your
17 testimony.

18 BEVERLY NEUFELD: Thank you.

19 COMMITTEE COUNSEL: Chair Eugene, did you have
20 any questions?

21 CHAIRPERSON EUGENE: No, thank you so much.

22 COMMITTEE COUNSEL: Thank you. I would like to
23 now call on Cat Shugrue Dos Santos to testify. After
24 Cat Shugrue Dos Santos we will have Yolanda F.

1 Johnson and Jessica Stender. Cat go ahead when the
2 Sergeants call time.

3 CAT SHUGRUE DOS SANTOS: Sorry, I was trying to
4 unmute and it didn't want to let me. Good afternoon
5 everyone, thank you. I'll wait for my time.

6 SERGEANT AT ARMS: You may start.

7 CAT SHUGRUE DOS SANTOS: Thank you. Good morning
8 Chair Eugene, Council Members Rosenthal and Barron
9 and esteemed colleagues. My name is Catherine
10 Shugrue dos Santos, and I am the Deputy Executive
11 Director for Programs at the New York City Anti-
12 Violence Project. My pronouns are she, her and
13 her's.

14 I am also the Co-Founder and former Chair of the
15 New York City Taskforce on Domestic Violence and
16 Economic Justice. I am really honored to be here
17 today with so much really important conversation
18 about pay equity around reparations and so many
19 intersecting issues.

20 AVP works to respond to and prevent violence
21 against LGBTQ and HIV affected communities. We
22 believe and are here to support Intro. 1208-A because
23 salary transparency is the best predictor of pay
24 equity. Even in New York where diversity is part of
25

1
2 our city's core identity, in our economy pay gaps as
3 many of my fellow panelists have stated, that
4 correlate with gender, race and ethnicity are the
5 norm, not the exception.

6 Salary secrecy is one tool used by employers to
7 uphold the status quo of gender, race and ethnicity
8 based pay differentials. This is especially
9 important in the nonprofit sector, which is
10 predominantly staffed by those who reflect the
11 communities served and supported by nonprofits in
12 this city. Those who hold intersecting identities as
13 people of color, women, immigrants, low-income
14 people, people living with disabilities, and LGBTQ
15 people.

16 Notably, all of these communities face wage
17 disparities due to systemic bias and discrimination.
18 This Council knows well the challenges nonprofit
19 organizations face due to funding structures that
20 devalue our work in the best of times. And which
21 have become more difficult during the pandemic.

22 As the city's only LGBTQ specific anti-violence
23 organization, the majority of those that we serve and
24 support are queer and trans communities of color who
25 face disproportionate rates of discrimination,

1
2 unemployment, poverty and homelessness. AVP's work
3 help survivors heal from violence both in physical,
4 emotional and financial safety health and wellness.

5 For nonprofits, mission driven organizations,
6 arts organizations and human services agencies,
7 salary transparency helps us align our actions with
8 our values when it comes to how much people are paid
9 for their work.

10 Uh, sharing salary information is part of an
11 ongoing process at AVP to work toward equity and just
12 compensation. AVP believes that knowledge is power,
13 especially when it comes to how you make a living.
14 AVP works from the trauma informed and anti-
15 oppressive approach internally and externally. We
16 strive to compensate all of our staff fairly and
17 equitably. Over the past five years, we have
18 created, published and adhered to a salary scale for
19 all levels of positions, included salary information
20 and job postings and identified majestic pay gaps
21 within and among salary bans.

22 Building on this work most recently we've
23 implemented full salary transparency. Every AVP
24 staff member has access to salary information across
25 the organization. Given that salary transparency is

1
2 the best predictor of pay equity, we urge the Council
3 to pass Intro. 1208-A to move towards pay equity in
4 our city.

5 SERGEANT AT ARMS: Time has expired.

6 CHAIRPERSON EUGENE: Thank you very much for your
7 testimony.

8 COMMITTEE COUNSEL: Thank you. I would like to
9 now welcome Yolanda Johnson to testify. After
10 Yolanda Johnson, I will be calling on Jessica Stender
11 and Solange Charas to testify. Yolanda, you can go
12 ahead when the Sergeants call time.

13 SERGEANT AT ARMS: Time will begin.

14 YOLANDA JOHNSON: Good afternoon to the New York
15 City Committee on Civil and Human Rights. Chair
16 Eugene, Chair Members and distinguished guests. I am
17 Yolanda F. Johnson, I am the first Black President of
18 Women in Development in New York in its more than 40
19 year history and I'm also the Founder of Women of
20 Color and Fundraising in Philanthropy, a New York
21 based organization that is a global organization.

22 I'm here to speak today about Intro. 1208-A
23 because of its important and the absolute imperative
24 for salary transparency to be implemented as a top
25 tool for equity in the nonprofit sector. Both of the

1
2 organizations I lead have job wards which as the go
3 to places for women and women of color in the
4 nonprofit sector.

5 Earlier this year, we implemented a policy around
6 salary transparency. It was very interesting because
7 I received quite a bit of push back from some people.
8 From some organizations and recruiters saying, well,
9 my client can't do that because we're underpaying
10 other people too much and we don't want this person
11 to know that.

12 Two, people putting in random characters to not
13 have to go through a salary transparency.
14 Ultimately, we prevailed. I, also in my own career
15 have experienced salary inequity until others came to
16 the floor and helped me to understand the importance
17 of it. If transparency had been present, it would
18 have made a great difference.

19 In the nonprofit sector, we often suffer from a
20 sense of guilt because we're trying to get the good
21 work done and therefore we sacrifice our own
22 wellbeing and our own needs. Many in the nonprofit
23 sector, especially women actually are just one to two
24 paychecks away from being in the same situation as
25 many of the constituents that they serve.

1
2 So, I say, that I understand budgets can be an
3 issue for a nonprofit organization but in most cases,
4 an overall and assessment needs to be done on
5 fundraising practices, strategy and income strain
6 diversification. Because what we know for sure, is
7 that the nonprofit sector which professes and
8 endeavors to create a more just and equitable society
9 can not accomplish this work off the backs of
10 underpaid professionals. Thank you.

11 CHAIRPERSON EUGENE: Thank you very much.

12 COMMITTEE COUNSEL: Thank you. We will now turn
13 to questions from Council Members. Council Member
14 Rosenthal, you may ask your questions.

15 COUNCIL MEMBER ROSENTHAL: Thank you. Again, I
16 apologize for not being able to – for being a little
17 distracted but I just really [LOST AUDIO 2:14:23].
18 Uhm, you know, the people speaking about reparations,
19 it's so powerful. And I want to let you all know how
20 much I appreciate your support for my bill in the
21 maximum salaries.

22 Uhm, I think what's been said is right, change is
23 hard and a lot of people will push back. Uhm,
24 Yolanda, what you were just talking about in terms of
25 the nonprofit sector, uhm, I think what will happen

1
2 here and feel free to jump in. But I think it will
3 expose how poorly government pays for this work.
4 Uhm, and that's you know my - something I've worked
5 on during my tenure in the Council, is trying to get
6 higher wages in the nonprofit sector. Uhm, and I
7 actually think that given that the city contracts
8 with nonprofits to do the city's mandated work, uhm
9 these nonprofits should not have to go to private
10 donors to make up the difference between what
11 government pays and what people should be paid.

12 I don't know if you have any thoughts about that.
13 I know there are nonprofits that also do great work
14 that do not get city funding but I think that's the
15 piece that really jumps out at me. That it will lay
16 to bear exactly what is happening in the way that you
17 talk about someone being one or two paychecks away
18 from homelessness, you know real despair.

19 If the Sergeant can just make sure Yolanda or
20 anyone who's maybe raising their hand physically or
21 uhm, can talk. I put that question out to any of the
22 panelists really.

23 YOLANDA JOHNSON: Uh, yes. Thank you for the
24 question Council Member Rosenthal. I agree
25 wholeheartedly. The nonprofit sector has often been

1
2 made to feel like that struggle that they can't ask
3 for more and I think it will lay bare all of the
4 different disparities in pay inequity that is
5 present.

6 We know that it's there but until we can see it
7 in a transparent way and have the conversations that
8 we need to have, to get to where things need to be,
9 it's just going to be a difficult situation that's
10 never going to improve. And certainly, from
11 government that engage nonprofits to the nonprofit,
12 everyone has to take responsibility for this and move
13 it forward.

14 COUNCIL MEMBER ROSENTHAL: Thank you so much.

15 COMMITTEE COUNSEL: I believe we also have
16 statements from Beverly and Cat. We'll get you
17 unmuted.

18 BEVERLY NEUFELD: Thank you so much and thank you
19 Yolanda for that really important and personal uhm,
20 testimony. I just want to add quickly that PowHER
21 has recently created priorities for this upcoming
22 year and one of them is to work with the Just Pay
23 Campaign, which is exactly what you're talking about
24 the Human Services Councils Campaign.
25

1
2 But all in all, this is about you know fair pay
3 and the only way we're going to have that is if we
4 have the kind of transparency that Council Member
5 your bill will open up. So, I think that's a really
6 interesting point that this hopefully will help you
7 know the folks who are doing great work and really
8 not getting great pay. So, thank you, that's a
9 really - I think that's an additional reason for this
10 bill.

11 CAT SHUGRUE DOS SANTOS: Yeah, I agree with
12 everything that Beverly and Yolanda said and I just
13 wanted to add, I just wanted - sorry about the noise
14 in my background. Uhm, I just wanted to add that I
15 think one of the important parts here I think that
16 Helen, your comment raises Council Member Rosenthal,
17 is that so much of this is about implicit bias and
18 things that folks are not aware of. And so, trying
19 to make sure that transparency is what helps us move
20 towards more equity because it exposes those things.

21 So, I think its really essential that we do that.
22 So, I just wanted to underscore what Yolanda had
23 mentioned about that.

24 COUNCIL MEMBER ROSENTHAL: Oh, thank you both so
25 much. I appreciate that input. I do [INAUDIBLE

1
2 2:19:45]. Is that right? Beautiful Black standard
3 poodle.

4 CAT SHUGRUE DOS SANTOS: My mini poodle but I
5 couldn't hear you. Yes, she has decided to testify
6 as well.

7 COUNCIL MEMBER ROSENTHAL: Mini, oh, okay. Thank
8 goodness, we need a little dog humanity always. But
9 thank you both. I really appreciate that. Thank
10 you.

11 COMMITTEE COUNSEL: Thank you. Seeing no other
12 questions for this panel, I would like to invite
13 Jessica Stender to testify followed by Solange
14 Charas, Charas, my apologies. And after Solange, we
15 will have Jerry Bergman testifying. Jessica, you can
16 go ahead when Sergeants call time.

17 SERGEANT AT ARMS: Your time will begin.

18 JESSICA STENDER: Good morning, my name is
19 Jessica Ramey Stender and I am Senior Counsel for
20 Workplace Justice and Public Policy at Equal Rights
21 Advocates. Thank you for the opportunity to testify
22 on behalf of Equal Rights Advocates and Equal Pay
23 Today. ERA is a national nonprofit legal
24 organization dedicated to protecting and expanding
25 economic access for women and girls and people of

1
2 other marginalized gender identities. The Equal Pay
3 Today Campaign is a collaboration of national and
4 state based legal advocacy, worker justice and social
5 justice organizations fighting to close the gender
6 wage gap through policy reform, litigation and
7 education and outreach.

8 As we've heard, the wage gap persists across
9 industries, occupations and education levels and it
10 has a heavy toll not only on women and particularly
11 women of color but also on the families they support.
12 One contributor as we've been discussing to the wage
13 gap is that pay disparities are often hidden from
14 sight and can be a result of unconscious biases and
15 historical inequities and therefore this issue of pay
16 transparency that we've been discussing at length
17 today is critical. And especially so at the outset
18 of the employment process to help prevent gender and
19 race based pay disparities from developing in the
20 first place.

21 So, a key strategy here under this pay
22 transparency umbrella, is providing salary ranges.
23 When an employer asks a job applicant what his or her
24 salary or their salary expectations are without
25 providing them information about the pay for a

1 position, women and people of color are harmed.

2 Studies show that women often ask for less when they
3 negotiate than men, even when they are otherwise
4 equally qualified. Fortunately, research also shows
5 that when job applicants are provided with relevant
6 information in negotiations including salary range,
7 women are more willing to negotiate and more
8 successful in negotiating. And importantly, the
9 gender wage gap narrows.
10

11 The much narrower wage gap in the public sector
12 where agencies typically have transparent and public
13 pay structures, evidenced as this, that greater
14 salary range transparency help reduce wage
15 disparities. Nationally, the gender based wage gap
16 for all full-time workers is 18 percent but in the
17 federal government where pay rates are publicly
18 available, the gender based pay gap in 2017 was just
19 seven percent. Likewise, secrecy of up pay hides and
20 perpetuates gender pay gaps for existing employees.
21 So, when employees have access to salary range
22 information, so not just applicants but employees
23 about a given position, they can evaluate whether
24 they are being paid fairly and attempt to resolve any
25

1
2 pay disparities that they think might exist with
3 their employer.

4 Thus far, Maryland, Colorado, Washington,
5 California and Connecticut have all enacted salary
6 range, transparency requirements. Other states are
7 looking to potentially do this as well. And I just
8 want to finally note that salary range requirements
9 are also beneficial to employers. Providing job
10 applicants with the range for a position can help an
11 employer more efficiently and accurately match with
12 candidates whose salary requirements are aligned with
13 what they can offer. So, employers know the range
14 they are willing to pay and this just would require
15 them to be transparent about it and also, enable them
16 to avoid wasting time interviewing candidates who are
17 not interested in the job given the pay level that
18 really exists.

19 So, in closing, I would just urge the Committee
20 to support this important measure to increase pay
21 transparency and I'm happy to answer any questions
22 that you may have. Thank you for your time.

23 CHAIRPERSON EUGENE: Thank you very much.

24 COMMITTEE COUNSEL: Thank you. I would like to
25 now invite Solange Charas to testify. After Solange

1
2 Charas, we will have Jerry Bergman and then Jon
3 Taylor. Now, if any of the people that will be
4 testifying do require interpretation, please use the
5 raise hand function when I've called your name to
6 indicate to us you will need ESL interpretation.

7 Solange, you can go ahead when the Sergeants call
8 time.

9 SERGEANT AT ARMS: Your time will begin.

10 SOLANGE CHARAS: Thank you Chair Eugene and all
11 Council Members.

12 CHAIRPERSON EUGENE: Thank you.

13 SOLANGE CHARAS: My name is Dr. Solange Charas
14 and I am a Human Capital Subject Matter Expert with a
15 PhD in Management and MBA and Accounting in Finance
16 and a BA in Economics.

17 I have served as the top HR Executive for three,
18 for-profit organizations, served as a Board Director
19 for two public companies and held senior roles at
20 Ernest and Young and Arthur Anderson.

21 I am currently an Adjunct Professor in the
22 Masters of Human Capital Management Programs at
23 Columbia USC and NYU. I am a distinguished principal
24 research fellow at the Conference Board and today, I
25 am representing PowHER New York Equal Pay Committee.

1
2 I'm here to talk to you about the benefits of human
3 capital transparency for workers, organizations and
4 the community at large. Transparency in all matters
5 human capital including the matter you are taking up
6 today, is being called for by the most prestigious
7 governance monitoring agencies like the SCC, SAZBY,
8 the World Economic Forum, the Business Round Table
9 and the International Standardization Organization.

10 It is just a matter of time before organizations
11 adopt transparency in all matters, including human
12 capital matters.

13 Several states and municipalities have already
14 passed legislation requiring this kind of
15 transparency that you're discussing today with
16 positive outcomes. Transparency benefits workers.
17 The more information they have, the better they are
18 able to make decisions that ultimately lead to
19 enhance personal and professional outcomes.

20 The perception that they are being treated in a
21 fair and consistent manner is associated with higher
22 levels of productivity and job satisfaction. This
23 research is based on organizational justice theory.
24 Transparency benefits the organization. Having been
25 studied by the academic community for decades,

1
2 research proves that there is a positive correlation
3 between human capital transparency and profitability.

4 If I were to tell you that you could improve your
5 bottom-line by up to 25 percent, simply by embracing
6 transparency in your business processes, wouldn't
7 you? The argument that disclosing salary information
8 violates trade secrets or compromises the companies
9 competitive advantage is simply no longer true.

10 Scores of company are so transparent, they
11 voluntarily share what was once considered sensitive
12 information and are reaping the benefits in higher
13 engagement, lower attrition and enhanced business
14 outcomes.

15 Competitive salary levels are no longer a secret
16 as the Bureau of Labor Statistics and other
17 organizations like Salary.com are widely available.
18 That many organizations voluntarily provide salary
19 ranges for management positions and their positing
20 proves this point.

21 Lastly, transparency benefits the community at
22 large. An ounce of prevention is certainly worth a
23 pound of cure in this case. Given the war for talent
24 and the shrinking labor pool, we need to make New
25 York City a disclosure forward community and be a

1
2 leader in the coming transparency movement, drawing
3 businesses and talent to our city.

4 I hope you'll consider these points as you
5 deliberate the merits of this bill. Thank you for
6 your attention.

7 CHAIRPERSON EUGENE: Thank you.

8 COMMITTEE COUNSEL: Thank you. I would now like
9 to welcome Jerry Bergman to testify followed by Jon
10 Taylor and then Fred Corman. Again, if anyone on
11 these panels - oh, my apologies, before we start, I
12 see that Council Member Rosenthal does have her hand
13 raised.

14 COUNCIL MEMBER ROSENTHAL: Thank you so much for
15 that Jayasri. And I want to thank the last few
16 panelists for sure for their insights. I really
17 appreciate that. Actually, I have a quick question
18 for Cat Shugrue is she is still here and if someone
19 could unmute her. Uhm, your testimony in particular
20 was interesting because you've actually done it at
21 your organization. Uhm, hang on one second.
22 Jayasri, I'm not able to see all the panelists. Is
23 Cat still here?

24 COMMITTEE COUNSEL: I'll take a look.
25

1
2 COUNCIL MEMBER ROSENTHAL: Okay, I just want to
3 make sure she is able to answer the question. Uh, if
4 she's not, I will ask her separately but uhm, so, if
5 she's not here, it's fine. What I'll be asking her
6 is what the impact was of her organization
7 instituting the public pay ranges and whether or not
8 they lost any staff or if staff were – what the
9 response of staff was?

10 Because she's not on, I'm going to ask her to
11 actually try to put that in writing and submit it as
12 part of her additional testimony. Thank you. Thank
13 you for that.

14 COMMITTEE COUNSEL: Thank you Council Member
15 Rosenthal. Uh, we will now move to the next panel,
16 which is I'm calling on Jerry Bergman to testify
17 followed by Jon Taylor and Fred Corman. Jerry, you
18 can go ahead when the Sergeants call time.

19 JERRY BERGMAN: Thank you. Please don't start me
20 on the timer yet because I wish the Council to
21 understand that when people speak as fast as they
22 have been, the ASL interpreters and the cart
23 providers absolutely cannot keep pace with the speed
24 of the remarks. So, I need to speak at a controlled
25 pace and I want to ask that you give me an extra

1
2 minute or two if that's required to get through my
3 testimony.

4 Thank you Chairman Eugene, Council Members and
5 staff. I'm Jerry Bergman, an Advocate for people
6 with hearing loss. A big thanks to Council Member
7 Rosenthal for introducing INT 2020. I testify today
8 in support of the ordinance to require open captions,
9 also known as subtitles on a fair and equitable
10 basis. One that reasonably accommodates us without
11 harming the motion picture exhibitors.

12 We seek to buy tickets to open caption showing
13 for all movies, all cinemas, on a regular week day,
14 week night, weekend, matinee and evening schedule. A
15 modest one that will not put cinemas out of business.
16 For a decade, deaf and hard of hearing people have
17 been repeatedly and continually denied movie
18 enjoyment by systems that fail, devices that go dead,
19 while it must be painfully held for two hours because
20 they otherwise would topple over.

21 Unlike closed caption devices, captioning is
22 wildly popular among all people and increasingly
23 common in the media. A change that ordered petitions
24 specifically on open caption movies, now has over
25

1
2 24,000 signatures, over 1,500 of them from New York
3 State and almost 600 from city folks.

4 Recently, when Marvels Eternals was released,
5 promoters contacted our hearing loss association and
6 offered an open caption screening for us. Why? Only
7 because one of the movie stars, Lauren Ridloff is
8 deaf. Ms. Ridloff in a September 19 New York Times
9 interview was asked, if movies are accessible to
10 people who were deaf. Her response, no, we're an
11 after thought in movie theatres and that needs to
12 change. She described using a CC device as "a
13 headache" because most of the time she said, often
14 when the movie is half over, the devices don't work
15 and then you get her words, "well, how about I give
16 you a free ticket for the next movie?" And I'm like,
17 are you kidding me?

18 Recently AMC began scheduling some open caption
19 showings. The companies CEO referred to the move as
20 "a real advance for those with hearing difficulties
21 or where English is a second language." Correct
22 about ESL people but no, not a real advance, simply a
23 star. Try finding an open caption showing at a
24 Cinema near you. I did that this week. Although I
25 live within walking distance of two AMC multiplexes,

1
2 I would need to take public transportation to get to
3 one where an open caption showing was scheduled.

4 I live in Manhattan and can do that but imagine a
5 person or a family with a deaf child in the outer
6 boroughs.

7 SERGEANT AT ARMS: Time is expired.

8 JERRY BERGMAN: Cinemas have a check out on
9 return policy for using closed captions devices that
10 is inconvenient, especially when the devices are
11 dispensed in the lobby but the movie is showing in an
12 auditorium way upstairs. Because some of us feel
13 stigma or embarrassment about the need for visible
14 accessibility, being seen using open captions devices
15 makes us feel uncomfortable wondering what other
16 patrons may think since being deaf or having hearing
17 loss generally cannot be seen. Some restaurants now
18 routinely have QR codes through which to view menus
19 to protect against COVID transmission. We have no
20 clue whether caption devices are even disinfected at
21 all, much less before being transferred from one
22 person to another.

23 None of these issues pertain when people can
24 watch movies on the big screen with open captions.
25 For years, the deaf entertainment access foundation

1
2 has politely asked local cinema managers to schedule
3 open caption showing with rare exception their
4 requests have been denied.

5 AMC said it will offer open captions in 240 U.S.
6 locations, I believe that's less than 50 percent of
7 their cinemas in the U.S.. Why? What about the
8 people who are deaf or hard of hearing elsewhere?
9 I'm submitting a two page fact sheet and nine page
10 backgrounder as written testimony for more detail. I
11 hope if any of you are not convinced that open
12 caption movies are needed, you will read the
13 documents, understand how we got to this point and
14 help us by voting for a revised version of INT 2020
15 that treats both us and movie exhibitors fairly.

16 In closing, many supporters have pledged to
17 submit written testimony. Many of them have online
18 jobs, doctors appointments, etc., so that's why more
19 of us will not be heard from today. Thank you.

20 CHAIRPERSON EUGENE: Thank you so much. Thank
21 you very much. Thank you.

22 COMMITTEE COUNSEL: Thank you. At this time, I
23 would like to call on Jon Taylor to testify. After
24 Jon Taylor, seeing the Fred Corman is not in the
25 Zoom, I will be calling Matthew Greller followed by

1
2 Alex Rich. Jon, you can go ahead as soon as the
3 Sergeants call time.

4 SERGEANT AT ARMS: Your time will begin.

5 JON TAYLOR: Hello, good morning, good afternoon
6 Chair Eugene and Council Members. Thank you to
7 Council Member Rosenthal for introducing this
8 legislation. My name is Jon Taylor and I am
9 President of the New York City Chapter of the Hearing
10 Loss Association of New York – of America. Like many
11 of our members because of my profound hearing loss, I
12 cannot enjoy movies without captioning. However,
13 many times when I have gone to movie theatres,
14 captioning devices did not work. Closed caption
15 devices place a substantial burden on theatres who
16 must properly maintain them. Sometimes theatres have
17 neglected to charge devices. Sometimes devices were
18 broken. On other occasions, theatre staff had not
19 set the devices correctly.

20 The last time I went to the movies, after
21 offering me three different devices, none of which
22 produced captions, the staff realized that the device
23 was not the problem, the auditorium equipment was not
24 functioning properly. I know that my experiences are
25 not unusual, they are typical. Even when devices

1
2 work properly, the type that is worn as glasses are
3 heavy and uncomfortable. While the devices that are
4 placed in cupholders never fit properly and fall down
5 easily.

6 In addition, it places a burden on users who must
7 arrive early to get a device and to identify
8 themselves as having hearing loss. Extensive
9 research has demonstrated that captioning benefits
10 everyone, not just those with hearing loss. People
11 comprehend and remember text better when speech is
12 captioned than when it is only spoken.

13 I've submitted a peer review journal article
14 summarizing this research and hope that you will take
15 the time to read it. This research confirms what
16 many of us have seen in person when we have attended
17 caption performance on Broadway. Many people who are
18 not wearing hearing devices are glued to the
19 captioning screen. And of course, captioning will
20 benefit millions of people with undiagnosed or
21 untreated hearing loss. Thank you for your time and
22 consideration.

23 CHAIRPERSON EUGENE: Thank you so very much.
24 Thank you.

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2 COMMITTEE COUNSEL: Thank you. Uhm, at this
3 time, I would like to call on Matthew Greller to
4 testify. After Matthew Greller we will have Alex
5 Rich and Doug Murdoch. Matthew, you can go ahead as
6 soon as the Sergeants call time.

7 SERGEANT AT ARMS: Your time will begin.

8 MATTHEW GRELLER: Thank you. Good afternoon
9 Chairman Eugene and members of the Committee. My
10 name is Matt Greller and I'm an Attorney and a
11 Lobbyist here on behalf of a client Natto, owners of
12 New York State. In New York City Natto represents
13 over 30 movie theatres across the five boroughs. Let
14 me be very clear, the movie theatres are still
15 suffering from this terrible pandemic. The theatres
16 want all patrons to feel safe and return to the
17 theatres, which is still the best place to see a
18 movie.

19 Of course, this includes members of the deaf and
20 hard of hearing community. We want members of the
21 deaf and hard of hearing community and others that
22 might benefit from increased open caption showtimes
23 to feel welcome at the cinema. At the same time,
24 however, we oppose Intro. 2020 for three main reasons
25

1
2 which I described in further detail in our written
3 testimony.

4 First, this bill will be damaging economically
5 for the movie theatres. Theatres are already trying
6 to recover from being decimated by the pandemic and
7 experience in data show that audiences that are not
8 deaf and hard of hearing do not like open captioning
9 and either request refunds or they stay home.

10 A recent survey estimated that 49 percent of the
11 audience has not returned since the pandemic started.
12 We do not need to know the reason for patrons to stay
13 home, especially with competition from streaming
14 services.

15 Second, this bill is unnecessary. Theatres are
16 already providing open caption showtimes voluntarily
17 and offer additional open caption showtimes upon
18 request. One major circuit is currently running an
19 expanded open caption pilot in three of the busiest
20 theatres in the city. The theatres are also
21 exploring ways to improve the closed captioning
22 experience with new technology to make all patrons
23 feel welcome, comfortable and included. Theatres can
24 and should do better on open captioning but we do not
25 need a legislative mandate to do so.

1
2 Third, this bill is impractical. It far exceeds
3 existing demand and the 50 percent mandate between
4 peak and nonpeak showtimes cannot mathematically be
5 met. Even Dr. Strange using the time stone could not
6 figure out a way to play more open caption showtimes
7 than their actually is time. This bill was too
8 convoluted with its ban on overlapping films, awkward
9 start and end times that don't fit for most two hour
10 films and the excessive 50 percent mandate. Simply
11 put, Intro. 2020 is unworkable.

12 Lastly, there's a concern about the timing of
13 this bill. When it was first introduced, the
14 theatres were still ordered closed by the Governor.
15 At the time, we reached out to all sponsors to see if
16 we could engage with constituents to address
17 concerns. The bill was bad timing when it was
18 introduced then and respectfully, this hearing is bad
19 timing now. Please allow the advocates in the
20 theatres to continue their productive discussions to
21 find a win-win solution for expanding open
22 captioning. Such a solution will be based on common
23 sense and data and not an inflexible mandate that
24 will only kick the movie theatres when they are down.
25 There should not be a rush on this bill just because

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2 it is December. The best way to get things right is
3 to allow stakeholders to achieve a voluntary and
4 dynamic solution and not just a legislative mandate.

5 If this bill is implemented, there may not be
6 movie theatres left to show open caption movies or
7 any movies at all. Thank you.

8 CHAIRPERSON EUGENE: Thank you very much.

9 COMMITTEE COUNSEL: Thank you. At this time, I
10 would like to call on Alex Rich to testify. After
11 Alex Rich I will be calling Doug Murdoch and John
12 Waldo testify. Alex, you can go ahead as the
13 Sergeants call time.

14 SERGEANT AT ARMS: Your time will begin.

15 ALEX RICH: Chairman Eugene and members of the
16 Committee on Civil and Human Rights, thank you for
17 the opportunity to testify today. My name is Alex
18 Rich and I work for the National Association of
19 Theatre Owners, a trade association representing the
20 exhibition industry.

21 Movie theatres have been deeply impacted by the
22 COVID-19 pandemic. In New York City, theaters were
23 required to close for 50 weeks and when allowed to
24 reopen, face capacity restrictions that made breaking
25 even, let alone turning a profit nearly impossible.

1
2 With theatres closed or operating at reduced
3 capacity, major studios delayed releasing new films
4 or move them to streaming services, which prolong the
5 economic impact of the shutdown since theatres had no
6 new product to play when they welcome back movie
7 goers.

8 Despite zero income during this period, theatres
9 continue to face mounting fixed costs such as taxes,
10 rent and city inspection fees. While the city
11 theatres were still closed as per then, Governor
12 Cuomo's Executive Order, one company still had to pay
13 for elevator and escalator inspections despite having
14 no patrons at a cost of \$92,000. At the same time,
15 the majority of New York City theatres received no
16 financial assistance from the federal, state or
17 municipal governments.

18 It will be a long road to recovery for the
19 exhibition industry. As Hollywood begins to release
20 new films, audiences are slowly coming back to see
21 blockbusters on the big screen. But the industry is
22 far from the record breaking years it enjoyed pre-
23 pandemic. For instance, this past Thanksgiving
24 weekend, box office was down 46 percent compared to
25 the same timeframe in 2019. Further, new research

1
2 shows that 49 percent of consumers who attended
3 movies pre-pandemic are no longer doing so. While
4 theatres remain confident that most of these
5 consumers will return to their auditoriums, it will
6 continue to take time.

7 Simply put, the exhibition industry is still
8 facing an existential crisis that threatens the job
9 security of theatre employees and the businesses that
10 rely on robust movie going to remain profitable. Any
11 mandate that will further dampen customers enthusiasm
12 for the theatrical experience could force theatres in
13 New York City to close permanently. We believe the
14 requirements of this bill will exacerbate the
15 difficult economic conditions facing theatres by
16 suggesting – subjecting them to further financial
17 losses.

18 And this issue is not just about movie theatres.
19 According to an Ernst and Young study commissioned by
20 NATO, movie night spending and other businesses in
21 the U.S. amounted to \$5 billion in 2019 before the
22 pandemic hit. New York City restaurants, retail
23 stores and other businesses will continue to suffer
24 without the customers attracted by movie theatres.

1
2 As an industry, we remain committed to expanding
3 access to all movie goers. Later, you will hear
4 about the steps our industry has taken to ensure
5 every movie at any time has access to the use of
6 captioning devices. You will also hear about
7 voluntary open caption programs being rolled out by
8 companies across the country. I look forward to
9 answering any questions you have. Thank you.

10 CHAIRPERSON EUGENE: Thank you very much. Thank
11 you.

12 COMMITTEE COUNSEL: Thank you. Uh, at this time,
13 I would like to welcome Doug Murdoch to testify.
14 After Dough Murdoch we will have John Waldo followed
15 by Kathleen Collins. Uh, for anybody that does need
16 interpretation services, please use the raise hand
17 function when your panel is called, so we are aware
18 that you will be needing interpretation.

19 Doug, you can go ahead as soon as the Sergeants
20 call time.

21 SERGEANT AT ARMS: Time starts now.

22 DOUG MURDOCH: Chairman Eugene and members of the
23 Committee. I am Doug Murdoch, Executive Director of
24 Mid-Atlantic NATO and Regional Affiliate of the
25 National Association of Theatre Owners.

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I am here to speak in opposition to INT. 2020 open caption in motion picture theatres. While the impact of open captioning terms of proposed bill will be addressed by my other theatre colleagues, I would like to comment on the unworkable parameters of the bill. As you know, the bill calls for certain movie theatres to provide open captioning for at least half of the shows of each movie per week. On the surface, that sounds like the simple equation but not when you try to apply it to the real show times in a movie theatre.

So, let's take a look. Typical showtime schedules for a two hour movie with 15 minutes of previews and a 30 minute intermission. Uhm, now, the bill does not define what a week would be but for this example, we're going to use Friday through Thursday. Now, as illustrated in this uhm, uh, snapshot and was also what I submitted in my testimony. The film would play about five shows per day giving 35 shows a week. Now, according to the bill, at least 50 percent of those 35 would have to play in open captioning. That's 18 open caption per week.

1
2 But then the bill goes further and says that at
3 least half of open caption showings would have to be
4 played during designated peak movie attendance hours.
5 Defined as a motion picture that begins after 5:59
6 p.m. and finishing before 11 and 1 p.m. on a Friday
7 or it's showing that it begins after 11:59 a.m. and
8 finishing before 11:01 on a Saturday or a Sunday.

9 In this example, I highlighted in yellow the
10 showtimes that would fit into those designated time
11 periods. The problem is, there is only seven
12 showtimes but the bill would require nine. Again, 18
13 of the 35 would have to play closed caption and at
14 least half of that would be nine. There is simply
15 not enough time in the day to comply.

16 The bill then goes on further to say that at
17 least half of the scheduled showings that are
18 scheduled outside of that peak period to start after
19 5:59 p.m. and finish before 11:01 p.m. on the
20 weeknights. For this example, I have highlighted in
21 blue the showtimes that would fit into that time
22 period.

23 So, after nine would be five -

24 SERGEANT AT ARMS: Time expired.
25

1
2 DOUG MURDOCH: This simply doesn't work. The
3 math just simply doesn't work and for that reason, I
4 encourage the Committee not to approve this bill. I
5 thank you for the time to speak and we are happy to
6 answer any questions.

7 CHAIRPERSON EUGENE: Thank you.

8 COMMITTEE COUNSEL: Thank you. At this time, I
9 would like to call on John Waldo to testify. After
10 John Waldo, we will have Kathleen Collins followed by
11 Monica Bartley. Again, if any of these panelists do
12 need interpretation services, please use the raise
13 hand function and we will have an interpreter
14 available for you.

15 John, you can go ahead as the Sergeants call
16 time.

17 SERGEANT AT ARMS: Time starts now.

18 JOHN WALDO: Thank you all for your attention to
19 this important issue. I am John Waldo and you may be
20 wondering why a lawyer in Houston Texas is testifying
21 about this. The answer is that I've been advocating
22 for the interest of people with hearing loss for
23 about 15 years and have been heavily involved in
24 issues surrounding the movies. So, I'm fairly
25

1
2 familiar with this whole issue particularly the
3 problems with closed captioning and open captioning.

4 The theatres concern and it's a legitimate
5 concern, is that economic times are difficult for
6 them. It's also true that open caption movies, tend
7 not to be as well attended as non-caption movies.
8 Those two things are a given. But here's the
9 problem. The theatres consistently only look at half
10 of the whole picture. Here's the whole picture.
11 There are people who don't like open captioning, I
12 get that. What do they do? Do they say, oh darn,
13 the seven o'clock showing of this particular movie on
14 this particular day is open caption, therefore I'll
15 never get to see that movie. I don't think so.

16 I think they find another time to see that movie
17 or if they really want to go to a movie at seven
18 o'clock on Friday night, they go to another different
19 movie. There are also people who would not be at the
20 theatre if it were not for open caption movies and
21 you're hearing a lot about them today.

22 So, where are the numbers? How do they balance
23 out? There's an interesting experiment in Washington
24 DC a couple of years ago that shed some real light on
25 that. Uhm, an open caption ordinance was proposed.

1
2 A number of theatres started offering voluntary open
3 caption movies and they hired Ernst and Young, the
4 Accounting firm to develop a model to try to predict
5 attendance and see what difference the captioning
6 made. Here's what happened. Ernst and Young said
7 okay, here's a situation where we have one movie
8 showing with open captions and the same movie showing
9 in the same theatre within an hour with non-caption.
10 How does it work out? Well indeed, they predicted
11 that there would be 23 people at each movie, all
12 other things being - The open caption movie only drew
13 18 people. That's a loss right?

14 But do those five people and only those five
15 people go to the non-caption movie? No, there eight
16 additional people at the - I'm sorry, ten addition
17 people at the non-caption movie. There was a net
18 gain of four people when you had both options
19 available to people.

20 You know, under circumstances it can be a plus
21 that the people who don't want open caption will find
22 some place else to go. The people who do need it,
23 they now come to the theatre. You are not
24 reinventing the wheel here. Since 2015 had a
25 statewide statute that requires two open captioning

1
2 showings a week of each movie. Now I know for two
3 years -

4 SERGEANT AT ARMS: Time expired.

5 JOHN WALDO: It was down to one but now it's back
6 to two. Has that caused theatres to close? I've
7 seen no evidence of that. Uhm, this is something
8 that can work for everybody. What we'd like to do is
9 find a way to start. To find out what the real
10 situation is. Not look at attendance on a show by
11 show basis but look at aggregate attendance. That's
12 the only way we're ever going to be able to figure
13 out what happens to the people who didn't show up
14 that day for the open caption movie. What do they
15 do? Do they go to another movie? Do they go on
16 another day? We only know if we start looking at
17 aggregate data.

18 Uhm, we want to keep talking to the theatre
19 owners but really something can be done that can be a
20 win-win for everybody and we really would like a move
21 in that direction. Thank you.

22 CHAIRPERSON EUGENE: Thank you very much.

23 COMMITTEE COUNSEL: Thank you John. Next, we
24 will have Kathleen Collins testifying followed by
25

1
2 Monica Bartley and Andy Stone. Kathleen, you can go
3 ahead as soon as the Sergeants call time.

4 SERGEANT AT ARMS: Time starts now.

5 KATHLEEN COLLINS: Thank you for letting me
6 testify before you here today. I am a Co-Coordinator
7 at Downstate New York ADAPT. Downstate New York
8 ADAPT is a grassroots nonhierarchical community,
9 people with all types of disabilities advocating for
10 the civil rights of people with disabilities. We
11 have reviewed bill INT 2020 and we support requiring
12 of open caption movie screenings. However, we would
13 propose that all movies have open captioning because
14 people with disabilities should be able to attend any
15 movie at any time they want.

16 Now, I know the movie theatre owners and
17 operators here are gasping at this moment. And we've
18 heard these similar arguments before with
19 transportation entities, both private and public
20 entities when we proposed many years ago about 100
21 percent access to buses. However today, we have 100
22 percent access to buses in New York City both on the
23 private and public realm. And it didn't bankrupt
24 anybody and I know maybe in the beginning people were
25 like, oh, these people with realtors, it's going to

1
2 take longer for them to get on the bus and things
3 like that. But now, New Yorkers have totally
4 embraced it and everybody in New York is just you
5 know, a fact of life we have accessible buses and I
6 submit to you, that we should not under estimate New
7 Yorkers. New Yorkers are great people and I believe
8 that maybe in the beginning, I know they say these
9 surveys and that but surveys can be slanted and you
10 know – and maybe the people don't even know what they
11 are saying yes or no to about what open captioning
12 is. But once they experience it, I'm sure people
13 will all – New Yorkers will embrace it.

14 So, thank you for listening to me today and also,
15 thank you for making this meeting accessible to
16 everyone. All New York City Council meetings should
17 be accessible under the Americans with Disability
18 Act. It's all civil right, not just this meeting.
19 We believe and we are interested in everything. Just
20 like everybody else here and we have a right to be at
21 these meetings and be able to hear what's happening
22 at these meetings. And to be able to take down the
23 notes to because that helps someone like me.

24

25

1
2 So, I mean captioning is not just for the hearing
3 impaired and the deaf, it's for all of us. Thank
4 you.

5 CHAIRPERSON EUGENE: Thank you very much.

6 COMMITTEE COUNSEL: Thank you. I will now call
7 on Monica Bartley to testify. After Monica Bartley,
8 I will be calling on Andy Stone and then Raymond
9 Smith to testify. Monica, you can go ahead as soon
10 as the Sergeants call time.

11 SERGEANT AT ARMS: Time starts now.

12 MONICA BARTLEY: Good afternoon. My name is
13 Monica Bartley, Community Outreach Organizer at the
14 Center for Independence of the Disabled New York,
15 CIDNY.

16 CIDNY's goal is to ensure full integration
17 independence and equal opportunity for all people
18 with disabilities by removing barriers to the social,
19 economic, cultural and civic life of the community.
20 Participating in leisure activities is a significant
21 part of daily living. As it contributes to the
22 psychological and cognitive wellbeing physical health
23 and quality of life. For a long time deaf and hard
24 of hearing people have experienced limited
25 participation in some activities. One such being

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2 watching a movie at the movie theatre like other
3 people. If deaf or hard of hearing audiences need to
4 see a movie with open captions, they are forced to
5 rely on unreliable equipment, work around the
6 screening or wait until streaming or physical
7 release.

8 They have to rely on devices for closed
9 captioning. These devices have been criticized for
10 malfunctioning or not being charged by theatre staff
11 before use. To get them functioning requires trips
12 to the box office that causes them to miss half of
13 the movie. It is also very inconvenient to use these
14 devices as having to have been looking up and down
15 from the device to the screen for the duration of the
16 movie. CIDNY sees Intro. 2020 as a move in the right
17 direction. Recent AMC, one of the largest movie
18 theatre chains announced it will expand on screen
19 captioning at 240 locations in the United States and
20 we expect to see this extended further. This bill
21 calls for motion picture theatres that have more than
22 two screens and provide more than two screens and
23 provide more than ten showings per week to provide
24 open captioning for at least half of the showings of
25 each movie per week.

1
2 The pandemic has opened up new ways of
3 functioning that we did not see possible. There is
4 so much more awareness now to open captioning in
5 various areas, which has benefited many people so the
6 general public is more receptive of this. CIDNY
7 supports this law and seeks that the New York City
8 Council sign Intro. 2020 into law. Thank you very
9 much.

10 CHAIRPERSON EUGENE: Thank you very much.

11 COMMITTEE COUNSEL: Thank you. I would like to
12 now call on Andy Stone to testify. After Andy Stone,
13 I will be calling Raymond Smith and then Joseph
14 Masher to testify. Andy, you can go ahead as soon as
15 the Sergeants call time.

16 SERGEANT AT ARMS: Time starts now.

17 COMMITTEE COUNSEL: I believe you are still muted
18 Andy.

19 ANDY STONE: Okay, a bit of a school boy error,
20 apologies. So, good afternoon Chairman Eugene and
21 members of the Committee. My name is Andy Stone and
22 I am the Regional Director for Regal Entertainment.

23 So, as you've heard, the impact of COVID meant
24 that were one of the last businesses to reopen across
25 New York City. Uh, you can imagine Regal

1
2 Entertainment is being significantly impacted by the
3 financial losses that were caused. And furthermore,
4 we continue to incur costs during our extended period
5 of closure which really has compounded the issue.
6 Now, since we've reopened, we've not seen admissions
7 return to pre-pandemic levels. And that includes
8 audiences who do and don't have hearing problems.
9 It's all here that's per say. Now as a business
10 there are times where we even had to curtail our
11 operating hours because of the lack of admissions
12 coming in through our doors.

13 Now, like all businesses, we want to welcome all
14 audiences including the deaf and hard of hearing back
15 to the community. As a business, we screen
16 blockbusters through to small independent companies
17 as well as foreign films with subtitles. So, we
18 embrace the full element and all markets.

19 Catering for all audiences and rebuilding
20 consumer credit in our business therefore integral,
21 we don't want to alienate anybody. Now, we work
22 collaboratively with New York City and we ensure that
23 through the COVID operating guidelines and supported
24 Mayor de Blasio's Back to the Movies Campaign. Since
25 we've reopened, we continue to screen our open

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caption shows and across New York City, we've screened 318 showtimes. These showtimes have been for different films on different days and at different times. And as John Waldo alluded to, you know our average attendee to show was eight. But if you look at the occupancy level for these shows, it's as low as five percent, which means it's nearly 95 percent of the seats unsold in that particular auditoria.

Now, besides specific open caption shows, we also have what we know, what we sell as watch parties. This facility gives all customers the opportunity to hire a screen, whether it's for a party, group or special occasion. Again, just like any other audience, this facility will give those who maybe deaf or hard of hearing the opportunity to watch a movie in private at a time which suits them.

Now, although I don't have specific data, cinema managers do report back that a significant number of customers do not have hearing difficulty but attended open caption film will ask for a refund. Uhm, and this does contribute to a further [INAUDIBLE 3:03:32].

SERGEANT AT ARMS: Time expired.

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2 ANDY STONE: Okay. Uhm and finally, I would like
3 - also like just look at cinemas not as a soloist but
4 instead look at cinemas as a cumulative as like any
5 other audience making their decision on wanting to go
6 and watch and a film. Different cinemas will have
7 different open caption times on different days. This
8 means the consumer has a wide choice of where and
9 when, he, she will be able to watch that open caption
10 movie. Thank you for your time.

11 CHAIRPERSON EUGENE: Thank you very much.

12 COMMITTEE COUNSEL: Thank you. I would like to
13 now welcome Raymond Smith to testify. After Raymond
14 Smith I will be calling Joseph Masher and Ben
15 Svetlana Kouznetsova.

16 Again, if anyone requires interpretation services
17 when I'm calling your panel, please use the raise
18 hand function so we are aware and we can have those
19 services ready for you. Raymond, you can go ahead as
20 soon as the Sergeants call time.

21 SERGEANT AT ARMS: Time starts now.

22 RAYMOND SMITH: Okay, there we go, thank you.
23 Good afternoon everyone. I want to thank the Chair
24 of the Committee for allowing me to testify today.
25 My name is Raymond Smith, I am a Consultant with the

1
2 National Association of Theatre Owners. I have been
3 engaged in ensuring and enhancing access to movie
4 theaters for all consumers for about 30 years and
5 toward this issue of captioning has been front and
6 center for a considerable period of time.

7 While we support the intent behind this
8 legislation, we do not support the mandate and one
9 size fits all. We do support the continuation of our
10 collaborative efforts in relationship with the deaf
11 and hard of hearing community which has been going on
12 for years and years. In the '90's, we met with
13 members of the community and were told they wanted
14 more open caption films, we immediately lobbied the
15 film studios successfully to get more product and
16 continue to do so until actually always continue to
17 do so but in the mid-2000's, a new personal
18 captioning technology came on the market, so we once
19 again engaged with our partners in the deaf and hard
20 of hearing community and learned that they were very
21 excited about personal captioning and the access it
22 provided. But they did not like that particular
23 technology. So, the industry went out and found
24 manufacturers that were willing to design and develop
25 these technologies and then continued to have a

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2 serious of symposiums where we invited members of the
3 deaf and hard of hearing to come testify to provide
4 direct feedback through the manufacturers. All these
5 efforts led to the industry investing millions of
6 dollars rolling out these technologies across – this
7 effort was widely hailed by the hard of hearing, deaf
8 and hard of hearing community. And also widely
9 supported by the industry and the units were widely
10 utilized then as they are today.

11 This all occurred years before the Department of
12 Justice proposed their final regulations on personal
13 captioning and even then, when they were proposed,
14 once the industry engaged with our partners in the
15 uh, deaf individuals in the deaf and hard of hearing
16 community and provided guidance to the justice which
17 was mostly accepted and incorporated in the final
18 regulations.

19 Along those same lines, we continue to push for
20 more open caption programming across the country
21 amongst our members and the last couple of years
22 we've been doing some pilot programs. And while
23 those pilot programs haven't answered all the
24 questions, they did answer one specifically and that
25 it, a one size fits all approach simply doesn't work.

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2 It doesn't reflect realities or nuances of any people
3 in the theatre or the needs of any particular market
4 or community.

5 So, we would suggest and implore that you reject
6 this legislation and instead allow the people that
7 have ongoing over the years elaborated, come up with
8 beneficial solutions to continue those efforts, which
9 are ongoing today. Thank you and I'm welcome to take
10 any questions.

11 CHAIRPERSON EUGENE: Thank you.

12 COMMITTEE COUNSEL: Thank you. At this time,
13 seeing that Joseph Masher is not in the Zoom, I will
14 be calling on Svetlana Kouznetsova to testify. After
15 Svetlana Kouznetsova I will be calling on April
16 Morone and Gail Weiss to testify. Again, if anyone
17 needs interpretation services, please use the raise
18 hand function and we will have that available for
19 you. Svetlana, you can go ahead as soon as the
20 Sergeants call time.

21 SERGEANT AT ARMS: Time starts now.

22 INTERPRETER: Is the other interpreter here?

23 INTERPRETER: Yes, I'm here.

24 SVETLANA KOUZNETSOVA AND INTERPRETER: For some
25 reason, the chat - okay, for whatever reason, the

1
2 chat. I have to sign. So, I myself am deaf. Okay,
3 I am deaf. I've been deaf since age two. So, I'd
4 first like to mention that anyone who is opposed to
5 the open caption, you are really thinking with an
6 ableist attitude. And that's like saying oh, we
7 don't need a ramp for a wheelchair. It's the same
8 thing.

9 Imagine being a deaf person growing up and you
10 experience all these barriers, not only in school but
11 education, work, enjoyment, all of the above. You
12 don't have the same privileges as hearing people.
13 Even with the captions, I speak Russian. So, when I
14 was growing up in Russia, there were no captions on
15 the TV. I couldn't even have access to news or
16 anything. Everything I was completely uninvolved in.

17 When I moved to America, we realized oh wow, they
18 have captions. It was pretty neat on the television,
19 on all the channels. It was a whole new world, it
20 was amazing. When I was 15, that was the first time
21 I had access to captions and it was thrilling. So,
22 it wasn't only my deafness, English was my third
23 language, my third. So, the captions also help me
24 improve my English. My parents are both hearing and
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1
2 the captions, English is not their first language
3 either.

4 So, my whole family never had captions before.
5 We would just leave them on because we all benefitted
6 from them. So, people saying, oh you don't need
7 captions on the screen because it bothers other
8 people, you have to think about the different
9 language barriers. No one's going to complain. If
10 you don't understand a certain language, you have the
11 ability to read it in a different language, correct?

12 You would prefer the captions if you couldn't hear
13 it, same as referring them if you can't understand
14 the language. It's not fair for us to not have them.

15 I'm sorry but for other languages it's acceptable
16 but for the same language, you don't need them? And
17 everyone in the theatre business, you know you're
18 serving people about having the option captions on
19 the screen. Are you serving both hearing and deaf?
20 Because I'm really curious. That is the question.
21 You know, you're talking about monetary issues but
22 for the survey, who were the people included? Was it
23 all inclusive because I didn't hear about these
24 surveys. All I'm hearing is oh, we can't afford it.
25 Oh, open captioning is free.

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2 We know that the movie theatres can have all the
3 caption on file. It's a simple press of a button and
4 they turn up on the screen. And the equipment cost
5 more money and it doesn't even work. It doesn't
6 function correctly.

7 So, you have to keep giving out free tickets or
8 refunding money. You're wasting your money in that
9 capacity rather than turning on the open captions on
10 the screen. She's frozen.

11 It depends on you know the size of the screen but
12 it's one room. It's simple, it's one room. Just
13 pick a room and use open caption for the whole day
14 every day in that one room. That one theatre and
15 they can be either at the top or the bottom of the
16 screen.

17 I'm just curious about this survey because I did
18 a survey myself with over 5,000 people both hearing
19 and deaf and the results I got - like I said, it was
20 half hearing, half deaf in the survey, 75 percent of
21 people supported open caption. 92 percent said it
22 won't bother me. So, a small percentage, a minimal
23 percentage said, oh yeah it will bug me and honestly,
24 too bad. And most theatres to have more than one
25 room. So, the idea for all the people who are

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2 opposing this, maybe turn your sound off. Go to a
3 movie theatre and you can bring your huge headphones
4 to the theatre and you can do it that way. It's
5 uncomfortable right to think about that. Or maybe,
6 we can just turn the captions on the screen. Or
7 think about it, if you don't want to turn the
8 captions on, look at a paper the whole movie, trying
9 to read it.

10 So, stop it please. I'm really tired of hearing
11 about it. I'm just tired of hearing about it, enough
12 is enough. And I would just like to add in relation
13 to my survey, I wanted to link it in the chat but
14 like I said, the chat is not enabled. So, I was
15 planning on sending the survey but there is a TEDX
16 talk as well that can be found on the internet if you
17 search it with my name. You could search me in the
18 TEDX talk. It's about -

19 SERGEANT AT ARMS: Time.

20 INTERPRETER FOR SVETLANA KOUZNETSOVA: It's about
21 seven or eight minutes about open captions. So, you
22 know I had more but I just would urge you to please
23 think about the deaf and hard of hearing community.
24 And not only that community but other people, foreign
25 language speakers, ESL, it's really just, it's not

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2 fair. So, I urge you to think about the bill and set
3 up show times that can be equal for all. Thank you.

4 COMMITTEE COUNSEL: Thank you. At this time
5 seeing that Council Member Rosenthal has her hand
6 raised, I will call on her for questions. Council
7 Member Rosenthal.

8 COUNCIL MEMBER ROSENTHAL: Thank you and I want
9 to thank the City Council Sergeants who figured out
10 how to put the spotlight on the person who was
11 speaking, not the ASL Interpreter. And for the
12 record, I think there have been a couple of speakers
13 who we've missed seeing them because we did not have
14 the spotlight on them. And they are the one's who
15 are speaking. So, apologies to the Mayor's Office of
16 People with disabilities. Tony, I'm sorry we
17 couldn't see you signing.

18 May I ask the Sergeants and the Chair for your
19 indulgence and I would like to give some - I would
20 ask that we allow the person who just spoke, who we
21 were only able to see for a minute, if we could
22 either allow her to give her testimony again or allow
23 her to finish what I think was a longer statement.

24 I also want to put on the record for the person
25 who just spoke, that you can submit your testimony

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2 including a link to your TED Talk, including your
3 survey, the results of your survey. Uhm, you can
4 submit all of that and uh, we will follow up with the
5 ASL Interpreter today to make sure all of that gets
6 on the record.

7 But Chair, may I ask your indulgence to allow her
8 to finish her testimony with the spotlights on her,
9 so we can see the entirety of what she wanted us to
10 hear?

11 CHAIRPERSON EUGENE: Council Member Rosenthal,
12 thank you for intentions. The request is granted,
13 yes.

14 COUNCIL MEMBER ROSENTHAL: So, if I could ask the
15 - yeah, if I could ask -

16 COMMITTEE COUNSEL: Svetlana, uhm, if you are
17 able to see that, you can go ahead and finish your
18 testimony. You just need to turn on your video.

19 CHAIRPERSON EUGENE: Is she there?

20 COMMITTEE COUNSEL: I don't see a response from
21 Svetlana Chair Eugene.

22 CHAIRPERSON EUGENE: Okay, so Council Member
23 Rosenthal the request has been granted. So, since
24 she didn't respond, she can jump in anytime.

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2 COUNCIL MEMBER ROSENTHAL: Exactly, thank you so
3 much Chair Eugene.

4 CHAIRPERSON EUGENE: You're welcome.

5 COUNCIL MEMBER ROSENTHAL: Perhaps someone can
6 reach out to Svetlana and let her know that whenever
7 she jumps back on, we can hear the remainder of her
8 testimony and again, moving forward, if we could make
9 sure the spotlight, what the public can see, is not
10 the ASL Interpreter. All of whom I appreciate very
11 much and are doing a beautiful job but instead, we
12 can see the person who is signing. Thank you so
13 much.

14 CHAIRPERSON EUGENE: Thank you.

15 COMMITTEE COUNSEL: It looks like Svetlana is
16 back.

17 COUNCIL MEMBER ROSENTHAL: Oh.

18 COMMITTEE COUNSEL: Would you be able to let her
19 know that she has additional time to testify?

20 INTERPRETER FOR SVETLANA: Oh, okay, I was
21 actually going to back to my testimonial and you know
22 I think I was - I think I was freezing for some
23 parts, so might have been missed but I think I really
24 mentioned most of what I wanted to say. I don't need
25 to keep going on but all I wanted to do was to add

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2 the two links. Like I said, I can't do that in the
3 chat, is there a way to? I just want to share the
4 links.

5 COMMITTEE COUNSEL: The chat function is disabled
6 during City Council hearings but Council Member
7 Rosenthal mentioned you are welcome to share the link
8 in your testimony that you can submit to us and it
9 will be shared as part of the -

10 INTERPRETER FOR SVETLANA: Yes, I have done that.
11 Okay, I've done that. Thank you.

12 COMMITTEE COUNSEL: Thank you. Seeing no other
13 questions, I would like to now welcome April Morone
14 to testify. After April Morone, we will have Gail
15 Weiss followed by Max Kwok. Again, if anyone needs
16 interpretation services, please use the raise hand
17 function, so we can have that set up for you. Gail,
18 sorry, April you can go ahead as soon as the
19 Sergeants call time.

20 SERGEANT AT ARMS: Your time will begin.

21 APRIL MARONE: Okay, hello, I don't want to be on
22 video because I also have autism, so forgive me for
23 that. Uhm, I am hard of hearing. I am advocating
24 about the open captions. I think Svetlana said it
25 better than I could have though of everything but I

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2 concur you know with her; you know her points were
3 very similar to mine.

4 I have an additional point though however, some
5 of us hard of hearing people and even some deaf
6 people, may also have height restrictions. I am
7 under five feet in height and so, to use the closed
8 caption devices, is also a disability. Because
9 trying to sit in a chair when you are under five feet
10 and you have to try to bend a closed caption devices
11 that don't want to sit in a cup, though they are
12 supposed to, they tend to fall over when you try to
13 bend them far enough to where you can actually see
14 them. Which means, I would then have to try to move
15 it up a little bit more because if it bent down where
16 I need to see it, it cuts off the signal to the
17 captions themselves and won't work.

18 So, then I have to bend it back up again, which
19 means I then have to cram my neck up and I have disc
20 issues that hurts my neck. I have crushed disc's to
21 my neck. So, it's like okay, this is hurting my neck
22 but then I have to look at the screen again and then
23 back to it and that's very painful for my neck and
24 inconvenient. Please consider the heightened
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1 disabled as well when considering hard of hearing. I
2 am both. I'm finished. Thank you.

3 CHAIRPERSON EUGENE: Thank you.

4 APRIL MORONE: I think the open captions would be
5 better because of that. Thank you.

6 COMMITTEE COUNSEL: Thank you. At this time, I
7 will call on Gail Weiss to testify followed by Max
8 Kwok. After Max Kwok, we will have Robert Sunshine.
9 Gail, you can go ahead as soon as the Sergeants call
10 time and again if anyone needs interpretation
11 services, please use the raise hand function.

12 SERGEANT AT ARMS: Your time will begin.

13 GAIL WEISS: Okay, thank you very much and my
14 name is Gail Weiss. I am on the Board of the New
15 York City Chapter of HOA and I think speaking for
16 many members of HOA, I might say that we want to go
17 back to the time of silent movies where words were up
18 there on the screen along with some very nice music
19 and uh, so yeah, many of us can indeed hear music but
20 hearing dialogue is indeed difficult and you know
21 watching it up on the screen is really what we like
22 to do.

23 You know the odds of many people have mentioned
24 you know the cup holders we got involved up and down
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2 and up and down. So, you're not really getting into
3 the movie as much as you would want to. And you know
4 I had more than one instance of the devices not
5 working, as many others have also mentioned and you
6 know it's going and getting a pass to go to another
7 movie doesn't really solve the problem. Occasionally
8 I'm with other people in the theatre and you know I
9 can't say okay, we all have to leave because my
10 captioning device doesn't work.

11 So, I'm sitting there through a movie that I've
12 had difficulty really enjoying. You know and you
13 know enjoying is indeed what we want to do, those of
14 us who really do like movies. And you know, I really
15 think that just that on screen captioning would be so
16 much appreciated and uh, you know I see it as a win-
17 win. You know even for the theatres and I'll start
18 with what other people were saying, it's going to
19 bring more people to the theatres. They will bring
20 their relatives with them. They'll bring their
21 friends with them and you know, I think it is indeed
22 the way to go and it would be much appreciated you
23 know if uh, INT. 2020 is indeed passed. Thank you.

24 CHAIRPERSON EUGENE: Thank you.

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2 COMMITTEE COUNSEL: Thank you. At this time, I
3 would like to call on Max Kwok to testify. After
4 Max, we will have Robert Sunshine followed by Amanda
5 Perez. Max, you can go ahead as soon as the
6 Sergeants call time.

7 MAX KWOK: Hi, good morning all. I cannot find
8 my written testimony. Can Robert go first? I just
9 want to make some last minute dashes to find that
10 written testimony first.

11 COMMITTEE COUNSEL: Sure thing. Robert, you can
12 go ahead as soon as the Sergeants call time.

13 SERGEANT AT ARMS: Your time will begin.

14 ROBERT SUNSHINE: Can I be heard at this point?
15 Hello?

16 SERGEANT AT ARMS: Yes, we hear you.

17 ROBERT SUNSHINE: Thank you. I'd like to just
18 quickly thank the Chairman and members of the
19 Committee for providing the opportunity to testify.
20 My name is Bob Sunshine, I am the Executive Director
21 of the National Association of Theatre Owners of New
22 York State and we represent most of the theatres in
23 New York City.

24 Uhm, I'm not going to read my testimony because
25 of so many things I've heard today but I do want to

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2 emphasize we are not the enemy. Again, I say it, we
3 are not the enemy. We're not opposed to open
4 captioning. We actually want to provide more open
5 captioning where it would work for both the community
6 and where it would work for the theatre owners.

7 Uhm, we are doing open captioning now
8 voluntarily. People who attend the theatres can come
9 to our management and say, would you please show a
10 movie this week in open captioning? And every time
11 where we could comply, we do. So, I ask, now that we
12 have a very good and productive relationship and
13 dialogue with the advocates, uhm, why do we need
14 legislation at this point now? Theatre owners know
15 what works and we want to work with the community to
16 expand it. This bill does not work. This bill will
17 hurt local theatres in communities and many of them
18 might have to close. We need to talk it out and we
19 need to find out what works best for both sides.

20 What is proposed in this bill is much more than
21 what the advocates have asked for. And as it was
22 already testified by one our members, it's
23 impossible, it's impossible to administer. So, let's
24 look upon theatre owners as adversarial's. We want
25 to work with community. We did it with federal law

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2 before and now we think we can do it by agreeing and
3 working with you and finding a good solution. There
4 is no need to legislate. Thank you.

5 CHAIRPERSON EUGENE: Thank you very much.

6 COMMITTEE COUNSEL: Thank you. At this time, I'm
7 calling on Max Kwok once again to testify. After Max
8 Kwok, we will have Amanda Perez followed by Rob
9 Westerling. Max, you can go ahead as soon as the
10 Sergeants call time.

11 MAX KWOK: Hi, uh, so again, I cannot find my
12 written testimony but just hearing a lot of
13 perspective from a lot of people, especially from
14 those who oppose the issue about requiring
15 legislation is for example, at AMC theatres, MR25 in
16 Time Square, you know as AMC members or A list
17 members, we are supposed to be able to enjoy free Wi-
18 Fi but that theatres Wi-Fi has been going down. It
19 has been down for like the past 12 months or more and
20 nobody is really fixing it.

21 And you know, I actually went to talk to the
22 theatre manager or people like that you know to say,
23 can you please fix that next time I come here? But
24 still, it has not been fixed. So, some mandate is
25 needed to just implement this open captioning thing

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2 for people who are hearing impaired or what
3 immigrants who want to learn English as a second
4 language. I mean, I'm an immigrant. I'm a
5 nonimmigrant to an immigrant but at this point, I
6 still find a lot of movies that to me is like, hard
7 to comprehend without the aid of open captioning.
8 For example, the movie called Do It. You know it's a
9 Sci Fi movie featuring a lot of proper nouns. You
10 know geographical proper nouns or names of people who
11 are just you know hard to pronounce. Or a lot of
12 synonyms for words, for simple words that we know,
13 that we don't know about it. They are synonyms, so
14 having open captions, we could you know quickly
15 resort to a Merriam Webster's Dictionary to look them
16 up. To really increase our vocabulary to really help
17 improve our understanding and you know our
18 conversation of understanding of this country, or
19 various different types of culture over there. I
20 actually work in our cinema. I'm not aware of that.
21 I'm even a Cinema employee and that kind of survey or
22 study is not really published to everybody at the
23 firm. So, I'm going to have to do some Googling to
24 find that survey to really understand the
25 perspective.

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2 And also, going to Mr. uh Doug Murdoch's
3 difficulty of implementing that law right. When he
4 spoke, it's really hard to hear every single word
5 that's coming out of his mouth. Only because of the
6 audio quality of this session. I don't know why.
7 Was there something about his microphone or something
8 like that. I mean, I don't want to be disrespectful
9 but again, during that time, I mean people could you
10 know watch the replay of this webcast. It's just
11 very hard to hear every single word of his argument.

12 If - according to Svetlana, the Russian woman who
13 is deaf and all that. Uh, she was saying you know,
14 the open caption should be easily turned on or off.
15 So, if that's the case, like why is it so hard to
16 implement this mechanism for open captioning. I
17 simply don't understand it. So, to an extent, I
18 mean, we don't need open captioning. That would be
19 great I mean, I don't want to impose this thing onto
20 everybody else but really, we found the open
21 captioning timeslots very inconvenient right?
22 Usually it's focused only in the afternoons, right?
23 Sometimes I have work. I can only go to theatres
24 during an evening and I just realized we don't have

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2 that availability in the evening. And open
3 captioning is -

4 SERGEANT AT ARMS: Time has expired.

5 MAX KWOK: Okay, thank you.

6 CHAIRPERSON EUGENE: Thank you very much.

7 COMMITTEE COUNSEL: Thank you. I see that
8 Council Member Rosenthal has her had raised. Council
9 Member, if you would like to go ahead with your
10 questions.

11 COUNCIL MEMBER ROSENTHAL: Thank you. Uhm, and
12 again, I can't see all the people who are on uhm this
13 Zoom right now but if there is one person, one
14 panelist from the movie theatre industry who could
15 answer the question that was just raised. It's a
16 critical question. What makes it hard in terms of
17 simply, it's my understanding that it is a switch.
18 You either turn on or turn off, much like the way for
19 this hearing today. You can press a button to get
20 the captions or press another button and not see the
21 captions but it's not difficult to press the button
22 to see the captions. Is there something in the way
23 movies are in the reel or the disk or how ever it
24 works these days. Technologically, that it makes it
25 difficult to turn on the captions.

1 And maybe look to see if anyone has raised their
2 hands. If not, that's fine too.

3 RAYMOND SMITH: Sure, I'd be happy to answer the
4 question. This is Raymond Smith again. So,
5 projections today are basically computers. And like
6 all computers, they have capacity limits. So, when
7 you have files come in with movies on them, there's
8 multiple files and these files take up a considerable
9 amount of space. So, in some of those files, will
10 include an open caption version of the movie. So,
11 when you have an auditorium; let's say a facility is
12 showing five or six different features and they've
13 got the files downloaded in multiple auditoriums,
14 there's limited capacity somehow where there's a risk
15 of limited capacity. But the open caption showed the
16 other side of the schedules, they are not always
17 going to download that open caption file.

18 So, it's not a matter of you just simply say, I
19 want it, turn it on. It has to then be ingested in
20 the system and this can take some time. And the
21 additional complication of that is, a lot of times
22 there's free sales on these movies that come out.
23 You know, when these movies are advertised, they are
24 either advertised if you look on the web page or a
25

1
2 third party stage like Fandango. You'll see that the
3 films will feature the international symbols of CC
4 for closed captioning or OC for open captioning. And
5 so, when we advertise the films, you'll realize that
6 that OC means open captioning or they don't even
7 look.

8 And so, we run into customer issues that become
9 unhappy with the open caption. So, what we try to do
10 is make sure it's clearly publicized and advertised
11 and we got to the point over the years that if you go
12 to like Fandango and you hover your mouse over the
13 symbol next to the - whether it's closed caption or
14 open caption, a box will pop up. So, we've tried to
15 be very informative to the public of those who need
16 captions and those that desire or those that don't,
17 that they understand what exactly that CC and OC is.

18 So, it isn't simply a matter of plug and play and
19 there are capacity limitations and there are
20 ingestion time periods that impact the ability to
21 simply do that and hopefully, that answered your
22 question. If not, I'm more than happy to clarify.

23 COUNCIL MEMBER ROSENTHAL: Uhm, so I really just
24 want to focus on and I'm hoping everyone can hear me.
25 I really am in the middle of this event but uhm, so

1
2 really just focusing on the technology which I think
3 was the first part of your response. What I heard
4 you say was that it takes up more file space, more
5 storage in the system compared something with open
6 captions versus something with not.

7 In other words, and I'm making this up. One
8 thing is 10 gigabytes and another thing is 15
9 gigabytes because it has the open caption on it. Is
10 that what I heard you say?

11 RAYMOND SMITH: Okay, I'm sorry, there is
12 somebody talking in the background. I can't - I
13 didn't hear you. I didn't hear your question
14 clearly, I'm sorry.

15 COMMITTEE COUNSEL: I think if you give her a
16 minute, she is going to get someplace a little
17 quieter.

18 RAYMOND SMITH: Gotcha.

19 COUNCIL MEMBER ROSENTHAL: Uh, thank you for
20 that. I am going to go someplace quieter. Uhm,
21 thank you. Uh, not quieter, helicopters.

22 Uhm, so my question was I want to focus on the
23 first part of your response, which had to do with the
24 storage required in the system for an open caption
25 movie. Uh, compared to the other. So, in other

1
2 words, one might be and I'm making up sizes here
3 because I don't know this. One might be 10 gigabytes
4 and the other is 15 gigabytes. Was that your
5 argument?

6 RAYMOND SMITH: No.

7 COUNCIL MEMBER ROSENTHAL: Okay.

8 RAYMOND SMITH: No, not really. I'm sorry, I
9 don't mean to cut you off, go ahead.

10 COUNCIL MEMBER ROSENTHAL: No, no, no, I wanted
11 to understand what you said. So, if I'm not saying
12 it - please.

13 RAYMOND SMITH: It's not necessarily that - I'm
14 not talking about just the open caption file. These
15 systems have to take every film that's going to be
16 shown in that auditorium and all the trailers get
17 downloaded, ingested, and all the paid programming
18 gets downloaded and ingested. I wish I had a -

19 COUNCIL MEMBER ROSENTHAL: No, but I think what
20 I'm saying - I think I do understand what you're
21 saying. So, let me try saying it again and perhaps I
22 can articulate it better.

23 Always, when you are running a movie theatre, you
24 have to download a lot of things. Trailers,
25 advertisements, movies, a ton of things, right? And

1
2 that takes up x-amount of storage. Now, if you have
3 to have, have to have open captions as well, now it's
4 x-plus one amount of storage. Is that accurate?

5 RAYMOND SMITH: Yes, if you have to download the
6 open caption file, that would be one more file.

7 COUNCIL MEMBER ROSENTHAL: Thank you. I
8 appreciate that. Thank you.

9 RAYMOND SMITH: And also, you have to get a set
10 of keys from the distributor. You can't just turn on
11 the open captioning -

12 COUNCIL MEMBER ROSENTHAL: What?

13 RAYMOND SMITH: Each film comes with security
14 protocols that we call keys. And I'm not the biggest
15 techno guy and maybe some of the other guys on here
16 are but they come with what's called a key that
17 allows the theatre to initiate the film. Without
18 that key, they could download the file but they can't
19 actually get the program.

20 COUNCIL MEMBER ROSENTHAL: Right, so currently
21 some of the theatres on their own without any
22 legislation, are showing both the open caption and
23 the not open caption right?

24 RAYMOND SMITH: Correct.
25

1
2 COUNCIL MEMBER ROSENTHAL: So, they already have
3 in hand the key for the security to allow it to play.
4 Is that accurate? And if they needed to show, if
5 they needed to show, if they wanted, if they were
6 required to show that movie more than one time in say
7 the single day, would they have to get another key or
8 another required signoff?

9 RAYMOND SMITH: No, they just have to get it to
10 be able to make it function and once they have it, I
11 assume this is more a studio administrative aspect to
12 understand what's being shown and what isn't being
13 shown as well as against piracy of the product
14 itself.

15 COUNCIL MEMBER ROSENTHAL: Of course, every
16 industry is doing everything it can to - of course,
17 obviously. Okay, I just wanted to make sure I
18 understood. Is there any other component? So, it
19 requires more file space and it requires having a
20 special global support to use with the open caption.
21 Those two technical things.

22 RAYMOND SMITH: Right, it definitely requires
23 that and it definitely advertising. It definitely
24 requires the theatre operators to test the multiple
25 formats when they download a file, when they ingest

1
2 it. They do have to run it to make sure - well, not
3 the whole file but they run it to make sure it's
4 running properly. So, this just adds one more
5 component of that.

6 COUNCIL MEMBER ROSENTHAL: Yeah, I mean, just
7 like it wasn't functioning well for me to be inside
8 my van versus standing out here. That took extra
9 time right? Was it worth it? I think so but okay, I
10 got you. Thank you very much.

11 RAYMOND SMITH: Now, you're welcome and again, I
12 believe, we believe it's worth it to. It's just a
13 matter of what's the appropriate or the best way to
14 accomplish this objective to enhance the access to
15 our theatres.

16 COUNCIL MEMBER ROSENTHAL: Well, that doesn't
17 come across in your testimony frankly. I hear your
18 words. We're on the same side right. I hear your
19 assertions. We don't need laws to do it. I also
20 heard someone say, you know, we negotiated with the
21 federal government on an ADA response. No? That was
22 for the closed captions. You negotiated with the
23 federal government to have that.

24 RAYMOND SMITH: No, no we didn't. No, what we
25 did, is we met with our partners in the deaf and hard

1
2 of hearing community and we reviewed what was being
3 proposed by the Department of Justice. And
4 collectively we put together recommendations from the
5 deaf community. It was a joint accord and got a lot
6 of press back in 2015, I believe and from those
7 discussions, we made recommendations through the
8 Department of Justice.

9 COUNCIL MEMBER ROSENTHAL: Uh, huh.

10 RAYMOND SMITH: At that time -

11 COUNCIL MEMBER ROSENTHAL: If you were making
12 recommendations today and given that we're talking
13 about a percentage of showings, what would your
14 recommendation be?

15 RAYMOND SMITH: Well, in my experience and again,
16 I've been doing this for almost 30 years. Again, it
17 isn't that simple. It's not that hard either. What
18 it is, is it requires some understanding of the needs
19 of the market and coming up with a reasonable -

20 COUNCIL MEMBER ROSENTHAL: But you don't know the
21 needs because you don't know the untapped market
22 right?

23 RAYMOND SMITH: Okay, so for example, I'll give
24 you. When I was inside of [INAUDIBLE 3:46:27], which
25 I was for 20 years, we had open caption programs

1
2 across the country without any requests simply
3 because we understood the market. And I'll give you
4 a good example.

5 COUNCIL MEMBER ROSENTHAL: What business were you
6 in? I'm sorry, I couldn't hear. The what?

7 RAYMOND SMITH: I was with Regal Entertainment
8 Group.

9 COUNCIL MEMBER ROSENTHAL: Oh, Regal.

10 RAYMOND SMITH: I was in house with them for 20
11 years.

12 COUNCIL MEMBER ROSENTHAL: And you always had
13 open captions?

14 RAYMOND SMITH: Uh, when the studios started
15 providing them. Now, back in the day, back in the
16 '90's, the open captions were burnt on prints. We
17 didn't have digital, so you had to get the print and
18 they didn't make enough prints for every theatre, so
19 the prints kind of circled around but yes, we've
20 always had them and we showed them back then when
21 there weren't as many. We did different things but
22 we focused on areas with high anticipated or known
23 high populations of individuals that were deaf and
24 hard of hearing.

1
2 For example, in DC, Rochester New York, certain
3 areas in California. We always focus in areas where
4 we also knew because we could look it up, where the
5 deaf and blind schools were, to make sure that we had
6 facilities that were in those -

7 COUNCIL MEMBER ROSENTHAL: That was your proxy.
8 Got it.

9 RAYMOND SMITH: That would provide this type of
10 access. And it's been a developing thing. I mean I
11 know people complain about this technology that's out
12 there today. It's not the technology, it's human
13 failures. The technology may not be great but it is
14 what we worked hard with the community to make sure
15 they were part of the development process. I mean,
16 multiple times in Washington DC, we did these
17 demonstrations, so they could directly talk to the
18 manufacturers. It was a great process.

19 Now, over time, there has been some that just
20 want open caption and we get it. So, we're trying to
21 get that to work to.

22 COUNCIL MEMBER ROSENTHAL: Right, because the
23 technology has changed and it's a new world, new
24 technology, new ease of downloading open caption
25 movies, whatever.

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RAYMOND SMITH: There's a lot.

COUNCIL MEMBER ROSENTHAL: Okay. I'm really trying to uhm, understand the point of view but I feel I'm not quite sure and again, I apologize there is another helicopter uhm going over my head, so I apologize. That's right, you can't hear.

RAYMOND SMITH: No, I can't, I can't hear the helicopter. You're okay.

COUNCIL MEMBER ROSENTHAL: Oh, you can't hear the helicopter. Okay, good. Uhm, great, so my question is, what's your answer to Svetlana when she was talking about all the things that she missed out on her life? What's your answer to the thousands, tens of thousands, hundreds of thousands just like her? The people who may not live near a deaf and blind school.

RAYMOND SMITH: Well, again, my answer to her is these - out there, if you have a request for an open caption show, almost all of them I know of have that program. Or if you want to dedicated opportunity to have it at a particular facilities, it's just a matter of dialogue. I mean, look, I know -

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2 COUNCIL MEMBER ROSENTHAL: So, somebody has to
3 know to be able to ask, right? They need to know
4 that there is an option out there.

5 RAYMOND SMITH: Okay, I've been doing this a long
6 time and I still run into people today that don't
7 know there is personal captioning technologies. This
8 is not withstanding the fact that we work directly
9 with the largest deaf and hard of hearing -

10 COUNCIL MEMBER ROSENTHAL: I know.

11 RAYMOND SMITH: In the country to get that word
12 out but it still happens and I'm going to say this to
13 you. Once you think they understood and everyone
14 should, is that you can't look at the deaf and hard
15 of hearing community as any different than any other
16 segment of our society. Not everybody goes to the
17 movies and I used to say this all the time, it's like
18 the field of dreams art of it. If you build it they
19 will come. Well, that's not true. I'm not going to
20 come see a slasher movie that is open caption simply
21 because it had open captions. I'm going to go see
22 the movies I want to see.

23 And as a consequence of that, it isn't
24 necessarily going to drive the attendance if they
25 like to understand. I'm an advocate and you know, I

1
2 you know – but I’m also the parent of a deaf child.
3 Experiencing it personally for over 30 years. I know
4 exactly what it is. I’ve utilized all of these
5 technologies. And as they were developed, are they
6 the best they could be today? Maybe not but they
7 were the best that could be at the time.

8 Do all theatres and all theatre personnel manage
9 that equipment effectively? They do not and they
10 could do a much better job and that’s what leads to
11 these failures.

12 When I was at Regal, what we did is we put our
13 trailer, policy trailer, it started before, before
14 the previews was captioned. So, that anybody that
15 had the technology whether it was glasses at the seat
16 mounts or neck loops and Regal had all three; could
17 be able to go in there and know that their devices
18 were functioning properly, well before sometimes 15-
19 20 minutes before the featured movie ever started.

20 Because notwithstanding their best efforts,
21 sometimes the devices in the auditorium, particularly
22 the Info Red ones, they just weaken and die over
23 time. The Wi-Fi ones just stop and it’s very
24 difficult to catch those. And you have a combination
25 of all those in theatres today.

1
2 So, I respect everybody's opinion here. I
3 respect the way they feel. I respect their desires
4 and I think the industry, at least in my involvement
5 and for 30 years, I have been a leader with them in
6 trying to work and increase and enhance access. That
7 is still the desire. Things have changed over time.
8 Maybe we need more open caption than what's being
9 provided but it isn't a one size fits all solution.
10 It just doesn't work. So, that's all I would
11 suggest.

12 COUNCIL MEMBER ROSENTHAL: Got it.

13 RAYMOND SMITH: And we were actively talking with
14 advocates and we are actively doing pilots now at
15 various areas in the country to try and find a way to
16 give some specific guidance to our members.

17 COUNCIL MEMBER ROSENTHAL: Okay.

18 RAYMOND SMITH: You know, you got big numbers
19 that have more tools than the little guys, sorry.

20 COUNCIL MEMBER ROSENTHAL: Yup, nope, I
21 appreciate that very much. I appreciate your answer.
22 Your child is very lucky to have you as a parent. I
23 still can't get a cochlear implant for several of the
24 people who live in my public housing in my
25 development in my district. I can't get them

1
2 anything because it's not available, they can't
3 afford it. They don't have access. No one is paying
4 attention to them.

5 So, look, people are in all different types of
6 situations and the role of government is to try to
7 help those. Often, to help everyone. To help
8 everyone including dismissed industry.

9 RAYMOND SMITH: I agree.

10 COUNCIL MEMBER ROSENTHAL: And people most in
11 need. So, I appreciate that. I actually am at an
12 event, so I want to apologize in advance to the
13 remaining people who are going to testify. A. Sorry,
14 I made you wait so long and B. I might get shutdown
15 because my phone is losing battery. But I will read
16 everyone's testimony. I appreciate everyone for
17 being on here today and thank you. Thank you
18 Sergeants and Chair Eugene for giving me an
19 opportunity to ask questions. Thank you.

20 CHAIRPERSON EUGENE: Thank you for your focus
21 here.

22 COMMITTEE COUNSEL: Thank you. We will now
23 continue on. I would like to welcome Roberta
24 Lawrence to testify. After Roberta Lawrence, I will
25 be calling on Tony Iacaluchi (SP?) and Ben Ruth

1
2 Bernstein. Again, if anyone requires interpretation
3 services, please use the raise hand function. Please
4 use the raise hand function only if you need
5 translation or interpretation services and Roberta,
6 you are welcome to start as soon as the Sergeants
7 call time.

8 ROBERTA LAWRENCE: Okay, thank you.

9 SERGEANT AT ARMS: Your time will begin.

10 ROBERTA LAWRENCE: Thank you. I want to thank
11 Council Members and Chair Eugene – I'm sorry, I'm
12 very nervous Chair Eugene for allowing me to testify.

13 I want to testify as to the egregious mishandling
14 of my late mothers and my disability discrimination
15 case that we filed with the Human Rights Commission
16 in 2016. This is my mother. Nice lady with the
17 leopard sweater on.

18 My mother lived in a rent stabilized apartment
19 with a bad landlord for years. She was denied
20 appliances that's supposed to come with the
21 apartment. It was in such bad shape that when I
22 moved in to take care of her in 19– sorry, in 2010, I
23 called the Department of Buildings. I got a lot of
24 support from Councilman Halloran at the time and from
25

1
2 Assemblyman Braunstein who was a wonderful advocate
3 for seniors.

4 I moved in with my mom when she was 90. The
5 landlord hadn't repaired anything in her apartment
6 since she moved in in 1980. The building had gone
7 co-op. She couldn't buy, so she was in no mans land.
8 The co-op hated her because she wasn't an owner and
9 the landlord wanted her out. I want to show the
10 nexus between uhm rent regulated landlords. Using
11 the opportunity when an elderly or disabled uhm
12 tenant needs a disability accommodation, they are not
13 going to give it to you. They want you out. Stop
14 it. Sorry, it's my dog.

15 Uhm, so I filed, I was pointed to the Human
16 Rights Commission in 2013 under the leadership of
17 Commissioner Gatlin. Uh, my mother needed a lift in
18 the lobby to get her from the lower lobby to the
19 upper lobby so she could go out the main entrance and
20 enjoy the gardens. She needed bathroom
21 accommodations within her apartment. She was infirm
22 and she was going blind. She could not climb into
23 the bathtub.

24 Patricia Gatlin's agency handled the complaint
25 with dispatch. They found probable cause for

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2 discrimination and retaliation within a year and we
3 were at oath for a hearing within 14 months.
4 Commissioner Gatlin was replaced by Commissioner
5 Malalis and there was a change in the tenor of
6 Commission.

7 My mother was forced at the conciliation
8 agreements to take a non-ADA compliant bathtub cut
9 out, which didn't work for her. And the thing is for
10 leverage, we were told by the Law Enforcement Bureau
11 Executive Director, if you mother doesn't take this,
12 we're dismissing the case. This is a mantra that is
13 prevalent throughout the whole process.

14 SERGEANT AT ARMS: Time is expired.

15 COMMITTEE COUNSEL: Thank you. Uhm, we will now
16 continue on to testimony from Tony Iacaluchi followed
17 by Ruth Bernstein and then Miriam Fisher.

18 Again, if anyone requires interpretation
19 services, please use the raise hand function. Oh, I
20 apologize uhm, Amanda Perez, I do see that we jumped
21 over you. So, I will go back. We will hear from
22 Amanda Perez first followed by Tony Iacaluchi (SP?)
23 and then Ruth Bernstein. Uh, Amanda, you can go
24 ahead as soon as the Sergeants call time.

25 SERGEANT AT ARMS: Your time will begin.

1
2 AMANDA PEREZ: Sure, can everybody hear me okay?

3 SERGEANT AT ARMS: Yes, we can.

4 AMANDA PEREZ: Awesome. Well, hello Chair Eugene
5 and members of the Committee. Thank you for the
6 opportunity to testify today. My name is Amanda
7 Perez, I am the General Manager at the AMC Kips Bay
8 Theatre location.

9 As you may be aware, AMC and the movie theatre
10 industry in New York City are still in the process of
11 recovering from the most challenging times in modern
12 history. Movie theatres in New York City were closed
13 for 50 weeks during the COVID-19 pandemic and once
14 our theatres were allowed to reopen, we were limited
15 by capacity restrictions that remained in place until
16 almost June of this year.

17 To state the obvious, AMC's in New York City
18 theatres earned no income during this 12 month period
19 and we're still in the beginning steps of the process
20 of returning to pre-pandemic numbers. Despite the
21 challenges we face as an industry, AMC has taken
22 substantial steps to provide an open caption showing
23 in our greater New York City market. Currently 16 of
24 AMC theatres in the greater New York City market
25 participate in our open caption national program.

1
2 From October 1st to November 11th of this year,
3 our 16 locations had 914 open caption shows. Uhm,
4 these 914 open caption shows average about 12 guests
5 per show which is approximately 5.8 percent of
6 occupancy. Leaving 94.8 percent of the seats for
7 these showing unsold. Additionally, 122 of these 914
8 showtimes sold zero tickets. 266 of the 914
9 showtimes sold one to five tickets and none of these
10 914 showtimes sold out.

11 AMC's New York City theatres look forward to
12 continue our work with the open and hard of hearing
13 community to respond to the demand of open caption
14 showing. However, we feel that the INT. 2020 by
15 creating an arbitrary 50 percent requirement for open
16 caption showings jeopardizes the recovery of the
17 movie theatre industry in one of the most important
18 markets in the country. Thank you again for your
19 time and the opportunity to testify today.

20 CHAIRPERSON EUGENE: Thank you.

21 COMMITTEE COUNSEL: Thank you. Uh, seeing that
22 Tony Iacaluchi and Ruth Bernstein are not in the Zoom
23 and Robert Westerling is also not in the Zoom, we
24 will be moving on to testimony from Miriam Fisher
25 followed by Robert Wolfe and Dianna Prashad. Miriam

1 you can go ahead as soon as the Sergeants call time.

2 And again, if anyone needs interpreter services,

3 please use the raise hand function. Uh, actually, I

4 apologize Miriam, it looks like Council Member

5 Rosenthal does have her hand raised, so we will go to

6 her.

7 MIRIAM FISHER: Okay, I'm sorry, I'm also in a

8 meeting on accessibility in the subway. There's kind

9 of a schedule conflict and I'm running back and

10 forth. Do you mind if I just do my testimony because

11 I have to leave. I'm sorry.

12 I'm Mariam Fisher, I'm a Disability Advocate.

13 I'm advocating for open captions on movies in public

14 theatres following models in other cities and

15 countries to fully include people with hearing

16 impairments and participation in cultural events.

17 I wear two hearing aids and have used various

18 types of technology including my cellphone, which I

19 put aside with the app Live Transcribe and I've been

20 told the glare of the phone to take it away. It's

21 annoying people, the light and I've become very

22 uncomfortable but that was at my option.

23 Uhm, cells can obviously disturb the audience

24 members with their illumination and require frequent

1 checks to follow dialogue. I request and I'm giving
2 you just a few tidbits of some of my experiences
3 trying to enjoy a movie without captions. I have
4 requested captions at public libraries and the senior
5 centers who which receive public money and have heard
6 objections from those who find it distracting.
7 Though they will watch movies with subtitles, foreign
8 movies without protest. Just an example, a movie
9 facilitator, a discussion facilitator at a senior
10 center where certainly other people with hearing
11 difficulties said he saw I talked with other people,
12 so I couldn't possibly have trouble hearing. Both
13 insensitive and ignorant. He said, he won't aid
14 discussions if they show English movies with
15 captions.
16

17 The Director of the same center in New York City
18 ran out of the room when the option for captions came
19 on the screen after I made the request. I had to
20 involve help from the New York City Department of
21 Aging as the Center I knew received public money. A
22 similar situation happened in a New York public
23 library until I again reminded that they were
24 receiving public money and denying reasonable
25 accommodations for people with disabilities.

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2 I'm exhausted by these kinds of encounters and no
3 longer look forward to participation anticipating
4 more encounters. Often in captions and despite those
5 occasional who find it distracting, many remark and
6 have more easily they can follow the words or
7 segments that they couldn't previously and note song
8 lyrics, which was a big thing. Are especially hard
9 to follow and become available with captions. They
10 are also an aid for segments of the larger
11 population, those who speak English as a foreign
12 language, children learning to read and honing their
13 skills and as a retired reading teacher, I'm very
14 conscious at how that can help children.

15 Need fully available movies, so people can go to
16 movies as everyone else when it fits their plans and
17 schedules not relegated to time limited intervals and
18 times of day. Captions are the vector that can
19 integrate people within the larger world of social
20 events and the media that so many that our hearing
21 struggles take for granted.

22 Thank you Helen Rosenthal for letting me squeeze
23 in. I'm back to CIDNY talking about accessibility at
24 the subways. Thank you. I have a meeting at the
25 same time.

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2 COMMITTEE COUNSEL: Thank you. Council Member
3 Rosenthal, I see you lowered your hand. Do you have
4 any questions?

5 COUNCIL MEMBER ROSENTHAL: Great, thank you.
6 Yeah, just a quick question. Uhm, actually, I want
7 to give Jerry Bergman an opportunity. If Jerry
8 Bergman could be unmuted, if that would be okay. I
9 think Jerry, if he is there, uhm, yeah, I think Jerry
10 can I just ask you real quickly, did you have some
11 thoughts about what Mr. Smith was saying? And I was
12 wondering what your take on that would be? Thank
13 you.

14 JERRY BERGMAN: Yes, thank you. Uhm, I've been
15 patiently sitting and listening to the industry
16 spokes people and I just wanted to set the record
17 straight about a couple of things. Uhm, Raymond
18 Smith said they've been collaborating with the deaf
19 and hard of hearing for a long time. That's not so.
20 They were not providing any access for deaf and hard
21 of hearing people until Mr. Waldo brought a lawsuit
22 on the West Coast. It cost them a great deal of
23 money when they lost that suit. I brought an action
24 in New York against AMC and that action got captions
25 like on the West Coast in New York State at all the

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2 AMC theatres. Both of those actions preceded the
3 regulation that the Department of Justice put into
4 place. So, it was legal action that spurred that.

5 I also wanted to say that uhm, that we are now in
6 a situation where the cinemas have suddenly started
7 to schedule open caption showings and I think if
8 there is anybody out there who thinks that this event
9 in the recent months has happened out of a desire to
10 serve our needs, they are mistaking. I think if this
11 action wouldn't have been taken by the City Council
12 and follow actions in other cities and states, that
13 they would still be ignoring us. And the evidence I
14 have of that is that the Deaf Entertainment Access
15 Foundation DEAF had been asking the major cinema
16 operators through their local managers to schedule
17 open caption, occasional open caption showings and
18 almost in most cases, they invariably been denied
19 access.

20 It's only been in the last two weeks as a result
21 of this action that the industry has offered to meet
22 and talk with us. So, we're now doing that but as
23 far as I know, there was absolutely no involvement of
24 the hearing loss association or the advocates I am
25

1 familiar with in the event of the option scheduling.

2 Thank you Helen.

3
4 COMMITTEE COUNSEL: Council Member Rosenthal, did
5 you have any other follow up?

6 COUNCIL MEMBER ROSENTHAL: Thank you very much
7 for that. I mean, I would love to give uhm, the
8 movie industry an opportunity to respond. I know
9 this hearing is going very long and I know there are
10 still people who want to testify. But if Mr. Smith
11 could be allowed to give a quick response and what
12 I'm going to encourage everyone to do is, if you have
13 additional thoughts, after this hearing, responses
14 you would like to make to something that you heard
15 today, you can submit additional testimony within you
16 tell me Committee Counsel 72 hours? By emailing
17 testimony@council.nyc.gov and I will assure you that
18 I will be reading it as well as the Committee Staff.
19 We are very interested in hearing your response to
20 anything that you heard today.

21 But can we allow Mr. Smith uhm, you know a minute
22 or two to respond? Is that okay?

23 RAYMOND SMITH: Is that okay? Okay, I'll just be
24 brief. Listen, I know what we've done. I know what
25 I did and obviously this is the '90's. Now, I

1
2 certainly can't sit here and say I've dealt with
3 every deaf organization or hard of hearing
4 organization in the United States because I haven't.
5 I don't know all of them, there were two referenced
6 today I have never heard of but I have been
7 associated with the - since 1990, 1990 I believe and
8 I have been involved in creating and enhancing access
9 since then.

10 If you spoke with individuals that were part of
11 the Coalition for Movie Captioning back in the '90's,
12 or you spoke with individuals that are associated
13 with certain deaf schools in this country, including
14 Tennessee School for the Deaf, they can certainly
15 confirm it. The litigation with John Waldo did not
16 do - [LOST AUDIO 4:12:18]. That litigation and the
17 only reason Regal was in that litigation - and
18 listen, I respect John, we go back a long way. We
19 don't always agree but I respect him. And he wanted
20 us to do something in that litigation which we were
21 already doing. And we told him, we are already going
22 to be rolling this out but he wanted a firm date
23 rollout. This new technology, we couldn't give it to
24 him because we were at the whim of the manufacturer.

1
2 So, he did sue Regal and then his claims
3 ultimately got dismissed because he became mute. His
4 claim that we were violating the AVA because we
5 didn't have [BROKEN UP AUDIO 4:12:54] But his claims
6 that we have to install the technology, which is what
7 the complaints were about was already mute because we
8 did install the technology before the case went to
9 trial.

10 Now, as far as all the rest of it – [LOST AUDIO
11 4:13:11] for years. These companies could probably
12 go back and establish when they started those
13 programs. I'm not going to dispute that when this
14 legislation started in New York, that the activists
15 or whatever the industry didn't reach out to try to
16 find the activists to be able to start having
17 dialogue and that locality, it certainly – is not a
18 new subject.

19 And I'll leave it there. Thank you though for
20 the response.

21 COMMITTEE COUNSEL: Thank you. Uhm, now we will
22 continue on to the next witness. I have Robert Wolfe
23 testifying next followed by Dianna Prashad and Daniel
24 Brooks. Robert, you can go ahead as soon as the
25 Sergeants call time. And of course, if anyone needs

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2 interpretation services, please use the raise hand
3 function.

4 SERGEANT AT ARMS: Your time will begin.

5 ROBERT WOLFE: Hi, I hit the wrong email, which
6 is an echo caption. Thank you. Okay, sorry, thank
7 you. Bye, Bye.

8 COMMITTEE COUNSEL: Thank you. We will now move
9 on to testimony from Dianna Prashad followed by
10 Daniel Brooks. Uhm, again if anyone needs
11 interpretation services, please use the raise hand
12 function. Dianna, you can begin as soon as the
13 Sergeants call time.

14 SERGEANT AT ARMS: Your time will begin.

15 DIANNA PRASHAD: Hello?

16 COMMITTEE COUNSEL: Hi, yes Dianna, you can go
17 ahead.

18 DIANNA PRASHAD: Hi, can you hear me?

19 COMMITTEE COUNSEL: Yes.

20 DIANNA PRASHAD: Hi, good afternoon Committee
21 Members. My name is Dianna Prashad, I support the
22 bill set forth today. My testimony however is about
23 my ongoing discrimination with New York City agencies
24 as a Black female and an LGBTQ under de Blasio
25 pertaining to the arena of human rights.

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I would like to publicize how the intersex issues of race, socioeconomics, sexual orientation and other status of LGBTQ. The status has impacted my response from agencies such as HPD, DSS, DOI and I believe this is to be the product of both socioeconomics, disenfranchisement and systemic discrimination. For the past 20 months as a home owner in a development of a 200 plus town homes, which are bound by a 25-year owner occupancy clause, I have been retaliated against by HPD, the agency who I am not only purchasing my home from in 2007 but to whom I am contractedly bound until 2032.

From 2012 to present, some homeowners in this development under the same 25-year owner occupancy clause, have been illegally converted these homes into rental properties and moving to other established locations, leaving their tenants and occupation of residents in violation of our contracts. Many of these long standing breaches are the handywork of individuals who have a relationship with New York City such as New York City employees or individuals who work for the developers of our housing.

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2 Some of these home owners are illegally renting
3 these homes back to DSS and receiving New York City
4 Housing Voucher payments after they have received
5 \$100,000 in grants to remain in these homes as their
6 primary residency until 2032.

7 Needless to say, this has adversely impacted our
8 community as a whole since it allows our property
9 values to further plummet. Additionally, some of
10 these longstanding breaches are being perpetuated by
11 Caucasian homeowners who were given an incentive to
12 obtain these homes and then now uses them as income
13 sources.

14 Some homeowners have even taken out secondary
15 mortgages to list these homes as rental properties
16 and uhm and is part of New York City record. But yet
17 under HPD, this administration has failed to take
18 swift and decisive action. I believe this is due to
19 the fact that the majority of the homeowners in our
20 community are Black and Brown people. And they do
21 not care about us or the viability of our community
22 or our property values.

23 HPD for our contracts has the authority to both
24 monitor and enforce our owner occupancy clause, so
25 compliance would have only done so under the

1
2 Bloomberg Administration. These illegal conversions
3 have been an ongoing issue for 2012 and remains an
4 issue today with HPD and other agencies such as DOI
5 being cognizant of the acts addressing discriminatory
6 treatment of home owners in this development. The
7 issue selective enforcement. The issues of
8 favoritism, which is the in product of select home
9 owners being allowed to use these homes as income
10 while the others are not. The conflict of interest
11 of DSS and DHA paying select homeowners to bring
12 their homeless clients with dubious backgrounds into
13 our communities. And homes who have been vented or I
14 have been vented I should say, and the resulting
15 issue such as a crime and safety issues that we are
16 made to endure as Black people in compliance.

17 As a homeowner, my wife and I are experiencing -

18 SERGEANT AT ARMS: Time expired.

19 DIANNA PRASHAD: Now seeing the sales of illicit
20 drugs from the house attached to mine. We are also
21 being actively harassed various homophobic terms by
22 these illegal DSS clients. And also experiencing
23 safety issues since multiple attempts at physical
24 attacking us.

1
2 We have — I have brought this to your attention
3 since this situation adversely affects roughly 200
4 Black and Brown homeowners and tax payers in my
5 community. We need oversight and accountability and
6 we need your committee's to enact legislation to
7 protect us from these blatant acts of discrimination.
8 Thank you.

9 COMMITTEE COUNSEL: Thank you. Seeing that
10 Daniel Brooks is not in the Zoom, please let me know
11 if we had inadvertently missed anyone that registered
12 to testify today and has yet to be called on. Please
13 use the Zoom raise hand function and you will be
14 called on in the order that your hand has been
15 raised.

16 Seeing no additional raised hands, Chair Eugene,
17 do you wish to go have a second round for witnesses?
18 Chair Eugene, would you like to have a second round
19 of witnesses?

20 SERGEANT AT ARMS: The Chair is muted.

21 CHAIRPERSON EUGENE: Can you hear me now?

22 COMMITTEE COUNSEL: Yes.

23 CHAIRPERSON EUEGENE: Alright thank you. I was
24 talking but I wasn't heard. Do you have more
25 speakers?

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2 COMMITTEE COUNSEL: We do not have any additional
3 witnesses, however, if you would like to have a
4 second round of questions or testimony from any
5 witnesses, it's at your discretion.

6 CHAIRPERSON EUGENE: Yes, thank you very much. I
7 know that people have been here for a long time but I
8 still have some few questions for the industry. Are
9 they still there? The representatives? Okay, anyone
10 can answer. But what I would like to know is they
11 can tell us you know, are movies with open caption
12 currently showing in New York City? Anyone can
13 answer that.

14 MATTHEW GRELLER: I'm sorry, can you repeat the
15 question please Mr. Chairman?

16 CHAIRPERSON EUGENE: Yes sir, yes sir. Are
17 movies with open captions currently shown in New York
18 City?

19 MATTHEW GRELLER: Yes, absolutely.

20 CHAIRPERSON EUGENE: Could you give us all some
21 detail about you know --[AUDIO DROPPED 4:21:55]?

22 MATTHEW GRELLER: Uhm, you know, I would like to
23 give you specific details and I would like to see who
24 else from the circuits is currently on right now
25 because they can tell you right now you know their

1
2 specific showtimes and play list. Uhm, I am just
3 clicking through the Zoom here to see who else might
4 be on. But I know that they vary. I know that AMC
5 has a pilot running in New York City at three of
6 their theatres. Two on the upper west side, one in
7 Time Square and they're offering a number and I will
8 look up the data right now because I have the data
9 here if no one else is available to provide it.

10 But they are also offered available upon request.
11 And the issue Mr. Chairman with this legislation
12 again is the quantity of open captioning shows and
13 the ability to play the number that's set in this
14 bill is just impossible to comply with. Uhm, and
15 would lead to further financial loss and again,
16 you've heard a lot of testimony about the difficulty
17 of theatres. I want to again reiterate some of the
18 testimony. We want people in our theatres and we
19 clearly want to welcome people with disabilities,
20 including people who are deaf and hard of hearing.

21 And you know, I personally had conversations with
22 Mr. Bergman and Mr. Waldo and they've been very
23 productive conversations, very respectful
24 conversations and we hope to continue those
25 conversations and we want to be able to find a

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2 solution that works for everybody. I just don't
3 think that this legislation does and I think it will
4 only lead to the detriment of all the stakeholders
5 because these theatres won't be able to stay in
6 business if this legislation is put in as is. And a
7 mandate like this just won't work.

8 So, we're trying to find a way of expanding open
9 captioning, a way of improving closed captioning. We
10 need as many people to come to the theatres as
11 possible and if there is an untapped audience that's
12 out there, we welcome them with open arms, everybody
13 and want everybody to feel respected, welcomed and
14 valued and that's critically important.

15 And I'm just finding the data here, so I
16 appreciate your time. The number of open caption
17 movies sir, Mr. Chairman, I have 6,093 open caption
18 showtimes from one of the cinema chains. And the
19 other number here, just bear with me please. Uhm, in
20 New York City, one of them is offering 914 open
21 caption showtimes.

22 And again, the data we have is that the audience
23 is not turning out for them. Could they do a better
24 job of advertising them? We're trying to talk with
25 Mr. Bergman and Mr. Waldo about doing just that.

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2 Could we do a better job of figuring out you know the
3 feedback from all audiences? From people who are
4 deaf and hard of hearing, from people who are not.
5 What they like, what they don't like of course. But
6 all these things take a little bit of time. They
7 take a little bit of time to set up the proper
8 methodology. They take a little bit of time to
9 determine the right data and the right facts and
10 unfortunately, you know we look at this legislation.
11 I - you know with all due respect, look at the 50
12 percent number, I think it's quite arbitrary and
13 again unworkable and we have a subset of New York
14 City data right now that's very actionable and all it
15 shows is that the capacity is not - the auditoriums
16 are not filled. They are almost completely empty,
17 95, 94 percent empty and if theirs is an untapped
18 audience, if there's an aggregate increase in the
19 audience, that would be something the theatres would
20 welcome.

21 Again, the theatres want people to come to the
22 movies and not give people a reason to stay home.
23 So, we want to continue to work with the advocates.
24 We want to work with all advocates and have dialogue
25 to figure something out that works. Our fear is that

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2 this legislation does not work and will only compound
3 the financial problems facing the theatres.

4 CHAIRPERSON EUGENE: Thank you and you know based
5 on your statement, it seems that the number of
6 captions represent a big challenge for the industry,
7 is that right? Hello, is that correct?

8 MATTHEW GRELLER: Yeah, I'm sorry, I just had
9 some trouble unmuting. Yes sir. Yes, Mr. Chairman.
10 The issue is if the number of captions is set in
11 stone, if it is mandated and the demand is not there,
12 then you will have movies being forced to be played
13 to empty auditoriums and the problem with that is you
14 will no longer have movie theatres if they are
15 required to play films with no audiences.

16 I defer to the theatre managers. I defer to the
17 theatre owners who notice issue inside and out but
18 the experience that I've looked at in terms of the
19 data and then I've heard, is that when the audience
20 isn't coming, the theatres aren't making revenue.
21 They can no longer afford to do that. And there are
22 the technical challenges and the logistical
23 challenges of such a high percentage. And I think
24 that if we look at other jurisdictions who have uhm,
25 open caption showtimes that are really responses to

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2 the demand, that it works well and unfortunately a
3 rigid mandate that is set in stone with a number
4 that's arbitrary will not work well. And so, we're
5 trying to find what that number will be and that's
6 why there are pilot projects and that's why there is
7 data. And this decision and this discussion should
8 be data driven. Uhm, it should be assessing the New
9 York market and trying to find a solution that works
10 for New York City, which is unlike every other market
11 in the country.

12 So, we're trying to find the right solution. As
13 someone said earlier, we're not the bad guys. We
14 want people to come to the movies and we particularly
15 want the deaf and hard of hearing community to feel
16 welcome and an integral part of the audience at the
17 movies.

18 CHAIRPERSON EUGENE: Thank you very much for your
19 answer. Thank you. You know, if the bill gets
20 enacted, it would require movie theatres to advertise
21 of their movies with open captioning. Is there any
22 other challenge that you believe that will impose to
23 the company?

24 MATTHEW GRELLER: No, Mr. Chairman. The
25 advertising portion is one that we want to really

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2 work with the advocates to determine what is the best
3 verbiage is you will to uhm, advertise in our – in
4 some of our conversations, we've been told that it
5 should be consistent to say, either OC or open
6 captioning.

7 Uhm, there have been experiments to try to really
8 clarify what that might mean for some audiences who
9 are not familiar with OC or open captioning. And so,
10 sometimes it will say, provided with or offered with
11 English subtitles. The idea is that all audiences
12 should be able to clearly understand how the movie s
13 being offered. And this goes beyond just open
14 caption or closed captioning. People want to go see
15 a movie in IMAX, they need to know it's playing in
16 IMAX. They need to know that that theatre and that
17 screen has the IMAX availability or other
18 availabilities.

19 Other types of projection equipment or other
20 types of technology. And so, we're trying to figure
21 out what is the best fit and again, want to work with
22 the advocates to determine both the advertising but
23 most especially the quantity. And I'll be the first
24 to say, you know people should feel free to come to
25 the movie theatre and have the accessibility to see

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2 the show that they want when they want to. We're not
3 seeing that that is the case and these businesses are
4 trying to accommodate everyone. And so, we're trying
5 to find that right balance and unfortunately, this
6 legislation does not find that right balance at all
7 and we're reluctantly opposing it.

8 Again, we want people from the deaf and hard of
9 hearing community to be regular patrons at the
10 movies.

11 CHAIRPERSON EUGENE: Uhm, you mentioned that you
12 from the industry, you are not the enemies and you do
13 want the people to enjoy the movies and you are
14 willing to dial into conversation with the advocates
15 but you have also the other speakers that shared with
16 us, the difficulties, the challenges that they face
17 in terms of equipment, device that will help them to
18 enjoy the movies and we know that everybody, everyone
19 in New York City, all New Yorkers and all our
20 constituents, they have the right to enjoy what is
21 available in our great City of New York. It's a
22 question of justice as you know and I think we as a
23 society, we have to provide them the opportunity to
24 enjoy every good thing that we, all the citizens
25 enjoy in New York City.

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2 But knowing these issues, challenges that some
3 people with difficulties, you know have been facing.
4 What would be your advice? What would be your
5 thoughts to try to accommodate them now? To try to
6 respond to their problem? The problem that they face
7 you know when they go to the movies, in terms of you
8 know being able to understand you know what is being
9 said in the movie? What is the urgent solutions, the
10 position you would have to resolve the problem right
11 now?

12 MATTHEW GRELLER: Yes, absolutely and it's a
13 great question Mr. Chairman and I think it goes at
14 the heart of this very issue. We're trying to access
15 what is the right solution and to do so, we need
16 actionable data. And we are currently operating in
17 multiple theatres a pilot project to see what works.
18 We need to find out the right questions to ask and we
19 need to find out the right methodology to determine
20 what is that right data.

21 As Mr. Waldo has pointed out, in some
22 jurisdictions, he has looked at the aggregate data.
23 In other words, if you have low open caption turnout,
24 are those other theatre goers, those patrons going to
25

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2 non-open caption show and then in the net, are you
3 seeing a gain?

4 Unfortunately, the experience and maybe more
5 anecdotal than data but the experience has seen that
6 if you have a patron going to a movie on a Friday
7 night and they don't like that's it's open caption,
8 they don't come back. Or maybe they don't come back
9 the following Friday or following Saturday.

10 And so, we want to be able to determine that
11 customer behavior. Customer behavior for people who
12 do like open captioning and customer behavior for
13 people who do not like open captioning.

14 Unfortunately the data right now that is currently
15 being assessed in New York City is showing that there
16 is a large number of empty seats. Almost 95 percent
17 of empty seats in the theatres for open caption
18 showtimes. We don't want to see that. Let me just
19 be very, very clear. We would love to have sellouts
20 of open caption seats and if that's the case, we
21 would have more open captioning. We want this to be
22 market driven. We understand the role of government.
23 We work very closely with government and most
24 recently worked to promote vaccination across the
25 city in our theatres and outside of our theatres as a

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2 way to make sure that we don't have to close down
3 again. And being closed for a year, I can tell you
4 was extremely difficult. And I know it's extremely
5 frustrating for people from the deaf and hard of
6 hearing community to not be able to go to any movie
7 that they want to see or to have difficulties with
8 the closed captioning equipment. We've talked with
9 advocates about ways to both improve the closed
10 captioning experience. Possibly using new technology
11 and also, ensuring that the devices are fully charged
12 and of course hygienic. But we want to make sure
13 that the open captioning availability is a fair and
14 balanced approach for everyone, for all patrons and
15 there are unfortunately patrons who complain about
16 open captioning. There are patrons who don't like it
17 and the theatres need to be able to respond to their
18 patrons.

19 Uhm, and that's why we want to be able to
20 continue with the pilot. We want to be able to
21 continue talking with the advocates, and we want to
22 find that right balance. We're very willing to you
23 know be dynamic and flexible. If we see that there
24 are more people coming to the open caption shows, the
25 theatres would offer more open caption shows. It's a

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2 good problem to have when you have a large population
3 or a large segment of the audience that wants to come
4 and that's something that the theatres definitely
5 want to see. Unfortunately, they just haven't you
6 know since this pandemic started and since the
7 theatres have been able to reopen, the audience
8 numbers are dismal. The box office receipts which
9 are you know reported publicly but they are reported
10 for the whole country and all movie theatres, not
11 just New York City. The numbers may seem staggering
12 and it may seem like oh, these movies are making so
13 much money. They're not.

14 And if you do the math and we have the numbers in
15 our testimony, it's quite dismal and unfortunately, a
16 lot of the audience is choosing to stay home and we
17 would love for the audience to come to the movies and
18 I can't say it or emphasize it enough, we want people
19 who are deaf and hard of hearing to come to the
20 movies, to feel comfortable, to feel welcome, to feel
21 important and come see the movies they want.

22 And as Randy Smith mentioned, there's no -

23 SERGEANT AT ARMS: Time.

24 MATTHEW GRELLER: Monolithic audience. All the
25 different movies are available to everybody and

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2 there's no one type of movie that any particular type
3 of audience wants to see.

4 So, again, we want to work with the sponsors. We
5 want to work with the advocates. We want to find the
6 right solution. This bill is not the right solution
7 and we think that we can come up with something
8 voluntary that would work much better and enable all
9 people to be able to feel comfortable and come to the
10 movies.

11 CHAIRPERSON EUGENE: Thank you very much for your
12 answer. Thank you. And I want to ask also some
13 questions, one question to the advocates if they are
14 still here. There's a big issue affecting so many
15 people of theft and also hard of hearing people in
16 our city. This is a very important and serious
17 issue, especially the people who are hard of hearing
18 people but - and I want to commend the advocates also
19 and Council Member Rosenthal for their advocacy to
20 try to resolve, to try to address this issue. It's a
21 very important issue because as I said previously,
22 all New Yorkers, all members of the society have the
23 right to enjoy what in the society our city can
24 offer.

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2 But we [INAUDIBLE 4:38:18] from the movie
3 industry, they said that they are not against that.
4 They want to continue the conversation and they want
5 to make sure that the people, the customers, they can
6 enjoy the movies like everybody else.

7 My question to the advocates, is there any
8 proposal, anything that you would like to suggest
9 now, like an urgent action from the movie industry to
10 be done in order for those who are deaf and also, who
11 are hard of hearing people can enjoy the movies you
12 know at this moment as we are trying to find a way to
13 address this very important issue? Is there any
14 proposal or action you believe that the movie
15 industry should take right now? Anything you want to
16 say in response you know to give?

17 COMMITTEE COUNSEL: Uh, Chair Eugene, is there
18 any particular advocate you would like to hear from?

19 CHAIRPERSON EUGENE: No, any advocate. Any
20 member from the advocacy is they are present, if they
21 are still on the Zoom.

22 COMMITTEE COUNSEL: I believe we have Jerry
23 Bergman available.

24 JERRY BERGMAN: Thank you. Chairman Eugene,
25 could you briefly repeat the question?

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2 CHAIRPERSON EUGENE: What I'm saying is that the
3 people who are deaf and also hard of hearing people,
4 they are facing a serious issue and we all know that
5 in our society, we have to do everything possible for
6 everyone to get the same access. And also they have
7 the opportunity to enjoy everything our city can
8 provide. But the reality is not the case. But the
9 people from the industry, they said that they
10 understand the situation. They are not against open
11 caption and they are trying to do everything possible
12 to make sure that the people, the customers can enjoy
13 the movies. And my question to the advocates,
14 hearing what the people from the industry say, is
15 there any proposition, anything, any response we want
16 to give in terms of the urgency of the issue? What
17 should be done in order for the people who are deaf?
18 Who are hard of hearing people can enjoy the movies
19 at the present moment?

20 JERRY BERGMAN: Here's a quick answer. We've had
21 two very cordial meetings with Attorney Greller and
22 uh, people he represents and at the second meeting,
23 which just happened yesterday, uhm, we exchanged
24 proposals, talked about those two proposals. The
25 difference in our positions is that we think a

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2 reasonable proposal can be made mandatory, our
3 proposal and reasonable means, all theatres
4 occasional open caption showings during the week day
5 and night at least one time and the weekend day and
6 evening at least one time. Also, taking into account
7 that most people with hearing loss and seniors with
8 difficulty hearing have no interest in the big
9 blockbuster movies. And those are the movies that
10 will make most money for the exhibitors. We're
11 interested in the smaller movies and those movies
12 tend to have more empty seats anyway.

13 So, I think there's less risk to schedule more
14 open caption showings of those movies. But we also
15 asked this question which they had no answer for.
16 Why are you basing this solely on tickets and how
17 many seats are sold to open caption performances?
18 I'm not as smart as the executives in the movie
19 industry, the cinema industry but I have to wonder
20 why they have not done any audience opinion research.

21 They used to give out audience response cards
22 when people come out of a theatre. Did you like this
23 movie? What didn't you like about this movie? They
24 haven't done anything like that so far as we know
25 with open captions because we think, they are afraid

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2 it will put them out of business or their membership
3 will bock at it and refuse.

4 So, we don't even know, I wrote this down to ask
5 Mr. Greller, we don't even know the basis of the
6 pilot test they're running in New York City. Again,
7 Mr. Smith said they are cooperating fully but they
8 sprung this test on us. They didn't ask us what are
9 we interested in in a way of open captions. How many
10 should they test? Where should they test and so
11 forth.

12 So, you know we question the criteria which will
13 determine the findings and we'd rather have them do
14 some opinion research. Give tickets to senior
15 citizens. Bring them in to see open caption movies
16 and ask them if they really would avoid open caption
17 movies. That's all we're asking for and I think the
18 difference in our positions is we think that our
19 proposal should be made law. We've submitted it to
20 Council Member Rosenthal and they would prefer their
21 proposal be voluntary. The percentages aren't that
22 much different. Thank you.

23 CHAIRPERSON EUGENE: Thank you so very much.
24 Thank you. So, now I would like to turn it over to
25 the General Counsel, to the Committee Counsel.

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2 COMMITTEE COUNSEL: Thank you Chair Eugene. I
3 will actually turn it over to you for any closing
4 remarks you would like to offer.

5 CHAIRPERSON EUGENE: Thank you so very much. Let
6 me say – take the opportunity to thank you General
7 Counsel and also the Sergeant at Arms and all the
8 staff in the City of New York. And also, I want to
9 thank Council Member Rosenthal and advocates and the
10 representatives also of the movie theatre.

11 People in our community, in our city are facing a
12 very important issue. A very important issue that
13 effect the quality of life, the wellbeing. And also
14 the people from the movie industry face. They
15 understand the issues and they do want to resolve it
16 and to address it. And the good thing is, uh, while
17 we are trying to vote this legislation, both sides
18 they engage, they are communicating and also, there
19 are civil opportunities to dialogue and to have a
20 conversation. And I hope that something will happen
21 and can be you know compromised before, as soon as
22 possible and it is a good sign that both sides in
23 conversations and also the movie theatres and also,
24 that this is something that they are concerned about
25 and they are looking for it to resolve.

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2 So if there is no more uh, statements, I want to
3 declare that this meeting is adjourned and thank you
4 to all of you for your statements and your
5 testimonies. Thank you very much. [GAVEL]. The
6 meeting is adjourned. Thank you.

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C E R T I F I C A T E

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



Date January 7, 2022