

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON CIVIL AND HUMAN RIGHTS AND
COMMITTEE ON HIGHER EDUCATION 1

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON CIVIL AND HUMAN RIGHTS
AND COMMITTEE ON HIGHER EDUCATION

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Chairperson

Nantasha M. Williams, Civil and
Human Rights Chairperson

Eric Dinowitz, Higher Education
Chairperson

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A P P E A R A N C E S

Annabel Palma, Commissioner and Chair of the New York City Commission on Human Rights

Sapna Raj, Deputy Commissioner of the Law Enforcement Bureau of Commission on Civil and Human Rights

Kajori Chaudhuri, Deputy Commissioner of the Community Relations Bureau of Commission on Civil and Human Rights

Mariela Salazar, Deputy Commissioner for Administrative Services of Commission on Civil and Human Rights

Jeanne Victor, Executive Director of the Equal Employment Practices Commission

Russell Ferri, Director of Research of the Equal Employment Practices Commission

Felix Matos Rodriguez, Chancellor of The City University of New York

Wendy Hence, Vice Chancellor and University Provost of The City University of New York

Hector Batista, Vice Chancellor and Chief Operating Officer of The City University of New York

Christina Chiappa, Vice Chancellor and Chief Financial Officer of The City University of New York

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON CIVIL
AND HUMAN RIGHTS JOINTLY WITH COMMITTEE ON HIGHER
EDUCATION 4

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2 SERGEANT-AT-ARMS: Check one, two. Check
3 one, two. This is a prerecorded sound test for the
4 Committee on Finance joint with the Committee on
5 Civil and Human Rights joint with Higher Education.
6 Today's date is May 9, 2023. It's being recorded by
7 Michael Leonardo in the Council Chambers along with
8 Walter Lewis.

9 SERGEANT-AT-ARMS: Good morning and
10 welcome to today's New York City Council Executive
11 Budget hearing on the Committee on Finance joint with
12 the Committee in Higher Education and Civil and Human
13 Rights.

14 At this time, we ask that you silence
15 cell phones and electronic devices to minimize
16 disruptions throughout the hearing. We thank you for
17 your cooperation.

18 Chair, we are ready to begin.

19 CHAIRPERSON BRANNAN: Thank you, Sergeant.

20 [GAVEL]

21 Good morning and welcome to the second
22 day of FY24 Executive Budget hearings. Today, we're
23 beginning with the City Commission on Human Rights.
24 I'm Council Member Justin Brannan, and I Chair the
25 Committee on Finance. Pleased to be joined by my good

friend and Colleague, Council Member Nantasha
Williams, Chair of the Committee on Civil Service and
Human Rights. We've been joined today by Council
Members Marte, Abreu, Richardson Jordan, and Louis.

I'm happy to welcome CCHR Commissioner
and familiar face, Annabel Palma, and her team. Thank
you all for joining us today to answer our questions.

On April 22, 2023, the Administration
released the Executive Financial Plan for FY23 to '27
with a proposed FY24 budget of 106.7 billion dollars.
CCHR's projected FY24 budget of 14.1 million
represents less than 1 percent of the
Administration's proposed FY24 budget in the
Executive Plan. This represents an increase of 1.2
million or 9.5 percent from the 12.8 million dollars
budgeted in the Administration's FY24 Preliminary
Plan. The increase comes from both increased funding
and head count at the CCHR's Source of Income Unit.
CCHR's projections also show a decrease in head count
of three positions since the adoption of the FY23
budget.

My questions today will largely focus on
the asylum-seeker crisis, the Bias Response Team, the
salary transparency enforcement efforts, and the

Commission's efforts on enforcing the Human Rights
Law as a whole.

I want to turn now to my Co-Chair for
this hearing, Council Member Nantasha Williams, for
her opening statement.

CHAIRPERSON WILLIAMS: Thank you. Good
afternoon and welcome to the Fiscal 2024 Executive
Budget hearing for the Committee on Civil and Human
Rights. My name is Nantasha Williams, and I am the
Chair of the Committee obviously.

Today, we will review the Fiscal 2024
budget for the Commission on Human Rights and the
Equal Employment Practices Commission to understand
how each addresses the protections for New Yorkers
through the City Human Rights Law and in City
employment practices. The Commission on Human Rights
enforces Human Rights Law and educates the public to
encourage positive community relations. The
Commission's Fiscal 2024 Executive Budget totals 14
million dollars, including 11.6 million for personal
services to support 139 positions and 2.5 million for
other-than-personal services.

The New York City Equal Employment
Practices Commission is an independent, non-Mayoral

oversight entity tasked with auditing, reviewing, and monitoring the equal employment practices of the City of New York. Its Fiscal 2024 Executive Budget totals 1.27 million dollars, including 1.18 million for personal services and 87,000 dollars for other-than-personal services.

I would like to welcome the leadership of both Commissions. The City, CCHR, EEPC, and the Committee are all in a unique position to proactively support New Yorkers as we continue to move forward.

I would like to continue to have these fruitful conversations with ongoing oversight hearings. However, we have a lot of work ahead. Today, I am interested in learning about CCHR's Source of Income Unit, its staffing, and the inner workings of the Law Enforcement Bureau. For EEPC, I look forward to discussing the Commission staffing and the various reports the agency releases.

This plan included one new need for CCHR but decreased both entity budgets by 1.2 million dollars for CCHR and 73,000 dollars for EEPC. We're really talking about a drop in the bucket for real. With these various PEGs in both, I remain concerned that these budgets are not sufficiently funded and

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2 would like to further discuss that in today's
3 hearing. While all government agencies perform good
4 work, EEPD and CCHR are particularly critical in
5 assuring that our workplace has equal employment
6 opportunities, diversity, inclusion, and, most
7 importantly, that in this City our civil and human
8 rights are being upheld. I'm working on a package of
9 bills around equity and proper funding and staffing
10 for these agencies, and this is critical to the work
11 that we do to ensure that is effective.

12 The Committee would also like to discuss
13 this and other budgetary changes in the Adams'
14 Administration's budget. I look forward to learning
15 more about the Commission on Civil and Human Rights
16 and the Equal Employment Practices Commission, the
17 important role that each has in New York.

18 I also want to thank our Committee Staff
19 for their hard work, Financial Analyst Tanveer, Unit
20 Head Jack Storey (phonetic), Senior Counsel Jayasri,
21 and our Legislative Policy Analyst Wiam, and my
22 Budget and Legislative Coordinator Nader.

23 I'd like to welcome and thank again the
24 Commission on Human Rights for the work that they do,
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2 and I'm looking forward to hearing from you,
3 Commissioner.

4 CHAIRPERSON BRANNAN: Thank you, Chair.
5 Before we get started, also my thanks to Tanveer from
6 the Committee Finance Division for preparing all the
7 hearings today, my Committee Counsel Mike Twomey
8 (phonetic), and my Senior Advisor John Yedin
9 (phonetic), all the Financial Analysts and Support
10 Staff behind the scenes who make these Executive
11 Budget hearings work.

12 I'm now going to turn it over to my
13 Committee Counsel, Mike Twomey, to swear in the
14 witnesses for their testimony today.

15 We've also been joined by Francisco Moya
16 on Zoom.

17 COMMITTEE COUNSEL TWOMEY: Good morning.
18 Can you raise your right hands, please?

19 Do you affirm that your testimony will be
20 truthful to the best of your knowledge, information,
21 and believe and you will honestly and faithfully
22 answer Council Member questions? Commissioner Palma.

23 COMMISSIONER PALMA: I do.

24 COMMITTEE COUNSEL TWOMEY:
25 Deputy Commissioner Raj.

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON CIVIL
AND HUMAN RIGHTS JOINTLY WITH COMMITTEE ON HIGHER
EDUCATION 10

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DEPUTY COMMISSIONER RAJ: I do.

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COMMITTEE COUNSEL TWOMEY: Deputy

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Commissioner Chaudhuri.

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DEPUTY COMMISSIONER CHAUDHURI: I

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do. COMMITTEE COUNSEL TWOMEY: Deputy

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Commissioner Salazar.

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DEPUTY COMMISSIONER SALAZAR: I do.

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COMMITTEE COUNSEL TWOMEY: Thank you. You

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may begin.

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COMMISSIONER PALMA: Good morning, Chair

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Williams, Chair Brannan, and Members of the Committee

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on Finance and Civil and Human Rights. Thank you for

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convening today's hearing. I am Annabel Palma,

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Commissioner and Chair of the New York City

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Commission on Human Rights. Today I am joined by

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Sapna Raj, Deputy Commissioner of the Law Enforcement

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Bureau, Kajori Chaudhuri, Deputy Commissioner of the

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Community Relations Bureau, and Mariela Salazar,

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Deputy Commissioner for Administrative Services. I

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have had the honor to lead this agency since October

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of 2021. I am proud of what our team has

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accomplished, and I will speak about some highlights

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of our work today. I will focus on enforcement,

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education, outreach, and legislative changes.

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2 The Commission is the agency charged with
3 implementing the New York City Human Rights Law. Our
4 law is one of the broadest and most protective
5 anti-discrimination and anti-harassment laws in the
6 country with 27 protected categories. The law
7 prohibits discrimination in housing, employment, and
8 public accommodations. By statute, the Commission has
9 a dual mandate. First, the Commission's Law
10 Enforcement Bureau enforces the law. This includes
11 investigating complaints of discrimination from the
12 public, initiating Commission investigations on
13 behalf of the City, and conducting tests to identify
14 potential violations of the law. Second, the
15 Community Relations Bureau offers workshops and
16 trainings on New Yorkers' rights and responsibilities
17 under the law. We engage with businesses, employers,
18 and housing providers across all five boroughs. The
19 Community Relations Bureau seeks to prevent
20 discrimination through education and works closely
21 with community partners and sibling agencies to
22 mitigate bias and discrimination.

23 Our law has been amended twice over the
24 past year. The most recent amendment, the definition
25 of domestic violence to include economic abuse. This

1
2 amendment will go into effect in July. In November of
3 2022, new transparency provisions that require
4 employers to display the pay in job advertisements
5 went into effect. These two changes build upon the
6 dozen amendments to our law that the Council enacted
7 from 2012 through 2021.

8 The law aims to advance equity in
9 employment, in housing, and in public accommodations.
10 In the workplace, the law includes protections for
11 pregnant and lactating New Yorkers, prohibitions on
12 discrimination based on an applicant or current
13 employee's arrest or conviction history as well as
14 protections for individuals with disabilities. The
15 law forbids discrimination in housing based on race,
16 disability, age, sexual orientation, source of
17 income, and other protected categories. The law also
18 prohibits retaliation against individuals who
19 confront discrimination, report discrimination, or
20 participate in a related investigation.

21 The work we do every day aims to prevent
22 discrimination and bias. We know that it still
23 occurs, and when discrimination does occur, our
24 agency aims to remedy the harms.

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2 In FY22, the Commission resolved 667
3 cases and assessed nearly 7 million dollars in
4 damages and penalties for violations of the law.
5 Additionally, the Commission has shaped remedies that
6 repair the harm experienced by individuals and
7 communities impacted by discrimination. For example,
8 in instances of employment discrimination, the
9 Commission has negotiated resolutions that require
10 respondents to change policies and practices that
11 broaden employment opportunities, including for
12 individuals who face discrimination because they are
13 sexually harassed, live with a disability, or have
14 been justice-involved. In housing cases, settlements
15 have included set-asides of apartments for voucher
16 holders as well as construction of ramps and
17 modifications to apartments so residents with
18 disabilities can access housing.

19 Overall, the Commission seeks to foster
20 compliance with the law. The Commission continues to
21 use our enforcement tools to educate covered
22 employers, housing providers, and providers of public
23 accommodations about their legal obligations. We work
24 with covered entities to develop policies and
25 practices that prevent discrimination. We expanded

our trainings, increased outreach to sibling agencies, and have grown our multi-lingual trainings.

These efforts are supplemented by our extensive offerings on protections in the law, and the trainings and workshops focused on specific groups of New Yorkers. Trainings are one example of the wide-ranging outreach carried out by our community liaisons and lead advisors who work specifically with LGBTQIA individuals, New Yorkers of the African Diaspora, Asian New Yorkers, and transgender individuals among other New Yorkers historically underserved and underrepresented.

The attorneys in the Law Enforcement Bureau evaluate and investigate allegations of discrimination brought to the Commission by members of the public. LEB also utilizes the agency's investigatory and prosecutorial powers to root out discrimination through Commission-initiated investigations. LEB offers the option of resolving claims in lieu of filing a complaint, leading to a quicker resolution in certain matters. At the same time, LEB continues to prioritize timely case resolutions.

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2 In FY22, the Commission fielded over
3 11,000 inquiries from members of the public in the
4 form of phone calls, emails, letters, visits to
5 Commission offices, or at Commission events. More
6 than 780 of these inquiries were in languages other
7 than English. Spanish, Mandarin, and Russian are the
8 most common in this category. In the first half of
9 FY23, LEB received over 5,000 inquiries. These
10 numbers reflect the Commission's focus on enhancing
11 agency visibility and amplifying knowledge of the
12 broad protections afforded by our law. We continue to
13 use all our tools to inform New Yorkers that they
14 have a right to live free from discrimination and
15 harassment.

16 In FY22, the largest number of inquiries
17 we received were in employment, accounting over 2,000
18 inquiries. Housing is second with over 750 inquiries.
19 Across all jurisdictions, housing, employment, and
20 public accommodations, disability-related inquiries
21 were the most reported followed by inquiries related
22 to gender and then race and color. We received over
23 600 inquiries related to disabilities and over 550
24 inquiries related to gender. Race and color were
25 raised in nearly 400 inquiries.

1
2 The Commission continues to prioritize
3 the use of pre-complaint interventions, which can
4 provide more timely relief from harm. In FY22, the
5 Law Enforcement Bureau resolved nearly 200 matters
6 without filing a complaint. The most common pre-
7 complaint interventions involved disability
8 accommodations in housing, totally 65 interventions,
9 and 41 interventions involving unlawful source of
10 income discrimination, where a tenant or a
11 prospective tenant was denied an apartment or the
12 renewal of a lease based on the use of a voucher.

13 The Commission's authority to initiate
14 its own investigations without a member of the public
15 filing a complaint remains a significant tool in our
16 enforcement. When the Commission identifies the
17 potential that widespread violations or
18 discriminatory practices are taking place, the
19 Commission can initiate an investigation. In FY22,
20 CCHR launched 38 Commission-initiated actions and
21 filed 11 Commission-initiated complaints.

22 The Commission also uses testing to
23 determine whether there is discrimination in housing,
24 employment, or public accommodations. Agency staff
25 may conduct testing in person, on the telephone, or

1
2 online as part of an investigation to see if they are
3 treated differently or are given different
4 information because they belong to a protected class.
5 In FY22, the Commission tested over 700 entities. An
6 entity may be tested for violations in multiple
7 jurisdictions and on multiple protected classes.

8 The Law Enforcement Bureau filed over 300
9 public-initiated complaints of discrimination in
10 FY22. A little over 70 percent of those cases were in
11 employment, 20 percent were in housing, and 6 percent
12 were in public accommodations. Similar to inquiries,
13 disability-related claims are the most prevalent
14 followed by gender and race.

15 When violations of the law are identified
16 and a complaint is filed, LEB works to fashion
17 remedies and relief that address the harms caused to
18 New Yorkers. In FY22, the Commission recovered 7
19 million dollars in damages and civil penalties. Of
20 that, over 6 million were awarded in compensatory
21 damages to complainants and over 800,000 in civil
22 penalties to the general fund of the City of New
23 York.

24 The Law Enforcement Bureau also seeks
25 resolutions that deter future harm and effectively

change the dynamics that allowed harm to occur.

Settlements are a key to innovative resolutions that lead to change. In FY22, 31 percent of the cases were resolved through settlements.

Ongoing work to end source of income discrimination against New Yorkers illustrates novel remedies in housing such as the use of set-asides and broker incentive programs. One notable source of income conciliation from FY22 resulted in an agreement in which the housing provider set aside 20 units for voucher holders from across their properties. Since 2020, when the agency first began securing set-asides, the Law Enforcement Bureau has secured approximately 150 units for voucher holders. Recent settlements also include broker incentive programs where brokers offer monetary bonuses for placing voucher holders. This policy benefits brokers who work with and place the highest number of tenants who receive financial assistance to pay their rent.

The Commission's Office of Mediation and Conflict Resolution offers parties a voluntary mediation program at no cost. It is confidential and available at any stage of a case. Staffed by a Mediation Director, the independent unit mediated 45

cases to resolution in FY22. Mediated cases accounted for damages totaling over 2 million dollars as well as non-economic relief.

The Commission's Community Relations Bureau cultivates understanding and respect among the city's diverse communities, builds partnerships, and informs New Yorkers about the protections under the law. In FY22, we reached a record number of New Yorkers through conferences, workshops, and training sessions. CRB forges relationships that are essential to the work we do to ensure recognition, dignity, and respect for all New Yorkers. CRB works diligently to foster inclusion and understanding. The agency's five community service centers, our lead advisors, and community liaisons are at the center of these efforts.

In FY22, the Commission launched "Understanding Jewish Experiences and Antisemitism," which brings a human rights lens to addressing the antisemitism and its harmful impacts on our society. In FY22, education and outreach efforts emphasized new amendments to our law. Sustained outreach focused on the expansion of workplace anti-discrimination protections to domestic workers, regardless of

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2 employer size. The agency worked to raise awareness
3 about the law among employers and employees through
4 in-person outreach such as Days of Visibility in each
5 of the five boroughs and business corridor outreach
6 CCHR also engaged with small business owners in all
7 five boroughs. Staff provided accessible tools and
8 guidance on how to comply with new pay transparency
9 protections as well as the longstanding employment
10 protections in our law.

11 CHAIRPERSON WILLIAMS: Commissioner.

12 Sorry. They told me that we have a limited time.

13 COMMISSIONER PALMA: Sure.

14 CHAIRPERSON WILLIAMS: Is it okay if we
15 just skip to your conclusion?

16 COMMISSIONER PALMA: Sure.

17 CHAIRPERSON WILLIAMS: Because we have
18 lots of questions.

19 COMMISSIONER PALMA: No worries. I was
20 almost through.

21 CHAIRPERSON WILLIAMS: Okay, thank you so
22 much.

23 COMMISSIONER PALMA: I will wrap it up.

24 CHAIRPERSON WILLIAMS: Thank you.
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2 COMMISSIONER PALMA: In closing, I want to
3 thank you for the opportunity to discuss the work of
4 the New York City Commission on Human Rights here
5 today with you. I am proud to have this chance to
6 speak to you on behalf of an agency that strives to
7 ensure that no one who lives, works, or visits New
8 York City experiences bias or discrimination because
9 of their race, color, age, religion/creed, national
10 origin, disability, gender identity and expression,
11 sexual orientation, or any other protected class. I
12 look forward to continuing to champion the human
13 rights of New Yorkers with the leadership of the
14 Adams' Administration and the support of New York
15 City Council.

16 Thank you so much and I welcome your
17 questions.

18 CHAIRPERSON BRANNAN: Thank you. Something
19 I picked up in your testimony, it says the Commission
20 has a head count of 122 with 107 active staff. Does
21 that mean there's 15 vacancies?

22 COMMISSIONER PALMA: Thank you, Council
23 Member. You're correct. We currently have 15
24 vacancies. We are continuing to work to fill those
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2 vacancies. We actually have two new staff members
3 joining us in the next few weeks.

4 CHAIRPERSON BRANNAN: Got it. Okay. As
5 nearly 40,000 asylees have come through the City in
6 the past year, the City has spent at least a billion
7 dollars to support them and plans to spend 4 billion
8 in total for these individuals who have the same
9 basic rights to emergency services as any New Yorker.
10 Does CCHR have a responsibility to service the
11 asylees?

12 COMMISSIONER PALMA: CCHR has the
13 responsibility to cover anyone who calls New York
14 City home, and so anyone, regardless of their
15 immigration status, will be covered under our law. We
16 would not know if an asylum-seeker comes to our
17 agency because we do not ask for immigration status.
18 We are mandated to ensure that they're covered under
19 the New York City Human Rights Law.

20 CHAIRPERSON BRANNAN: Does CCHR receive
21 any funds related to the asylee effort?

22 COMMISSIONER PALMA: By CCHR enforcing our
23 law, we provide services to New Yorkers, but our
24 budget is not tied to our mandate so our budget is
25 not tied to providing any service to anyone that

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2 comes into our agency, but, Commissioner Raj, if you
3 want to elaborate more on that.

4 DEPUTY COMMISSIONER RAJ: As the
5 Commissioner said, we are mandated to serve anyone
6 who either lives, works, or visits New York City. We
7 do not ask what the person's immigration status is,
8 and so everyone is served. If they have faced
9 discrimination, then the Commission will assist them.
10 We don't get specific funds to assist a specific
11 group of people, whether they're asylum-seekers or
12 anyone else.

13 CHAIRPERSON BRANNAN: Does CCHR coordinate
14 with any of the other agencies that are involved in
15 the asylee effort?

16 COMMISSIONER PALMA: Through our Community
17 Relations Bureau, we have partnerships with sibling
18 agencies, and we do coordinate. If there are events
19 going on, we go and do tables and days of visibility
20 so, yes, we do collaborate with our sibling agencies.

21 CHAIRPERSON BRANNAN: Okay. The Bias
22 Response Team, what is the budget for the Bias
23 Response Team, and how has it evolved over the past
24 couple of years?

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COMMISSIONER PALMA: Our Community

Relations Bureau handles cases and instances of any
biases or discrimination happening within our agency.
We don't have a separate for the Bias Response Team.
It all lives under our Community Relations Bureau
Unit. Commissioner Chaudhuri, if you want to
elaborate more on the work that is done under CRB?

DEPUTY COMMISSIONER CHAUDHURI: Thank you,
Commissioner, and thank you, Council Member, for the
question.

As Commissioner mentioned, all our
Community Relations Bureau staff work towards
prevention of bias, hate, and discrimination, and the
PS budget for the Community Relations Bureau is 2.5
million. While CRB bears half of the mandate of
outreach and education, it is also done in
partnership with budget from Communications and other
teams as well. In our prevention work, we ensure that
we are doing different aspects of it so there is
bystander intervention trainings, there are trainings
to foster understanding of different communities,
there are talking circles, there are days of
visibility when an incident has happened so that is

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2 like the broad aspect of the different parts of the
3 work that Community Relations Bureau does.

4 CHAIRPERSON BRANNAN: What are the primary
5 expenses?

6 COMMISSIONER PALMA: Because of our
7 mandate in the law, the budget for CRB focuses on PS
8 and then we have the other-than-personal funds to do
9 trainings and outreach and days of visibility and
10 work with our Comms team to ensure that we are
11 continuing to promote the work that CCHR does so the
12 bulk of the budget goes to the PS side to ensure that
13 we have the team to go out into the community.

14 CHAIRPERSON BRANNAN: Are there other
15 grants or external funding sources?

16 COMMISSIONER PALMA: Whenever possible, we
17 aim to try to do partnerships, but CCHR's budget is
18 basically the budget that we get from the City of New
19 York from OMB.

20 CHAIRPERSON BRANNAN: The Bias and Hate
21 Prevention Intervention Team that responds to bias-
22 based incidents, in the Mayor's Management Report in
23 FY22 there were 104 responses to Bias or Hate
24 Prevention Intervention which is compared to 383
25 during the same period of FY21. Could you explain why

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2 there's been a decrease in responses for the team in
3 FY22?

4 COMMISSIONER PALMA: As we had discussed
5 last year as well, in the beginning of FY22 we
6 revamped our approach to bias and hate prevention.
7 Initially, all were responses to incidents. We moved
8 away from there looking at the more holistic approach
9 to prevention rather than just responses to
10 incidents. We are still responding, but our focus now
11 is building on prevention solidarity and community
12 building through our tools of engagement like
13 multilingual bystander intervention trainings,
14 talking circles, more community conversations, we are
15 part of the Mayoral Initiative Breaking Bread,
16 Building Bonds so that, again, the focus is
17 prevention and less on just responses to incidents.

18 CHAIRPERSON BRANNAN: Okay. Let's talk
19 about the Law Enforcement Bureau. Law Enforcement
20 Bureau enforces the New York City Human Rights Law.
21 What was the total amount in dollar value of the
22 settlements made in FY22 and whatever you can tell me
23 currently in FY23?

24 COMMISSIONER PALMA: Sure. I'll let
25 Commissioner Raj, under her leadership has been able

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2 to make those settlements so I'll let her elaborate
3 on those.

4 DEPUTY COMMISSIONER RAJ: As the
5 Commissioner noted, we had about 7 million in
6 settlements, damages to complainants who came forward
7 and the cases were settled with us. We also had about
8 800,000 in civil penalties that are paid to the City
9 and not to the Commission itself.

10 CHAIRPERSON BRANNAN: Do those settlements
11 generate revenue for CCHR?

12 DEPUTY COMMISSIONER RAJ: No, the damages
13 are paid to the individual claimants who come
14 forward, and the civil penalties are paid to the City
15 of New York, to the Commission itself.

16 CHAIRPERSON BRANNAN: What are the most
17 common types of complaints that the LEB enforces?

18 DEPUTY COMMISSIONER RAJ: Most of our
19 complaints are in employment. It's usually reasonable
20 accommodations, discrimination on the basis of gender
21 so sexual harassment, gender identity, race, and then
22 in housing you have source of income, reasonable
23 accommodations again, and in public accommodations it
24 runs the gamut of a lot of different things, whether
25 it's race or religion or disability.

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2 CHAIRPERSON BRANNAN: If an individual
3 files a claim with the LEB and the LEB attorney
4 investigating their case doesn't represent them but
5 instead is a neutral investigator, why doesn't the
6 Commission provide legal support in that situation?

7 DEPUTY COMMISSIONER RAJ: I think it's
8 imperative under our law that we maintain neutrality
9 because we are an investigative body that's supposed
10 to represent all New Yorkers so when someone comes to
11 us with a complaint, we are mandated to ensure that
12 there's no violation of the New York City Human
13 Rights Law. We don't assume that there has been a
14 violation. We do the investigation. If we find
15 there's no violation, then the case gets dismissed.
16 If there is a violation, then we will work with the
17 respondent and look at what the size of the
18 respondent is, what the sophistication of the
19 respondent is, what their financial resources are in
20 order to come up with a solution. Of course, if the
21 case doesn't get settled and there is a violation, it
22 goes on to litigation and then a trial at OATH so I
23 think it's really important for us to be neutral to
24 determine whether there is a violation. We're not
25 representing just the complainant. We're representing

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2 everyone. Also, we do Commission-initiated work where
3 the Commission, itself, determines that there may be
4 a pattern and practice of discrimination, and the
5 Commission can either file a complaint, send a
6 request for information, send a cease and desist
7 letter and say you need to stop violating the law and
8 these are the ways you need to respond to us and then
9 correct the violation.

10 CHAIRPERSON BRANNAN: How much of the work
11 that you do is proactive versus reactive?

12 DEPUTY COMMISSIONER RAJ: I don't have the
13 exact numbers. When someone comes to us with a
14 complaint, sometimes the Commission will join that
15 complaint so it's not just that the Commission does
16 Commission-initiated work isolated without a
17 complainant coming forward. We also join sometimes
18 when we think there's a pattern and practice that we
19 need to correct, and through our settlements we make
20 sure that there is a change in the policies and
21 practices. Policies can be great. How it is actually
22 practiced on the ground sometimes is a problem so we
23 want to make sure that's corrected. We make sure that
24 there's training, and, as the Commissioner said, in
25 housing cases we have done set-asides and broker

1
2 incentives that the parties have to agree to. In
3 employment cases, we've actually asked employers in
4 Fair Chance Act cases to work with re-entry
5 organizations so that we make sure that more people
6 are able to come into the workforce. We have also had
7 settlements where we had the respondent agree to not
8 having the arbitration clause enforced so there are
9 different innovative ways in which we try to make
10 sure that there is no violation going forward. It's
11 not just that one individual's issues that are
12 resolved.

13 COMMISSIONER PALMA: Council Member, in
14 terms of LEB, proactive work performed under testing
15 that the LEB department would do so we have testers
16 on our staff who we proactively will send out to
17 employment housing or public spaces to initiate or
18 look for instances of discrimination.

19 CHAIRPERSON BRANNAN: Okay. Last question
20 for me. I'm going to turn it over to my Co-Chair. An
21 issue that's important to both me and my Co-Chair was
22 the Salary Transparency Law that we passed, which was
23 a big step towards pay equity for all New Yorkers.
24 Can you talk to us about how many claims your agency
25

1
2 has seen regarding pay transparency since the law was
3 enacted?

4 DEPUTY COMMISSIONER RAJ: We have received
5 quite a few tips, more than 300 plus tips from the
6 public, about pay transparency. We haven't to date
7 received many complaints that people have filed with
8 us, but we've also done quite a bit of testing in the
9 area...

10 CHAIRPERSON BRANNAN: I think I know the
11 answer but sort of rhetorical, explain the difference
12 between a tip and a complaint.

13 DEPUTY COMMISSIONER RAJ: A tip is
14 somebody who comes forward and just wants to give us
15 the information. Sometimes they want to come forward
16 and give us their name but don't want to file a
17 complaint.

18 CHAIRPERSON BRANNAN: So it doesn't
19 necessarily mean it's happening to them, but they
20 noticed something or...

21 DEPUTY COMMISSIONER RAJ: It may be
22 happening to them but they may not want to come
23 forward for many reasons.

24 CHAIRPERSON BRANNAN: Sure.
25

1
2 DEPUTY COMMISSIONER RAJ: Because they may
3 be afraid of retaliation although retaliation is a
4 provision in our law that's a violation, but people
5 are concerned sometimes about coming forward so there
6 are different reasons people want to leave us just a
7 tip and so then the Commission decides whether we are
8 going to take action or not depending on the
9 information that we have, and we also, like I said,
10 do testing in the area so we have moved forward with
11 that too.

12 COMMISSIONER PALMA: I also just want to
13 highlight, Council Member, that for pay transparency,
14 when the amendments were done, there's a cure period
15 so there's the period where if we receive a tip or a
16 complaint we're actually reaching out to the
17 employers just letting them know you have X amount of
18 time to cure the violation. If not, then we will
19 continue to do investigation.

20 CHAIRPERSON BRANNAN: Does the agency feel
21 that this law is enforceable?

22 DEPUTY COMMISSIONER RAJ: The law is
23 certainly enforceable. That's why we've been doing
24 testing, and we have proceeded with investigations.

CHAIRPERSON BRANNAN: Okay. Let's just do a check-in here. We've been joined by Council Members Velazquez, Osse, Ayala, Stevens, Joseph, Carr, Hanks, Barron, and Sanchez.

Last question on the pay transparency and then I want to turn it over to my Co-Chair. What training or resources has CCHR given its employees to help them understand the legislation?

COMMISSIONER PALMA: Whenever a law is amended, we do internal in-house trainings to then ensure that our staff is prepared to go out into the community and educate the public on those amendments of our law so we do in-house training.

CHAIRPERSON BRANNAN: Okay. I'm going to hand it over to Council Member Nantasha Williams. Thank you so much.

CHAIRPERSON WILLIAMS: Thank you. I'm going to start with just some broad questions about your strategic plan so, Commissioner Palma, you've been at the agency for some time now, and we are interested in understanding some of your goals at CCHR as Chair and Commissioner. Can you share with us what your goals are and how the Council can support your goals?

1
2 COMMISSIONER PALMA: Thank you, Council
3 Member Williams. Since coming on, the goals and
4 overarching vision for the agency has been to build a
5 New York City where people can live, work, thrive
6 free from discrimination. During the time that I have
7 been here, we have focused on creating an agency
8 that's accessible, visible, and user-friendly to New
9 Yorkers. Early on, I realized that we need to focus
10 on preventive work and being more proactive, going
11 out into the communities, and so we have been
12 building out community centers in each of the five
13 boroughs. We started in Queens. We're doing intake at
14 those centers so New Yorkers don't have to travel to
15 the central office to give us a tip or file a
16 complaint but actually can see staff at those
17 centers, and so it's been extremely important for us
18 to be at the forefront in the community to meet
19 people where they are.

20 CHAIRPERSON WILLIAMS: Thank you. Given
21 that amazing goal, do you believe that CCHR is
22 adequately sized to fulfill those goals, would you
23 like to see any increases in the budget and head
24 count?

1
2 COMMISSIONER PALMA: Thank you. I think
3 you will hear from any agency that sits here you can
4 always do more with more, and we always welcome more.
5 To fulfill our mandate, our budget is not tied to our
6 agency. We're mandated to enforce the Human Rights
7 Law and so we have and we will continue to do that.
8 Obviously, we are always talking to OMB to make sure
9 that the needs of our agency are met. As you can see,
10 in FY24, we did receive 17 new lines to increase our
11 capacity, and we will continue to work to ensure that
12 through that capacity increase that our mandate is
13 met.

14 CHAIRPERSON WILLIAMS: Thank you. What do
15 you see as the largest challenges CCHR is facing?

16 COMMISSIONER PALMA: Like I stated before,
17 I think when I first came on it was making sure that
18 New Yorkers knew who we were, that New Yorkers knew
19 that they had an agency where if anyone's rights have
20 been discriminated against that there was an agency
21 that can help them and so visibility I realized was
22 one of the biggest challenges, and, through the work
23 that we're doing now and expanding our CSCs and our
24 communications campaigns that we have going on, we're
25 trying to address that challenge.

1
2 CHAIRPERSON WILLIAMS: Thank you. Now,
3 I'll turn over to some new needs. This plan did
4 include one new need for the Source of Income Unit
5 that we will get into a little later, but did CCHR
6 request any new needs that were not funded, what were
7 those requests, and did you receive from OMB why the
8 requests were not funded?

9 COMMISSIONER PALMA: CCHR submitted a
10 proposal early on to OMB, and it was the proposal for
11 the 17 new lines. That proposal was funded.

12 CHAIRPERSON WILLIAMS: Awesome. Okay, now
13 I will ask you a few questions about staffing
14 changes. If you could share with us how many
15 vacancies CCHR currently has?

16 COMMISSIONER PALMA: Currently we have 15
17 vacancies at CCHR. Again, we have two new staff
18 members that will be joining us in the next two
19 weeks.

20 CHAIRPERSON WILLIAMS: Do you believe the
21 reduction of the budgeted head count has had a
22 negative impact on CCHR's core function of enforcing
23 the Human Rights Law and educating the public? I know
24 you said you're going to get 17 new lines, but do you
25 feel you've been impacted in any negative way?

1
2 COMMISSIONER PALMA: We have not been
3 impacted in any negative way, and I would just repeat
4 that our budget is not tied to enforcing our mandate
5 and so our staff is small but diverse and dynamic and
6 continue to ensure that our law is enforced whenever
7 we see violations happening.

8 CHAIRPERSON WILLIAMS: Can you explain
9 what you mean when you say that your budget is not
10 connected to the mandates that your agency has?

11 COMMISSIONER PALMA: We have to enforce
12 the New York City Human Rights Law, right, and so our
13 budget is not connected to that mandate.

14 CHAIRPERSON WILLIAMS: Okay, but it's fair
15 to say that if your budget is impacted it might
16 affect how you're able to comply with the law?

17 COMMISSIONER PALMA: We are a as-a-right-
18 to-file agency and so we have to, if complaints come
19 to us, if tips come to us, we have to continue to
20 enforce the law and continue to investigate them.

21 CHAIRPERSON WILLIAMS: Okay. This is not
22 actually one of my questions, but now I have a
23 question about capacity. Because you have this
24 mandate you have to enforce the law, what happens
25 when you don't have the necessary attorneys to

1
2 address a tip or a complaint so when we think about
3 caseload, is it fair to say that there's proper
4 caseloads, are attorneys taking on more cases than
5 they should be taking on? Same question for
6 investigators or any other person who's carrying a
7 caseload.

8 DEPUTY COMMISSIONER RAJ: Thank you for
9 your question. Our attorneys are investigators. We
10 don't have separate investigators from our attorneys.
11 Our attorneys take the cases from the time of intake
12 all the way up to trial and beyond, and so we have
13 managed their caseloads pretty well I think, and it's
14 hard to tell what's an appropriate caseload because
15 it all depends on the complexity of the case and it's
16 on a case-by-case basis.

17 CHAIRPERSON WILLIAMS: What's the average
18 caseload of an attorney?

19 DEPUTY COMMISSIONER RAJ: I don't think
20 there's like an average caseload because it all
21 depends, again, on the complexity of the case so you
22 can have three cases that are very complex that would
23 take up most of an attorney's time and then somebody
24 else may have not that many complex cases...

1

2

CHAIRPERSON WILLIAMS: Is there a range?

3

Can you say like attorneys typically have between 10

4

to 20 cases?

5

DEPUTY COMMISSIONER RAJ: I think it goes

6

anywhere from, there are people who have 10 cases and

7

there are people who have 40 cases so it just runs

8

the gamut. It depends on each...

9

CHAIRPERSON WILLIAMS: Are you making

10

those decisions, like are you looking at the type of

11

case when you're assigning cases and then I guess

12

providing some level of supervision or maybe not you

13

but someone else to say okay, I know you have X

14

amount of cases, this particular case is more complex

15

than another case to make sure it's balanced or do

16

you have attorneys having way too many cases?

17

DEPUTY COMMISSIONER RAJ: Our supervisor

18

attorneys and me as a Deputy Commissioner and our

19

Assistant Commissioner are always looking to see

20

whether the attorneys have an appropriate caseload or

21

not. We always have an eye to that and we're always

22

working with the attorneys to make sure that they're

23

not overburdened with cases.

24

CHAIRPERSON WILLIAMS: Okay. I actually

25

think this is a nice segway to the next range of

1
2 questions that I have which is specific to employees
3 performing important investigatory matters and
4 enforcing the Human Rights Law but, of course, there
5 still can be difficulties in retaining talent so if
6 you can share with us what CCHR does to incentivize
7 staff retention?

8 COMMISSIONER PALMA: The past year, we
9 have been focused on doing staff development and
10 trainings to address the issue of retaining talent
11 and attracting talent to the agency. We also have
12 worked with OMB to increase salaries for some of the
13 attorneys within our units and having attorneys move
14 up promotionally from Level 1s to Level 2s, and I
15 will have Deputy Commissioner Salazar elaborate on
16 the work that she's done with OMB to be able to
17 address this issue.

18 CHAIRPERSON WILLIAMS: Can you just share
19 what the salary ranges for the different level
20 attorneys?

21 DEPUTY COMMISSIONER SALAZAR: Sure. As the
22 Commissioner has stated, we have promoted and
23 elevated staff wherever appropriate. We have promoted
24 Agency Attorneys from Level 1s to Agency Attorney
25 Level 2s so the incumbent rate for an Agency Attorney

1 Level 1 is about 63,000 and some change and then,
2 actually the starting salary, the incumbent rate is
3 about 72,712. An Agency Attorney 2 would start off at
4 like 71,000 and the incumbent rate is about 81,000 to
5 82,000 so we've been doing that, but we've also
6 noticed that when we posted for Agency Attorney Level
7 2 positions we were getting a better pool of
8 candidates so we've changed our Agency Attorney Level
9 1 positions to Attorney Level 2 positions and then,
10 as the Commissioner has stated, we are offering
11 professional development opportunities, and we're
12 really trying to foster an agency that prioritizes
13 wellness and engagement so we have been doing
14 different activities to engage the staff.

16 CHAIRPERSON WILLIAMS: Okay. I love when
17 these questions follow what you're saying. How does
18 the pay discrepancy between city agencies and private
19 practices affect the recruitment and retention of
20 lawyers for city agencies, specifically yours?

21 DEPUTY COMMISSIONER SALAZAR: People are
22 drawn to our agency's mission, and we're extremely
23 fortunate for all of those who are interested in
24 working at our agency, but we noticed that the
25 private sector compensation models are different than

1
2 government and so what we found is that the City's
3 pay rate is more comparable to the non-profit sector
4 than it is to the private sector.

5 CHAIRPERSON WILLIAMS: Okay. The last
6 question on this topic before I just move to three
7 more topics and then I'm done. Are you able to share
8 with us the current turnover rate of lawyers within
9 CCHR?

10 DEPUTY COMMISSIONER SALAZAR: We do not
11 have that information today, but, as you can imagine,
12 the majority of our vacancies are agency attorneys
13 and so, again, we're really trying our best to
14 recruit and retain and so for recruitment we're
15 really working hard with alumni networks of law
16 schools, we're working and reaching out to a wide
17 range of bar associations just in our efforts, again,
18 to attract agency attorneys and just people in
19 general to our agency.

20 CHAIRPERSON WILLIAMS: Okay. On to source
21 of income which has been a hot button topic in the
22 last year. I know this Council under the leadership
23 of Speaker Adams and, of course, our Finance Chair,
24 we really pushed to get increased funding to support
25 this unit. Are you able to provide the Fiscal 2024

1
2 budget for the Source of Income Unit and the actual
3 head count as of this month, and I do know it's
4 embedded within LEB and there's like these various
5 discrepancies so if you could try to share or answer
6 that question or at least explain the overall head
7 count for folks who might be working on source of
8 income issues?

9 COMMISSIONER PALMA: Thank you, Council
10 Member, and you're correct. The Source of Income Unit
11 doesn't have a separate budget. It is embedded into
12 the work that the LEB unit does as a whole. The bulk
13 of the 17 lines, the bulk of those lines will be
14 going into LEB and will be addressing the need of
15 staff attorneys. I'll turn it over to Deputy
16 Commissioner Salazar to talk about how we have been
17 working with OMB and working internally to identify
18 what that work can look like.

19 DEPUTY COMMISSIONER SALAZAR: For Law
20 Enforcement Bureau, and I know that you understand
21 the complexity of it, but just to give you an idea,
22 our budgeted head count for law enforcement is 55. We
23 currently have 43 active employees in LEB. In the
24 Source of Income Unit, we have 10 budgeted lines for
25 SOI, and we have 9 active employees there so we only

1
2 have one vacancy that, again, we're working very hard
3 to fill, and so the budget for LEB including OTPS is
4 about 4.2 million dollars. Again, as the Commissioner
5 mentioned, the majority of the 17 lines that we are
6 getting in FY24 will be used for LEB but to field
7 inquiries, process communications with New Yorkers,
8 and to prosecute, of course, violations of the law,
9 but we also have some of the lines that are going to
10 support other departments that may indirectly support
11 SOI so that can go for education, outreach, appeals,
12 communications, and marketing.

13 COMMISSIONER PALMA: Before we move on,
14 Council Member, I also want to recognize that we were
15 here last year and we did not have staff members
16 dedicated to SOI, and that's not true today. Today,
17 we have nine dedicated staff members to work on SOI
18 in our LEB department.

19 CHAIRPERSON WILLIAMS: You think that the
20 10, I know you have nine active, do you think the 10
21 is enough to fulfill SOI build-up and to address this
22 very prevalent issue?

23 COMMISSIONER PALMA: While those 10 lines
24 are dedicated for SOI work, as we've mentioned in the
25 past and I mentioned in my testimony, LEB as a whole

1
2 works on SOI work so the SOI work is not limited to
3 the 10 staff members in those lines. Do you want to
4 add anything, Commissioner?

5 DEPUTY COMMISSIONER RAJ: I will just add
6 that in the Source of Income Unit what we're really
7 proud of is not only the litigation that we do where
8 people come and file complaints, we actually have
9 interventionists who are there to make sure that
10 people who come to us saying that they have been
11 denied a housing opportunity by a broker or by a
12 landlord, we are able to intervene immediately
13 without having to go through the whole litigation
14 process. Litigation always takes time. We're able to
15 intervene right away and able to kind of get them the
16 housing opportunity that they had been denied
17 immediately so it's a pretty immediate, we try to
18 resolve it within 30 days.

19 CHAIRPERSON WILLIAMS: Who's doing the
20 intervention? Is it the attorneys or other staffers?

21 DEPUTY COMMISSIONER RAJ: We have
22 interventionists who actually are very well-versed in
23 housing vouchers and the whole process of getting
24 units inspected and getting people into housing, but,
25

1
2 of course, they're supported by the attorneys within
3 the unit and by the supervisors of the unit.

4 CHAIRPERSON WILLIAMS: I never knew that
5 you guys had specific people focused on this so how
6 many interventionists do you have, and is that their
7 official title?

8 DEPUTY COMMISSIONER RAJ: The office title
9 is interventionist, but there are other titles that
10 are the civil service titles, but we have four right
11 now who are interventionists and then we have two
12 people who are working part-time to help them.

13 CHAIRPERSON WILLIAMS: How many active
14 source of income cases do you have?

15 DEPUTY COMMISSIONER RAJ: 200.

16 COMMISSIONER PALMA: I'll get you the
17 number, but it's around 215.

18 CHAIRPERSON WILLIAMS: Okay, and this is
19 really my last question. It's just about the
20 processing, investigation, and determination of
21 complaints. In Fiscal 2022, there were 318 complaints
22 filed and 667 closed. Additionally, the average age
23 of a complaint was 503 days. What is CCHR's goal for
24 the time it takes CCHR to complete an investigation,
25 why is that the goal, and if you could describe the

1
2 process of a complaint from an incident to its
3 determination with CCHR, and, last but not least,
4 just share with us what parts of this process take
5 the longest?

6 DEPUTY COMMISSIONER RAJ: I'll talk about
7 the individual complaints rather than the Commission-
8 initiated first. When someone comes to us with a
9 complaint, they meet with an attorney who does an in-
10 depth intake. If it is jurisdictional and there is a
11 complaint there that is a violation of our law, we
12 think that there is, then a complaint is filed. We
13 actually draft the complaint, and the complaint is
14 filed. It's served on the respondent. The respondent
15 then has a chance to answer and submit a position
16 statement. Once that's done, the complainant has a
17 right to rebut after reading the position statement
18 and the answer. Then it's fully submitted. Our formal
19 investigation then starts. We do interviews of
20 witnesses, of the respondent themselves, of the
21 complainant if we need to talk more to the
22 complainant. We also ask for documents depending on
23 what the investigation is about. Once that's all
24 received, then we go ahead and make a determination
25 as to whether there was discrimination or not. If

1 there was no discrimination, the case gets dismissed.

2 If we determine that there was discrimination, the
3 case, at any point of course the case can settle, and
4 they do settle at any point. If we determine there is
5 discrimination, we will issue a probable cause
6 finding, and the case can get referred to OATH for a
7 settlement conference, of course, and then trial.

8 That's the process. After trial, the Administrative
9 Law Judge at OATH issues a report and recommendation.
10 That comes back to our Commissioner for a decision
11 and order, which is why there's sort of a wall
12 between the Law Enforcement Bureau and the
13 Commissioner because she's the final adjudicator of
14 that complaint.

15
16 CHAIRPERSON WILLIAMS: Which part of that
17 process takes the longest amount of time?

18 DEPUTY COMMISSIONER RAJ: The
19 investigative process takes the longest.

20 CHAIRPERSON WILLIAMS: Okay. Similar to
21 what you said about the source of income cases where
22 you like to have them resolved in 30 days, is there a
23 specific goal that you have in completing
24 investigations or completing the full process?
25 Because the average says 503 days, and I know this is

1
2 for all of the different cases, so is there an
3 internal goal where you say we need to finish these
4 cases in six months, three months, or...

5 DEPUTY COMMISSIONER RAJ: Just to clarify,
6 the 30 days I was talking about was for the pre-
7 complaint interventions to determine whether it can
8 be resolved in 30 days. If not, we then make a
9 decision whether we need to file a complaint and
10 proceed with litigation so that we're not having that
11 person sit around for the longest time waiting to get
12 it resolved. I mean sometimes it goes a little longer
13 than 30 days, but that's our goal is to have it
14 resolved within 30 days.

15 As for the other cases, I think it's hard
16 to tell. Again, I'm going to say that each case is
17 different. It's hard to tell how long, you can't just
18 have an arbitrary time period for it. It just depends
19 on the complexity of the case, what kind of case it
20 is, who's involved in the cases, all those matter as
21 to how long the case takes to litigate and complete.

22 CHAIRPERSON WILLIAMS: Okay. Thank you. I
23 appreciate all of the work that you do. We do get
24 complaints that the time it takes to process these
25 cases is not due to necessarily the complexity of the

1 case but due to the lack of resources that your
2 agency has, and I know you have an obligation to
3 present your testimony in a particular way, but I
4 stand very firm that we as a Council have increased
5 your mandates and, as you say, it's not necessarily
6 attached to your budget but it does affect your
7 ability to deliver on such critical services, and so
8 I do hope that you have put your best foot forward
9 here in this budget to make sure you do have the
10 necessary resources and staff to be able to process
11 cases, to be able to proactively test for cases
12 because these are the complaints we do get from
13 advocates around your ability to robustly address
14 these potential civil and human rights violations.
15 Thank you so much, and now we'll turn it over to
16 questions from Colleagues.

18 CHAIRPERSON BRANNAN: Thank you, Chair.
19 We've also been joined by Council Members Powers,
20 Farias, and Brewer.

21 We're going to start with questions from
22 Council Member Richardson Jordan.

23 COUNCIL MEMBER RICHARDSON JORDAN: Hi.
24 Thank you for being here. Thank you for the work you
25 do. There are two aspects that stood out to me that I

1
2 wanted to ask about. The first is around the
3 mediation, the voluntary mediation. Could we just
4 hear a bit more about how many folks use that option,
5 that service, and what is the cost in terms of your
6 budget and staffing for the mediation?

7 COMMISSIONER PALMA: Thank you, Council
8 Member, for your question. There's no cost associated
9 to mediation. It's an office that lives within the
10 Office of the Chair at the Commission, and
11 Commissioner Sapna Raj can speak to the process of
12 (INAUDIBLE)

13 DEPUTY COMMISSIONER RAJ: Thank you,
14 Commissioner. The way it works is that the Law
15 Enforcement Bureau is the one that refers the cases
16 to our mediator, and the requirement is that both the
17 complainant and the respondent is represented so both
18 of them have to be represented then it can be
19 referred to mediation. Once it's referred to
20 mediation, the Law Enforcement Bureau has no idea
21 what's happening with it. If it doesn't get resolved
22 in mediation, it comes back to the Law Enforcement
23 Bureau to then investigate and litigate.

24 COUNCIL MEMBER RICHARDSON JORDAN: I see,
25 so both parties agree to do it in mediation. How

1
2 often does this happen? Do you have a sense of
3 numbers?

4 DEPUTY COMMISSIONER RAJ: Our mediation
5 has pretty high numbers in the cases that have been
6 settled. I'm not sure exactly how many cases, it just
7 fluctuates, the number of cases that are referred
8 because we determine by looking at a case whether
9 it's a good candidate for mediation and whether both
10 parties are willing to mediate. Sometimes we think
11 it's a great case for mediation, and then one party
12 doesn't agree so it doesn't go to mediation.

13 COMMISSIONER PALMA: Council Member, I
14 think in my testimony, that was the part that I
15 reached when then I summarized. In FY23, our Office
16 of Mediation mediated 45 cases.

17 COUNCIL MEMBER RICHARDSON JORDAN: Okay,
18 great. Thank you. I also just wanted to ask about
19 domestic workers. There's no doubt in my mind that
20 this is a space where attention is needed. I think
21 abuses are happening. We have a lot of black and
22 brown women. I wanted to ask particularly, you said
23 you address it regardless of size, but are there
24 interventions that exist particularly for single
25 family homes with cases of domestic workers? Is it

1
2 just if they report it to you or is there any
3 proactive effort or education happening?

4 COMMISSIONER PALMA: For domestic workers,
5 it could be one individual in the household. They're
6 covered under the Human Rights Law. Our proactive
7 approach, right, comes in forms of training, the
8 outreach, visibility. We geared up with a
9 communications campaign before the law went into
10 effect so we were out, we did partnerships with
11 Council Members and local community partners. We also
12 partnered up with SBS to make sure that we were in
13 the business corridors, taking the information about
14 the amendments of the law and when it was going to go
15 into effect and how the law was going to protect
16 domestic workers.

17 COUNCIL MEMBER RICHARDSON JORDAN: Okay.
18 Thank you.

19 CHAIRPERSON BRANNAN: Council Member
20 Joseph.

21 DEPUTY COMMISSIONER CHAUDHURI: I'm sorry.
22 If I may just add to what Commissioner mentioned. We
23 also know that domestic workers because of different
24 reasons are a hard to reach community so we ensure
25 that our partnership is with groups like National

1
2 Domestic Workers Association, hand-in-hand, other
3 cooperatives, and we are also doing as part of the
4 outreach going to parks and playgrounds and engaging
5 one-on-one so that's all part of the outreach
6 strategy. Thank you.

7 COUNCIL MEMBER RICHARDSON JORDAN: That's
8 excellent.

9 CHAIRPERSON BRANNAN: Rita, go.

10 COUNCIL MEMBER JOSEPH: Thank you. Good
11 morning, Commissioner. Good to see you always.

12 I have a few questions. What happened
13 with the specialized unit for gender-based violence
14 in the Source of Income Discrimination restored under
15 the previous Commissioner?

16 DEPUTY COMMISSIONER RAJ: We don't have a
17 gender-based harassment unit as such, but all our
18 attorneys handle gender-based harassment cases. I'm
19 sorry, you asked about the Source of Income?

20 COUNCIL MEMBER JOSEPH: The Source of
21 Income Discrimination restored under the previous
22 Commissioner.

23 DEPUTY COMMISSIONER RAJ: We do have a
24 Source of Income Unit that handles source of income
25 discrimination, but, as the Commissioner mentioned,

1
2 it's not just the Source of Income Unit that's
3 limited to handling source of income cases. If we
4 need other attorneys to handle it, then everyone in
5 the Law Enforcement Bureau handles it.

6 COMMISSIONER PALMA: Council Member, I
7 would add that we currently at this moment have 10
8 dedicated lines within the LEB unit to address source
9 of income so we have 10 dedicated lines, nine of them
10 are filled, and we're continuing to seek to fill the
11 10th one.

12 COUNCIL MEMBER JOSEPH: Thank you. What
13 are the salaries for Attorney 1 positions, are there
14 any competitive to market for new graduates?

15 DEPUTY COMMISSIONER SALAZAR: There are
16 different levels of attorneys, but, as previously
17 mentioned, the starting salary for an Attorney Level
18 1 is about 63,000 if they don't have city experience.
19 If they become an incumbent because they already have
20 city experience then that incumbent rate is about
21 72,000, but, as we mentioned, we are getting a better
22 pool of candidates for Attorney Level 2. For Attorney
23 Level 2, the starting salary is about 71,000 and if
24 they become an incumbent it turns into like 81,000,
25 82,000.

1
2 COUNCIL MEMBER JOSEPH: Has that made it
3 difficult for hiring and retaining senior attorneys?
4 What is the plan to hire competent and knowledgeable
5 attorneys? How do you plan on retaining them?

6 DEPUTY COMMISSIONER SALAZAR: We are
7 actively working with bar associations, alumni
8 networks of law schools in our effort to promote our
9 vacancies to attract the best and most qualified
10 candidates. We are also, as I mentioned, doing
11 professional development internally just to make sure
12 that we're retaining because we can attract them but
13 then if they're leaving while someone else is coming
14 in it kind of defeats the purpose. We're doing I
15 think a multiprong approach here to recruiting,
16 retaining and doing everything that we can within our
17 resources to retain and attract attorneys.

18 COMMISSIONER PALMA: Council Member,
19 continuing to work with OMB and the Mayor's Office of
20 Efficiency, we know...

21 COUNCIL MEMBER JOSEPH: To raise the
22 salary.

23 COMMISSIONER PALMA: That this
24 Administration is committed to ensuring that we
25 attract talent into the vacancies that we currently

1
2 have and so we continue to think through innovative
3 ways to do that.

4 COUNCIL MEMBER JOSEPH: Attract, retain
5 them as well and give them living wages. How easy is
6 it for the Commissioner to assign more budget towards
7 hiring more senior attorneys?

8 COMMISSIONER PALMA: I'm sorry. Can you
9 repeat your question?

10 COUNCIL MEMBER JOSEPH: Sure. How easy is
11 it for the Commissioner to assign more budget towards
12 hiring more senior attorneys? Are you able to assign
13 more money to hire a senior attorney?

14 COMMISSIONER PALMA: I would say right now
15 we have submitted a new needs proposal to OMB that
16 was funded, and so the bulk of those 17 new lines
17 that CCHR is getting is going to go towards the LEB
18 department for attorneys, and then within our own
19 structure we have Attorney Level 3s where we can
20 promote those senior attorneys into those positions.

21 COUNCIL MEMBER JOSEPH: Thank you,
22 Commissioner.

23 CHAIRPERSON BRANNAN: Council Member
24 Stevens.

COMMISSIONER PALMA: And supervising
attorneys.

COUNCIL MEMBER STEVENS: Hello. Good
morning. I just have a few questions. I was just
recently meeting with a group of advocates around
disabilities, and one of the things they were
advocating for was their own Office of District
because they feel that this Commission doesn't have
the right size or capacity to deal with the
complaints and issues that they have so can you talk
to me a little bit about like how many staff you have
dedicated specifically to folks with disabilities and
what does that look like because currently what they
were telling me is that the capacity in your office
around the complaints that they have, they don't feel
like they're being heard or you don't have the staff
to actually adequately address some of the issues?

COMMISSIONER PALMA: Thank you, Council
Member. I would defer to Deputy Commissioner Raj, but
I would add that since my arriving at the Commission,
one of the things that I have done is reach out to
sibling agencies and MOPD is one of those agencies
that we have been talking to and working through to
do joint community events, joint outreach to ensure

1
2 that there is support from the Mayor's Office for
3 People with Disabilities and that they support the
4 work we do as well and help us highlight the work
5 that's being done there.

6 COUNCIL MEMBER STEVENS: I just want to
7 say I don't think they were saying around the work. I
8 just think for them it was the size and the capacity
9 and just knowing the numbers around the number of New
10 Yorkers with disabilities that, because your agency
11 is so small, that you don't have the adequate staff
12 to actually address the issues of all the New Yorkers
13 with disabilities who feel discriminated against.

14 DEPUTY COMMISSIONER RAJ: At the Law
15 Enforcement Bureau, we have something called Project
16 Equal Access which is we have two dedicated staff
17 members who actually go out once we get complaints
18 from individuals saying that they have been
19 discriminated against because they're not able to
20 access either housing or public accommodations or
21 employment. They go out and do the actual
22 measurements to make sure whether there's a violation
23 or not, whether a ramp can be installed. They're
24 pretty experienced in doing that. All of our
25 attorneys in the Law Enforcement Bureau, as I said,

1
2 most of our cases are about reasonable accommodations
3 in housing and in employment. Of course, some of it
4 is because they don't get reasonable accommodations
5 because of a medical issue, but a lot of it is
6 related to physically access housing especially, and
7 we have a lot of cases I think that we have actually
8 dealt with where people have not been able to access
9 their housing. Maybe we can do more. I'm not saying
10 we can't, but I think we do our best to address all
11 the issues that come to us through Project Equal
12 Access, through our attorneys, and also through
13 testing. We do quite a bit of testing of public
14 accommodations and housing to see whether they're
15 accessible or not.

16 COUNCIL MEMBER STEVENS: Absolutely. I'm
17 sure you guys are doing your best, and it's a lot,
18 right, especially thinking about the number of folks
19 in New York City with disabilities, that's why I was
20 asking for the staffing breakdown because I think
21 that there's some inadequacies, right, so you can be
22 doing your best, but let's say if you have a caseload
23 of 150 people, your best might not be good enough
24 because that's just not the capacity so do you have
25 actual numbers or breakdowns of like how many folks

1
2 you have dedicated to this because, like I said, when
3 I was meeting with this group of advocates they're
4 complaint was that they feel like you do not have
5 enough staff to address the needs of the New Yorkers
6 because there's such a large number. I forgot the
7 number, but it was over like a couple thousand that
8 have disabilities and they don't feel like you guys
9 have enough staff to do the work that you really need
10 to get done so do you have a staff breakdown of that?

11 DEPUTY COMMISSIONER RAJ: We don't
12 dedicate staff to just disability cases. The cases
13 are assigned to all of the Law Enforcement Bureau. We
14 don't have a specific disability unit. We have the
15 Project Equal Access who are not attorneys who are
16 the ones that are going out and determining whether
17 places are actually accessible, but the attorneys are
18 not dedicated to just disability. Everybody actually
19 gets disability cases. I actually have some
20 disability cases that I'm handling.

21 COUNCIL MEMBER STEVENS: Thank you. Chair,
22 if I could just have one more question.

23 DEPUTY COMMISSIONER SALAZAR: I may just
24 chime in real quick. I know that you asked
25 specifically for the head count so LEB has 55

1
2 budgeted lines, and they currently have 43 active
3 employees.

4 COUNCIL MEMBER STEVENS: Okay. Just my
5 last question. If a complaint is put in, what does
6 the followup look like because that was one of the
7 other issues that they have, that they feel like
8 sometimes they'll put a complaint in and then now
9 there's further discrimination that goes into that.
10 What does the support and after-service look like for
11 anyone who might put in a complaint?

12 DEPUTY COMMISSIONER RAJ: I'm sorry. Are
13 you talking about retaliation?

14 COUNCIL MEMBER STEVENS: Yeah.

15 DEPUTY COMMISSIONER RAJ: Retaliation is a
16 violation of our law. It's a separate provision under
17 our law. Disability is something that we try to
18 handle also through pre-complaint interventions.
19 That's one of the issues that we try to handle
20 through pre-complaint so the person doesn't always
21 have to file a complaint and go through the whole
22 litigation process. If someone calls us and says that
23 they are trapped in their homes, they're not able to
24 access the building because there isn't a ramp or
25 there isn't a lift, then we will try through the pre-

1 complaint intervention process to reach out to the
2 landlord or the owner of the building to say this
3 person needs a ramp and how can we work towards that.
4 If that doesn't work, the pre-complaint intervention
5 process doesn't work, then we will file a complaint
6 and go through the litigation process.
7

8 Retaliation is a violation of our law so
9 that will go towards higher damages and higher civil
10 penalties if it goes to trial or even if it settles.
11 That increases everything because you're not allowed
12 to retaliation under any provision of our law.

13 COUNCIL MEMBER STEVENS: But what does it
14 look like for the support that happens because
15 obviously it's against the law but so is
16 discriminating and so people are continuously doing
17 it so just thinking about that, but I just want to
18 also say because I know I have to wrap up and I'll be
19 done. I know you guys are working really hard and
20 this is a really hard job and want to say that
21 whatever you guys need, however we can support we
22 want to do that, but I do think that you should be
23 fighting to get some more staff, especially when
24 there's so many cases and even a lot of the work that
25 we're doing in Council actually is related to what

1
2 you guys are doing and so how do we make sure that
3 those things could be accurately implemented.

4 COMMISSIONER PALMA: Thank you, Council
5 Member. We will continue to (INAUDIBLE) that we fill
6 our vacancies as well as ramp up the efforts to fill
7 the 17 lines that we are now going to have.

8 I would just add to Commissioner Raj, I
9 think in your wanting to know in terms of what kind
10 of followup support. Once the cases are settled, as
11 part of settlements, employers, providers, part of
12 those settlements require that trainings be done,
13 that the employer or housing provider are reporting
14 back to us to ensure that they do not continue the
15 practices that led to the investigation or complaint
16 in the first place.

17 CHAIRPERSON BRANNAN: Okay, we have
18 Council Member Barron followed by Louis and Abreu.

19 COUNCIL MEMBER BARRON: Thank you very
20 much. Good morning, Commissioner.

21 I wanted to ask a more macro question.
22 First of all, I think you're woefully underfunded.
23 There's 8-plus billion people in New York City,
24 there's countless agencies. I would say
25 unscientifically 99.9 percent of them discriminate,

1 but that's my opinion, not a fact (INAUDIBLE) With
2 that kind of massive amount of people in New York
3 City, 14 million dollars is an insult to human rights
4 in my humble opinion if the Mayor wanted to
5 prioritize human rights, because I think racism
6 permeates just about every institution and agency in
7 New York City and America, but the area I want to
8 focus on, two areas, one is contracting. Contracting,
9 and I know you have complaints from the public but
10 also Commission-initiations where you can initiate
11 stuff, and I would like for you to look into
12 contracting. Massive discrimination. There's over
13 21.7 billion dollars in City contracts. That's why
14 Bloomberg became a Mayor and didn't accept the salary
15 because he knew there were billions in contracts. Why
16 would a billionaire want a job that pays 200,000
17 dollars. He started at 5 billion. When he left, he
18 was worth 20 billion. Contracts, and his buddies,
19 particularly white men, got big money, got rich off
20 of the contracts in our agencies so I noticed you
21 mentioned the M/WBEs, and they're usually, but you
22 was mentioning that you fund work with them around
23 advertising and things of that nature, but more
24 deeply they don't get the real contracts, and I'm not
25

1
2 talking about subcontracts. I'm talking about the
3 general contract, the big money, the big contracts
4 usually don't go to black and brown M/WBE, and I have
5 to mention black and brown because now when you say
6 diversity or when you M/WBEs, the W, white women, are
7 now gaining more on that than black people so I want
8 to be clear, when I talk about contracts, I'm talking
9 about black and brown people who are discriminated
10 against horribly, discriminated against, and I'd like
11 to see an initiative, a serious initiative to look at
12 how many of the 17,162 contracts that the City
13 contracts with, how many of them have gone to white
14 folk, white women and white men, and how many are
15 going to black and brown people and what amount and
16 in what areas. This is very important because if we
17 get more contracts we can do better with the
18 economics in our system. That's the first question.

19 The second one is on the NYPD. Our human
20 rights are being violated every day by NYPD. Stop and
21 frisk is still happening. They just don't fill out
22 the form so in my beloved East New York, when they
23 stop these young people, they don't fill out the form
24 and say I stopped them for nothing because that's
25 what they would have to say, they don't fill out the

1
2 form so it's still happening, and I think that needs
3 to be looked into seriously because we have a human
4 right, a Constitutional right to move about freely in
5 our neighborhood without being disturbed by police.

6 COMMISSIONER PALMA: Thank you, Council
7 Member, and, as you know and I mentioned before, the
8 Commission is committed and mandated to look into any
9 tips we receive, any complaints we receive so as we
10 receive those tips, those complaints, those calls, we
11 will investigate them. We like to build our
12 partnerships so individuals like yourself are
13 important for us to continue to do the work and raise
14 awareness that this agency exists and that if anyone
15 in your community is facing any kind of
16 discrimination that they should be directed to our
17 agency.

18 COUNCIL MEMBER BARRON: Commissioner, I
19 was talking about the Commission-initiation, not
20 complaints from my community. I think the Commission
21 should initiate an investigation into contracting and
22 to police behavior, not waiting for a complaint from
23 people in my community because, quite frankly, a lot
24 of people don't have faith in the system, you give
25 them a complaint and nothing happens with the CCRB,

1
2 which is why we want an independent investigative
3 body that is independent from the system so a lot of
4 people aren't going to complain because they don't
5 have faith in that. I just wanted to know if you can
6 launch a Commission-initiated effort in these two
7 areas.

8 COMMISSIONER PALMA: Thank you, Council
9 Member, and I hear you loud and clear.

10 COUNCIL MEMBER BARRON: Well, I know you
11 hear me, Commissioner, because you have two ears. I'm
12 just wondering whether you'll do it or not, but I
13 hear you.

14 CHAIRPERSON BRANNAN: Council Member Louis
15 followed by Abreu.

16 COUNCIL MEMBER LOUIS: Thank you, Chair.
17 Thank you, Commissioners, for being here today.

18 Just two quick questions. This is
19 regarding the federal budget. This year's budget
20 indicates that the Commission's projected budget for
21 Fiscal Year '24 is entirely funded by City tax levy
22 while previous years did not include federal funding
23 so I wanted to know if you could further elaborate
24 and explain the decision to rely solely on City funds
25

1
2 for FY24 and the potential implications of this
3 change?

4 COMMISSIONER PALMA: Council Member, we
5 can get back to you for a specific breakdown. I will
6 have Deputy Commissioner Salazar follow up with the
7 Committee and your office in terms of the breakdown
8 of the federal funds.

9 COUNCIL MEMBER LOUIS: Let me add to that
10 since you all will get back to us. I'm also reading
11 information that it's possible for the Commission to
12 swap City funds for Federal funds in the next Fiscal
13 budget so FY25 so it would be great to elaborate on
14 what that exchange or that opportunity would be.

15 Just a followup question in regards to
16 Chair Williams' question, and I don't think I
17 understood the response. Does the Commission's
18 projected FY24 budget accommodate funds that will
19 support the amount of staff needed to address issues
20 that may arise with domestic workers, particularly
21 our new asylum-seekers that are here so there may be
22 a new influx of new cases. Does the current budget
23 and will the breakdown include staffing and the
24 funding needed for those staff to address those
25 cases? Thank you.

1
2 DEPUTY COMMISSIONER SALAZAR: Yes, our
3 current budget allows us to handle the influx of
4 cases that we currently have and what we're
5 projecting to get. Of course, as the Commissioner has
6 mentioned before, we could do more with more, but we
7 do have 17 new lines that were awarded to us for FY24
8 so we're looking forward to, with those breakdowns
9 and what that will look like for our agency.

10 COUNCIL MEMBER LOUIS: And you're not
11 fully relying on the agencies you mentioned earlier
12 for support services and outreach because it appears
13 to be a collaborative agency response for domestic
14 workers so you're not totally relying on those
15 agencies to support what services? It would mainly be
16 from your Commission, correct?

17 DEPUTY COMMISSIONER SALAZAR: We do work
18 and collaborate with other agencies but with regards
19 to funding, it's our budget.

20 COUNCIL MEMBER LOUIS: All right. Thank
21 you.

22 CHAIRPERSON BRANNAN: Council Member
23 Abreu.

24 COUNCIL MEMBER ABREU: Thank you, Chairs.
25 Thank you, Commissioner.

1
2 The issue of human rights in the
3 workplace is a complex one, especially with the rise
4 of remote work. My question, which is a few, is how
5 does the City agency ensure that remote workers are
6 not discriminated against based off of protected
7 classes?

8 COMMISSIONER PALMA: Thank you, Council
9 Member. Again, we are working to increase our
10 visibility. We are continuously using social media to
11 ensure that New Yorkers know that the Commission on
12 Human Rights is there for them. We use print media,
13 we use all our communications outlets to ensure that
14 anyone who is working in New York City, right, and
15 lives in New York City is not being discriminated
16 against and so, again, if we receive any tips, any
17 complaints, if we initiate a Commission-initiated
18 investigation, we then quickly try to address the
19 harms being done in that area.

20 DEPUTY COMMISSIONER RAJ: If the work is
21 in New York City or if the work is supposed to be in
22 New York City, then it's covered by our law.

23 COUNCIL MEMBER ABREU: Given the fact that
24 employees, previously you would see signs up in the
25 workplace so it would be easier to communicate this

1
2 information. What barriers have you faced in getting
3 this information to people who work remotely,
4 particularly people who aren't on social media for
5 instance?

6 COMMISSIONER PALMA: Any employer
7 regardless of remote work doing work with the City of
8 New York has to follow the New York City Human Rights
9 Law, and so, again, education is a key tool to
10 ensuring that the law is not being violated so Days
11 of Visibility, increasing our presence in certain
12 communities where we may see a high use of remote
13 work, but ensuring that employers as well as
14 employees know what their rights are under the Human
15 Rights Law.

16 COUNCIL MEMBER ABREU: Has CCHR seen any
17 cases of discrimination in remote work?

18 DEPUTY COMMISSIONER RAJ: While we can't
19 really talk about open investigations, I wouldn't say
20 that there has been a flood of cases that have come
21 to us because of remote work.

22 COUNCIL MEMBER ABREU: Got it. What about
23 in closed cases, any idea in cases that have already
24 had a final determination?

1
2 DEPUTY COMMISSIONER RAJ: We don't have
3 any cases that have already had a final
4 determination.

5 COUNCIL MEMBER ABREU: All right. Thank
6 you so much.

7 CHAIRPERSON BRANNAN: Council Member
8 Sanchez followed by Brewer.

9 COUNCIL MEMBER SANCHEZ: Thank you so
10 much, Chairs, and good afternoon, Commissioner and
11 team. Very good to see you. I remember when you were
12 the Council Member and I was a staffer and so this is
13 a little bit strange.

14 Commissioner, I recognize my Colleagues
15 have asked about the Source of Income Discrimination
16 Unit, but I wanted to start there myself because one
17 of the most common comments when I go into my office
18 is Pierina, or Nina as they like to call me, can you
19 give me a list of where I can take my voucher and
20 find an apartment. That is how rampant source of
21 income discrimination is in my District. It's not
22 even a thought that you could just go anywhere with
23 your voucher. It is that you will face discrimination
24 necessarily and so I'm happy to hear that nine staff
25 have been hired since last year so my first question

1
2 is I see that 17 attorneys and specialist lines are
3 being dedicated to the outyears, what's going to be
4 timeline for hiring these lines?

5 COMMISSIONER PALMA: Our goal at the
6 Commission, Council Member, is always to hire as
7 quickly as we can, and so, again, we're using all of
8 our tools to attract individuals into our agency to
9 ensure that we can staff up as quickly as possible.

10 COUNCIL MEMBER SANCHEZ: Okay, in an ideal
11 world if there were 17, or 17 minus 9, individuals
12 available next year, we can hire them in Fiscal '24?

13 COMMISSIONER PALMA: Yes, and so again
14 recognizing that since my arrival at the agency there
15 were no dedicated staff to SOI, and that has grown by
16 nine individuals, and we're happy to have been able
17 to achieve filling those vacancies.

18 COUNCIL MEMBER SANCHEZ: Okay, thank you.
19 As far as the individual experience, that
20 constituent, that person that is facing this
21 discrimination when they're looking for housing, many
22 of those individuals come to Council offices, they go
23 to neighborhood non-profits, and we'll advise them
24 about CCHR and that they can file their complaints,
25 but the vast majority of these individuals probably

1
2 will not file so my next question is what are the
3 different ways that CCHR is tracking source of income
4 discrimination aside from formal complaints?

5 COMMISSIONER PALMA: I'll then let Deputy
6 Commissioner Raj elaborate on the work that her team
7 does, but I would broadly say generally one of our
8 best tools in our LEB department is our Testing Unit,
9 right, and so, again, someone doesn't have to wait to
10 file a complaint or send us a tip, but we proactively
11 do testing around source of income to ensure that
12 landlords are not violating the law.

13 COUNCIL MEMBER SANCHEZ: I'm out of time
14 so if I can just sneak in one more. It is about the
15 coordination between agencies. CCHR, CHR, and HPD all
16 have different pieces of source of income
17 discrimination work, can you just describe what the
18 breakdown in activities across the agencies, how you
19 collaborate?

20 DEPUTY COMMISSIONER RAJ: We collaborate
21 not just with the agencies when you asking how do we
22 know about discrimination, we work with community
23 organizations that work with people who are looking
24 for housing and who have vouchers so there are
25 different ways. We work with Neighbors Together,

1
2 Unlock NYC, lots of other groups that come to us with
3 issues that their clients have faced with
4 discrimination. We also work with HPD and actually
5 our interventionists work with HPD and DSS and the
6 other sister agencies to make sure that people who
7 they're trying to work out interventions for are able
8 to get through some of the issues that they may have
9 to face with other sister agencies like an inspection
10 that needs to take place pretty quickly so that
11 people get...

12 COUNCIL MEMBER SANCHEZ: I'm sorry. If I
13 can just clarify, what is the role of each agency?

14 DEPUTY COMMISSIONER RAJ: HPD does the
15 inspections. I'm sorry. I didn't catch who the other
16 agency you had mentioned was.

17 COUNCIL MEMBER SANCHEZ: DSS.

18 DEPUTY COMMISSIONER RAJ: Oh, DSS. DSS, we
19 actually don't work that much with DSS anymore
20 because their lines have actually come to us to do as
21 the source of income work, but we do work with them
22 when someone's voucher is expiring and we have to
23 work with DSS to make sure that the voucher doesn't
24 expire so we are constantly working with our sister
25

1 agencies to make sure that people are able to get
2 housing opportunities.

3
4 COUNCIL MEMBER SANCHEZ: Thank you.

5 COMMISSIONER PALMA: Just for a point of
6 clarity, Council Member, we received six lines from
7 DSS for source of income work, and that's how we have
8 been able to start get those dedicated lines and so
9 the work now that we do with DSS in terms of
10 collaboration besides if someone's voucher is
11 expiring, if anyone calls DSS or they know of any of
12 their clients that have been discriminated against
13 because of source of income, having a voucher, they
14 directly immediately call us and direct them to our
15 office.

16 COUNCIL MEMBER SANCHEZ: Thank you.

17 CHAIRPERSON BRANNAN: Council Member
18 Brewer followed by Hanks.

19 COUNCIL MEMBER BREWER: Thank you very
20 much. Thank you, Annabel. You're just Annabel to me,
21 sorry, and I'm Gale.

22 My question is about the ramp complaints.
23 I get a lot. You mentioned it. My understanding from
24 the MMR, maybe it was the preliminary, I can't
25 remember, was that there's an 88 percent increase in

1
2 complaints as you heard from Council Member Stevens
3 from those who are disabled for accommodations, etc.,
4 and this is a community that always, and I think
5 legitimately, feels left out so my question is just
6 on the ramp, do you have some idea, because I think
7 these owners don't like putting in ramps, and we
8 always call your agency and you're responsive, but
9 there must be many complaints. Can you give me some
10 idea on that one? How it gets adjudicated and what
11 happens when the person doesn't want to do it?

12 DEPUTY COMMISSIONER RAJ: As I said
13 before, Council Member, when the respondent, the
14 landlord, does not want to install a ramp, which does
15 happen, then we will file the complaint and then
16 they're liable for damages and civil penalties...

17 COUNCIL MEMBER BREWER: Are you successful
18 in getting, I'm more interested in getting the ramp.

19 DEPUTY COMMISSIONER RAJ: Yes. That's why
20 we have the pre-complaint intervention process so we
21 first try to get the ramp in by talking to the
22 landlord to see whether they will work with us to get
23 the ramp in and then...

24 COUNCIL MEMBER BREWER: Can you give us,
25 not necessarily now, some number as to how many

1
2 complaints you get every year and how they get
3 adjudicated, not now but later?

4 DEPUTY COMMISSIONER RAJ: We can get back
5 to you on that because I'm sure we can pull the
6 numbers on that.

7 COUNCIL MEMBER BREWER: Okay. Source of
8 income, we're all focused on it. I get the same
9 complaints. Do you know who you talk to, I want to
10 know in terms of outreach, brokers. There are brokers
11 who are dealing with this, they love renting
12 apartments, they just love renting apartments because
13 they get money so my question is do you meet with the
14 brokers because they tell me that source of income,
15 they're afraid to go to the owner and counter the
16 owner, they should be calling you. They don't. Do you
17 talk to the brokers?

18 DEPUTY COMMISSIONER RAJ: We do. Actually,
19 the Law Enforcement Bureau and the Community
20 Relations Bureau actually do a lot of trainings for
21 the brokers. We do monthly trainings for the brokers.
22 Sometimes it's part of our settlements where we
23 require the brokers within a larger brokerage to come
24 and do the training at the Commission. It's virtual
25 so they don't have to spend time necessarily coming

1
2 to our Commission. We do that type of training, but
3 also as part of settlements we do training.

4 COUNCIL MEMBER BREWER: Okay, I'm
5 interested in telling the brokers damn well give me
6 your list of owners who are refusing to take the
7 voucher. Do you do that kind of training?

8 DEPUTY COMMISSIONER RAJ: We do that kind...

9 COUNCIL MEMBER BREWER: That'd be my kind
10 of training.

11 DEPUTY COMMISSIONER RAJ: We do that kind
12 of training and, actually as part of our settlements,
13 we do have provisions in settlements where we say you
14 will have to report to us landlords who are refusing
15 to take...

16 COUNCIL MEMBER BREWER: Okay, because I
17 have been talking to brokers, and they have not been
18 doing that so I would suggest that that could be a
19 stronger part, they have hundreds of cases where
20 these folks are not taking those vouchers.

21 DEPUTY COMMISSIONER RAJ: We welcome them
22 to contact us.

23 COUNCIL MEMBER BREWER: I'll try. I think
24 you need to do more outreach to them.

1
2 The Mayor seems to have a new office for
3 everything so what's this Office of Equity? What the
4 hell do they do and how much money do they get?

5 COMMISSIONER PALMA: Gale, I don't have
6 the budget for the Office of Equity.

7 COUNCIL MEMBER BREWER: What do they do?

8 COMMISSIONER PALMA: The Office of Equity
9 works to ensure, again, that there is equitable
10 treatment amongst New Yorkers as a whole, and we do..

11 COUNCIL MEMBER BREWER: Isn't that what
12 you do?

13 COMMISSIONER PALMA: We do work closely
14 with them. We enforce the Human Rights Law.

15 COUNCIL MEMBER BREWER: All right. I'll
16 leave it at that.

17 The other question quickly is hybrid. I
18 know that the DC37 contract, hopefully, will deal
19 with hybrid. The reason you can't up your number of
20 attorneys is because you're not hybrid. Do you get
21 that complaint? Are you allowed to talk about it?

22 COMMISSIONER PALMA: Our staff is coming
23 in-person...

1
2 COUNCIL MEMBER BREWER: I know, but the
3 reason you can't hire more attorneys is because they
4 can go to any law firm in the city and be hybrid.

5 COMMISSIONER PALMA: When attorneys come
6 to us and they qualify, we hire them. We have lost
7 some individuals to hybrid, but that has not been why
8 we have not been able to recruit.

9 COUNCIL MEMBER BREWER: Thank you.

10 CHAIRPERSON BRANNAN: Okay, we have
11 Council Member Hanks and then Farias for final
12 questions.

13 COUNCIL MEMBER HANKS: Thank you, Chair. I
14 can still say good morning for another 10 minutes.
15 Thank you so much for coming today.

16 I would like to associate my comments
17 with the questions of Council Member Abreu and sort
18 of Council Member Brewer.

19 I've had several complaints and calls to
20 my office regarding perceived unfair and unregulated
21 remote work, the preference of remote work. It seems
22 that certain employees, higher paid, similar to
23 attorneys, are given the preference to do remote work
24 where lower-paid employees are not given that
25 preference, and so even though the question here is

1
2 discrimination and remote work protections, I think
3 we need to take a look, and I wanted to hear what you
4 have to say as far as how are we ensuring that
5 employees are treated fairly if there's a remote work
6 policy, that remote work policy is across the board.
7 Is it posted. For example, I had a constituent call
8 who had a child that was nonverbal autistic, and they
9 were not given the preference to do remote work as
10 opposed to their colleagues that were higher paid,
11 higher titles that were given the preference for
12 remote work so if there is a policy of remote work, I
13 know we want to talk about the protections but we
14 also want to talk about the fairness of how that is
15 dispensed and so can you talk a little bit about how
16 we, as the Council and also as an agency, that we're
17 working to make sure that the fairness of remote work
18 is taken very seriously? Thank you.

19 COMMISSIONER PALMA: Thank you, Council
20 Member Hanks. In terms of the example you
21 highlighted, that definitely falls under caregiver
22 discrimination and...

23 COUNCIL MEMBER HANKS: There will be a
24 complaint filed because you also explained that I
25 don't think workers know that they can complain to

1
2 you. I think this is not even something that people
3 are even looking at as a point of discrimination.
4 They just see it, they feel it, and there's no real
5 written law based on who gets it and when do you get
6 it and so...

7 COMMISSIONER PALMA: Just for a point of
8 clarity, when you mention policy, you're talking
9 about a specific private sector, our policy...

10 COUNCIL MEMBER HANKS: This is a city
11 worker. We're here to talk about remote work
12 discrimination protections. We want to know that
13 people are protected if they are working remotely.
14 What I'm saying is how do we determine who gets to
15 have remote work as opposed to someone else getting,
16 there are ongoing complaints that I'm getting from my
17 office that certain employees are allowed to have
18 remote work privileges, if you want to call it that,
19 and others aren't so one, are we looking at policies
20 and procedures to do that and, two, how can we inform
21 City workers that this is something that they're
22 actually being discriminated against. It's not
23 something that's quite gelling yet, but it's
24 something that I'm hearing a little bit more often.
25

1
2 COMMISSIONER PALMA: I will definitely
3 speak to our agency, and we know, right, that the
4 City doesn't have a remote work policy. The City and
5 the Administration engage in bargaining unit
6 negotiations and so there should be an outcome from
7 those negotiations. I know our agency, we don't have
8 a remote work policy. We have our team coming into
9 the office or into the CSCs and, again, if anyone has
10 felt or is experiencing that they needed an
11 accommodation, right, we have our EEO Team who will
12 work closely with that individual to address the
13 needs that they're raising.

14 COUNCIL MEMBER HANKS: Thank you. We'll
15 talk more offline because I do have an (INAUDIBLE)
16 request to do just that. We will talk more about it.
17 Thank you so much.

18 COMMISSIONER PALMA: Thank you and I
19 appreciate your question.

20 COUNCIL MEMBER HANKS: I appreciate you.

21 COUNCIL MEMBER FARIAS: Thanks,
22 Commissioner. How are you? Great to see you.

23 I just have a couple of quick questions.
24 Are we seeing any increase, this is around domestic
25 workers and their protections, are we seeing any

1
2 increase of complaints for the 24-hour work week of
3 domestic workers and if any of those complaints go
4 through your office and how they have been navigated?

5 DEPUTY COMMISSIONER RAJ: Like I said
6 before, we can't talk about open investigations, but
7 we really have not received a lot of complaints in
8 the domestic worker protections. I know that the
9 Community Relations Bureau has reached out quite a
10 bit to community organizations, but that hasn't
11 really resulted in a mass of complaints.

12 COUNCIL MEMBER FARIAS: Okay, great. I
13 just have two questions around some other items. Have
14 we seen any complaints or issues with the salary
15 range mandate that we implemented last year as the
16 Council?

17 COMMISSIONER PALMA: Before we move on to
18 your next question, I just want for a point of
19 clarity, DWCP is the agency that enforces that law.

20 COUNCIL MEMBER FARIAS: Okay, thank you.
21 Any complaints around the salary range bill or any
22 issues regarding that?

23 DEPUTY COMMISSIONER RAJ: We have not seen
24 any individual complaints that have been filed, but
25 we have had a lot of tips, more than 300-plus tips

1
2 that have come across about the salary range, and
3 we've also done a lot of testing in that area.

4 COUNCIL MEMBER FARIAS: Okay. Are the
5 complaints surrounding employers not listing salary
6 ranges for positions or listing too large of salary
7 ranges that don't quite make sense?

8 DEPUTY COMMISSIONER RAJ: The tips are a
9 combination of both.

10 COUNCIL MEMBER FARIAS: Okay, great. Do
11 you folks have to annually report out on anything
12 like that or how can we look at that information?

13 COMMISSIONER PALMA: I've just been handed
14 our annual report so I will share it with you

15 (INAUDIBLE)

16 COUNCIL MEMBER FARIAS: Great. I'll steal
17 that, no problem.

18 My last question is how often are you
19 folks having to explain the current state condition
20 of a right-to-work state that we are under for
21 employees? Like when complaints come in, depending on
22 what discrimination type it is, is any of that in
23 direct conflict that we're right-to-work and people
24 might not understand that?

DEPUTY COMMISSIONER RAJ: I'm not sure I
quite understand the question.

COUNCIL MEMBER FARIAS: I'm wondering the
types of discrimination that we see and if people
are, many people I find do not quite understand what
right-to-work state means, New York State is a right-
to-work state, how often are we educating folks on
the right-to-work state status and what that means in
terms of the type of discrimination they may or may
not be experiencing?

DEPUTY COMMISSIONER CHAUDHURI: All our
education programs are focused on the New York City
Human Rights Law so we talk about, the trainings that
we do, the community outreach that we do are focused
on the employment, housing, public accommodation
protections under the law, and that's what we focus
on.

COUNCIL MEMBER FARIAS: Okay, so in that
employment education, are we discussing us being a
right-to-work state or not?

DEPUTY COMMISSIONER CHAUDHURI: That's not
part of our law.

1
2 COMMISSIONER PALMA: Our education is
3 focused on the Human Rights Law and the 27 protected
4 classes under that law.

5 COUNCIL MEMBER FARIAS: Okay. All right,
6 great. Thank you. I'm done.

7 CHAIRPERSON BRANNAN: Thank you all so
8 much. Thank you.

9 COMMISSIONER PALMA: Thank you so much. I
10 really appreciate your time.

11 CHAIRPERSON BRANNAN: Thank you. Okay,
12 we'll take one two-minute break as we're way behind
13 schedule and then we'll hear from the Equal
14 Employment Practices Commission.

15 Okay. I think it's still the morning. Not
16 quite. What time is it? Oh wow. We're behind so we
17 have to catch up on time.

18 Good afternoon. Welcome to the second
19 Executive Budget hearing of the day. We're focused on
20 the Equal Employment Practices Commission.

21 I'm still Justin Brannan, Chair of the
22 Finance Committee, still joined by my Colleague,
23 Council Member Nantasha Williams, Chair of the
24 Committee on Civil and Human Rights.

Welcome to Executive Director Victor and her team. Thank you all for joining us and to answer our questions.

On April 26, 2023, the Administration released the Executive Financial Plan for '23 to '27 with a proposed Fiscal '24 budget of 106.7 billion dollars. EEPC's projected FY24 budget of 1.3 million dollars represents less than 1 percent of the Administration's proposed FY24 budget in the Executive Plan. This represents an increase of 18,000 dollars or 1.4 percent from the 1.25 million budgeted in the FY24 Prelim Plan presented back in January. EEPC projects a reduction of just one position since adoption of the FY23 budget last year.

My questions will largely focus on EEPC's auditing process and the 2022 Racial and Ethnic Classification Report.

I now want to turn to my Co-Chair for this hearing, Council Member Nantasha Williams for her opening statement.

CHAIRPERSON WILLIAMS: Thank you, Chair Brannan. I already made my joint opening statement, but as you all know I really appreciate the work that you do to ensure that there are equal opportunities

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2 for New Yorkers that work for our city, and I look
3 forward to hearing your testimony.

4 As I said earlier, your work is so, so
5 important. Unfortunately, your agency or your
6 Commission as well as CCHR have historically been
7 underfunded so look forward to your testimony.

8 CHAIRPERSON BRANNAN: I'm going to turn it
9 over to the Committee Counsel to swear you in, but,
10 just in the interest of time, if you could just
11 summarize your testimony, that would be great so we
12 could jump right into questions, okay?

13 COMMITTEE COUNSEL TWOMEY: Good
14 afternoon. Could you raise your right hands, please?

15 Do you affirm that your testimony will be
16 truthful to the best of your knowledge, information,
17 and belief and you will honestly and faithfully
18 answer Council Member questions? Jeanne Victor.

19 EXECUTIVE DIRECTOR VICTOR: I will.

20 COMMITTEE COUNSEL TWOMEY: Russell

21 Ferri. DIRECTOR FERRI: I do.

22 COMMITTEE COUNSEL TWOMEY: Thank you. You
23 may begin.

24 EXECUTIVE DIRECTOR VICTOR: Good
25 afternoon. My name is Jeanne Victor. I am the

1
2 Executive Director of the EEPC, and I want to thank
3 you for the opportunity to appear before you today to
4 discuss the work of the EEPC.

5 In a nutshell, the EEPC is one of the
6 smallest agencies in City government. Our approved
7 head count is 12. We are the only agency, I believe
8 in the state and in the country, that does the kind
9 of work that we do. What we do is we ensure that City
10 agencies have solid EEO programs. We want to make
11 sure that people who are employed by the City,
12 particularly women and people of color, are treated
13 fairly as well as those that seek employment with the
14 City. We audit 143 agencies over a period of four
15 years. We are overseen by a Board of Commissioners.

16 The thrust of my remarks really go
17 towards the importance of our role, the importance of
18 our job, the things that we do that try to prevent
19 the risk of lawsuits and claims and settlements that
20 the other City agencies may be faced with because
21 their programs may not be up to par. Our role is to
22 make sure those programs are up to par. We feel that
23 our importance is not necessarily in how much money
24 we take in for the City; it's what we save the City.

1
2 Through risk avoidance, I think that our role is one
3 that is, as I said before, extremely important.

4 This year and last year, we've been
5 conducting an audit on the underutilization of women
6 and minorities, particularly people of color, in the
7 City and the City's workforce. We are addressing that
8 issue through our Research Unit, through Russell
9 Ferri, who is our Director of Research and who is
10 sitting at my right.

11 Our focus as an agency has been on
12 underutilization of women and people of color. We
13 have a very small staff. Our Research Team consists
14 of three people. Our Audit Team, we have three EEO
15 Program Analysts, one Manager, and a Director. As I
16 said, our total staff is 12.

17 There have been times when we've lost
18 personnel. We are going to lose one next week who is
19 our IT person. That person is the only person that
20 handles IT for our unit. When he goes, I have to pick
21 up those responsibilities. When we lost our Director
22 of Research last year in January, I picked up those
23 responsibilities. When the Director of Human
24 Resources left, I had to pick up those
25 responsibilities. There is really no one else to pick

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2 up the responsibilities when we lose anyone for
3 whatever reason, which is why we're asking for
4 additional head count. We have no redundancies within
5 our office, and, right now, if we were to lose
6 somebody, there would be no ability for us to
7 continue to do our job because that's how small we
8 are at the moment.

9 CHAIRPERSON BRANNAN: Thank you. Thank you
10 for summarizing.

11 Has there been any discussion around
12 something like IT or HR being folded into a
13 centralized, like do you need your own IT guy?

14 EXECUTIVE DIRECTOR VICTOR: We actually do
15 need our own IT guy, and I think that historically
16 when the EEPC was created, I think it shared services
17 with DCAS because we still share some of those..

18 CHAIRPERSON BRANNAN: I think that's what
19 I meant, like why couldn't DCAS hand that sort of
20 back office stuff?

21 EXECUTIVE DIRECTOR VICTOR: I don't think
22 there's been any discussion around that at this
23 point. We are a little bit specialized, I have to
24 admit, and our Audit Unit has its own specialized
25

1 database, our Research Team obviously also has its
2 own database.

3
4 CHAIRPERSON BRANNAN: Got it. Okay. I just
5 have really two questions then I'll turn it over to
6 my Co-Chair. There's currently 145 agencies within
7 your jurisdiction, right?

8 EXECUTIVE DIRECTOR VICTOR: Yes.

9 CHAIRPERSON BRANNAN: Okay. That includes
10 the Office of the Mayor, all the Mayoral agencies,
11 this Body, the City Council. EEPC is required to
12 audit and evaluate the employment practices of all
13 those agencies. What are the main objectives of the
14 auditing process and how does EEPC select employers
15 to audit?

16 EXECUTIVE DIRECTOR VICTOR: I'll answer
17 your second question first. We audit every one of
18 those agencies on a four-year rotational basis so
19 when the four years comes around, that's when the
20 audit is conducted for those agencies.

21 The audit itself is based on a series of
22 standards that were created to encompass the laws and
23 best practices around certain areas. There are in
24 excess of 50 standards. We select a focus of what
25 we're going to look at at a particular cycle, and

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2 this year and last year our focus has been on
3 underutilization. In prior years, we've looked at
4 sexual harassment, we've looked at HR practices,
5 those kinds of things.

6 CHAIRPERSON BRANNAN: What type of records
7 does EEPC typically request during an audit?

8 EXECUTIVE DIRECTOR VICTOR: They request
9 documents that support the standards that we're
10 looking at at a particular time. For
11 underutilization, we'll request documents that are
12 consistent with the standards around
13 underutilization.

14 CHAIRPERSON BRANNAN: How long are those
15 records kept?

16 EXECUTIVE DIRECTOR VICTOR: How long are
17 the records kept by the EEPC?

18 CHAIRPERSON BRANNAN: Yes.

19 EXECUTIVE DIRECTOR VICTOR: In accordance
20 with the records retention schedule.

21 CHAIRPERSON BRANNAN: What rights do
22 employees have during the auditing process?

23 EXECUTIVE DIRECTOR VICTOR: We audit
24 agencies. We don't interact with employees per se.

1
2 CHAIRPERSON BRANNAN: What steps could an
3 agency take if they disagree with the findings of an
4 audit?

5 EXECUTIVE DIRECTOR VICTOR: There are
6 opportunities for the agency to reply back. The way
7 the process works is that we will notify the agency
8 that they're being audited. The second step is to let
9 the agency know that these are the documents that
10 we're going to need. Agency submits the documents in
11 a secure environment electronically. We review the
12 documents and make our first findings on whether or
13 not the documents are sufficient or if there are
14 areas where corrective actions need to be taken. At
15 that point, the agency can respond. They have an
16 opportunity to respond, and, if they do, we take that
17 into account and we make the changes as needed. Then
18 we come out with our final determination. The agency
19 must respond and provide their position on EEPC's
20 findings, and then, at that point, we go into a
21 compliance monitoring stage or we finish up the
22 audit.

23 CHAIRPERSON BRANNAN: The 2022 Racial and
24 Ethnic Classification Report, could you summarize the
25 findings of the report?

EXECUTIVE DIRECTOR VICTOR: I'll turn it
over to Russell because he's our Director of
Research, and I'll let him be more specific.

DIRECTOR FERRI: The report that we
published in this past year, there were a couple of
main findings, and one of them is that the sort of
lack of diversity in certain job groups pretty much
hasn't been changing much in the past few years.
Those that are short on Asians or Hispanics or blacks
or women, it's been pretty consistent from year to
year. Also, in those job groups and titles that have
underutilization, the new people that are being hired
are also looking like the people that are already
there so if they're not diverse to begin with, the
people that are getting hired look like the people
that are already there and, therefore, it's not
really being addressed very well. Also, one other I
think important finding was that in the past year,
and this is probably because of COVID, women have
been separating at a rate considerably higher than
their currently composition in the workforce. We
don't have the data yet to dig into why, but there
are certain things that we can make a guess about why
that might be.

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2 CHAIRPERSON BRANNAN: Is the EEPC looking
3 to expand the search to more than the seven job
4 titles?

5 DIRECTOR FERRI: Yeah, so the report that
6 we will publish this year includes all of them.

7 CHAIRPERSON BRANNAN: Got it.

8 DIRECTOR FERRI: And we are currently
9 working with DCAS to get more data on the City's
10 workforce so that we can do much more thorough
11 reports in the coming years.

12 CHAIRPERSON BRANNAN: Got you. Thank you.
13 I'm going to turn it over to my Co-Chair, Nantasha
14 Williams. Thank you.

15 CHAIRPERSON WILLIAMS: Thank you. The
16 first set of questions are about your Strategic Plan.
17 This was for the Chair, but he's not here, but if you
18 could share with us with the experience you have
19 during the at EEPC, what are you looking to improve
20 at EEPC through the next few years and what do you
21 see as the largest challenges EEPC is facing?

22 EXECUTIVE DIRECTOR VICTOR: Thank you for
23 that question. I think that how we see the EEPC
24 moving forward in the next few years would be more of
25 a collaborative agency where we do try to break down

1
2 silos and work more closely with the agencies. I'd
3 like to go beyond the words of the City Charter and
4 go to the spirit to the Charter, try to educate the
5 agencies and also take a deeper look at the agency's
6 practices such as what we're doing along the lines of
7 our pilot program. I'd like to do more audits more
8 frequently and spot check agencies more frequently so
9 that we can make sure that we touch the agencies more
10 often than once every four years.

11 CHAIRPERSON WILLIAMS: Thank you. I want
12 to talk a little bit about your new needs. This plan
13 does not include any new needs from EEPC. Did EEPC
14 request any new needs that were not funded? If so,
15 what were those requests and did you receive any
16 feedback from OMB regarding those requests that were
17 not funded?

18 EXECUTIVE DIRECTOR VICTOR: We were not
19 really given the opportunity to submit any new needs.
20 The last few conversations I had with OMB were really
21 centered around the current needs and the PEGs so we
22 never really had an opportunity to make a request for
23 additional head count or OTPS funding.

24 CHAIRPERSON WILLIAMS: About staffing,
25 which I know is always a very tough dynamic with your

Commission, the Fiscal 2024 Preliminary Budget is 1.27 million dollars. Of that amount, approximately 1.185 million dollars supports personal services for a total of 12 positions in Fiscal 2024, and the remaining, very small, nominal amount of 87,000 dollars supports other-than-personal services. This plan includes the reduction of one position with 50,000 dollars in savings. Has EEPC identified this position? If so, what is the position and how will the reduction impact EEPC's operations?

EXECUTIVE DIRECTOR VICTOR: Yeah, we just recently lost that position when one of our employees resigned so we had requested that we be allowed to maintain that position, but, unfortunately, we were not able to. How does it impact our operations? Well, that position actually reported directly to Russell, and that was the position that was going to be managing our pilot program so, without that position, then Russell has to take on those responsibilities.

CHAIRPERSON WILLIAMS: Russell, can you just share your existing responsibilities and how that will increase your workload?

DIRECTOR FERRI: As you may know, our primary contribution from the research perspective is

1 based on Local Law 13 from 2019 so that's the report
2 that we were just talking about that we publish
3 annually on underutilization, but we're also engaging
4 in some work right now to set up new projects in the
5 coming years. One of them is the pilot program that
6 Jeanne is talking about where we're going to be doing
7 a deeper dive into city agencies and their work in
8 terms of hiring and diversity and inclusion so losing
9 that staff person definitely hurts those efforts. It
10 doesn't make them impossible, but it does make it
11 more challenging. As I had also previously said that
12 we're working with DCAS to get more data on personnel
13 to do more thorough work so being short-staffed in
14 that regard makes that more challenging, but, again,
15 we can meet our basic requirements. There's just not
16 much more that we can do.

18 CHAIRPERSON WILLIAMS: Thank you. The
19 Preliminary Plan also included an additional
20 reduction of another position with 90,000 dollars in
21 savings. Can you identify what that position was?

22 EXECUTIVE DIRECTOR VICTOR: We actually
23 lost two positions this year. The first one I told
24 you about, and then we lost another position when we
25 had an internal movement within our office, and we

1 were not (INAUDIBLE) with the ability to backfill
2 that position. That position was on our audit side.
3 It was on the Audit Team, and that obviously impacts
4 the ability to conduct audits. Right now, with our
5 Audit Team, there is no member of the team who does
6 audits that has more than two years' experience. All
7 of our people are relatively new and some of them
8 doing this work this audit cycle for the very first
9 time so we just, having lost that position on the
10 Audit Team, we really have no senior people at this
11 time.
12

13 CHAIRPERSON WILLIAMS: What percentage of
14 your work is auditing?

15 EXECUTIVE DIRECTOR VICTOR: I would say
16 the Audit Team does 50 percent of the work so it's
17 broken down 50 percent audit, 50 percent research.

18 CHAIRPERSON WILLIAMS: Thank you. In an
19 agency of only 14 budgeted head count, even two
20 reductions equate to a 14 percent decrease. Do you
21 feel that your budget is sufficiently funded to meet
22 all of your Charter requirements?

23 EXECUTIVE DIRECTOR VICTOR: I would say
24 no. I think right now we're really challenged. We
25 only have an approved head count of 12. As I said

1 before, we're losing one person next week. We really
2 have no redundancy, and I don't believe that our
3 budget is sufficient to continue to carry out our
4 mandate.
5

6 CHAIRPERSON WILLIAMS: Yeah, I'm not a fan
7 of unfunded mandates so it's always very alarming
8 when I hear these things. The Charter requires EEPC
9 to audit, evaluate, and monitor the equal employment
10 programs, practices, and procedures of every, every
11 City agency and other municipal entities at least
12 once every four years. With the recent vacancy
13 reductions, how has the EEPC's audit processes and
14 monitoring of agency compliance been impacted by the
15 current state of hiring?

16 EXECUTIVE DIRECTOR VICTOR: Obviously,
17 it's very difficult to continue to audit the agencies
18 the way we've been auditing them. We have, as I said
19 before, new staff, and, with the loss of staff, it
20 puts a lot of stress and burden on our existing team.

21 CHAIRPERSON WILLIAMS: Yeah, and a few
22 questions are probably going to be redundant, and I
23 typically don't like redundant questions, but you
24 guys know it just really bothers me what is happening
25 at EEPC, and I just want to continue to get on record

1
2 and reiterate how troubling it is, the vacancies that
3 your Commission is facing, so has the EEPC had
4 difficulty meeting the requirement for audits to
5 occur every four years?

6 EXECUTIVE DIRECTOR VICTOR: It's certainly
7 a challenge, and I think the biggest challenge is
8 that as we struggle to keep to our schedule, I know
9 last year we really had to struggle, it was all hands
10 on deck for everyone to participate in order to get
11 the required number of audits completed before
12 December 31st. We are hoping not to face such a
13 burden this year. We're really working hard to make
14 sure we don't, but there are things that happen
15 during the normal course of employment, people go out
16 on leave, people go out on extended leave for medical
17 reasons, I have two people out on leave right now, so
18 from our 12 people, we have two that are out on
19 medical leave. That leaves us with 10. I'm losing one
20 next Friday, that leaves us with 9, and every day it
21 becomes more of a challenge to try to keep up.

22 CHAIRPERSON WILLIAMS: Thank you. I want
23 to talk a little bit about enforcement and
24 noncompliance. Following an audit that finds an
25 entity is not in compliance, the entity has six

1
2 months to change the practices. If after six months
3 of compliance monitoring, the EEPC determines the
4 appropriate action has not happened, the EEPC will
5 notify the entity in writing and the entity will
6 receive a determination of noncompliance and is
7 subject to another audit in less than four years. In
8 the 2022 Annual Report released a couple of months
9 ago, how many entities were noncompliant?

10 EXECUTIVE DIRECTOR VICTOR: From a
11 practical perspective, we had one entity that was
12 completely noncompliant this year, and last year we
13 were re-auditing another agency because they had not
14 been in compliance.

15 CHAIRPERSON WILLIAMS: Okay. Is litigation
16 and noncompliance going up in the post-pandemic
17 workforce?

18 EXECUTIVE DIRECTOR VICTOR: I'm not really
19 sure about that. I would say, if I had to guess or
20 give an educated guess, I would say it's probably
21 been pretty much the same pre-COVID as it is today.
22 We still get some agencies that not in compliance. I
23 don't know that it's really changed much since COVID.

1
2 CHAIRPERSON WILLIAMS: What are those
3 agencies? Can you name those agencies that are not in
4 compliance?

5 EXECUTIVE DIRECTOR VICTOR: It's a little
6 bit sensitive because we are trying to get these
7 agencies to get into compliance, and maybe that's
8 something that we can offer to you offline.

9 CHAIRPERSON WILLIAMS: Is it in the
10 report?

11 EXECUTIVE DIRECTOR VICTOR: It will be in
12 a report if the agency continues to be noncompliant.

13 CHAIRPERSON WILLIAMS: Okay. No problem.
14 The City as a whole pays millions of dollars' worth
15 of EEO settlements every year. In a previous
16 statement, EEPC claimed that investing in EEO
17 personnel can reduce this. Can you provide a
18 description of how this would occur, is EEPC able to
19 quantify how much this reduction would be?

20 EXECUTIVE DIRECTOR VICTOR: It's very
21 difficult to be able to quantify what the reduction
22 would be. I don't really have access to the
23 settlement numbers as I would've liked to. We're just
24 really focused on the fact that once we feel that the
25 agency is in compliance we know that the potential

1
2 for lawsuits and other claims has been greatly
3 reduced.

4 CHAIRPERSON WILLIAMS: My final question
5 is about one of your reports. On January 19, 2022,
6 Municipal Library staff sent a letter to EEPC
7 requesting for the submission of the report. This due
8 date was December 30, 2021, but EEPC has yet to
9 submit this. When should we see this report and why
10 was the report delayed?

11 EXECUTIVE DIRECTOR VICTOR: I'm sorry.
12 What report are we referring to?

13 CHAIRPERSON WILLIAMS: Supposed to be
14 Municipal Library Staff report. They requested I
15 guess for you to submit maybe was it your Annual
16 Report, but you submitted your Annual Report.
17 Apparently, the library staff sent you a letter about
18 a report, and the report has not yet been submitted.

19 EXECUTIVE DIRECTOR VICTOR: I'm not really
20 aware of any report that hasn't been submitted. We
21 submitted our Annual Report, and we did submit two
22 research reports this year. Last year, we also
23 submitted our Annual Report and our research report,
24 albeit late, but we did get them submitted.

25 CHAIRPERSON WILLIAMS: Okay, thank you.

1
2 CHAIRPERSON BRANNAN: I first want to
3 shout out PS 376 from Queens who has joined us today.
4 Good to see you guys.

5 We want to acknowledge that we've been
6 joined by Council Member Salamanca.

7 We now have questions from Brooks-Powers,
8 Brewer, and Farias.

9 COUNCIL MEMBER BROOKS-POWERS: Thank you
10 and thank you for being so candid with us. Really
11 appreciate the transparency and the answers so far.

12 Just for clarity, the IT position that
13 you said you're losing, is that a part of the PEG or
14 is that separate?

15 EXECUTIVE DIRECTOR VICTOR: It's separate.

16 COUNCIL MEMBER BROOKS-POWERS: Okay. What
17 position is being removed as a part of the vacancy
18 redundancy from the PEG that was identified in the
19 Executive Budget?

20 EXECUTIVE DIRECTOR VICTOR: I lost two
21 positions due to cost savings initiatives. One was a
22 backfill for an EEO Program Analyst, and the other
23 was a Manager of Audit.

24 COUNCIL MEMBER BROOKS-POWERS: A Manager
25 of...

1

2

EXECUTIVE DIRECTOR VICTOR: Audit.

3

COUNCIL MEMBER BROOKS-POWERS: Audit.

4

Okay. The Commission is required by the City Charter

5

to audit every City entity every four years. Are

6

there entities in the City that the EEPC does not

7

audit, and, if so, why are they?

8

EXECUTIVE DIRECTOR VICTOR: Yes, there are

9

a number of agencies that we do not audit due to

10

jurisdictional questions. There are times when an

11

entity will say that they're not subject to an audit

12

by the EEPC, and we will determine whether legally

13

they should be audited or not and, if there's any

14

question, we send that to the Law Department so those

15

are the only reasons why we would not be auditing an

16

entity.

17

COUNCIL MEMBER BROOKS-POWERS: Do you feel

18

like the EEPC should audit those entities?

19

EXECUTIVE DIRECTOR VICTOR: I would be

20

willing to abide by whatever the Law Department says.

21

COUNCIL MEMBER BROOKS-POWERS: Does the

22

EEPC perform work outside of its Charter mandates to

23

improve equitable hiring practices in the City?

24

EXECUTIVE DIRECTOR VICTOR: Technically

25

yes. We have our Research Unit, and our Research Unit

1
2 is charged with implementing Local Law 13, and,
3 through those efforts, we look at different agencies
4 to see what actually is happening at those agencies
5 and will try to rectify any kind of inequities at
6 that point.

7 COUNCIL MEMBER BROOKS-POWERS: Can you
8 provide how much money the City has paid in
9 litigation costs due to equal employment lawsuits,
10 and do u believe the EEPC's activities have prevented
11 litigation against City agencies in recent years?

12 EXECUTIVE DIRECTOR VICTOR: I can tell you
13 from the Comptroller's report that just recently came
14 out there was a statement there that said that there
15 was 143.2 million dollars' worth of claims that
16 related to EEO. I really can't tell you how much of
17 that was based on the protected categories because
18 they also included civil rights violations by law
19 enforcement personnel in that number, but obviously
20 there are claims that relate to EEO in there, yes.

21 COUNCIL MEMBER BROOKS-POWERS: Thank you.
22 Chair, round two, if I could ask another set.

23 CHAIRPERSON BRANNAN: No round two. Go
24 ahead.
25

1
2 COUNCIL MEMBER BROOKS-POWERS: Okay. It
3 was just one last one anyway. Can EEPC detail its
4 efforts to educate City agencies on Equal Employment
5 Opportunity and which City agencies you work most
6 closely with?

7 EXECUTIVE DIRECTOR VICTOR: We do a couple
8 of things. Last year, we held a symposium. We invited
9 all the City agencies, their EEO Officers, their HR
10 officers, and their agency heads. We had a guest
11 speaker from New York University to talk about HR
12 practices and how to identify glass ceilings and to
13 address underutilization of women and people of color
14 in City government. In addition to that, we formed an
15 Employment Advisory Council to try to break down
16 silos within City government and to kind of work with
17 other entities within City government. A part of the
18 Council would be like DCAS, it would be the Law
19 Department, OLR, any other agency that deals with
20 EEO, equity, diversity, and inclusion so that Council
21 is growing, that Committee is growing and will be
22 growing this year as well.

23 COUNCIL MEMBER BROOKS-POWERS: Thank you
24 so much.

1

2

CHAIRPERSON BRANNAN: Council Member

3

Brewer.

4

COUNCIL MEMBER BREWER: Thank you very

5

much. You have a great Chair, Aldrin Bonilla, just to

6

shout him out. One question I have is just picking up

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on previous questions about saving money so if the

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claims, according to the Comptroller, is 143.2

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million. Obviously, you don't know how much is in the

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protected categories. Do you have any sense of what

11

it has been in the past? Is this is a large number,

12

smaller number? Do you have any sense because we're

13

all saying to agencies, and I hope that OMB is saying

14

the same, when you save the City money then you

15

should be getting the staff to be able to do that.

16

Otherwise, it's penny wise and pound foolish. I'm

17

just wondering if you have some sense of that in the

18

past.

19

EXECUTIVE DIRECTOR VICTOR: Unfortunately,

20

I don't. When I came on and took this role two years,

21

I did ask to see if we can find out that number, but

22

we were not able to get that number.

23

COUNCIL MEMBER BREWER: Okay, so maybe we

24

could ask others to try to get you that number

25

1
2 because it does seem to me that that's what you're
3 doing. You're saving the City money.

4 EXECUTIVE DIRECTOR VICTOR: Yes.

5 COUNCIL MEMBER BREWER: The second
6 question I have is hybrid so how are you handling
7 with your audits, I know the Mayor has said no
8 hybrid, I've been arguing for hybrid, and I'm waiting
9 for the DC37 contract, etc., so how are you handling
10 that issue? I assume some agencies are doing hybrid
11 even though they're not supposed to because otherwise
12 you can't keep an agency whole in terms of their
13 staffing so how are you handling the hybrid issue?
14 I'm supportive of it, not because I think it's what
15 people should be doing, but I want staff and if you
16 can find an agency elsewhere, a job elsewhere where I
17 can be working at home one or two days a week I'm
18 going to go there. I want City employees to be the
19 best, and I want them here so how are you handling
20 the hybrid issue?

21 EXECUTIVE DIRECTOR VICTOR: It has not
22 really impacted the work that we do. A lot of our
23 works is done on computer electronically, and we've
24 been very successful in getting that done so it has
25 not been a problem.

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COUNCIL MEMBER BREWER: Do you find agencies wanting to do that or they don't discuss it in terms of HR or anything, it doesn't come up at all?

EXECUTIVE DIRECTOR VICTOR: It doesn't really come up at all.

COUNCIL MEMBER BREWER: Okay. My final question is we're all wondering what's the caseload. Obviously, you have a slightly different situation. You're not the Commission on Human Rights with caseloads, but given your very challenged staffing, how is the caseload? In other words, how many audits can you, you know what I'm trying to say, how many audits, how does that change, blah, blah, blah?

EXECUTIVE DIRECTOR VICTOR: We average about 43, 45 audits per years, and we divide those amongst our EEO Program Analysts who are our staff members who do the audits. Right now, we have three people that are doing that. Obviously, when we have new people, we can't give them as much because that would be unfair so the people that have been here the longest which is like two years they get the bulk of it.

1
2 COUNCIL MEMBER BREWER: Okay, and how long
3 does it take to do, I don't know, like a DSS agency
4 versus perhaps Commission on Human Rights, very
5 different in staffing?

6 EXECUTIVE DIRECTOR VICTOR: Right. It's a
7 lot of paper to go through. It takes a couple of
8 months to go through everything and work with the
9 agencies so that we can get to a final determination.

10 COUNCIL MEMBER BREWER: About a couple of
11 months is what you're saying?

12 EXECUTIVE DIRECTOR VICTOR: At least.

13 COUNCIL MEMBER BREWER: Thank you, Mr.
14 Chair.

15 CHAIRPERSON BRANNAN: Okay, we have final
16 questions from Council Member Farias.

17 COUNCIL MEMBER FARIAS: I will be quick.
18 Hi. Thank you, folks, for coming and testifying. You
19 mentioned you lost two positions from cuts, and it
20 sounds like you agree that your head count reductions
21 and limited budget is not enough. What has been the
22 Admin's response to this from you folks? Have you
23 folks expressed that you really can't take on any
24 more reductions and can't lose any more personnel?

1
2 EXECUTIVE DIRECTOR VICTOR: Yes. We've
3 expressed it many times, but, unfortunately, it was
4 not changed.

5 COUNCIL MEMBER FARIAS: Okay, and is there
6 any appetite, not from yourselves but from the Admin,
7 for improving retention, increasing salaries,
8 anything like that for the titles that we have here
9 that we want to maintain?

10 EXECUTIVE DIRECTOR VICTOR: That's a good
11 question. I'm not sure of where we stand with it. I
12 did request an increase in salary for one of my
13 personnel to retain that person. I've gotten no
14 response, and that's for a little bit of a time, it's
15 been a couple of months, so essentially what I would
16 say is that there hasn't really been a lot of
17 interaction on any kinds of initiatives to really
18 retain personnel at this point.

19 COUNCIL MEMBER FARIAS: Got it. Thank you.
20 Yeah, it sounds like to me the Admin is not really
21 interested in retention and streamlining these
22 agencies and ensuring services are not going to be
23 impacted by the vacancy reductions and the PEGs that
24 are called, but I appreciate you answering my
25 questions.

1
2 CHAIRPERSON BRANNAN: Thank you. Council
3 Member Williams.

4 CHAIRPERSON WILLIAMS: Yes, just one final
5 thing before we close out. I know you mentioned that
6 you weren't given an opportunity by OMB to submit for
7 any new needs and really just talked about your
8 existing needs so I want to give you the opportunity
9 to talk about any new needs that you have, what your
10 ideal budget would be, your head count, and total
11 amount for both personal services and OTPS.

12 EXECUTIVE DIRECTOR VICTOR: Thank you,
13 Chair Williams. I think ideally, right now as I said
14 we have 12. I think ideally we should have around 17
15 so it would be an additional five head count. Those
16 head count would be distributed between Audit and
17 Research to help us to accomplish our mandate under
18 the Charter and Local Law 13. We have lots of planned
19 activities, lots of things that we'd like to do. For
20 instance, we'd like to look at other kinds of
21 research studies so that we can make recommendations
22 to the City. We would like to do conferences,
23 symposiums, to educate the City community. Also,
24 we're starting a pilot program to take a deeper look
25 into agency's practices and how they address

1
2 underutilization. What we'd like to do is use the
3 pilot program to inform our recommendations so that
4 when we make recommendations to City Council they are
5 meaningful and valuable. We'd also like to kind of
6 break down some silos and work with other agencies
7 and create continuity between EEO Officers so that
8 when we conduct an audit, we've experienced that some
9 of the agencies are not prepared because they don't
10 have an EEO Officer or their EEO Officer has left and
11 moved on to other agencies or the EEO Officer is new
12 to the agency and they don't know where any documents
13 are. We'd like to create a document so that whatever
14 agency you're in, the EEO files, documents, all look
15 the same and people know where they are, know where
16 they can find them, know what they have to do, know
17 what the process is, and that would help us immensely
18 in conducting the audit, and I think that would help
19 the agencies in maintaining compliance.

20 DIRECTOR FERRI: If there's one thing that
21 I could also add, data. Just to give a concrete
22 example, I know that there was a proposal to require
23 the City to do exit interviews, I don't know where
24 that's gone. To make that data publicly available so
25 that we could access the survey results and do

1 analyses of that to get to these questions about
2 remote work. It shouldn't cost the City any money but
3 would allow us to do some really great things.
4

5 COUNCIL MEMBER FARIAS: Thank you so much.
6 Again, thank you so much for what you do with such
7 limited resources.

8 EXECUTIVE DIRECTOR VICTOR: Thank you.

9 DIRECTOR FERRI: Thank you.

10 CHAIRPERSON BRANNAN: Thank you. We'll
11 take a five-minute break and then we'll hear from
12 CUNY.

13 Thank you EEPC.

14 [GAVEL] Okay. Good afternoon. Welcome to
15 the final Executive Budget hearing for today focused
16 on the City University of New York. I am pleased to
17 be joined by my Colleague, Council Member Eric
18 Dinowitz, Chair of the Committee on Higher Education.
19 We've been joined, in addition to folks who have been
20 here from this morning, we've been joined by Council
21 Members Hudson, Feliz, Krishnan, and Schulman.

22 I want to welcome the Chancellor and his
23 team today. Thank you all for joining us to answer
24 our questions.
25

On April 26, 2023, the Administration released the Executive Financial Plan for FY23 to FY27 with a proposed FY24 budget of 106.7 billion dollars. CUNY's projected Fiscal '24 budget of 1.3 billion represents 1.2 percent of the Administration's proposed FY24 budget in the Executive Plan. This represents an increase of 18 million or 1.4 percent from the 1.28 billion dollars budgeted in the Admin's FY24 Prelim. The net increase comes predominantly from 11.6 million dollars added to cover new needs. CUNY's projections also show a decrease in head count of 235 positions since the adopted Fiscal '23 budget primarily from the elimination of vacancies through the Administration's PEG, the Program to Eliminate the Gap.

I think we all agree CUNY has made higher education accessible to New Yorkers of all backgrounds and has been a true stepping stone for economic prosperity, and this Council believes that now is the time to double down on our investments to CUNY and not the opposite.

My questions today will largely focus on the impact of federal funding changes, labor

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2 agreements with PSC, CUNY Reconnect, and the impact
3 of the PEG reductions on the CUNY Community Colleges.

4 I now want to turn to my Co-Chair for
5 this hearing, Chair of the Committee on Higher
6 Education, Council Member Eric Dinowitz.

7 CHAIRPERSON DINOWITZ: Thank you, Chair
8 Brannan. Good afternoon, everyone, and welcome to the
9 Fiscal 2024 Executive Budget hearing for the
10 Committee on Higher Education.

11 I'm Eric Dinowitz, Council Member and
12 Chair of this Committee on Higher Education and also
13 a proud CUNY alum. I'm pleased to be joined by my
14 fellow Council Members, Council Members Stevens,
15 Brewer, Louis, Schulman, Krishnan, Feliz, Sanchez,
16 Barron, and Hanks.

17 Today, we will hear on the Fiscal 2024
18 Executive Budget, the Fiscal '23 to '27 Executive
19 Capital Commitment Plan, and the Fiscal '24 to '33
20 Capital Strategy for the City University of New York.

21 As Chair Brannan mentioned, CUNY's
22 projected Fiscal 2024 budget of 1.3 billion is 1.2
23 percent of the City's proposed Fiscal 2024 in the
24 Executive Plan. Fiscal 2024 budget is 150 million or
25 10.4 percent less, less than the Fiscal 2023 at

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2 adoption. CUNY's Fiscal 2024 budget increased by 18
3 million or 1.4 percent from the 1.28 billion budgeted
4 in the Fiscal 2024 Preliminary Financial Plan
5 presented in January. The increase is the result of a
6 number of actions taken, most significant of which is
7 11.6 million for agency needs.

8 In the City Council's Fiscal 2024
9 Preliminary Budget response, the Council identified
10 several areas related to safeguarding the education
11 and learning opportunities for New Yorkers. I'm very
12 happy to see that the Executive Plan includes an
13 additional 5.8 million dollars for CUNY Reconnect to
14 support programmatic services and to help with the
15 expansion of the program. However, I'm disappointed
16 that funding for this very important program that
17 recruits and supports former CUNY students who
18 interrupted their studies providing them with an
19 opportunity to complete, develop, and expand their
20 academic and professional goals was not baselined. In
21 the budget response, the Council sought the
22 restoration of cuts made to CUNY in prior financial
23 plan as well as seeking certain investments in CUNY
24 programs. Of the 36.9 million dollars requested for
25 various programs, only 1 million was restored for the

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2 Brooklyn Recovery Corps at Medgar Evers College for
3 Fiscal 2024 only. CUNY's budgeted head count for
4 Fiscal 2024 is 6,024 in the Executive Plan. This is a
5 decrease of 235 positions compared to the head count
6 budgeted at Fiscal 2023 adoption. How does this
7 reduction impact programs and students served in
8 Fiscal 2024 throughout the campuses?

9 CUNY's commitment to Fiscal 2023 through
10 2027 as presented in the Fiscal 2024 Capital
11 Commitment Plan totals 699.5 million, 70 percent
12 greater than the total for the same period presented
13 in the Preliminary Capital Commitment Plan released
14 in January. 269.7 million dollars of new capital
15 commitments were added in the Executive Budget for
16 the redevelopment of the Brookdale Campus. Can you
17 provide us with an update on funding that will be
18 used for upgrades and improvements?

19 CUNY's 10-year strategy totals 1.5
20 billion dollars and, unlike many other City agencies,
21 is well-balanced across the plan other than a large
22 spike in plan commitments in Fiscals 2027 and 2028
23 when a majority of the funding for the construction
24 of the Brookdale Campus is planned. This strategy
25 explains the connection between capital investment

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and strategic priorities. It is the Council's responsibility to ensure that the City's budget is fair, transparent, and accountable to New Yorkers. This includes equity in funding and assistance. As Chair of the Committee on Higher Education, I will continue to push for accountability and accuracy and ensure that the budget reflects the needs and interests of the City. This hearing is a vital part of this process, and I expect that CUNY will be responsive to the questions and concerns of Council Members.

I look forward to an active engagement with the Administration over the next month to ensure the Fiscal 2024 adopted budget meets the goals the Council has set up.

I would like to thank the Chancellor and everyone from CUNY for coming and for testifying today.

I would also like to thank my Staff and the Staff of the Finance Division for their help in preparing for this hearing. Thank you.

CHAIRPERSON BRANNAN: Okay, Chancellor, now we're going to swear you in. I see your testimony

1
2 is quite long. If you can summarize, that would be
3 great so we can dive in. Counsel.

4 COMMITTEE COUNSEL TWOMEY: Thank you.
5 Please raise your right hands.

6 Do you affirm that your testimony will be
7 truthful to the best of your knowledge, information,
8 and believe and you will honestly and faithfully
9 answer Council Member question? Chancellor Rodriguez.

10 CHANCELLOR RODRIGUEZ: I do.

11 COMMITTEE COUNSEL TWOMEY: Vice Chancellor
12 Batista.

13 VICE CHANCELLOR BATISTA: I do.

14 COMMITTEE COUNSEL TWOMEY: Vice Chancellor
15 Chiappa.

16 VICE CHANCELLOR CHIAPPA: I do.

17 COMMITTEE COUNSEL TWOMEY: Provost
18 Hensel.

19 PROVOST HENSEL: I do.

20 COMMITTEE COUNSEL TWOMEY: Thank you. You
21 may begin.

22 CHANCELLOR RODRIGUEZ: Good afternoon,
23 Chair Brannan, Chair Dinowitz, and Members of the New
24 York City Council Committees on Finance and Higher
25 Education, staff, and guests. I am Felix Matos

1 Rodriguez, Chancellor of The City University of New
2 York. I am joined this afternoon by University
3 Provost Wendy Hensel, Chief Operating Officer Hector
4 Batista, and the Chief Financial Officer Christina
5 Chiappa. Thank you so much for the opportunity to
6 testify.
7

8 In my four years serving as CUNY's
9 Chancellor, I have had the privilege of assembling a
10 talented executive cabinet and roster of college
11 presidents of unprecedented diversity who reflect the
12 City we live in and the students we serve. On behalf
13 of the entire CUNY community, I want to thank Mayor
14 Eric Adams and the entire City Council for your
15 sustained and steadfast support.

16 I want to turn briefly now to the
17 recently finalized State budget, and we're very
18 thankful to Governor Hochul and the State Senate and
19 Assembly for significant investments in CUNY that
20 will help advance academic success and career
21 opportunity programs. The University received 132.8
22 million in new operating appropriations, of which 50
23 million is a one-time transformational funds that can
24 be used by both four-year and community colleges and
25 more than 1 billion for infrastructure funding. The

1
2 State budget was supportive of our community colleges
3 that have been financially struggling due to
4 declining revenues driven by enrollment and by City
5 PEGs. The University's Fiscal '24 State budget
6 request asked to retain a funding floor for budget
7 stability, and we are appreciative that the State-
8 enacted budget includes a 100 percent funding floor
9 against the Fiscal Year '22 level.

10 Before I address the specific proposals
11 in the City's Executive Budget, I want to address
12 budget cuts caused by the Program to Eliminate the
13 Gap, PEG. The University started this fiscal year
14 with a 20.6 million baselined PEG. Throughout the
15 financial plans issued since that time, that PEG has
16 now grown to 39 million for Fiscal Year 2023 and 61.2
17 million for Fiscal Year '24 baselined. The PEGs along
18 with the decrease in tuition revenues have had a
19 significant impact on our community colleges'
20 operations, student services, and programs. We have
21 been able to manage some of the PEGs' impact with
22 federal stimulus funding received due to the
23 pandemic. That funding, as you know, is not
24 recurring.

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2 Let me share how PEGs have impacted two
3 significant CUNY-wide programs. One example relates
4 to CUNY's ASAP. ASAP has garnered national
5 recognition and has been replicated at 11
6 institutions across six states. Because of the the
7 PEGs, CUNY has reduced the ASAP budget by 13 million,
8 leading to a reduced annual enrollment from 25,000
9 students to 20,000 students. That means 5,000 fewer
10 community college students who receive 1,800 dollars
11 in annual financial support for tuition, subway
12 fares, and textbooks, and, thus will take longer to
13 graduate or might drop out. This will also impact the
14 enrollment of our four-year colleges because there
15 will be less students transferring to those campuses.
16 That is not only a tragedy for those students but a
17 huge loss of talent for the City and our State.

18 The CUNY Tutor Corps is another program,
19 their budget, which has been cut by 4.1 million. The
20 program brings current CUNY students who are studying
21 math, computer science, and education into public
22 middle and high schools to provide tutoring and
23 support classroom teachers. Tutor Corps previously
24 reached 28,000 New York City public school students
25 by placing 275 tutors. With the cuts now, the program

1 is down to about 80 tutors and serving just 8,000
2 students.
3

4 Here are some other examples of how the
5 PEGs and enrollment revenue losses have already
6 affected our community colleges. The impact could
7 greatly increase in Fiscal Year '24 and beyond.

8 First, reductions in staff within the
9 academic advisement, transfer, and counselling
10 centers and financial aid offices limit students'
11 access to vital resources necessary to navigate and
12 complete degree requirements in a timely manner.

13 Information Technology staff vacancies
14 impact the time and ability to meet IT needs of the
15 colleges, including having the proper equipment,
16 maintaining such equipment and connectivity, and
17 solving problems that relate to all IT facets of the
18 campus.

19 Reductions in library staff could result
20 in reduced service hours. Campus libraries provide
21 students with onsite access to resources and
22 information while providing a distraction-free
23 environment to study.

24 Staff reductions to maintenance and
25 campus operations can impede the quality of care

1
2 given to the campus and make it harder to ensure that
3 our campuses are kept safe, clean and well-maintained
4 and will increase future maintenance costs and
5 liabilities.

6 Now, let me turn to some specific
7 provisions of the City's Executive Budget proposal.
8 We are grateful that there is 5.8 million for the
9 CUNY Reconnect program, which re-engaged almost
10 17,000 New Yorkers who began college but stopped
11 out before they completed a degree. The initiative
12 was the brainchild of and advocated by the New
13 York City Council Speaker Adrienne Adams, and we
14 thank her for her leadership and her vision. We
15 ask that CUNY Reconnect be baselined, given its
16 importance and success.

17 We are also pleased that the Executive
18 Budget baselined 4.8 million for the CUNY
19 Inclusive Economy Initiative, which aims to
20 connect 100 percent of CUNY graduates to careers
21 and advanced degrees by the end of the decade;
22 provides funding for the Brooklyn Recovery Corps
23 at Medgar Evers College, a paid internship program
24 at Brooklyn-based small businesses and non-profit
25 organizations; and includes mandatory cost funding

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2 for collective bargaining, fringe benefits, energy
3 and building rentals.

4 One program not included in the
5 Executive Budget is ACE. This represents a 9.1
6 million reduction. All ACE students receive
7 comprehensive supports that have been found to
8 significantly increase timely graduation rates. We
9 received funding over the last three years and
10 expanded the program to serve 2,800 students. If
11 the City fails to provide these funds, we will
12 have to reduce annual program enrollment by 1,750
13 students who currently benefit from 2,800 dollars
14 in annual support for tuition, subway fares, and
15 textbooks.

16 Additionally, the Executive Budget did
17 not include 1 million in City STEM waivers. We ask
18 that the funding for ACE and the City STEM waivers
19 is included in the City's Fiscal Year '24 budget.
20 This would allow for the continuation of these
21 programs that are so beneficial to student
22 completion.

23 Additionally, the Executive Budget does
24 not include funding for over 30 million in funds
25 provided by the Council in Fiscal Year '23,

1
2 including funding for the Vallone Scholarships,
3 Citizenship Now!, research institutes,
4 developmental education programs, and the CUNY
5 Diversity Incubator, which will become the CUNY
6 Anti-Hate Initiative. We are asking the Council to
7 restore all and enhance a few of these items.

8 Now, let me briefly turn to the capital
9 budget. The City's Executive Budget proposes 1.749
10 billion in capital funds for CUNY over a period of
11 10 years. The budget includes historic funding of
12 479.9 million for the SPARC Kips Bay-Brookdale
13 initiative and 10.2 million in new funding from
14 the City's Borough Presidents. Included in the
15 City five-year Capital Plan are five new high-
16 priority projects that are part of the concerted
17 effort to expedite our capital renewal work. They
18 are HVAC upgrades at seven buildings at Bronx
19 Community College, 80 million dollars; piping and
20 distribution upgrades at Kingsborough Community
21 College, 20 million dollars; a fire alarm project
22 at Borough of Manhattan Community College, 12
23 million dollars; seawall exterior lighting at
24 Kingsborough Community College at 2.54 million; and

1 a boiler at Queensborough Community College at 1.5
2 million.
3

4 Thanks to the City's and State's past
5 support, we have already completed 184 projects,
6 allowing us to increase our completion rate by
7 approximately 10 percent, and, currently, we have
8 over 340 active projects throughout the five
9 boroughs with an estimated budget that remains in
10 construction value of about 1.5 billion. The
11 University is also focusing its efforts on climate
12 change, sustainability, and energy conservation
13 targets.

14 As so many of you recognize, CUNY is an
15 essential component to recovering and rebuilding
16 our communities, especially those that were
17 disproportionately impacted by the pandemic. Our
18 internal analysis shows each dollar invested in
19 CUNY returns a benefit of at least 15 dollars to
20 New York's long-term economic prospects.

21 Conversely, each dollar of disinvestment reduces
22 our economic potential by 15 dollars. In other
23 words, a 60 million budget reduction to CUNY will
24 reduce our City and State's economic potential by
25 900 million in present value.

1
2 Normally, I would end my testimony
3 sharing with you something I believe in my core,
4 that, while CUNY faces a number of challenges, I am
5 extremely optimistic about the future of our great
6 University. Today, I have to add a caveat given my
7 profound concern regarding the impact of the PEGs
8 to the availability of services, staffing, and
9 support at our community colleges. The PEGs also
10 come at a time when our students and our future
11 students are starting to recover from interrupted
12 learning and navigating additional mental and
13 socioeconomic challenges due to the pandemic. Your
14 investment in and support of CUNY builds a
15 stronger, more vibrant New York, one that is
16 inclusive and benefits all New Yorkers regardless
17 of race, socioeconomic status, or immigrant status.
18 I am proud, as I know you are, of the CUNY
19 community and certain of our integral and
20 indispensable role in the lifeblood of New York.
21 With the continued support of our New York State
22 and City partners, the future of this great
23 university will continue to be bright.

24

25

1
2 That concludes my testimony. I am happy
3 to answer any questions that the Chairs and the
4 Members may have.

5 If I can take one point of privilege, I
6 would like just to acknowledge some rumors that
7 I've heard that a longstanding friend of this
8 Council and also a member of CUNY, this might be
9 his last budget hearing. John Kotowski has served
10 the University with great distinction and honor.
11 There are some rumors this could be his last budget
12 hearing, and I want to acknowledge his great
13 service to CUNY, to the City of New York, and the
14 great friendship that we all have with him and I
15 wanted to acknowledge that to begin the hearing
16 today. Thank you for indulging me.

17 CHAIRPERSON BRANNAN: Thank you,
18 Chancellor. Thank you to you and your team.

19 Let's just jump right into it because I
20 know we'll have a lot of questions.

21 There was a reduction of 76 million in
22 federal funding in the FY24 Executive Plan compared
23 to the adopted budget for FY23. How will the loss
24 of those federal funds impact CUNY and particularly
25 how does it impact the community colleges?

1
2 CHANCELLOR RODRIGUEZ: Let me let the CFO
3 Christina Chiappa take a stab at that.

4 CHIEF FINANCIAL OFFICER CHIAPPA: As the
5 Chancellor mentioned, the federal funds have been
6 incredibly helpful to CUNY since the pandemic, and
7 they've really been helping us backfill losses of
8 both PEGs and tuition revenue so clearly with that
9 funding coming to the end, that combining with the
10 tuition losses, we're down about 35 percent in
11 tuition plus the PEGs, that really exasperates the
12 financial challenges that we have.

13 CHAIRPERSON BRANNAN: The FY24 Executive
14 Budget, there was a decrease of 21.6 million
15 dollars to personal services when compared with the
16 FY23 adopted budget. Does this head count, and, if
17 so, by how much?

18 CHIEF FINANCIAL OFFICER CHIAPPA: Those
19 represent the various PEG increases that have
20 occurred during the year so the last one with
21 fringe plus two other PEGs equal that amount. Of
22 course, there is head count behind those. I think
23 the head count was 235 in total.

24 CHAIRPERSON BRANNAN: 235 lost because of
25 the PEGs?

1
2 CHIEF FINANCIAL OFFICER CHIAPPA: Lost or
3 will be lost. Some that relates just to '24. I'm
4 sorry. 211 is the total amount of the PEGs.

5 CHAIRPERSON BRANNAN: 211...

6 CHIEF FINANCIAL OFFICER CHIAPPA: Yeah.

7 CHAIRPERSON BRANNAN: Head count lost
8 because of the PEGs?

9 CHIEF FINANCIAL OFFICER CHIAPPA: Yeah.

10 CHAIRPERSON BRANNAN: Are there programs
11 that, I assume, will be impacted by the reduction
12 to the personal services Budget?

13 CHIEF FINANCIAL OFFICER CHIAPPA: Yes.
14 Over 85 percent of our budget, even the
15 programmatic budget, is people. The numbers I just
16 quoted, the 211, we've clearly lost more over the
17 pandemic, again, because of the losses of tuition
18 revenue plus the PEGs.

19 CHAIRPERSON BRANNAN: There was a
20 decrease of 128 million dollars in OTPS in FY24
21 compared to last year. What's included in the
22 reductions for OTPS?

23 CHIEF FINANCIAL OFFICER CHIAPPA: The 77
24 million you just mentioned of federal funds is part
25 of that, and also a couple of things the Chancellor

1
2 spoke about so it's not continuing the funding for
3 things like ACE, the City Council initiatives. We
4 could give you a list, but if you add those up
5 that's what adds up to that number you quoted.

6 CHAIRPERSON BRANNAN: Do you have a list
7 or a summary of which programs will be impacted?

8 CHIEF FINANCIAL OFFICER CHIAPPA: I have
9 some of that information. Just give me one second.

10 CHAIRPERSON BRANNAN: Sure.

11 CHIEF FINANCIAL OFFICER CHIAPPA: The
12 128, it's 77 million from the federal, and then
13 there's 45.9 million dollars in program funding,
14 15.8 million is Vallone, ACE is 6.8, the Champs
15 program at Medgar Evers which really is ACE is 2.3,
16 other City-funded program initiatives is 7.6,
17 Citizenship Now! 3, Gateway Course Success
18 Initiative is 2, Food Insecurity is 1, and then
19 also part of our PEGs of 5.1 million dollars was to
20 OTPS so the total of those equal that 128.

21 CHAIRPERSON BRANNAN: Got it. What's the
22 status of contract negotiations with PSC?

23 CHANCELLOR RODRIGUEZ: Thank you for your
24 question. We had our labor management meeting two
25 weeks with the PSC, and we agreed to set some dates

1 moving forward so we can begin our negotiations.

2 Very proud that when I became Chancellor, the
3 negotiations with the PSC had been stalled for two
4 years, and in a couple of months we negotiated a
5 five-year contract which brought substantial
6 benefit to the members, particularly to the
7 adjuncts, so we look forward to engaging with the
8 PSC soon and hopefully be able to get a contract as
9 soon as we can.
10

11 CHAIRPERSON BRANNAN: Great. My last
12 question is something that's personally important
13 to the Speaker and to this Council is the CUNY
14 Reconnect program that received the restoration
15 increase of funds in the FY24 Executive Plan. Could
16 you explain why this program as well as the
17 Brooklyn Recovery Corps at Medgar Evers was not
18 baselined?

19 CHANCELLOR RODRIGUEZ: We don't get to
20 decide which programs get baselined. You might have
21 a better answer than I do for that. We just think
22 that the CUNY Reconnect, we commend the Speaker for
23 her vision. One of the things that she (INAUDIBLE)
24 speech, we had planned to do 10,000 students. We
25 are at 17,000, and we began not with a full year of

1
2 work so we intend to do more. The other part that
3 we want to do is we want to retain those students,
4 right? It's not just bringing new students back. We
5 want to make sure that they stay so the additional
6 funding there would allow us to continue to build
7 on what we have created, additional college
8 navigators, additional support for students. Some
9 funding, for example, is going this year into the
10 summer programs. Now that the vaccine mandate has
11 been lifted, we have data that probably more than
12 10,000 students registered for a class then when we
13 ask for the vaccine verification dropped out so we
14 have incredible capacity, and CUNY Reconnect is
15 going to be a formidable tool to be able to do that
16 moving forward.

17 CHAIRPERSON BRANNAN: That's great. Okay,
18 I'm going to hand it over to my Co-Chair and my
19 Colleagues.

20 CHAIRPERSON DINOWITZ: Thank you, Chair
21 Brannan. I just want to quickly turn it over to
22 Council Member Krishnan for a question.

23 COUNCIL MEMBER KRISHNAN: Thank you so
24 much, Chairs Brannan and Dinowitz. Thank you,
25 Chancellor, for your testimony.

1
2 I just have one question. I think what
3 concerns me, what concerns this Council is very
4 much too, is the size of the multiple PEGs to CUNY,
5 and I want to be clear. I know City Hall has made
6 an issue of saying that there's been a restoration
7 to CUNY, but the record needs to reflect that there
8 are still earlier cuts and PEGs to CUNY as well and
9 so even whatever partial restoration there may be,
10 there are deeply concerning reductions to CUNY.

11 My question to you is given us
12 recovering and emerging from this pandemic, given
13 the number of students across the city and
14 especially in communities of color that CUNY serves
15 as well, the number of programs that you testified
16 to just now, can you testify as to what the impact
17 of these PEGs will be for the long-term because my
18 understanding is at this very delicate moment in
19 our City's recovery for an education system, PEGs
20 like these are not only going to impact the present
21 situation but can also set back the institution for
22 the long-term as well, and I'd love to hear your
23 testimony on that point.

24 CHANCELLOR RODRIGUEZ: Thank you, Council
25 Member. You couldn't have said it better. We

1
2 believe that we are in a (INAUDIBLE) point. We're
3 coming out of the pandemic, we're beginning to see
4 the numbers are preliminary but increasing number
5 of students coming back for summer sessions, the
6 numbers for the fall beginning to look better now.
7 We seem to be in that recovery mode, but we're
8 still at a fragile moment. Many of our students
9 suffered learning disruption at CUNY. Some of the
10 students are going to be coming over from the
11 Department of Education also are coming from that
12 so we need additional resources to be able to help
13 them catch up to speed in terms of their academic
14 readiness. CUNY Reconnect has also shown us how
15 additional touching and reaching out and connecting
16 with the students is indispensable to bring them
17 back. We're building a lot of momentum and learning
18 from what we're doing in that initiative to reshape
19 our strategies. With the leadership here of Provost
20 Hensel, CUNY Online is going to be also reaching
21 out to a whole number of New Yorkers that might
22 have been looking for online program opportunities
23 outside from the State so we have a lot of momentum
24 going on. We're still at a fragile moment, and the
25 PEGs hurt the campuses that have been hurt the

1
2 most, which is the community colleges, so we feel
3 that the timing for that is incorrect, and we want
4 to be able to restore all that funding so that we
5 can put all cylinders at the service of our most
6 disadvantaged New Yorkers at this critical time in
7 the economy of New York.

8 COUNCIL MEMBER KRISHNAN: Thank you.

9 Thank you, Chairs.

10 CHAIRPERSON DINOWITZ: Thank you, Council
11 Member Krishnan. Council Member Schulman.

12 COUNCIL MEMBER SCHULMAN: Thank you. I'm
13 going to piggyback on my Colleagues so first I want
14 to say that I am somebody who was a CUNY student
15 and my mother is a CUNY graduate so CUNY is very
16 important not only to the success of the City but
17 to its future.

18 CUNY has absorbed years of program cuts
19 while also trying to recuperate from enrollment
20 declines, yet CUNY has managed to maintain a level
21 of success with programs like CUNY ASAP, CUNY
22 Reconnect, and others. Is there a concern for how
23 much is being lost in terms of returns to the City?
24 For every dollar that CUNY spends on a student,
25 brings back 15 dollars to the State. How can we

1
2 justify these cuts when we're actually taking money
3 away from the City?

4 CHANCELLOR RODRIGUEZ: We believe that
5 this is one of the soundest investments that the
6 City can make. We have proved it time and time
7 again in terms of the return of investment on the
8 students. If you think about the crucial role that
9 our compasses play as anchor institutions in each
10 of the boroughs, providing cultural life,
11 activities, support to the New York City Public
12 School System for additional programming, the
13 impact is really, really wide, and so I think that
14 we are part of the solution of how we fully recover
15 and how we recover in a much more equitable way. We
16 saw how the pandemic also hit some of the groups
17 that were most disadvantaged the most, and we
18 believe that we're part of the recipe of sort of
19 building the City back with the right investments
20 in CUNY.

21 COUNCIL MEMBER SCHULMAN: Okay, thank
22 you.

23 CHAIRPERSON DINOWITZ; Thank you very
24 much, Council Member Schulman.

1
2 I want to talk a little more about the
3 specific programs, the 61.2 million dollar cut with
4 the PEGs, correct, and so that's really impacting
5 all programs so I just want to touch on a few of
6 the programs that you mentioned. For instance, CUNY
7 Tutor Corps is going to be cut by 4.1 million
8 dollars. Is that correct?

9 CHANCELLOR RODRIGUEZ: Yes.

10 CHAIRPERSON DINOWITZ: Then I just want,
11 you said 28,000 students to 8,000 students, and so
12 can you describe a little more what that means for
13 the CUNY students and for our Department of
14 Education K-12 students?

15 CHANCELLOR RODRIGUEZ: It is unfortunate
16 because I can tell you that I think at no time in
17 the history of the City, the partnership between
18 the New York City Public Schools and CUNY has been
19 stronger. We've been really working very hard, both
20 teams, on the career side, on the curriculum side,
21 on the enrollment side, and this is an example of a
22 program that was a winner for all. It was a winner
23 for the high school students that got a mentor and
24 persisted and had someone they can look on and it
25 would allow them to fight the summer (INAUDIBLE)

1
2 and come and support. It has support for the
3 teachers, which you know from your experience...

4 CHAIRPERSON DINOWITZ: I would've loved a
5 CUNY student in my classroom.

6 CHANCELLOR RODRIGUEZ: Can use all the
7 support, but also think about the pride in that
8 CUNY student who's serving as a mentor to those
9 students, the self-esteem, how that helps you to
10 remain focused in school. You're making extra
11 money. You know how much I believe in paid
12 internships. This is a version of that. This is one
13 program that is a win for our students, for our
14 future students, for the teachers, and we think
15 it's a right investment to make.

16 CHAIRPERSON DINOWITZ: The PEG is
17 essentially gutting that program. You said ASAP,
18 there are 5,000 fewer students. You mentioned the
19 1,800-dollar cash assistance, but there's more to
20 the ASAP program than cash assistance. Can you
21 speak briefly on what the students are going to be
22 losing with this PEG?

23 CHANCELLOR RODRIGUEZ: First, there's
24 going to be less students so those students would
25 lose participating in the program completely so the

1
2 MetroCard, the access to a specialized advisor, the
3 capacity to log in and get into the classes and
4 register early. A number of the things that have
5 proven why ASAP is really, really effective.
6 Additional funding to be able to take summer
7 classes and winter classes to keep momentum. All
8 those things will disappear, so either you will not
9 continue or you will take longer to graduate,
10 wasting your time and your funding and your TAP
11 dollars or your financial aid, and it's a double
12 hit on us because those students who would transfer
13 more quickly are not going to be attending our
14 four-year schools too, so it's a loss for the
15 students and it's a loss for the entire system in
16 terms of this human talent of our students.

17 CHAIRPERSON DINOWITZ: The ASAP program
18 specifically, how much money does that save,
19 investment in that program?

20 CHANCELLOR RODRIGUEZ: We have some
21 return on investment, I can get you that number in
22 a second, but what you invest upfront in the
23 student you save in the speed of the graduation
24 rate. 6,000 per graduate.

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2 CHAIRPERSON DINOWITZ: This PEG is going
3 to result in spending 6,000 dollars more
4 essentially per graduate. This PEG is going to cost
5 money. Despite the goal of saving money, it's going
6 to cost money. I just want to be clear on that not
7 to mention the future of a student who may not
8 graduate in a timely fashion or may not graduate at
9 all.

10 CHANCELLOR RODRIGUEZ: Yeah.

11 CHAIRPERSON DINOWITZ: Okay. I assume
12 it's similar for the ACE program, which is that
13 program for a four-year college.

14 CHANCELLOR RODRIGUEZ: The ACE is smaller
15 because we have it just in a number of the school,
16 but if the cut of 9.1 is enacted, we're going to
17 have to actually tell 1,750 students who are
18 currently in the program, we're going to have to
19 say you cannot be in the program anymore.

20 CHAIRPERSON DINOWITZ: Students who got
21 into CUNY with the understanding that they would
22 get...

23 CHANCELLOR RODRIGUEZ: Who receive all
24 those additional supports, yes.

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CHAIRPERSON DINOWITZ: It'll be yanked

from them?

CHANCELLOR RODRIGUEZ: Yeah.

CHAIRPERSON DINOWITZ: So they're going
to lose the program because of the PEG, and it's
going to end up costing the City more money in the
long run. Is that correct?

CHANCELLOR RODRIGUEZ: I didn't mention
in my testimony too, ACE got started similar to
ASAP with generous funding from some private
foundations who have been supporting our
experimentation in this arena. If they see a lack
of public investment and interest, they might also
decide not to continue to invest there too.

CHAIRPERSON DINOWITZ: Losing private
funds as well?

CHANCELLOR RODRIGUEZ: Yeah.

CHAIRPERSON DINOWITZ: Okay. I want to
turn it over to a few Colleagues who said they have
questions. We'll start with Council Member Barron.

COUNCIL MEMBER BARRON: CUNY, I've been a
supporter of CUNY for decades, and the core support
we need from CUNY is the students. I think the
students of CUNY deserve you to commit to no

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2 tuition increase and for us to commit to a public
3 funding increase. This is an annual budget dance
4 that happens in the City Council. They're going to
5 cut stuff. We probably will restore it at the end,
6 but I don't want to take that for granted because
7 no telling what could happen around here, we
8 probably will restore it, but we don't need just
9 restorations, we need enhancements. That's the game
10 they play. You fight so hard just to restore the
11 cuts when, in fact, we need enhancements so I
12 wanted to tell my Colleagues the bad news is the
13 Mayor wants to cut CUNY. The good news is he
14 doesn't have a vote on the budget. The City Council
15 passes the budget, not the Mayor. The questions
16 that they're asking you about PEGs, we should all
17 make a commitment to not vote for a budget that has
18 these kinds of PEGs for CUNY. That's number one.

19 Number two, the Black Male Initiative on
20 CUNY. Years ago when I was Chair, we had it
21 baselined. I believe it's still baselined in the
22 Mayor budget so just wanted to know a report on how
23 that's doing and the Black Male Initiative funding
24 I also think needs to be increased.

1
2 Then childcare at CUNY has been a major
3 issue, childcare at CUNY, and also transportation.
4 Textbooks are ridiculous. The price of textbooks.
5 We had a hearing one time where it was going into
6 rentals and other kinds of options for textbooks
7 because you know under this capitalist system
8 textbooks is a multibillion-dollar-profit industry
9 so they change one paragraph and tell you that's
10 the old edition when it's just one paragraph
11 changed forcing the students to buy the same book
12 with a new paragraph so they can make more money so
13 I'm concerned about textbooks as well.

14 Finally, the black faculty. You have
15 been the most disrespectful Chancellor I have ever
16 served with. Been waiting a whole year to get the
17 black faculty and myself meeting together. First,
18 your office spent the whole time trying to separate
19 the meeting. To this day, I would've had an easier
20 time meeting with President Obama than you. It's
21 taken a whole year just to sit down and discuss
22 with you the issues on tenure of black faculty, the
23 issues of hiring more black faculty, and the issue
24 of more compensation, higher compensation. That's
25 all we wanted to talk about, and it's been a whole

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year, and you have refused to meet with us to this day. That is unacceptable, unconscionable, and absurd. I never have experienced anything like this in any official no matter how critical I was of the official. If you can't take criticism, then this is not the job for you because criticism is going to come and you don't shut down communications because you can't handle the criticism, and you still don't have no black faces up here with you as you don't have every time you come to a hearing.

CHANCELLOR RODRIGUEZ: Let me address some of the questions from Council Member Barron. On the BMI, I'll have our University Provost give you some numbers on that. One of the additional good news is that we advocated for funding, I think for the first time, we have funding from the State to support the work of the Black Male Initiative so that is good news. I don't know if you want to give some numbers.

UNIVERSITY PROVOST HENSEL: We have 2.3 million dollars in the budget for the Black Male Initiative. That's been cut by 200,000 as a result of some of the PEGs, and that has not been

1
2 increased in many years so obviously the value of
3 that has diminished over time.

4 CHANCELLOR RODRIGUEZ: You mentioned
5 childcare. We're very, very happy that with funding
6 that we got from the State, now the only one of our
7 campuses that did not have a childcare center,
8 which was Queensboro is going to have one. We're
9 completing that. We put additional funding into
10 that. Some of the funding from CUNY Reconnect has
11 gone to provide some child support for some of
12 those folks that were coming back because that was
13 an important element in the conversation that
14 continues to increase in our campuses. The Open
15 Textbook and Book Initiative has been really
16 dramatic in lowering some of the costs. I don't
17 know if you want to share some of the numbers.

18 UNIVERSITY PROVOST HENSEL: This is
19 something that we've spent a lot of time on and
20 want to escalate because it does have such an
21 impact for our students. In the last year, we've
22 had over 8,000 course sections that had cost-free
23 open-access resources, 187,000 students were served
24 for about a savings of 31 million dollars.

25 COUNCIL MEMBER BARRON: Good.

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CHANCELLOR RODRIGUEZ: The number of
black faculty continues to increase in our
campuses. Just to give you examples of recent
hiring initiatives, with the funding that we
received from the State..

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COUNCIL MEMBER BARRON: Was that 55
million or the 50 million..

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CHANCELLOR RODRIGUEZ: 53 million.

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COUNCIL MEMBER BARRON: 53 million.

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CHANCELLOR RODRIGUEZ: Yeah. We have over
half of all the new hires in this year, we did it
in two years, the hires, are folks of color, about
16 percent of those are African American faculty.
In the last couple of years..

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COUNCIL MEMBER BARRON: What percent did
you say?

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CHANCELLOR RODRIGUEZ: 16.

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COUNCIL MEMBER BARRON: 16, that's all?

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CHANCELLOR RODRIGUEZ: 16 percent out of..

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COUNCIL MEMBER BARRON: That's kind of
low. You see, when you say people of color..

23

CHANCELLOR RODRIGUEZ: People of color
were about 50 percent. African American was 16.

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2 COUNCIL MEMBER BARRON: Right. I'm just
3 saying that we get lost in people of color.

4 CHANCELLOR RODRIGUEZ: That's why I gave
5 you those specific numbers. I know that's of your
6 particular interest. In the last couple of years,
7 too, among the new hires that we've had, the number
8 of African American faculty have been between 16
9 and 22 percent so we keep increasing the number of
10 African American faculty coming to the campus. I
11 have the most diverse team in Higher Education. If
12 you gave me a bigger table, you'd be able to see
13 some of the amazing African American leaders that
14 we have in the administration...

15 COUNCIL MEMBER BARRON: You can't find
16 one to come up here with you now? There's a seat
17 available right there.

18 CHANCELLOR RODRIGUEZ: If you give me a
19 bigger table, we'd be able to have them all...

20 COUNCIL MEMBER BARRON: There's a seat
21 right there.

22 CHANCELLOR RODRIGUEZ: All here so...

23 COUNCIL MEMBER BARRON: Let me ask you
24 this also. What about the tenureship, the tenure
25 track of black faculty?

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CHANCELLOR RODRIGUEZ: The tenure track?

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COUNCIL MEMBER BARRON: Yes. How are
black faculty doing with tenure?

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CHANCELLOR RODRIGUEZ: That number, I
don't have the top of my head. I can give you the
sense of that. We hope that in the recruitment that
we're able to retain that faculty. One of the
initiatives that I've been in communications with
the African American faculty with whom I've met and
the Provost has met also with them has been BRESI,
the Black, Race, and Ethnic Stories Initiative,
funded from the Mellon Foundation, gave us historic
funding to support black faculty and they've been
very proud of that initiative, working on a PhD
program and a graduate center which has not been
done which has been a long-time request of African
American and ethnic faculty across the system.
Funding for many programs for the faculty, research
and otherwise, coming out of that, and (INAUDIBLE)
very proud of that. I think we're meeting next
week. If it would've been a one-on-one meeting, it
would've been easy, and I look forward to engaging...

1
2 COUNCIL MEMBER BARRON: Right, I
3 understand the one-on-one, but if I request a
4 meeting with the faculty, what's the problem?

5 CHANCELLOR RODRIGUEZ: I meet with them
6 too.

7 COUNCIL MEMBER BARRON: No, I'm saying we
8 wanted to meet together and..

9 CHANCELLOR RODRIGUEZ: We're going to do
10 that next year.

11 COUNCIL MEMBER BARRON: I know, but why a
12 year's wait?

13 CHANCELLOR RODRIGUEZ: Scheduling issues.

14 COUNCIL MEMBER BARRON: Oh, really? Come
15 on now. I'm going to sell you the Brooklyn Bridge.

16 CHAIRPERSON DINOWITZ: We have Council
17 Member Brewer followed by Sanchez.

18 COUNCIL MEMBER BREWER: Thank you very
19 much. I want to just talk about the enrollment
20 because I do think it's going up, and I also think
21 you need funding in order to help it go up so I
22 wanted to know, it says here 6.6 million in order
23 to help increase at the community colleges, but how
24 much are you spending to increase outreach efforts

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2 and what are you doing to help? Obviously, having
3 ASAP, etc. would help.

4 CHANCELLOR RODRIGUEZ: We've had a
5 comprehensive approach to our enrollment strategy,
6 right. It goes from larger investments, and I can
7 get you a breakdown of what we have spent on our
8 public relations campaign. You probably saw the ads
9 on the subways, on TV. We also have a very strong
10 social media component. No disrespect to people
11 here, but that's where their traffic is coming.
12 Also, in ethnic and minority media, some of those
13 ads also. The campaign with the New York City
14 Public Schools, I think that you saw that for the
15 month of March and April we waived the application
16 fee for those students in the New York State
17 Department of Education. We knew that many students
18 in the spring have still not applied. We're trying
19 to encourage them to come, and I think that that
20 paid dividends. We've also increased our outreach
21 to the private schools in the system also. Some of
22 the efforts with CUNY Reconnect, not only have we
23 been using that to contact people but what we have
24 learned we have shared with the campuses so they
25 can make it part of the campus culture in the

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outreach of their students so we have all hands on
deck reaching out. As I mentioned before, and I
don't want to be overly optimistic or jinx a trend,
right, but the numbers for the summer show an
uptick of about like 6 or 7 percent and the numbers
for the fall for the first time in two to three
years are looking positive so we want to continue
the momentum, we want to continue letting people
know that it's the right time to come to CUNY.

COUNCIL MEMBER BREWER: Give me some
number at BMCC. What's that mean in terms, for
instance, in terms of an increase? Because it was
15,000 before the pandemic or maybe 20,000, I don't
know.

CHANCELLOR RODRIGUEZ: Again, I think
we're going to get students back. I don't think
we're going to immediately jump to the numbers that
we had like in 2019 to give you an example, but I
think for the first time we're really, really
optimistic about those trends beginning to shift.

COUNCIL MEMBER BREWER: Okay. In terms of
numbers for faculty, there's always been a push for
more full-time at the community colleges

1 particularly, so what is the percentage now of
2 full-time faculty at the community colleges?

3
4 CHANCELLOR RODRIGUEZ: I can get you the
5 specific numbers. One of the things that we did is
6 that when we broke down the 53 million that we got
7 from the State on new faculty lines, we allocated
8 that based on the needs of the campuses so many
9 community colleges benefited from that program so
10 we can give you a breakdown, for example, of how
11 many each campus got of those lines. Happy to do
12 that.

13 COUNCIL MEMBER BREWER: Okay. Also in
14 terms of capital, you didn't mention Guttman, North
15 Building, etc. What's the status with that capital
16 project?

17 CHANCELLOR RODRIGUEZ: We are moving
18 along with the RFP in North Hall so hopefully we'll
19 be able to get that permanent home for Guttman very
20 soon.

21 COUNCIL MEMBER BREWER: Okay. We want
22 affordable housing in that building. You remember
23 that part?

24 CHANCELLOR RODRIGUEZ: I always remember
25 what you tell me, Council Woman.

1
2 COUNCIL MEMBER BREWER: The other one in
3 terms of capital, there's a hole in the ground,
4 who's getting that money and what's going on?

5 CHANCELLOR RODRIGUEZ: The money?

6 COUNCIL MEMBER BREWER: Hole in the
7 ground.

8 CHANCELLOR RODRIGUEZ: We're still
9 working with EDC about the (INAUDIBLE) transaction.
10 That space will be for EDC to determine how the use
11 will be.

12 COUNCIL MEMBER BREWER: All right. I'll
13 let you go, but one program that I do love and I
14 think you touched on it is the K-12 collaboration.
15 Is that funded completely? Is there funding
16 allocated for that? In other words, Hunter Science,
17 etc., etc., etc. All the schools that CUNY has
18 relationships with on the high school level.

19 CHANCELLOR RODRIGUEZ: So far, we have
20 not seen any cuts. It will depend on what the final
21 budget, I guess, is for the Department of
22 Education.

23 COUNCIL MEMBER BREWER: Okay. If you had
24 your druthers, what would be the amount that the
25 community colleges, is it the 128 million, that's

1
2 obviously the restoration, but what would be the
3 amount that the community colleges need to be
4 whole?

5 CHANCELLOR RODRIGUEZ: I think the first
6 step is making sure that we don't have that PEG.
7 The PEG is a huge, huge burden. Remember, the
8 enrollment loss meant 130 million of revenue loss
9 in the community college. That's besides the PEG.
10 That's just money that they did not earn so we need
11 every penny to be able to support the students that
12 attend community colleges.

13 COUNCIL MEMBER BREWER: All right, so 130
14 plus. Thank you.

15 CHAIRPERSON BRANNAN: Council Member
16 Sanchez followed by Williams.

17 COUNCIL MEMBER SANCHEZ: Thank you,
18 Chairs, and good afternoon, Chancellor and all.

19 I don't even know where to start, but
20 I'll start with your testimony. Half of
21 undergraduate students come from households with
22 incomes less than 30,000 per year, 45 percent first
23 in their family to attend college, 50 percent
24 working while going to school, 80 percent of your
25 graduates stay in New York City, half of all New

1 York City nurses every single year come from CUNY.

2 The impact cannot be understated, but I will ask
3 this in the form of a yes/no. Is CUNY an engine of
4 economic opportunity for the City of New York?
5

6 CHANCELLOR RODRIGUEZ: Absolutely.

7 COUNCIL MEMBER SANCHEZ: You mentioned in
8 your testimony 60 million dollars in investments in
9 CUNY can result in 900 million dollars of output.

10 Can you describe some of that methodology? Is that
11 also including not just the students but how your
12 institutions are anchors within our communities?

13 CHANCELLOR RODRIGUEZ: That doesn't
14 factor the role of our campuses as anchor
15 institutions. That would dollars there. That is
16 based on how much money those students will earn
17 based on their degrees and how much less it'll cost
18 the City in terms of using social services and
19 things like that so it's a savings on that front in
20 addition to the additional that they make and the
21 taxes they will pay based on the jobs they will
22 get.

23 COUNCIL MEMBER SANCHEZ: Absolutely. I
24 would also add there's impacts to just having the
25 institutions across the City of New York. I have a

1
2 tia, an aunt, who was a janitor at Bronx Community
3 College for 30 years, and because she was a janitor
4 at Bronx Community College one day she ran into the
5 head of a dean of the community college and asked
6 them why were there high schools students in the
7 school in one of the buildings, and that is how we
8 learned about Upward Bound program 25 years ago.
9 All of my cousins did, I did, I graduated from
10 Upward Bound, went to Harvard, went to Princeton.
11 There are spillover effects that happen because
12 these institutions are hiring in our communities,
13 are there locally, and just want to restate my
14 recommitment that I will work with my Colleagues to
15 ensure that these cuts are not happening.

16 The last question is ASAP, ACE,
17 Reconnect, these programs that are helping
18 communities like mine, I represent Bronx Community
19 College and Lehman College is right across the
20 street in Council Member Dinowitz's District, but
21 tell us about the profile of these students. What
22 does it mean for ACE to be cut?

23 CHANCELLOR RODRIGUEZ: All those
24 programs, ASAP has been proven to be one of the
25 most effective, nationally recognized programs in

1
2 getting community college students to complete on-
3 time, which is our first layer of support for the
4 students that come to CUNY. It is an incentive. It
5 helps us to recruit. Why? Because the students get
6 additional benefits. It's not just coming and
7 financial aid. It's getting additional things, an
8 additional community of support, additional
9 services, so it's a huge recruitment tool for the
10 two-year schools and then for the four-year schools
11 for those kids who transfer. We get money from
12 private donors to get those students to transfer so
13 there's such a huge loss. ACE is a scaled down
14 version of that program for the four-year schools
15 that we're piloting. Again, massive losses in human
16 capital, massive losses in opportunity and hope for
17 the City.

18 COUNCIL MEMBER SANCHEZ: Thank you so
19 much, Chancellor.

20 Reiterating what Council Member Barron
21 said, we're going to fight against cuts, but we
22 also absolutely need to protect the students from
23 not seeing tuition increases. Thank you so much.
24 Thank you, Chair.

25

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2 CHANCELLOR RODRIGUEZ: Let the record
3 state that we did not include a tuition increase in
4 our budget request just to dispel any rumors that
5 that is on the table.

6 COUNCIL MEMBER SANCHEZ: Thank you.

7 CHAIRPERSON BRANNAN: Council Member
8 Williams followed by Velazquez.

9 COUNCIL MEMBER WILLIAMS: Thank you. I
10 actually had a followup question to what Council
11 Member Barron said. Do you have a number of the
12 black faculty through the system? Do you know how
13 many black faculty are on staff?

14 While you look for that, I'll just go
15 through all my questions.

16 I would love to know what you're doing
17 on the workforce front and what budget allocations
18 exist there. As you know, there are tons of
19 industries and New Yorkers are just not prepared to
20 get opportunities within those industries.

21 I want to talk about York College. It's
22 my understanding that York College has not been
23 prioritized in capital funds. There were 71 million
24 dollars that apparently is in a CUNY account to
25 build a new facility that they've wanted to build..

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CHANCELLOR RODRIGUEZ: You said York?

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COUNCIL MEMBER WILLIAMS: York College,

4

yeah. They currently have 71 million dollars. I

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know they're asking for, give me a second, 300

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million more dollars. I know in the State budget

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you all were awarded 435 million dollars in

8

flexible capital funding for a total 1.1 billion

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dollars for capital funds so I just want to know

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why is York College not prioritized and if York

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College can be prioritized in your capital budget.

12

Last, but certainly not least, as a

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current doctoral student, really interested in the

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resources and support you have for doctoral

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students. It's really hard to be a doctoral student

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and sometimes work so students may not be able to

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work and want to complete their degrees, but there

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are not a lot of resources. I'm thankful that I was

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a part of a fellowship when I originally started

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matriculating and now recently was awarded a

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Humanities Fellow opportunity, but a lot of

22

students struggle to get money to complete their

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doctoral studies at CUNY.

24

CHANCELLOR RODRIGUEZ: Let me allow

25

Provost Hensel to give you the breakdown on the

1 African American faculty, and then I'll take a stab
2 at some of your other questions.

3
4 UNIVERSITY PROVOST HENSEL: University-
5 wide, there's 864 faculty members who are black.
6 That's 12.3 percent. Just to put into context, some
7 of the earlier comments about the progress in
8 hiring. The recent faculty that we hired last year,
9 15.3 percent were black so making progress.

10 CHANCELLOR RODRIGUEZ: And the year
11 before, 22, so each of the most recent hires are a
12 lot more diverse than the whole body of our faculty
13 that has been there for a long time and will take
14 some time to change.

15 A couple of things. Fully with you on
16 the doctoral support. We lobbied very hard the
17 State for 7 million dollars so that we can increase
18 the stipends for the doctoral students. Anybody in
19 Albany will tell you that I was championing that
20 because I concur with you that we need to increase
21 our stipends to be more competitive. The State gave
22 us 3 so we hope to be able to make up the
23 difference somewhat.

24 We have prioritized York College for
25 capital funding. We can send you a list of all the

1 projects that we have done there. From the
2 performing arts centers to science centers, we can...

3
4 COUNCIL MEMBER WILLIAMS: Yeah, I know,
5 and a lot of that money was allocated by way of the
6 Council but not the overall pot of money that CUNY
7 is sitting on so this is on specific to York
8 College Academic and Conference Center,
9 specifically is what I'm talking about.

10 CHANCELLOR RODRIGUEZ: That building we
11 prioritized among the three items that we asked the
12 State to fund this year, now when we get the
13 (INAUDIBLE) we're making decisions on that, and
14 we've been supporting York on that project since
15 the beginning.

16 COUNCIL MEMBER WILLIAMS: Just to
17 clarify, you are prioritizing this year because
18 last year it was not prioritized. You all
19 prioritized Hunter College.

20 CHANCELLOR RODRIGUEZ: The building,
21 let's talk about, that building has been on our
22 priority list for the last two years, and we've
23 been adding capital to that. What I mentioned was
24 other projects that we can tell you that we've been
25 investing in York too.

1
2 COUNCIL MEMBER WILLIAMS: No, I'm aware
3 of the current projects that are there, but I'm
4 also aware that this project has been a priority
5 for both State Members that represent the College
6 and Council Members, and it is my understanding
7 that CUNY in the past has not prioritized funding
8 for this particular project, even though you all
9 continue to receive capital funding from the State
10 and have a whole bucket of money and there's
11 current allocations to the project, but they have
12 not been able to have their full amount to actually
13 begin the project.

14 CHANCELLOR RODRIGUEZ: Two things. It's
15 been just the past two years that we have gotten
16 funding for new capital. We have not allocated the
17 pot that has just been awarded two weeks ago,
18 right, so we're making decisions about that. I've
19 been fully supportive of the York project. We take
20 a look at all the bucket, but we have not been
21 receiving capital for many, many years in a row so
22 just the last two years so York is one of our
23 priorities, and we have to look at where we end
24 this year to hopefully see if we can complete that
25 project.

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2 COUNCIL MEMBER WILLIAMS: Chairs, just a
3 comment. The Equal Employment Practices Commission
4 that was just here for their budget hearing
5 actually submitted a report on the underutilization
6 at CUNY community colleges around racial and ethnic
7 groups and so just wondering if you were able to
8 address some of their recommendations to address
9 the underutilization in employees at CUNY community
10 colleges. Just so you know the percentages, Asians
11 actually were the most underutilized with 39
12 percent of job groups then Hispanics at 25 percent
13 then blacks at 19 percent and then women overall at
14 27 percent so were you able to address the
15 recommendations from EEPCC?

16 CHANCELLOR RODRIGUEZ: We'll be happy to
17 share with you the response to the report. Some of
18 the work that we've been doing in some of those
19 categories, some of those things can be very
20 specific. For example, in the issue of Asians, for
21 example, the numbers are skewed in part because of
22 the two community colleges in the Bronx but more
23 than happy to engage you with the recommendations.
24 We take that very seriously, and we work very hard
25 with the leadership in each of the schools so they

1
2 can advance that. We need to be able to have the
3 resources to hire the people to deal with those
4 numbers.

5 COUNCIL MEMBER WILLIAMS: Okay, thank
6 you. Underscoring the importance of EEPC in this
7 year's budget because they do amazing work. Thank
8 you.

9 CHAIRPERSON BRANNAN: Council Member
10 Velazquez followed by Joseph.

11 COUNCIL MEMBER VELAZQUEZ: Hi there. I'll
12 have a mixed bag of questions for you. First of
13 all, as you can see, I have a lot of snacks, part
14 of the snacks caucus because it's long days with
15 the hearings, but it brings up the point of hunger
16 in your students and so one of the questions I have
17 today is how are you addressing that within your
18 students?

19 CHANCELLOR RODRIGUEZ: Through a whole
20 range of ways. One, one of the first things that I
21 did when I became Chancellor was to ask, and it's
22 in the budget request, 1 million dollars that the
23 Council is providing to support students that have
24 food insecurity so we've been tackling that since
25 the beginning.

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2 A second thing that we did, and this is
3 a recommendation that came from student government,
4 was that we opened our pantries to students from
5 other systems. Before, when I became Chancellor,
6 you had to be a Baruch student to go to a Baruch
7 pantry, right. Student government said they should
8 be open to everybody. It made sense and we opened
9 them, and it was incredibly helpful during the
10 pandemic. We're looking to partner with some of the
11 organizations, for example, I am a believer too
12 that the pantries are an important thing on the
13 campus. It might not be the most convenient thing
14 for the students. We need to partner with the
15 neighborhoods where the students lives with the
16 resources they have there. The other part, and we
17 could really use the Council's support here, is
18 that it is challenging to operate the cafeterias on
19 our campuses. They don't have the volume that some
20 of the vendors need, and I know that from having
21 been President on a small campus in the Bronx, and
22 the pandemic threw the food business into a spiral.
23 We actually had a contract to get a vendor for the
24 entire system that went kaput as a result of the
25 pandemic so right now many, many operators do not

1
2 find that they make revenue by serving our students
3 which means that either we will have subsidize the
4 food there or find other solutions so we'd be
5 delighted to sit with you and others to think about
6 this because it is an important issue that we're
7 going to need your support, and the pandemic really
8 threw a monkey wrench in our capacity to bring some
9 of the companies that operate the cafeterias.

10 COUNCIL MEMBER VELAZQUEZ: I'm looking
11 forward to that and, yeah, let's set that up right
12 away.

13 Other question, will CUNY ensure that
14 tuition for out-of-state students is not increased
15 in order to honor its goal of serving students
16 regardless of race, gender, and immigrant status?

17 CHANCELLOR RODRIGUEZ: When we make the
18 final budget decision at the end of the year, we
19 will make determinations about out-of-state
20 tuition.

21 COUNCIL MEMBER VELAZQUEZ: Okay. Finally,
22 in what ways can you provide the ASAP program to be
23 expanded to the senior colleges whose students are
24 in desperate need of support?

1
2 CHANCELLOR RODRIGUEZ: ACE is an attempt
3 to use the lessons learned from ASAP and take it to
4 the four-year. It was a program that was piloted at
5 Lehman and John Jay and then expanded so cutting
6 ACE would not allow us to continue seeing if we get
7 those results.

8 COUNCIL MEMBER VELAZQUEZ: Okay. Thank
9 you so much.

10 CHANCELLOR RODRIGUEZ: Thank you.

11 CHAIRPERSON BRANNAN: Council Member
12 Joseph followed by Farias.

13 COUNCIL MEMBER JOSEPH: Thank you,
14 Chairs. Hi, Chancellor.

15 CHANCELLOR RODRIGUEZ: Great to see you.

16 COUNCIL MEMBER JOSEPH: Great to see you,
17 same here. I want to say I'm glad to see you and I
18 realize there's a visible partnership between DOE
19 and CUNY so inside higher ed, recently you had a
20 partnership, so what are the recruitment strategies
21 CUNY has in work to recruit students in New York
22 City public schools?

23 CHANCELLOR RODRIGUEZ: We're doing a
24 whole range of them, and, if I forget some, I'll
25 have my University Provost sort of remind, but, for

1
2 example, we just announced a couple days ago
3 beginning this fall every senior in the New York
4 City public schools is going to get a letter from
5 us saying we're ready to welcome you at CUNY, these
6 are the schools you can apply to, this is the way
7 to do it, it's going to have a bar code that's
8 going to make it easier for you to apply. Moving
9 forward, we hope to be able to build on that to
10 continue to make it easy for the students to apply.
11 What that will do also is allow us to engage with
12 them and their families earlier, right, as opposed
13 to waiting until October, November, December when
14 people start going crazy with some of the
15 applications. I'm really excited about that
16 capacity to engage with them earlier. We're working
17 on an app for counselors so they can have access to
18 real-time information. We have that in our sort of
19 procurement conga line to be able to secure that
20 and get it for the students. We're trying to build
21 on that partnership more and more. More work with
22 the early colleges which are direct pipelines of
23 recruiting. I know that you're a big advocate of
24 those programs. Anything else?

25

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2 UNIVERSITY PROVOST HENSEL: We're working
3 to simplify financial aid to make sure that that
4 award gets down almost instantaneously because the
5 love they're getting from some private schools of
6 10,000 dollars even though it's a 50,000-dollar
7 bill is leading to some poor choices.

8 Also, I just wanted to point out one
9 program we haven't talked about that did get cut
10 that's exactly in line with what you're asking, and
11 that's College Explorers, which takes 10th graders
12 to college campuses at CUNY to introduce them to
13 college campuses and that's been reduced by 1.5
14 million, and so instead of 35,000 students who get
15 to visit a college, it's now down to 20.

16 COUNCIL MEMBER JOSEPH: That's a shame.
17 Thank you for that so we'll keep that in the back
18 of our mind.

19 Some of your programs (INAUDIBLE) and
20 I've watched, CUNY Fatherhood Academy. It's a
21 program that serves ages 18 to 30 through
22 education, employment, personal development, and
23 all of the support including GED prep, tutoring.
24 What marketing effort do you use to spread the
25 word? This is such a great program, and I think it

1
2 goes unnoticed and no one knows about this amazing
3 program so what are you doing to amplify this
4 program?

5 CHANCELLOR RODRIGUEZ: I think that's one
6 of the challenges that it's not available to all of
7 the campuses, right, so I think in the campuses
8 where you have them people do know about them
9 because it's such a transformational experience for
10 the students who participate. If we had additional
11 funding, right, we could do more. I do think that
12 they're fairly well-known but not system-wide but
13 in the campuses where they are.

14 COUNCIL MEMBER JOSEPH: Thank you. One
15 last question, thank you, Chair, with your
16 permission. How are you caring for students that
17 have been through foster care in the CUNY system?
18 In New York City Public Schools we have an office
19 that handles them now, but we want to know how is
20 CUNY handling students that come through care?

21 CHANCELLOR RODRIGUEZ: We have a number
22 of partnership programs. One that ended was we had
23 a program with students that used to be at Queens
24 College in their dorms, and I think at City College
25 if memory serves right, with funding from ACS to be

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able to support them. There's a program that the Mayor began that provides funding for the students to attend not just to CUNY but to other schools. The majority of the students who are part of that program are with us in New York. Again, this is a population that if we can more for them, open to your suggestions because we know that they have some of the worst, unfortunate educational outcomes because they've been scarred by domestic violence, by physical violence, by poverty, all those things so happy to be supportive in working with you to find additional support systems for them.

COUNCIL MEMBER JOSEPH: Absolutely. I just want to know in terms of when you do have students that come from that, do you provide tutoring, do you provide coaching, do you provide job training? We see the outcome. We saw the statistics. Usually justice involved, usually suspension rate even at middle school and elementary level and all of that, what...

CHANCELLOR RODRIGUEZ: Let me get back to you because the program that I'm more familiar with was the residential program, and that changed in terms of it's a partnership with ACS. I wouldn't

1
2 want to mislead you so let me get you the right
3 information on that.

4 COUNCIL MEMBER JOSEPH: Yeah, not on the
5 record. Thank you, Chancellor.

6 CHAIRPERSON BRANNAN: Council Member
7 Farias followed by Stevens.

8 COUNCIL MEMBER FARIAS: Thanks, Chairs.
9 Thank you, folks, for coming in to testify today.
10 I'm going to try to go through the questions really
11 quickly with my limited time.

12 As a Member of the Black Latino Asian
13 Caucus here in the Council, I'm vested in our
14 retention of black professors and tenured
15 professors. I'd also like to hear the numbers for
16 Latino Hispanic professors and Asian professors if
17 you folks have that. If you don't have it here
18 today, you can give it to us.

19 CHANCELLOR RODRIGUEZ: We have it.

20 COUNCIL MEMBER FARIAS: Okay, great.
21 While we're waiting on those numbers, for the
22 technical education on campuses, how are we seeing
23 these programs' success or challenges with some of
24 the cuts that are being called for, are we seeing
25 any declines in enrollment, what are we doing for

1
2 the process of going into the workforce, and do
3 those numbers of successes in our either college-
4 to-career or our technical vocational trade
5 programs, are we counting those numbers. I know
6 they're not graduation numbers, but are we counting
7 them towards the success metrics for each of the
8 campuses?

9 CHANCELLOR RODRIGUEZ: While the Provost
10 gathers the data on the groups, workforce and
11 career has been one of the things that we've
12 invested the most since I've been Chancellor
13 because we feel that that is one missing component
14 of the great education that the students got and
15 the accessibility that we had. In that sense, very,
16 very thankful to the Mayor for baselining the CUNY
17 Inclusive Economy. That is a way to build capacity
18 in each campus on career services, grow the number
19 of internships. That (INAUDIBLE) is destined to
20 that entire arena there. The Mayor's Office also
21 added about 8 million dollars in paid internships
22 for many of our students, Spring Forward, so
23 there's been a sizable investment and we want to do
24 more on the front of careers. To give an example,
25 two weeks ago I announced we began a program that

1 since last summer with the MTA 150 paid
2 internships. We had 16,000 students apply to that.
3 I was in Mt. Sinai in a program that gets funded by
4 the State, again paid internships for students in
5 public health. I (INAUDIBLE) with the President
6 (INAUDIBLE) Boyce Technologies, a manufacturing
7 company in Long Island City. We've been pushing,
8 and the industry is ready for talent.
9

10 COUNCIL MEMBER FARIAS: Absolutely.

11 CHANCELLOR RODRIGUEZ: We've just been
12 saying come and hire students for pay and hire them
13 for full-time jobs, and I think, did that buy
14 enough to get the data? Yes.

15 UNIVERSITY PROVOST HENSEL: It did. Thank
16 you. Looking at tenure track and non-tenure track
17 faculty together, the total of folks of color is
18 38.6 percent. Broken down, that's 10.5 percent
19 Hispanic, 12.5 percent black, 14.5 percent Asian.
20 To give you some context, the national benchmark
21 for black faculty is 6 percent. It's an area that
22 needs a great deal of improvement across the board.

23 COUNCIL MEMBER FARIAS: Great. Thank you
24 for that. Chairs, if I may? Two more things.
25

1
2 Thank you. I just want to say we should
3 touch offline on some of these internships to
4 municipal work and maybe some of the complications.
5 The Council, itself, and myself personally have
6 been working on the civil service exam backlog and
7 whatnot so we should continue the conversation
8 there.

9 CHANCELLOR RODRIGUEZ: Absolutely.

10 COUNCIL MEMBER FARIAS: In terms of, I
11 see PEGs on vacancies. I see the civilian and
12 pedagogical. The civilian track, what were those
13 titles in charge of and what services are now not
14 going to happen and do we know how long the
15 vacancies were open?

16 CHANCELLOR RODRIGUEZ: We can give you a
17 breakdown on some of those things, but, again,
18 people talk about vacancies. Those are less
19 counselors, less librarians, less people providing
20 services. These are the things that then...

21 COUNCIL MEMBER FARIAS: So the civilian
22 posts are like librarians for example or counselors
23 for example?

24 CHANCELLOR RODRIGUEZ: No.

1
2 COUNCIL MEMBER FARIAS: That's what I'm
3 asking.

4 CHIEF FINANCIAL OFFICER CHIAPPA: A
5 couple of examples of things that would be
6 considered in the civilian posts are custodians for
7 facilities, security, things like that.

8 COUNCIL MEMBER FARIAS: Okay.

9 CHIEF FINANCIAL OFFICER CHIAPPA: But,
10 kind of back to, I don't know (INAUDIBLE) we've
11 also lost all those positions that the Chancellor
12 has talked about because of the tuition plus the
13 PEGs so this is just the last round.

14 COUNCIL MEMBER FARIAS: Yeah. Just my
15 last question, and it can be yes or no or you can
16 answer it how you feel. I see through your
17 testimony ASAP is being impacted, tutoring,
18 proficiency assistance, staff reductions, capacity
19 and ability in some of our campuses, services,
20 maintenance, public safety, professional
21 development. Would you say that these cuts are
22 going to directly impact services?

23 CHANCELLOR RODRIGUEZ: Si.

24 COUNCIL MEMBER FARIAS: Thank you.
25

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CHAIRPERSON BRANNAN: Council Member

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Powers.

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COUNCIL MEMBER STEVENS: You skipped me.

5

Good afternoon. Council Member Stevens.

6

COUNCIL MEMBER POWERS: Council Member

7

Stevens.

8

COUNCIL MEMBER STEVENS: I'm jumping in

9

because I have to go. It's all good. No worries.

10

Just a couple of things. One, I just

11

wanted to start off by saying that I'm a CUNY

12

family, mother, sister, daughter, and myself all

13

graduated from CUNY. Also just wanted to emphasize

14

the importance of ASAP. My daughter definitely was

15

an ASAP student. I worked in youth development for

16

20 years, and ASAP literally was the reason why a

17

lot of my students were able to actually complete

18

school, and so it's disheartening to see that this

19

is something that's on the chopping block that

20

could be cut when the reality is this should be

21

expanded and offered to every student that's

22

entering any two-year institution and so just want

23

to be associated with some of Council Member

24

Barron's comments that we shouldn't be fighting to

25

put back cuts, we should be fighting for

1
2 enhancements at this point because this is an
3 evidence-based program that we have the evidence
4 that shows that it actually helps students graduate
5 in an efficient time and so just wanted to be
6 associated with that.

7 Council Member Farias already kind of
8 started to ask these questions, but I wanted to
9 talk a little bit about workforce development and
10 what does that look like because in the City we
11 have a huge crisis around finding folks for these
12 jobs, but we also have a huge unemployment rate and
13 so for me it's like how are we connecting the dots
14 so can you just talk a little bit about what your
15 partnership looks like with New York City around
16 getting CUNY students into these jobs? In addition,
17 what is your partnerships also look like with non-
18 profits, which is another sector that is struggling
19 to get young people into City jobs and then how can
20 we work together?

21 CHANCELLOR RODRIGUEZ: Thank you for
22 that. I'll be happy also to offline. We have a
23 number of programs, for example, that provide paid
24 internships and connections to small businesses and
25 non-profits because we realize that those are big

1
2 parts of our economy and they often get less
3 attention than a partnership with larger companies
4 do, and we have a number of programs and we've
5 targeted some of the funding at the City level from
6 the State level just for partnership with small
7 businesses and non-profits. The Brooklyn Recovery
8 Corps program that I mentioned in my testimony is a
9 program that is destined just to work with that
10 sector in particularly Central Brooklyn to give you
11 an example of one of those things.

12 On the larger employer side, we began
13 the partnership with the New York City Jobs CEO
14 Council, some of the 30 largest companies in New
15 York. They've been helping us to upgrade
16 curriculum, to look at our offerings to create
17 certificates and programs and to create pipelines
18 for internships and apprenticeships built into the
19 program so I think this is one of the areas in
20 which we have made the most significant progress
21 even with the pandemic. The response from the
22 employers has been incredible for our talent, and
23 we want to continue building on that with your
24 support.

25

1

2

COUNCIL MEMBER STEVENS: Absolutely.

3

Thank you. Just want to say that I definitely want

4

to connect offline. I know we have a small business

5

pilot program that we're working on, but also want

6

to think about how can we do a very similar thing

7

with the non-profit sector. It's a sector that is

8

hurting. They cannot find staff, and a lot of the

9

young people who are in CUNY can actually be

10

working there part-time, and those dots are not

11

being connected in a real way so definitely want to

12

continue to work and have that conversation about

13

making sure that industry has young people. Thank

14

you.

15

CHANCELLOR RODRIGUEZ: Sure. Thank you.

16

CHAIRPERSON BRANNAN: Now we have Council

17

Member Powers.

18

COUNCIL MEMBER POWERS: Thank you. Nice

19

to see you guys. Sorry I missed your testimony, but

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I was watching online and nice to see you guys.

21

I have a lot of questions. I want to

22

talk about Brookdale, which is obviously a big

23

project that's coming ahead, but I want to start

24

just by my, and I know you share this, my deep

25

concern about proposed cuts to CUNY, which I am a

1
2 CUNY graduate just like many others here, but you
3 don't have to be a CUNY graduate to understand how
4 important it is as an economic engine and
5 opportunity to the City, to the State, and for a
6 lot of students it's an affordable way to get the
7 higher education they need to succeed in this world
8 and still a lot of correlation between degree and
9 job and we have an opportunity here to fund an
10 institution and a series of institutions that
11 provide that opportunity, whether it's a two-year
12 or four-year degree or a graduate degree like I
13 got, and so I just hope all my Colleagues will be
14 joining all of us who have been saying this. I know
15 you agree so I'm preaching to the choir, but we
16 have to be...

17 CHANCELLOR RODRIGUEZ: Indeed.

18 COUNCIL MEMBER POWERS: Vigilant in our
19 pursuit of making sure that CUNY gets the funding
20 that it deserves, not just the cuts, but the
21 funding that it deserves, and I will say that our
22 budget response, 36.9 requested for CUNY, to
23 restore cuts, only 1 million dollars in there, 5.8
24 for CUNY Reconnect, 5.8 is in there, 10.5 to
25 accelerate (INAUDIBLE) Engage program at CUNY, we

1
2 asked for 10.5, 0; provide additional CUNY academic
3 advisors, we asked for 35.5, Executive Budget 1.9,
4 so we're at 10 percent of what we asked for, and I
5 think our asks are fairly reasonable so would ask
6 folks to stay on message here when it comes to
7 that.

8 Now I will talk about Brookdale. I
9 wanted to make sure I talked about how important
10 CUNY is because it's important we say that often.
11 Obviously a project you guys have talked about and
12 it's being talked about in the capital program here
13 is the Brookdale Campus, which I think we're all
14 excited about an opportunity to spur major growth
15 in the life sciences, have CUNY be connected to
16 that, have our public high schools connected to
17 that, excellent opportunity here for the City, and
18 proud it's in my District, but I just want to get
19 some details on the record here.

20 One is timeline and where we are in the
21 process.

22 Two is construction, what happens to
23 different institutions that are there, one
24 institution, but what happens to different programs
25 that are there in the middle of that.

1
2 Three is do we have an understanding of
3 how many students might be served by that, CUNY
4 students?

5 Fourth is we're doing a lot of
6 resiliency work in that area and Bellevue has a
7 resiliency program going up to Langone, so how you
8 guys will plug into that and the larger East Side
9 Coastal Resiliency Program going on there?

10 Those are four questions...

11 CHANCELLOR RODRIGUEZ: Let me give the
12 first to our COO who is the person who is directly
13 working on that project. I think he can answer
14 those four and many more.

15 CHIEF OPERATING OFFICER BATISTA: Thank
16 you, Council Member, for that question.

17 First of all, thank you for all your
18 support as we recently met and sort of discussed
19 this very important project for CUNY. A couple of
20 things. Number one is, as you know, EDC has
21 retained Skidmore to do, and we're right now in the
22 phases of sort of doing the analysis of the space
23 planning. As part of that phasing plan, our goal
24 and it's been our position that we want as less
25 interruption as possible to academic instruction.

1
2 As I mentioned to you in our meeting the other day,
3 the good thing about this project for CUNY is we're
4 not part of a Land Use review process. Our project
5 is as-of-right, and, because of that, we told EDC
6 that as they're analyzing this project, moving this
7 project forward, that take into consideration how
8 we move, how we stack it to make sure that there is
9 as less interruption as possible to the project.

10 With regards to resiliency, they've
11 hired a firm to sort of look at the impact of that
12 project and how when we build the project it has as
13 less effect on the community and on this project
14 going forward. We think we are in good shape.

15 With regards to the timeline, we're
16 right now finishing the analysis with the
17 consultant. We have to now do an EIS and ULURP
18 process for the second phase of the project. We are
19 expecting to, by the time that we sort of have that
20 analysis, to be able to have a timeline that we can
21 share with you as I mentioned to you in that
22 meeting. A couple of moving parts, but both the
23 Governor and the Mayor, when they announced the
24 project, stated to EDC and to all of us the
25 importance of getting this project done on time.

1
2 COUNCIL MEMBER POWERS: One followup
3 question. When you say it's as-of-right, you're
4 talking about the CUNY component to that but the
5 larger project as I understand it needs a ULURP and
6 a Land Use...

7 CHIEF OPERATING OFFICER BATISTA: That
8 correct.

9 COUNCIL MEMBER POWERS: Okay. The last
10 thing I'd say is that, permission from the Chair to
11 have 10 more seconds to just, I just want to say
12 this on the record and I've said to you guys
13 privately but I want to be public about it. Student
14 housing really is important and that has been the
15 housing for many students at Hunter, my mom was one
16 of them, and really important and essential that
17 students have an opportunity to have a place to
18 live, especially in the core of Manhattan, so I
19 really hope we can get to a place where that is
20 included in this final project.

21 CHIEF OPERATING OFFICER BATISTA: Council
22 Member, thank you. It's been a priority for the
23 Chancellor, and he has charged me with doing a
24 couple of things. Number one, systemwide, we have
25 about 2,800 dorms systemwide, and about seven dorms

1
2 that we own, that we control, so we're in the
3 process of coming up with a short-term and a long-
4 term solution. The short-term is that we're looking
5 at our existing infrastructure to make sure that we
6 come up with a solution to deal with the
7 affordability issue. You know, the students that
8 are in the dorms at Brookdale, the Chancellor has
9 guaranteed that we will make sure that those
10 students will not be affected economically and
11 otherwise. Long-term, we're bringing in a
12 consultant to look at CUNY and to understand what
13 the needs are, and I think they're going to look at
14 the market conditions and affordability across the
15 system, and we'll be able to present that analysis
16 to the Chancellor and then we'll be able to begin
17 to make some decisions.

18 COUNCIL MEMBER POWERS: Just one last
19 question on the housing question. The Mayor has
20 asked every City agency to take an evaluation and
21 to look at housing for the asylum-seekers. The
22 police academy down the block from me is currently
23 a short-term holding spot for some folks. Has CUNY
24 been asked to identify and have you identified any
25

1 places where, even during the summer, you might be
2 home for asylum-seekers?

3
4 CHANCELLOR RODRIGUEZ: We're providing
5 that information to both the City and the State.

6 COUNCIL MEMBER POWERS: You have provided
7 it?

8 CHANCELLOR RODRIGUEZ: We're providing
9 information. They asked for different kinds of
10 sites, and we did an inventory and we shared that
11 with them.

12 COUNCIL MEMBER POWERS: Okay, thank you.

13 CHAIRPERSON DINOWITZ: I just want to
14 thank all my Colleagues and CUNY for testifying
15 today. I think it's very clear the cuts are
16 devastating. All the programs that our students
17 here in New York City rely on for the social and
18 economic mobility are set to be cut, and it's
19 really going to make it much more challenging, more
20 challenging than it already is for our youth to do
21 better for themselves, do better for their families
22 and their families are able to do for them. These
23 cuts are just devastating, and I appreciate your
24 testimony today to highlight how devastating these
25 cuts are.

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CHAIRPERSON BRANNAN: Thank you all so
much. Look forward to working with you. Thank you.

CHANCELLOR RODRIGUEZ: Thank you.

CHAIRPERSON BRANNAN: Okay. With that,
today's Executive Budget hearings are adjourned.

[GAVEL]

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 May 20, 2023