New York City Equal Employment Practices Commission

Annual Report 2022

March 2023





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Commissioners



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Message from the Board of Commissioners

The EEPC had a very busy and productive year. After the 2021 election, the new year started with a change in leadership at the helm of the City and for the first time in a long time, the 2 remaining EEPC Commissioner vacancies were filled, resulting in a full Board. Our newest Board members, Ngozi Okaro and Nicole Yearwood, bring a wealth of experience, expertise, and enthusiasm for the work we do, and have already proven to be a tremendous asset to the Board as we continue to ensure that the EEPC meets its mandates under the New York City Charter.



This year the EEPC focused primarily on the underutilization of women and minorities in the City's workforce and looked for opportunities to create a greater awareness of its work. The Board met with New York City Council Speaker Adrienne Adams to apprise her of the EEPC's important work, the issues the EEPC encountered in its research on

underutilization, and our recommendations to address it. The Board restated its view that Local Law 13 should be amended to include women in the analysis of underutilization, and this was well received. The Board also met with Council Member Nantasha Williams, Chair of the Committee on Civil and Human Rights, Council Member Tiffany Caban, Chair of the Committee on Women and Gender Equity, and Council Member Carmen De La Rosa, Chair of the Committee on Civil Service and Labor, to introduce them to the EEPC and its work. The Board also met with Department of Citywide Administrative Services (DCAS) Commissioner Dawn Pinnock to explain the EEPC's current research and request DCAS's assistance in obtaining relevant data. Commissioner Pinnock's support resulted in a plan for the two agencies to enter into a Memorandum of Understanding for the provision of data. The EEPC looks forward to working together with DCAS on similar projects in the future.

Other highlights of 2022 included launching a new audit of agencies' employment practices, with a specific focus on the underutilization of women and minorities in the workplace, and submission of the EEPC's second Racial and Ethnic Classification report in accordance with Local Law 13. One key takeaway in this report is that the COVID-19 pandemic played a significant role in the hiring of new employees, as well as the promotion and separation of current employees. Additionally, in June the EEPC held its first remote symposium, which also focused on underutilization and ways to identify and remedy it. The enthusiasm of the attendees exceeded all expectations. Also in June, the EEPC testified before a joint hearing of the Committees of Civil and Human Rights and Civil Service and Labor regarding Int. No. 515, a bill that would require the EEPC to conduct a comparable worth analysis, within each agency and across different agencies of City government. However, due to our limited resources, the EEPC regretfully had to inform City Council that we would be unable to perform this analysis unless additional staff and funding were allocated to the EEPC budget. Regardless of this setback, the EEPC is eager to participate in similar projects in the future.

As a Board, we are excited to see the EEPC's progress, particularly after the pandemic, and we are looking forward to building on our successes in this coming year. We would like to take this opportunity to thank everyone for their support, particularly the New York City Council and the Department of Citywide Administrative Services (DCAS), as we look forward to an even greater year in 2023.

Message from the Executive Director, Jeanne M. Victor

This year was my first full year as Executive Director of the EEPC and we had an ambitious agenda that centered on remedying underutilization of municipal employees. The year saw the development and launch of a new audit focusing on agency EEO practices and their impact on the underutilization of women and



minorities in City government. As we finalized the new audit's rollout, the EEPC simultaneously set about planning a symposium for City employees on underutilization and methods of remedying it. Once the symposium was completed, the EEPC then focused on publishing our second Racial and Ethnic Classification Report, in which we looked at 7 well-known civil service job titles to see how underutilization and occupational segregation in those titles played a role in their agency's workforces.

In addition to these tasks, the EEPC set about becoming a thought partner with other City entities by creating an Employment Advisory Committee and inviting representatives from the Department of Citywide Administrative Services, Office of Labor Relations, City University of New York, the NYC Law Department, the New York City Commission on Human Rights, the Mayor's Office, and New York City Council. One of the goals of the Committee is to ensure City agencies understand the relevant work other partner entities are planning to undertake and/or are currently performing to avoid wasting or duplicating City resources, and ensuring the City receives the best value for its taxpayer dollars.

We expect that our work in 2023 will continue to build upon the foundation that the EEPC established in 2022. In the coming year, the EEPC plans to partner with a City agency to create a pilot program where we will evaluate various methods utilized to remedy the underutilization of women and minorities in a particular job group(s) within that agency. We hope this initiative will provide an opportunity to test theories and ideas to see what works or does not work, which will ultimately inform the recommendations the EEPC makes in future research reports. Also on the EEPC's agenda is to periodically issue a newsletter to City entities with information about our audits as well as any research activities being planned. To facilitate the success of our audits of City entities, the EEPC began holding information sessions with the City's Agency Heads and EEO Professionals before initiating the audits' information gathering phase so that agencies know what to expect during an EEPC audit. We plan to continue with these information sessions, which have been very well received. In addition, as many City agencies have experienced higher turnover of EEO staff, the EEPC will develop a template for a continuity plan in order to encourage a smooth transition during staffing changes and assist them in assuming the management of the agency's EEO program without much difficulty. As the EEPC continues to broaden our perspective on the nature of our role and how we may assist the City, we will strive to engage more fully with our City agency/entity partners and look for ways to create value whenever possible. We look forward to a productive and fruitful 2023.

About the EEPC

The Equal Employment Practices Commission (EEPC) is an independent, non-mayoral oversight entity tasked with auditing, reviewing, and monitoring the equal employment practices of the City of New York.

Created by a 1989 amendment to the New York City Charter, the EEPC is empowered to audit and evaluate, at least once every four years, the employment practices and programs of municipal entities and their efforts to ensure equal employment opportunity (EEO) for women and people of color employed by, or seeking a position with, the City. The City Charter authorizes the EEPC to make a determination that any municipal entity's plans, programs, or procedures do not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The EEPC's mandate is to ensure the City's employment policies and practices comply with Federal, State, and City EEO requirements and industry best practices. Programmatic changes resulting from the EEPC's audits assist City entities in preventing employment discrimination and avoiding costly litigation.

Structure

The EEPC has a Board of Commissioners, Executive Director, Administration Unit, Legal Unit, Audit Unit, and Research Unit. An organizational chart can be found on page 6.

Board of Commissioners

The City Charter calls for the appointment of a Board of five per diem Commissioners. The Board is comprised of two appointees each from the Mayor and City Council, and a Chair jointly appointed by the Mayor and Speaker of the City Council. This arrangement ensures balance and insulation from political influence and facilitates exercise of jurisdiction over the employment practices of mayoral and non-mayoral entities, as well as the offices of elected officials and political appointees.

The City Charter requires the Board to meet at least once every eight weeks. In accordance with the New York Open Meetings Law, Board meetings are open to the public. Additionally, pursuant to Local Law 103 of 2013, Board meetings are recorded and made available to the public online.

During meetings, the Board adopts and approves audit-related Final Determination resolutions – which delineate corrective actions – and Determinations of Compliance, Partial Compliance, or Non-Compliance, which reflect entities' implementation of the

prescribed corrective actions. The Board also deliberates on whether issues and trends revealed through entity audits and relevant research are appropriate for further investigation, public hearings or — consistent with its role as monitor of the City's employment practices — for recommendation to the Mayor, City Council, and the Department of Citywide Administrative Services (DCAS), to improve the City's equal employment opportunity policies and programs.

Executive Director

The Board appoints an Executive Director to advise and assist in the development and implementation of strategic plans and initiatives and oversee the EEPC's daily operations to effectuate the powers and duties delegated to it by the City Charter.

Administration Unit

The Administration Unit provides support for computer and technology systems and the development and implementation of human resources initiatives and personnel policies.

Legal Unit

The Legal Unit serves to interpret legal issues related to the administration of the EEPC's responsibilities and duties, interpret and reinforce the EEPC's authority, ensure the legal application of the EEPC's Uniform Standards to audits of municipal entities and the City as an employer, and maintain legal compliance with federal, state, and local EEO laws, regulations, and judicial decisions.

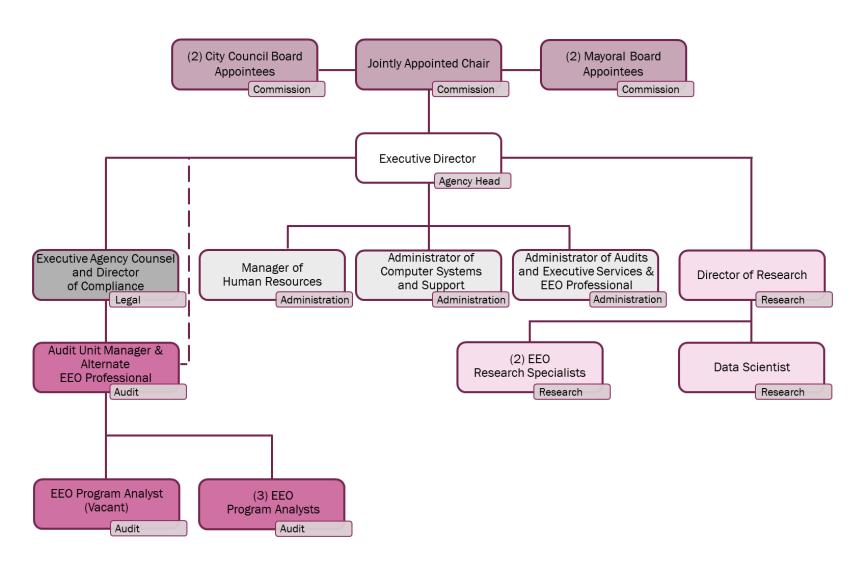
Audit Unit

The Audit Unit reports to the EEPC's Legal Unit to ensure interpretation of EEO laws and policies in the administration and management of audits. The EEPC's Audit Unit conducts comprehensive and issue-specific audits of City entities' employment programs and prescribes corrective action to bring entities into compliance with the EEPC's Uniform Standards. The Audit Unit also aids agencies in the implementation of EEO program changes.

Research Unit

The Research Unit conducts analyses of City employment data to examine issues in equal opportunity practices and trends in employment patterns of underrepresented demographics. The Research Unit publishes reports to fulfill requirements established by the City Council and supports the Audit and Legal Units.

Organizational Chart



Authority

The City Charter authorizes the EEPC to audit, evaluate, and monitor the employment practices, procedures, and programs of City agencies and other municipal entities, including their efforts to ensure equal employment opportunities. The EEPC recommends practices, procedures, and programs to be utilized by those entities for compliance with federal, state, and local laws, to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. To that end, the City Charter also authorizes the EEPC to review the Annual EEO and Diversity Plans of City agencies, entities, and offices of elected officials, monitor execution of their Plans through review of Quarterly EEO Reports, and provide comments, suggestions, and recommendations for inclusion in future Plans.

In addition to its audit responsibilities, the EEPC is also authorized to make policy, legislative, and budgetary recommendations to ensure equality of employment opportunity; establish advisory committees to support and advance its goals of increasing EEO; request and receive information from City entities, as needed, to effectuate its mandates; and conduct research and hold hearings and symposiums to address EEO matters that affect the municipal workforce.

Jurisdiction

The City Charter and New York City Corporation Counsel opinions accord the EEPC oversight over approximately 145 City entities that include, but are not limited to: mayoral and non-mayoral agencies; the offices of elected officials, such as the Mayor, City Council, Borough Presidents, City Comptroller, District Attorneys, and Public Advocate; non-pedagogical employees of the Department of Education and the community colleges of the City University of New York; the New York City Housing Authority; and the Pension and Retirement Systems.

NYC Open Data

The New York City Open Data Law mandates that public data be freely available on a single web portal. NYC Open Data is the free public data published by New York City entities. It provides an opportunity for New Yorkers to engage with the information that is produced and used by City government. The EEPC is committed to NYC Open Data for all to increase transparency, accountability, and accessibility within City government. For additional information on NYC Open Data, please visit: https://opendata.cityof-newyork.us/.

2022 Audits

The purpose of an EEPC audit is to analyze and evaluate a municipal entity's employment practices and EEO program to ensure they provide equal opportunity for women, minorities, all employees, and applicants identified for protection from discrimination.

Methodology

The EEPC's audits consist of four phases: audit preparation, information gathering, evaluation, and compliance monitoring.

Audit Preparation

During the audit preparation phase, the EEPC reviews its four-year audit plan, determines which entities will be audited for the upcoming year, and sends out Audit Initiation Letters. The EEPC also conducts audit information sessions for Agency Heads and Principal EEO Professionals.

Data Collection

During the data collection phase, the EEPC sends Preliminary Interview Questionnaires (PIQs) to the principal EEO professionals of each audited agency. The PIQs ask the agency to provide information about their EEO programs and submit documentation that supports their EEO efforts.

Evaluation

During the evaluation phase, the EEPC reviews the information provided by the audited agencies via the PIQs, analyzes the agencies' EEO practices against the EEPC's Uniform Standards, and issues a *Preliminary Determination* detailing initial findings, after which agencies have the option to respond and provide additional documents and information. After reviewing the agency's response to the *Preliminary Determination*, the EEPC will issue a *Final Determination*, which identifies areas related to the audit standards where the agency's EEO program may be lacking and includes steps needed to remedy the deficiencies identified (if any).

Compliance Monitoring

The issuance of a *Final Determination* marks the beginning of Compliance Monitoring, which is the last phase of an audit. During this period, the EEPC will work with the audited entity to implement program enhancements. Upon completion of all prescribed corrective actions or the Compliance Monitoring period, whichever is first, the EEPC will issue a *Determination of Compliance*, *Partial Compliance*, or *Non-Compliance*, as

applicable. The EEPC has the authority to compel the attendance of witnesses and administer oaths for the purpose of ascertaining whether City entities are in compliance with equal employment opportunity requirements.

Employment Practices Audit with a Focus on Underutilization

As the first year of a four-year audit cycle, 2022 saw the development and launch of the EEPC's *Employment Practices Audit with a Focus on Underutilization* (EPA (UU)). The goal of the EPA (UU) is to evaluate the following components of an agency's EEO program: distribution of EEO policies and procedures, annual EEO plans, EEO training for employees and EEO professionals, and the EEO resources available for employees and applicants with disabilities. It also includes assessments of an agency's workforce data and recruitment and selection processes to ensure the entity is taking action to address underutilization of minorities and women in the City's workforce.

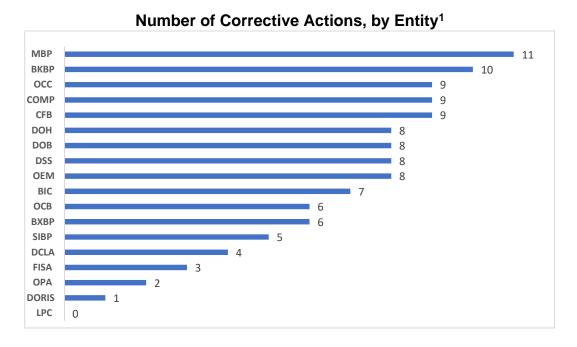
The EPA (UU) contains 20 standards, divided into eight sections.

EPA (UU) audit sections

Section	# of Standards
EEO policy issuance, distribution, and posting	2
Complaint investigation procedures	1
Annual EEO plan	1
Entity training	4
Employees and applicants with disabilities	3
Workforce review and analysis	2
Recruitment	3
Selection (hiring and promotion)	4
Total	20

2022 Audits

The EEPC conducted an EPA (UU) of 18 entities in 2022. One-hundred-fourteen corrective actions in total were assigned to these 18 entities, as reflected in their *Final Determinations* (an average of 6.3 per agency). The figure on page 10 shows the number of corrective actions that remained for compliance monitoring after the *Final Determination* for each of the 18 agencies audited in 2022.



Of the 18 entities audited, only the Landmarks Preservation Commission had no remaining corrective actions after the issuance of the *Final Determination*. Five agencies had five or fewer corrective actions:

- Department of Records and Information Services
- Office of Payroll Administration
- Financial Information Services Agency
- Department of Cultural Affairs
- Office of the Staten Island Borough President

It must be noted that the assignment of a corrective action does not mean an agency is lacking all components of an audit standard. In most cases, entities are missing some aspect of the standard and the corrective action is issued for the agency to correct only the specific portion of the audit standard that is deficient.

Compliance Monitoring

There were 114 corrective actions (CAs) assigned for monitoring, illustrated in the table on page 11. Sixteen audit standards had one or more CAs issued. Four had none remaining after the issuance of the *Final Determination* (Standards #2, #3, #11, and #14).

¹ MBP: Office of the Manhattan Borough President; BKBP: Office of the Brooklyn Borough President; OCC: Office of the City Clerk, City of New York; COMP: Office of the NYC Comptroller; CFB: NYC Campaign Finance Board; DOH: NYC Department of Health and Mental Hygiene; DOB: NYC Department of Buildings; DSS: NYC Department of Social Services; OEM: NYC Department of Emergency Management; BIC: Business Integrity Commission; OCB: Office of Collective Bargaining; BXBP: Office of the Bronx Borough President; SIBP: Office of the Staten Island Borough President; DCLA: NYC Department of Cultural Affairs; FISA: Financial Information Services Agency; OPA: Office of Payroll Administration; DORIS: Department of Records & Information Services; LPC: Landmarks Preservation Commission

There were five audit standards for which 10 or more agencies had a corrective action assigned at the commencement of compliance monitoring (Standards #5, #8, #12, #13, #17).

Number of agencies issued a corrective action

	Audit Standard	CAs
1	Annual distribution of an EEO policy statement	3
2	Annual distribution of an EEO Policy	0
3	Establish and utilize a complaint tracking system	0
4	Submit annual EEO plans and quarterly reports	7
5	Establish and implement an EEO training plan	13
6	Appoint a principal EEO Professional	4
7	Appoint support EEO professionals	6
8	Training for personnel involved in recruiting/hiring	11
9	Designate a Disability Rights or ADA Coordinator	3
10	Distribute reasonable accommodation process	5
11	Utilize the Section 55-a Program	0
12	Annual workforce data review	12
13	Use and maintain an applicant/candidate log	10
14	Diversity in entity-produced content	0
15	Designate staff to assess recruitment efforts for discretionary titles	4
16	Assess recruitment efforts for discretionary titles	4
17	Designate Career Counselor	11
18	Designate a principal HR professional to provide agency-wide job information	8
19	Assess selection methods for discretionary titles	5
20	Assess selection methods for civil service titles	8

Community Board and Follow-Up Audits

In addition to conducting an EPA (UU) of 18 entities, the EEPC also conducted 15 *Community Board Employment Practices Audits* (CB EPA) of the Bronx and Staten Island Community Boards and one follow-up *Sexual Harassment Prevention and Response Practices Audit* (SHPRA).

The CB EPA evaluates a Community Board's EEO practices and focuses on 6 areas: issuance, distribution, and posting of EEO policies; EEO training for employees; information about filing an EEO complaint; EEO access for people with disabilities; recruitment efforts; and selection processes during hiring and promotion.

The one follow-up audit was conducted due to the issuance of a *Determination of Partial Compliance* to the Office of the Kings County District Attorney during its initial SHPRA.

2023 Audits

The EEPC plans to conduct EPA (UU) audits for the following 25 entities in 2023:

- 1. Office of the Mayor
- 2. New York City Employees Retirement System
- 3. Office of Management and Budget
- 4. Department of City Planning
- 5. Teachers' Retirement System of the City of New York
- 6. Board of Standards and Appeals
- 7. Administration for Children's Services
- 8. Board of Correction
- 9. Taxi and Limousine Commission
- 10. Department of Youth and Community Development
- 11. Conflicts of Interest Board
- 12. Queensborough Community College
- 13. Borough of Manhattan Community College
- 14. Department of Probation
- 15. Department of Small Business Services
- 16. Department of Housing Preservation and Development
- 17. Department of Sanitation
- 18. Department of Finance
- 19. Department of Parks and Recreation
- 20. Department of Design and Construction
- 21. Department of Consumer and Worker Protection
- 22. Office of the New York County District Attorney
- 23. New York City Housing Development Corporation
- 24. Office of the Queens County Public Administrator
- 25. New York City Economic Development Corporation

The EEPC also plans to conduct CB EPA audits of the 18 Brooklyn Community Boards, for a total of 43 audits in 2023.

EEPC Symposium 2022

Understanding and Addressing Underutilization of Women and Minority Group Members in New York City's Municipal Workforce

On June 9, 2022, the EEPC hosted a symposium for New York City employees, which was focused on understanding underutilization of women and minority group members in the City's workforce and how to address it. More than 200 of the City's HR Professionals, EEO Officers, and Agency Heads remotely attended this presentation to get advice and best practices from experts in the industry.



The speakers included Kadian Outar, Executive Director for the Department of Citywide Administrative Services' (DCAS) Office of Citywide Equity & Inclusion (CEI). Ms. Outar explained how DCAS's Citywide Equal Employment Database System reports (CEEDS reports) can be used to identify underutilization of women and minorities at the job group level. Also presenting was Eric Eichenholtz, Esq., Senior Counsel at New York City's Law Department. Mr. Eichenholtz explained why HR and EEO Professionals should examine their hiring processes and, for those positions where underutilization of women and/or minorities has been identified, consider adopting new recruitment processes to advertise the position to a greater cross-section of the population.

One highlight of the symposium was Dr. Beverly Tarulli's presentation: *Identify Sources* of Diversity Gaps and Evidence-Based Approaches to Reduce Them. A Clinical Assistant Professor at New York University leading the Human Capital Analytics and Technology master's degree program, Dr. Tarulli has 33 years of experience in industry and consulting, diversity strategy and execution using data, and human resources design and practice. Dr. Tarulli has been published in both academic and professional publications, most recently in Workforce Solutions Review on the topic of pay equity, and is co-editing a book on strategic workforce planning. Dr. Tarulli's presentation first focused on the problem of underutilization and occupational segregation, how big the problem is, and why it happens. She then discussed how HR and EEO professionals can use data to identify the sources of the problem and find solutions. Dr. Tarulli concluded her remarks by recommending 3 main actions organizations can take to improve diversity outcomes: (1) Establish Goals: understand and track workforce dynamics, set long term goals based on modeling projections, and create scorecards and dashboards; (2) Redesign Talent Acquisition: rethink job requirements, craft neutral job descriptions/postings, shift from "negative" to "affirmative" filters in applicant tracking systems, expand sourcing of talent beyond "traditional" pools, standardize and validate interviews and conduct conscious inclusion training, or consider eliminating interviews entirely; and (3) Examine Other HR Decision Points and Processes: periodically review performance ratings distributions and differences in written remarks, systematically examine for unexplained pay differences, and dig into promotion and turnover patterns.

The symposium ended on a high note with a roundtable discussion on diversity and hiring practices with representatives from both the Fire Department (FDNY) and the Police Department (NYPD). FDNY Assistant Commissioners Tricia Singh, Nafessah Noonan, and Don Nguyen and NYPD Assistant Commissioners Edward Winski and Marisa Caggiano discussed how they were able to successfully hire women and diverse candidates for their respective organizations.

At the conclusion of the symposium, the EEPC received a great deal of positive feedback from the participants, with many saying that the EEPC had delivered a great event.

EEPC Research

Local Law 13

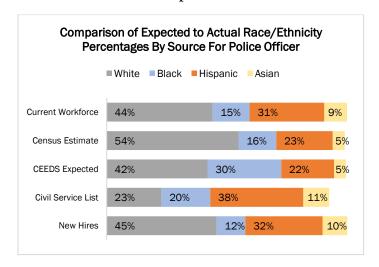
Reporting on Underutilization in the City's Workforce

In 2019, the New York City Council enacted Local Law 13. It requires the EEPC to report annually for ten years on underutilization of racial and ethnic groups in the City's municipal workforce and the non-faculty personnel at the City University of New York's (CUNY) community colleges. The law also mandates the EEPC to offer recommendations on how to address underutilization. The EEPC has formally requested the City Council amend Local Law 13 to include gender as part of this series; in anticipation of that change, analyses of gender demographics were included in these reports.

In 2022 the EEPC published its second edition in the series, examining seven Civil Service job titles (Police Officer, Correction Officer, School Safety Agent, Sanitation Worker, Caseworker and Social Worker, and Firefighter) and analyzing the demographics of women, Black, Hispanic, and Asian workers as compared to White and male workers in these titles. Several key findings and recommendations were highlighted in that report.

In some titles, White males were selected for hire at rates that substantially exceeded their presence on Civil Service lists.

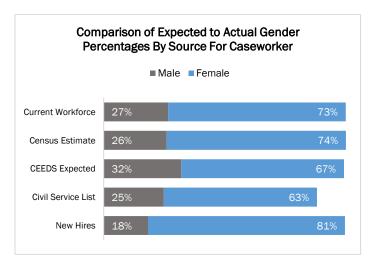
The figure below illustrates the racial/ethnic breakdown of individuals on the Police Officer Civil Service List in 2021 and the composition of new hires.



The rate of hire of Whites was much higher than their presence on the list. For Blacks and Hispanics, it was much lower (8 and 6 percentage points lower, respectively). There were similar disparities for males compared to females (data not shown).

There is considerable occupational segregation in the City's workforce.

Occupational segregation is defined as the concentration of individuals from certain groups into certain occupations. Historically, this has often manifested with Whites and men disproportionately employed in higher-paying jobs, and people of color and women employed in lower paying jobs. This phenomenon shows up in New York City's workforce. The figure below illustrates this for Caseworkers.



Caseworkers are in the "Social Workers" job group, which has a median salary of just under \$58,000, compared to just over \$85,000 for Police Officers and Firefighters, and just over \$77,000 for Sanitation Workers, job groups with disproportionate numbers of Whites and males.

The City uses old availability estimates that have not been updated since 2013.

The availability estimates used in the determination of underutilization should be a current estimate of the percentage of women and Black/Hispanic/Asian individuals within the relevant labor market.

The EEPC made several recommendations in light of these findings. The City should review the process that establishes Civil Service lists to determine if there are components that award points but are not relevant to performing the job. The City should do more to train its existing workforce, particularly those in lower-paying titles, to encourage them to develop the skills necessary to qualify for higher-paying jobs with more opportunities for advancement. The City should also consider updating the outdated availability estimates in CEEDS and establish a process for doing so on a regular basis.

The EEPC will continue publishing reports on underutilization in the City's workforce, and the CUNY community colleges (as mandated by Local Law 13) annually. These reports will be available on our website and distributed to relevant stakeholders.

Board of Commissioner Meetings

The Commission met 9 times in 2022, on:

Thursday, January 27 Thursday, February 24

Thursday, April 7 Thursday, May 12

Thursday, June 23 Thursday, July 28

Thursday, September 22 Thursday, November 3

Thursday, December 15

Links for the video recording of each meeting can be found at https://www.nyc.gov/site/eepc/meetings/meetings2022.page.

Eight meetings are scheduled for 2023:

Thursday, January 26, 10:15 AM

Thursday, March 9, 10:15 AM

Thursday, April 27, 10:15 AM Thursday, June 1, 10:15: AM

Thursday, July 20, 10:15 AM

Thursday, September 14, 10:15 AM

Thursday, November 2, 10:15 AM Tuesday, December 19, 10:15 AM

These dates are subject to change. Public notice of the Board's meetings is published in the City Record for five successive days prior to the date of the meeting. Meetings are live-streamed.

