



Testimony of Carmelyn P. Malalis Commissioner and Chair New York City Commission on Human Rights Before the Committee on Civil and Human Rights March 25, 2019

Good morning, Chairperson Eugene and members of the Committee on Civil and Human Rights. Thank you for convening today's hearing. My name is Carmelyn P. Malalis, and I am the Commissioner and Chairperson of the New York City Commission on Human Rights ("Commission"). Today, I am joined by Brittny Saunders, Deputy Commissioner for Strategic Initiatives, and Dana Sussman, Deputy Commissioner for Intergovernmental Affairs and Policy.

February marked my four-year anniversary as Commissioner and Chairperson at the Commission, and I am, as always, proud to share some of what we've accomplished at the Commission in the past year. Our commitment to holding up and supporting communities under relentless attack by white nationalists or under federal policies only deepened in 2018. We continue to be steadfast in our work to protect the rights of all New Yorkers, especially the most vulnerable, in this deeply troubling climate.

Before I begin, I note that the information I am reporting on, unless otherwise noted, focuses on Fiscal Year 2018. Unlike previous budget hearings when my comments were focused on a prior calendar year's work, I am focusing my comments this year on *fiscal year* information pursuant to Local Law 63, which was passed in 2018 and required the Commission to transition from a calendar year reporting cycle to a fiscal year reporting cycle consistent with the Mayor's Management Report.

Staff and Personnel

As of today, the Commission has a headcount of 157, with 146 lines currently occupied. I am incredibly proud of the staff that have joined the agency, people who share our commitment to serve, foster connections to, and support the most vulnerable communities in New York City, and are committed to upholding the dignity and respect of all New Yorkers. As I have mentioned in prior years, our staff continues to be representative of many of the communities in New York City that are vulnerable to human rights abuses. We are a small but diverse staff, and speak 35 languages across the agency.

The Law Enforcement Bureau

In Fiscal Year 2018, the Commission fielded 9,513 inquiries, in the form of phone calls, emails, letters, visits to Commission offices, and queries to mobile intake units dispatched to community sites or Commission events. The number represents a nearly 100% increase since 2014, when

the Commission received 4,975 such inquiries. This includes 896 inquiries communicated in 17 languages other than English. The Commission increased its efforts to intervene in appropriate situations before filing a complaint in order to provide an immediate response and prevent future harm. To expand the Commission's work in this area in Fiscal Year 2018, our Law Enforcement Bureau launched its Early Intervention Unit, which assists members of the public with issues that may be resolved quickly without filing a complaint. The newly created Source of Income Unit, which I will discuss a bit later, also fulfills this role. In Fiscal Year 2018, LEB resolved 141 cases without filing a complaint, a steep increase from calendar years 2017 (47 cases), 2016 (30 cases), and 2015 (13 cases), significantly reducing the time it takes to get to a resolution than if the complaining party filed a complaint.

As my colleague, Dana Sussman, previously testified earlier this year, the Commission has significantly expanded its Commission-initiated investigatory work. In Fiscal Year 2018, Commission-initiated investigations covered 25 different protected categories, including claims of retaliation and interference with protected rights. The agency launched 583 Commission-initiated investigations in Fiscal Year 2018, a significant increase over 450 such investigations in calendar year 2017, and 426 in calendar year 2016.

As many of you know, the Commission uses testing as an investigative tool to confirm whether there is discrimination in housing, employment, or public accommodations. As part of an investigation, the agency may send testers to potential employers, landlords/real estate brokers, restaurants, hospitals, stores, or other public accommodations to see if our testers are treated differently or are given different information because they belong to a protected class. This is an historically effective tool used in civil rights litigation. In Fiscal Year 2018, Commission testers tested 691 entities, an increase over calendar year 2017 in which the testers performed tests on 577 entities, and over 2016, when the Commission performed 426 tests.

The Law Enforcement Bureau ("LEB") filed 751 complaints in Fiscal Year 2018 arising from externally-brought allegations of discrimination, an increase over 747 complaints filed in calendar year 2017. Fifty percent (50%) of those cases were in employment and thirty-six percent (36%) were in housing. Disability-related claims were the most common (18%). Race (15%), gender (11%), and national origin (10%) were the other highest trending claims.

A priority of the agency under my leadership has been to establish the Commission as an equivalent venue for justice to state or federal court. This has been no small effort. It has required that the agency raise its standard for investigations, conduct in-depth investigations to identify pattern-and-practice violations, and obtain respondents' full compliance with all areas of the City Human Rights Law. The Commission also remains committed to ensuring that complainants' recoveries, through settlement, conciliation, or litigation, are equivalent to what they would receive if they chose to litigate their claim in state or federal court. More thorough investigations and awards equitable to those in civil actions has translated into more real changes in policy and practice throughout New York City, as well as New Yorkers receiving real relief for damages suffered because of discrimination. It should not be the case that you get discount justice at the Commission because you are low income or have less resources than people resourced enough to file in court. Discrimination is discrimination the amount someone suffers

should not be valued less in different venues. We have been doing a lot to change that. What it has also meant, however, is that increases in recoveries have accompanied increases in case processing time, so that increased from 468 in Fiscal Year 2017 to 553 in Fiscal Year 2018. Knowing that prolonged justice, however, sometimes means an undercutting of justice, the Commission continues to explore different mechanisms to bring that time down. The positive effects from LEB's investment in cases are undeniable as is clear by looking at the increases in the amount of monetary recoveries and civil penalties ordered by the Commission. In Fiscal Year 2018, the Commission ordered the payment of \$4,272,562 in combined civil penalties and compensatory damages, up significantly from previous years (\$2,666,695 in 2017, \$1,452,136 in 2016, and \$1,351,984 in 2015). In Fiscal Year 2018, 125 cases involved an award of compensatory damages (\$3,785,312) and 35 cases concluded with orders directing the payment of a civil penalty (\$487,250) to the General Fund of the City of New York. Eleven cases involved both. This represents an average compensatory award of \$30,282, higher than any prior year.

The Commission transformed its Office of Mediation and Conflict Resolution ("OMCR") in early 2017, continuing to develop the Commission's voluntary mediation program. Mediation at the Commission had been effectively discontinued in the last administration. Since mediation provides a neutral and empowering process for all parties to facilitate a quick, efficient, and mutually acceptable resolution of claims, all at no cost, I resurrected the program when I started at the Commission, and in the past four years, we have continued to develop it. OMCR is staffed by a Director and a Mediation Coordinator. In Fiscal Year 2018, the OMCR Director successfully mediated 26 cases to resolution – the highest in this category since 2009 – representing, in the aggregate, \$1,415,775.12 in damages and penalties, excluding non-economic terms such as agreements to provide reference letters and conduct trainings.

I want to highlight a couple of areas of increased enforcement at the Commission. The Law Enforcement Bureau continues to see an increase in workplace gender-based harassment claims. In Calendar Year 2018, the Commission filed 113 cases of gender-based harassment in the workplace which include a harassment claim. Fifty-six (56) such cases were filed in Calendar Year 2017, representing a doubling of gender-based harassment claims in a single year. The Commission launched its Gender-Based Harassment Unit, with dedicated staff able to triage cases and move more quickly to respond. Where there are reports of egregious or ongoing harassment, the unit has intervened quickly to gather further information, preserve and obtain evidence, or obtain remedial action where appropriate.

The Source of Income Unit launched in January 2018. In Calendar Year 2018, the SOI unit completed over 70 successful pre-complaint interventions which resulted in either finding homeless and house unstable New Yorkers housing or keeping a tenant at risk of eviction in place, and has achieved about 60 additional successful interventions in the first three months of 2019 alone. This marks a dramatic increase over 2017, in which 12 such interventions were achieved. With respect to filed complaints alleging SOI discrimination, the SOI unit resolved 100 cases in Calendar Year 2018, compared to 51 in Calendar Year 2017. To address the most critical emergency cases, the SOI unit designated staff to, in appropriate circumstances, work

with individuals within one hour of denial from housing to gather information necessary to intervene before the apartment was rented to another applicant. This small team is working around the clock to respond as quickly as possible when individuals come forward with immediate discriminatory denials, and since February 2018 has obtained housing opportunities for approximately two dozen homeless or housing unstable families. The SOI unit has also done extensive outreach and training with housing providers, homeless prevention advocacy groups, Housing Court Judges and attorneys, and real estate brokers.

The Community Relations Bureau

The Commission's Community Relations Bureau ("CRB") is charged with cultivating understanding and respect among the City's many diverse communities. This mandate is particularly vital today, as forces that espouse hate and seek to divide us have been given a platform and a mantle at the national level. In the wake of the presidential election in 2016, the Commission relaunched its Bias Response Team, an initiative with its origins at the Commission in the 1990s, in which Commission staff respond to publicly reported incidents of discrimination, harassment, and bias by, where appropriate, contacting the victim to inform them of their rights, providing instructions on how to file complaints, and engaging in community-based actions, including meetings with local leaders, days of action, literature dissemination, and other creative responses. In Fiscal Year 2018, the Bias Response Team responded to 146 bias incidents – a greater than 200% increase compared to the previous fiscal year.

The Commission is also deepening its engagement with Black communities across the City in its efforts to combat race discrimination, both discrete and systemic, and we are using every tool at our disposal. Through the agency's Community Relations Bureau, the Commission has hosted several community conversations and events in 2018 focusing on bringing communities together to discuss, acknowledge, and provide a space for community healing and reconciliation in the face of racial tensions. For example, after a widely-publicized incident in Brooklyn's Flatbush neighborhood, in which a white woman accused a young Black boy of groping her in a bodega when surveillance footage later revealed that his backpack had inadvertently brushed up against her, the Commission immediately galvanized its resources and community partners in order to provide a strategic response.

Within just a few days' time, the Commission hosted a community-focused listening session, which provided a space for Flatbush residents, community leaders, and racial justice experts, to share concerns pertaining to gentrification and white neighbors' weaponization of law enforcement against them in their neighborhoods. This community convening loosely replicated a model the Commission has employed for similar events held in Harlem and Bedford-Stuyvesant in the past two years.

Additionally, the Commission recently developed a human rights law workshop on race and color discrimination, which provides education on the history of structural and institutional racism in New York City, a contemporary history of white nationalism and racial justice movements in the City, and tools for dismantling racism and white supremacy. While the workshop was developed for the benefit of City employees and is now being offered to City

agencies, the Commission has offered the workshop to select audiences upon request since January 2019.

The Commission further expanded its work addressing lesbian, gay, bisexual, transgender, and queer (LGBTQ) rights work in Fiscal Year 2018 as a core agency partner of the First Lady's initiative, the Unity Project, partnering with DOHMH and the Mayor's Center for Faith and Community Partnerships to launch the Unity Project Faith Network - a group of LGBTQaffirming faith leaders, houses of worship, and community-based organizations that are committed to providing resources for leaders and houses of worship. The Commission hosted an LGBTQ Youth and Family Resource Fair at the LGBT Center during Pride Month to provide necessary resources and support to parents and families, with over thirty organizations participating in the event. The Commission also partnered with DOE to launch new programming with LGBTQ youth by working with schools' Gender and Sexuality Alliances to hold roundtable conversations regarding discrimination, harassment, and bullying experienced by LGBTQ youth and provide youth with resources to support safe and more welcoming school environments. The program was piloted in six DOE schools last year and is expanding this year. CRB conducted 139 workshops and outreach activities for nearly 3,000 attendees with LGBTO community members, including our Second Annual LGBTO Community Iftar and co-sponsoring an LGBTQ Eid Al Adha celebration, and conducting over fifty workshops on fostering transgender and gender non-binary inclusion for thousands of City employees.

I could go on about the Community Relations Bureau's work educating the public on their housing rights, including their protections against source of income discrimination; negotiating with landlords to obtain disability accommodations for tenants; and leading peer mediation sessions and convening youth-led town halls, among other activities the team does on a daily basis, but I know my time is limited. I encourage you to read further about this work in our Fiscal Year 2018 Annual Report.

Office of the Chairperson

I established the Office of the Chair early in tenure to centralize and expand the agency's policy, legislative, rulemaking, adjudicatory functions and implement major Commission projects. Fiscal Year 2018 was another busy year for this small team. The Office serves as the point of contact for the Commission's inter-agency and external partnerships; it negotiates legislation and promulgates rules, legal enforcement guidance, and other outward facing materials providing clarity and interpretation of new provisions of the City Human Rights Law; it convenes our appointed Commissioners on a quarterly basis; and it serves the Commission's adjudicatory functions, including ruling on appeals of decisions from the Law Enforcement Bureau and issuing final decisions and orders in Commission cases. The Office is also regularly engaging with members of the public, including business interests and advocates alike, on the implementation of new laws.

In spring 2018, the Commission published a report on workplace sexual harassment, a follow up to our public hearing in December 2017, with a launch event with the First Lady at Gracie Mansion. The report included policy recommendations and best practices, informed by the

testimonies taken at the hearing by the brave individuals who came forward to testify and share their stories and the stories of their clients. The Commission is implementing many of the laws passed last year as part of the Stop Sexual Harassment in NYC Act, including a new notice and posting requirement, the expanded statute of limitations for gender-based harassment claims, and the reduction in the four-employee minimum for gender-based harassment claims.

In addition, one week from today, on April 1, pursuant to Local Law 96 of 2018, the Commission will launch a first of its kind in the nation online, interactive anti-sexual harassment training for employers to use to meet the new annual anti-sexual harassment training requirement for their staff. The training will launch in English and Spanish first, and will be published in nine additional languages in the coming months. The agency has worked closely with the Mayor's Office for People with Disabilities to ensure it is accessible for people who are blind, with low vision, deaf, hard of hearing, and who have limited mobility, and it will be optimized for use on smartphones. The Commission's dedicated sexual harassment webpage on its website will be updated to house this training and extensive information on how employers can meet the new training requirement. The Commission has worked closely with our state counterparts to ensure the training meets state anti-sexual harassment training requirements as well, so we anticipate that millions of workers, across New York City and even New York State, will be using this training.

The Commission has also focused extensively on issues related to pregnant, breastfeeding, and caregiving workers. In January of this year, in partnership with Commission on Gender Equity and the Department of Health, the Commission held a Citywide public hearing on the topic and will be publishing a report later this spring. The Commission is currently implementing new amendments to the City Human Rights Law that create additional requirements for lactation accommodations. As part of this implementation, the Commission published three model policies and a model request form for employers to use to develop lactation policies and key informational materials and resources including extensive frequently asked questions to help provide employers and employees with the information they need to understand both obligations and rights under the City Human Rights Law.

As you might have heard, the Commission recently published new legal enforcement guidance on race discrimination based on hair, defining discrimination on the basis of natural hair and hairstyles, which disproportionately impact Black people, under the New York City Human Rights Law. The Commission was motivated to tackle this issue after seeing heartbreaking footage from across the country of children being turned away from school, or forced to cut their hair, because their hair did not conform to white, Eurocentric notions of neatness or professionalism. And the Commission has at least seven such cases in which employers have discriminated against individuals because of their natural hairstyles. While federal courts have held under federal civil rights law that such policies are not discriminatory, no court has interpreted the City Human Rights Law in such a way, and we felt it important to create a clear and well-reasoned counterposition to that legal theory. It is our hope and expectation that other jurisdictions will use the guidance as a roadmap to a similar legal conclusion. The guidance made national and international news, and confirmed for us that this was an issue passionately

and deeply felt by many, and we are hopeful the Commission's position – that polices that ban natural hair, or hairstyles like locs, braids, twists, fades, and Afros, are racist, plain and simple – will be replicated elsewhere.

As I mentioned earlier, the Commission is confronting anti-Black racism in a multitude of ways, including through a new artist partnership. In Fiscal Year 2018, the Commission was pleased to announce its Public Artist in Residency with Department of Cultural Affairs and artist Tatyana Fazlalizadeh, a muralist who created Stop Telling Women To Smile, a street art project aimed at confronting misogyny and street harassment. Tatyana's residency with the Commission focuses on art addressing anti-Black racism and sexism, informed by community conversations facilitated by the Commission and community-based organizations, and she installed her first piece of her residency at Bronx Defenders late last year. Tatyana's residency continues with the Commission through the end of this fiscal year, and she will be installing large-scale murals across the City this spring that center the experiences of Black people, primarily Black women, and their struggles and triumphs navigating an often racist and misogynist society. Art speaks to people in ways that government cannot, and the power of art to shift the conversation is what drew the Commission to Tatyana's work. The Commission is thrilled to partner with such an esteemed artist and looks forward to the completion of her residency.

Communications and Marketing

In Fiscal Year 2018, the Communications and Marketing team significantly increased earned media attention on the Commission's law enforcement efforts, community engagement, public campaigns, and new protections. In Fiscal Year 2018, the Commission earned more than 1,100 earned medial hits across print, online, TV, and radio, a 50% increase from calendar year 2017 and early double the press coverage from calendar year 2016. In Fiscal Year 2018, the Office of Communications and Marketing sent 16 press releases, 10 media advisories, four statements, and had two Letters to the Editor published in the New York Times.

We aim to make our Communications and Marketing efforts strategic and impactful with a focus of reaching as many New Yorkers across our City as possible. To that end, 40% of all press hits (440) were in ethnic and community media, and the Commission dedicated 100% of its print advertising to community and ethnic media in several languages, including Arabic, Spanish, Chinese, Korean, and Urdu.

In spring 2018, the Commission unveiled a Citywide, multilingual media campaign to combat sexual harassment in the workplace, "It's Sexual Harassment. Report It. End It." The ads, which ran in English and Spanish for six weeks, across social media, the LinkNYC network, subway cars, bus shelters, posters placed in communities, and online across various website – all linking to the Commission's newly-published landing page on sexual harassment. The campaign sought to educate New Yorkers of their rights against sexual harassment and encourage people to report incidents to the Commission, a venue for justice that will investigate their claims, support them, and believe them. The digital campaign garnered over 11.5 million impressions and 30.2K clicks to the landing page, while the outdoor and print elements netted an additional 43.3 million impressions for a combined total of 54.8 million.

And as I hope you are aware, the Commission just launched a six-week Citywide campaign aimed at combatting anti-Black racism. The campaign, which has 1,000 placements across the LinkNYC network, subway cars, bus shelters, posters placed in communities, and in community and ethnic media, affirms the experiences of Black people who have been targeted for discrimination, harassment and intimidation while simply going about their day-to-day lives, and puts those who would seek to discriminate, harass or intimidate Black New Yorkers on notice that bigotry and bias will not be tolerated in New York City.

Budget

The Commission's annual budget for Fiscal Year 2019 was \$13,949,625 in City tax-levy funds. The Mayor's Preliminary Budget (tax-levy) for Fiscal Year 2020 provides for a budget of \$14,168,931, which consists of \$11,842,543 in personnel budget and \$2,326,388 non-personnel budget.

While the past few years have brought many occasions to feel hopeless, disillusioned, and saddened by the relentless attack on civil and human rights by our federal government, the Commission is steadfast in its commitment to serve as an example of what government can be, what it can look like, and how it can serve the most vulnerable communities around us. I am honored to work with Commission staff every day in this work. The Commission continues to build creative strategies, whether it be through policy, law enforcement, or community engagement, to shift the narrative, create dialogue, and change expectations.



Testimony of EEPC Executive Director on Fiscal impact of Introduction No. 755A of 2018, or Local Law 13 of 2019 New York City Council Fiscal Year 2020 Budget and Oversight Hearings March 25, 2019 at 12:00pm

Good afternoon members of the Committee on Civil and Human Rights. I am Charise Terry, Executive Director of the New York City Equal Employment Practices Commission, or EEPC. This Commission is represented today by Commissioners Elaine Reiss and Angela Cabrera. We appear before you to present brief testimony on the fiscal impact of Introduction No. 755A of 2018, or Local Law 13 of 2019.

Created by the New York City Charter, the Equal Employment Practices Commission is an independent, non-mayoral Commission empowered by Charter Chapter 36, Sections 830(a), 831(a), (d)(2) and (5), and 832 to audit, evaluate, and monitor the employment procedures, practices and programs of individual municipal entities and their efforts to ensure fair and effective equal employment opportunity for minority group members and women employees and applicants; to recommend resulting practices, procedures, approaches, measures, standards, and programs to be utilized; and to monitor the satisfactory implementation of remedial actions. In addition, the EEPC is responsible for monitoring the coordination and implementation of any City affirmative employment program of equal employment opportunity, including the activities of the Department of Citywide Administrative Services and the New York City Civil Service Commission. Further, the EEPC has the duty to conduct studies or investigations, hold hearings, and make policy, legislative and budgetary recommendations to the Mayor, Council, and the Department of Citywide Administrative Services as deemed necessary to ensure equal employment opportunities for minority group members and women, with the goal of increasing diversity in recruitment and promotion.

Entities that fall under this Commission's jurisdiction are those that are funded in whole or in part by the City treasury, those in which the majority of the board members are appointed by the Mayor, or those in which the majority of the board members serve by virtue of being city officers. The EEPC's Board of Commissioners consists of five (5) members: two (2) appointed by the Mayor, two (2) appointed by the City Council, and a Chairperson, who is jointly appointed by the Mayor and the Council Speaker. The Chairperson position has been vacant since 2015. The EEPC's workforce consists of thirteen (13) employees in four (4) units: Administration, Audit, Research, and Legal. An organization chart and workforce breakdown is attached.

In 2017, consistent with the *Me Too* movement and preceding the New York City Council's passing of Local Laws 92 through 102 to address workplace sexual harassment, known as the *Stop Sexual Harassment in NYC Act*, the EEPC's Board of Commissioners approved an Audit Plan for years 2018 through 2021, which examines the sexual harassment prevention and response practices of the current 141 entities under our jurisdiction. The City Council also passed Local Law 13 (or Introduction No. 755-A), in tandem with the EEPC's initiation of auditing and monitoring for 48 agencies in 2019. Concurrent with the EEPC's implementation of our annual audit plans and compliance monitoring protocols, Local Law 13 requires the EEPC to collect and analyze agency and citywide racial and ethnic underutilization data and provide recommendations to: 1) correct underutilization by agency and group; 2) review the reliability of racial/ethnic classification questions and determine if categories accurately capture the city's workforce; and 3) strengthen affirmative employment plan oversight and enforcement for agencies. Local Law 13 buttresses the EEPC's authority to recommend corrective actions, including legislative, regulatory and budgetary changes, to address systemic issues that challenge the City as an employer. The EEPC is required to analyze and report citywide ethnic and

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racial underutilization and adverse impact annually for the next ten (10) years, with the first report being due to the Mayor, City Council, and the public in February 2021.

Financial Impact/Proposed New Needs

Historically, the EEPC has been fiscally responsible given our small budget. Money saving strategies – such as eliminating out-of-office interviews and audit initiation and conclusion conferences, and decreasing the number of Commission Member meetings; converting to a completely electronic (virtually paperless) audit process; hand-delivering mail to agencies; and, most importantly forgoing much needed training for staff – has enabled us to have an even smaller fiscal footprint. Although the EEPC supports the spirit of the Stop Sexual Harassment in NYC Act and Local Law 13 of 2019, the convergence of these major subject areas, and the importance of providing a thorough and separate evaluation for each, creates an excessive burden that necessitates additional staff and resources. In addition, the need for up-to-date training renews with the passage of new laws.

Upon the Council's request for the financial impact of the Local Law 13, the EEPC proposed, at minimum, the hiring of a full-time Data Scientist or Statistician, a full-time Labor Economist, two (2) subject matter consultants and two (2) Policy Interns. The additional cost is estimated at \$337,456. In addition, in light of the growth in our workforce and the passing of new legislation, the EEPC has a responsibility to provide supporting equipment, resources and training to further the audit and research work that is central to our Charter mandate. The additional cost for this equipment, resources, and training is estimated at \$160,559. The total combined cost is: \$498,015.

We ask for the Council's support, as the lack of additional funding will compromise education for our EEO Program Analysts; the validity and reliability of audits; the fulfillment of our 2018 – 2021 audit plans for the prevention of, and response to, sexual harassment (which includes a remaining 110 municipal entities); and the fulfillment of our new reporting mandate required by Local Law 13 of 2019. In addition, the continuing lack of a Chairperson impairs the Board of Commissioners' ability to function, as the Charter requires a quorum to effectuate decision making. The EEPC is committed to fulfilling the goals of the aforementioned legislation, and with the Council's aid, we believe we will be able to do so.

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Testimony of EEPC Executive Director regarding Fiscal Impact of Introduction No. 755A of 2018, or Local Law 13 of 2019 New York City Council Fiscal Year 2020 Budget and Oversight Hearing Personnel Services Increase Requested: \$337,456

Staffing

	EEPC HEADCOUNT FY2020: 14	
Resource Required (New Need)	Purpose or Role	Estimated Cost
Data Scientist/ Statistician 1 New Hire	 Collect and/or verify, analyze, and monitor workforce data and trends for both mayoral and non-mayoral agencies. Manage and organize disparate data sources into searchable databases. Automate analytics and data reporting responsibilities. Design and develop dashboards for facilitating sensitive data dissemination and visualization to agencies, government officials, and the public. 	\$105,268 to \$118,728 City Research Scientist, Level 4-A per annum
Labor Economist 1 New Hire	 Collect and analyze unique agency (with limited data availability) and union-related data; adverse impact and union requirements/criteria; and UU. Analyze federal/state/ local economic data, including labor market activity, employment, productivity, and wages. Study the wage patterns and forecast the economic/fiscal impact of policy changes. Conduct wage gap and employment barrier analyses. Conduct research, prepare reports, or formulate plans to address economic problems related to labor issues. 	\$105,268 to \$118,728 City Research Scientist, Level 4-A per annum
Subject Matter Expert/Consultant Temporary 1 - 2 new hires via contract	 Provide expert opinion on any trends uncovered. Present expert testimony on current or past research in relevant fields (e.g., labor/workforce, legal, public policy). 	\$25,000 - \$50,000
Policy Intern Femporary 1 - 2 new hires	 Perform supporting data collection and analyses Coordinate with city agencies Review and research employment policies Prepare related documents 	up to \$50,000



Testimony of EEPC Executive Director regarding
Fiscal Impact of Introduction No. 755A of 2018, or Local Law 13 of 2019
New York City Council Fiscal Year 2020 Budget and Oversight Hearing
Other Than Personnel Services Increase Requested: \$160,559

Training Breakdown: \$95,631

Given our growth and the passing of new legislation, the EEPC has an obligation to provide technical resources, training, and equipment to sustain the audit and research work that is central to our Charter and legislative mandates.

The EEPC's EEO Program Analysts formalize their EEO knowledge and gain valuable acumen by attending a professional certificate program. This provides a firm foundation for the EEPC's audit findings, determinations, and recommendations for corrective action. Currently two (2) out of five (5) EEO Program Analysts are on track to complete the Cornell EEO Professionals Certificate (illustrated) by December 2019. In addition, to assume responsibilities formerly handled by DOITT, the EEPC's newly hired IT professional awaits professional training on the technical aspects of managing the Teammate interactive program that the EEPC uses to manage audits and monitor compliance. To provide the best value, Teammate will simultaneously provide a technical course for the IT professional and a refresher course for EEO Program Analysts on-site.

The EEPC's is currently considering advanced training in statistical analysis packages such as SAS and DataCamp R for research staff. This training would provide comprehensive preparation for the indepth statistical analysis and data manipulation necessary to fulfill the requirements of Local Law 13 of 2019.

Training Courses	Cost	Unit	No.	Total FY 2020	
EEO Professionals Certificate	\$7,793.75	Per Employee	11 (2 new)	\$85,731	
On-site Teammate Training	\$3,300.00	Per Day	3	\$9,900	
Total				\$95,631	

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Testimony of EEPC Executive Director regarding Fiscal Impact of Introduction No. 755A of 2018, or Local Law 13 of 2019 New York City Council Fiscal Year 2020 Budget and Oversight Hearing

(OTPS continued) Telecommunication Devices and Services: \$64,928

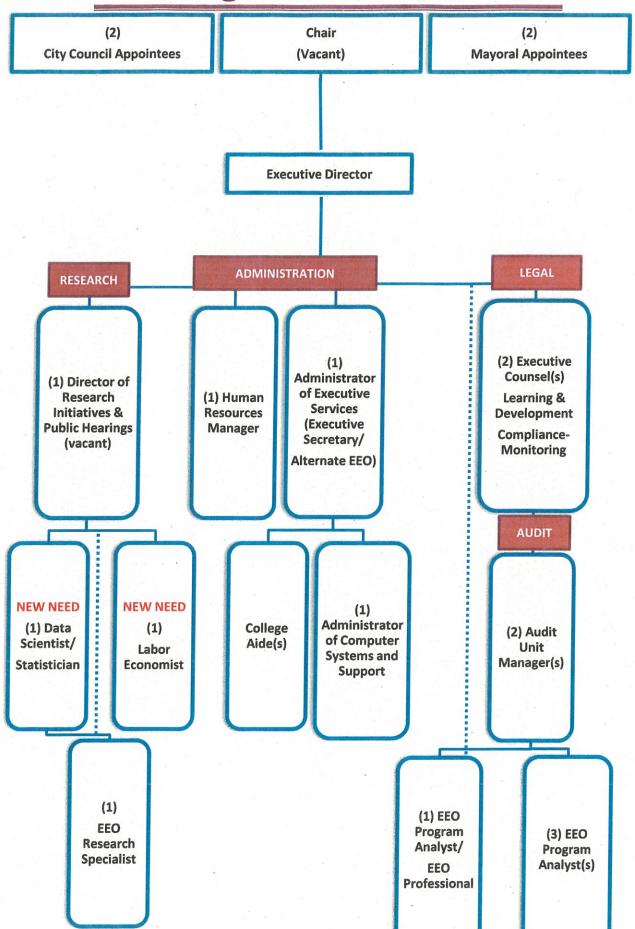
For the November and January Budget Plans, the EEPC submitted *New Need* requests to the Mayor's Office of Management and Budget outlining our current technology requirements. These include a Sparkboard and Wi-Fi services to support virtual interviews, audit initiation and conclusion videoconferences, and Commission Member Board meeting presentations; additional workstations and a laptop; and additional funding for telecommunication service contracts and associated upgrades that are necessary for effective operations. In addition, the impending expiration of current operating system licenses and termination of the Department of Information Technology and Telecommunications' Windows 7 support requires immediate upgrades to our Microsoft Office Suite and new Adobe Pro DC Licenses, which are utilized on a daily basis. An estimate is provided in the illustration.

Telecommunication Devices and Services	Est. Cost	Unit	No.	Total FY 2020 Cost (rounded)
Sparkboard, Equipment, and Service Contract	\$23,379.63	ea.	1	\$23,380
Annual Telecommunications Services (Telephone Service Contract)	\$1,062.50	user per year	16	\$17,000
Windows Upgrades for Existing PCs	\$924.21	ea.	16	\$14,787
Additional Workstations for New Employees (Computers, Monitors, and Equipment)	\$562.10	ea.	4	\$2,248
Laptop	\$1,438.69	ea.	1	\$1,439
Report Production, Printing and Postage	\$40.49	ea.	150	\$6,074
Adobe Pro DC Licenses (Estimate)	Free	user per year	16	Free
Office 365 Licenses	Free	user per year	16	Free
Total:				\$64,928

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Organizational Chart



New York City Council

Human and Civil Rights Committee Preliminary Budget Hearing

Testimony of Tyler Tanner

Member Leader, Neighbors Together

March 25, 2019

Greetings. My name is Tyler Tanner and I am here today to share testimony about the very real problem of source of income discrimination. My hope is that our elected officials will take into consideration the very urgent need to better staff the source of income unit at CCHR, and enhance the work they are doing in the housing market.

Through my experiences looking for housing with my LINC, then CityFHEPs voucher, I can attest to the gross amount of voucher discrimination that exists in housing.

Over and over, you will call and apply. You meet the requirements, your voucher covers the amount, and in my own personal case, you are the first person to submit an application. Yet mysteriously, you are never picked. You end up paying application fees, and someone who is homeless cannot nonchalantly pay \$100 fees over and over. Sometimes, after you reach out with your voucher, you see the landlord increase the rent just above your voucher threshold, systematically disqualifying you and everyone else using a voucher. Landlords will go to outrageous lengths to circumvent the system and exclude voucher holders. What is their justification? Maybe it is the stigma that voucher holders are "gutter" people. In reality, we are people who want a place to live, and the individuals who are keeping us out of their buildings deserve to be punished.

I would contact so many people during my housing search through calls, emails, going to places in person. The work I did on my own quadrupled the leads that came from the case manager at my shelter. And yet, my own work was of no avail, and I ended up being placed by my shelter in a room. It seems to me from my experiences that the individual is helpless to do nothing for themselves. The establishment, being the shelter, will undermine your own efforts – they missed several leads for apartments I found because the caseworker did not react in an effective amount of time. When I finally did get a room, it felt like there were negotiations behind closed doors, and I was helpless in the fate of my own future.

The source of income unit at CCHR not only makes us as individuals effective, it makes us feel worthy. They know the manipulation that exists out in the market, and believe us when we report it. They respond and follow up quickly to help us catch any opportunity we can. This unit cannot sustain the quality of work they have been doing with such a small staff. There is far too much need for their help in the market.

The shelter system is broken. If we can empower the individual, we will give meaning back to so many lives. The source of income unit at CCHR gives us a fighting chance, and I hope you can recognize the importance of their work.

For more information regarding this testimony, please contact:

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New York City Council

Human and Civil Rights Committee Preliminary Budget Hearing

Testimony of Janice Flores

Member Leader, Neighbors Together

March 25, 2019

My names is Janice Flores. I am a 62 year single woman. I have been an Ambulette driver for over 18 years. I know the almost every back road in the tristate area. Driving around, I have watched the New York City bloom with new housing and construction projects.

Driving for over 18 years takes a toll on the body, and I was forced into early retirement with disability. I was fortunate enough to get a housing voucher in September of 2018. Unfortunately, I have quickly learned the harsh reality of using a voucher in NYC. Source of income discrimination has lead me to dead end after dead end in my housing search.

Every call to a listing for an available unit is more or less the same. I get my hopes up, I call the number listed, and the broker quickly asks me about my income. I tell them I have a voucher, and the conversation more or less ends there. The broker will doubt my voucher, raise concerns about the broker's fees and tell me my credit is too low which disqualifies me from applying.

I worked hard for \$8/hour and raised 4 children in the process. I lived on a tight budget, and did not have the financial freedom to build a strong credit score even though I have never missed a rent payment. Brokers don't care about that. Once they find out you have a voucher, they look to manipulate the weakest part of your application to your disadvantage.

Source of income discrimination brings on unimaginable stress. I feel defeated and frustrated in this housing search process. I can't believe how hard it has been to find an apartment. When I was driving and saw all of these apartments getting built up across the city, I thought I would surely be able to find one that would take my voucher. Yet every attempt to use my voucher has

been shut down BEFORE I can even get my foot in the door. I was feeling all alone in this process, and completely hopeless.

About a month ago, I went to a Know Your Rights training for voucher holders, and I was introduced to the source of income unit at the Commission on Human Rights. The source of income unit is fighting on the front lines against bad actors. They are putting the pressure on private landlords to make the housing market more inclusive and fair.

They also protect voucher holders from exploitation. A couple of weeks ago, the unit was able to refund an application fee a management company had charge me before discriminating anyways, leaving me again without an apartment and short \$100.

This unit is working 7 days a week, almost around the clock, and is making huge strides in making our not so fair market a little fairer. They only have 5 full time staff members who all work unbelievably hard on the behalf of voucher holders. But I want to be very clear: source of income discrimination is so widespread, and so deeply entrenched in landlord's behaviors, that 5 people will not be able to properly address the problem. If the size of the unit was doubled, we would have a real chance to end source of income discrimination in this city and drastically reduce our homeless population.

I am here today to emphasize that this unit at CCHR is critical to confronting the voucher discrimination that is keeping so many people homeless. Without this unit, our vouchers are a waste of time and paper. Source of income discrimination is the number one barrier to housing for people with vouchers, and the unit at CCHR is the solution. Please give the source of income unit the staff and resources it needs to do what is asked of them.

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New York City Council

Civil and Human Rights Committee Preliminary Budget Hearing

Testimony of Annie Carforo

Community Organizer, Neighbors Together

March 25, 2019

Thank you to the members of the Committee on Civil and Human Rights for the opportunity to testify today. My name is Annie Carforo, and I am here to highlight with urgency the need for a larger staff at the source of income unit at CCHR.

I am a community organizer at Neighbors Together, a social service and advocacy organization located in central Brooklyn. Over a year and a half ago, we began organizing around source of income discrimination because of the overwhelming consensus from our members that this was a central issue in the homelessness crisis.

We were connected with the source of income unit at CCHR through a partner organization. The SOI unit took the time to train our members on the most effective methods of collecting evidence of discrimination and reporting. By utilizing their services, in 8 months, we were able to help 9 of our members secure permanent housing.

The SOI unit has a remarkable response time, and will contact members anywhere from 30 minutes to 4 hours after a report. This is a huge factor in their success rate, understanding that reports tend to be time sensitive and require quick intervention while the housing unit is still available. The source of income unit made it clear through their actions they would advocate for our members until it was definitive that the case was closed, and even then would determine if there was the possibility for reparations.

However, it is becoming increasingly evident that the source of income unit is inundated with thousands of reports and are not equipped to handle the demand that exists for their services. There are only 5 full time staff members on the source of income unit. I have interacted with every single one of them through reporting. Staff will answers emails late into the evening and on weekends. The amount of work required to successfully do their jobs is becoming increasingly unsustainable. I myself have seen a growing

demand from other organizations for trainings on how we at Neighbors Together have successfully advocated and helped voucher holders, all of which relies on our relationship with the SOI unit. As of right now, this unit is the only support that exists for voucher holders.

For the second year in a row, the DeBlasio administration has proposed to gut the Commission on Human Rights, and this year has instated a city wide hiring freeze. Based on a posting we saw a while back for staff at the source of income unit, and conversations within our nonprofit legal advocacy community, we found out a very competent employee who was planning to join the unit at CCHR, and her role is now in jeopardy because of the Mayor's actions. This is not a time to undermine critical programs, especially those that are highly successful in reducing the homelessness population, as the source of income unit is.

There is great fear that this unit will not maintain its ability to be as effective as it has been because of the demand for services. The voucher programs are not a viable solution for housing without the legal backing of the source of income unit. We are asking for the size of the unit to be doubled to 10 full time staff, so they can effectively do the job that has been requested of them. For context, the source of income unit at HRA is 10 full time staff members. This unit's role does not assist individual New Yorkers, and to date, they have released only 2 filings against landlords, far below the amount of work completed by the CCHR unit half its size.

I hope that the councilmembers here understand the crucial need for a more robust source of income unit at CCHR, and will support our budget request. Thank you, and have a nice day.

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New York City Council

Human and Civil Rights Committee Preliminary Budget Hearing

Testimony of Raymond Vaughn

Member Leader, Neighbors Together

March 25, 2019

My name is Raymond Vaughn. I was born raised in Harlem New York. It hurts to me to see all of the changes that have happened to this city and know that I cannot afford to live in the place that I have called home my whole life.

I was homeless at one point and through that, I got a CityFHEPS voucher to help with housing. My experience with my CityFHEPS voucher has not be good. When I was in the shelter, my case manager told me the only thing they had available with the voucher was a room. I moved into an apartment with two other men with vouchers. Now, because of the actions of my roommate, I have been told that I have to move out. I am in danger of becoming homeless again. Right now my biggest fear is having to go back to the shelter. I really don't know what I'm going to do if this happens. Being homeless and living in the shelter is really bad for my depression, and this also makes me very worried.

Last time I was looking for housing with my voucher, my case manager settled for the first place that would take the voucher, and that did not work out for me. I also know that searching myself with my voucher is a waste of time. There is so much discrimination in the housing market, and if I try and do this search by myself, I can guarantee you I will become homeless. Neighbors Together has been helping me with my housing search, and they have introduced me to the source of income unit at CCHR. They are our only hope as voucher holders to penetrate the housing market and actually get the chance to use our vouchers.

There are thousands of people with vouchers who are wasting tax dollars sitting in the shelter while they have a way to pay their rent. It is so frustrating to rely on another city program that doesn't work. Anyone with a voucher can confirm that the program is weak and ineffective. CCHR has been the only city support that actually directly benefits people who need help.

That being said, there are thousands of voucher holders who would directly benefit from the source of income unit, and they only have 5 people working there. That is not reflective of the demand for services that exists. The source of income unit is more productive at helping people find housing than any case manager I have experienced. If they have more resources, and more people, the city will see a decrease in homelessness, and people like me won't have to cycle back into homelessness.

The city has failed people who are homeless in too many ways to get into here. Don't undermine the one unit that actually makes a difference.

Thank you for your time.

For more information regarding this testimony, please contact:

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TESTIMONY of Workers' Justice Project (WJP)

Presented to:

New York City Council Committee of Civil and Human Rights

Hearing

Honorable Mathieu Eugene, Chair

Monday, March 25th, 2019

Prepared By: Erika González WJP Member Leader

Workers' Justice Project (WJP) 365 Broadway, Brooklyn, NY 11211

Spanish Version

Buenos días, honorable Mathieu Eugene y distinguidos miembros del Comité de Derechos Civiles y Humanos. Mi nombre es Erika González. Soy de México. Soy miembro del Proyecto de Justicia Laboral y me gustaría contarles un poco de mi historia. Primero, quiero agradecerles la oportunidad de testificar hoy.

Yo tuve un caso de discriminación en una factoría que había trabajado por diez años. La "manager" era muy discriminante hacia las mexicanas en cuanto a la forma de hablar, de referirse a nosotras y en la repartida de trabajo.

La "manager" se burlaban de nosotras mexicanas por lo que comíamos, por nuestra cultura, por cómo nos vestíamos. Tenía unas expresiones tan grotescas, nos menos preciaba y no tenía vergüenza ni pudor en usar vocabulario ofensivo enfrente de todos.

Asimismo, ella siempre les daba preferencia a los hombres. Los varones hacían los trabajos más livianos mientras que las mujeres teníamos que hacer todo el trabajo pesado. Ella también favorecía a los dominicanos pues les daba las tareas sencillas, como poner estampillas en sobres, mientras que a nosotras las mexicanas nos hacía cargar sacos pesados. Nosotras estábamos sufriendo problemas ergonómicos mientras que los otros sentados en unas sillas cómodas.

El dueño siempre justificaba y la apañaba a la "manager". Tanto es así que una compañera tuvo una discusión con ella y el dueño le pidió que ella se disculpara para que la "manager" se sienta bien. Mi compañera se negó y terminó saliendo de la planta y trabajar part-time fuera de la factoría por que la situación era insostenible.

Una vez que me despidieron presenté mi queja a la Comisión de Derechos Humanos. Ahí me cuenta de que no solamente estaba siendo discriminada por ser mexicana sino también estaba sufriendo una discriminación de género, por el simple hecho de ser mujer. Lamentablemente ya ha pasado casi 3 años y aun no he tenido noticias ni por parte de mi abogada ni de la Comisión.

El Proyecto de Justicia Laboral fue mi salvación pues cuando dejé el trabajo en la factoría entré en una depresión terrible. Durante 10 años iba de mi casa a la factoría y de la factoría a mi casa; no tenía amigos ni amistades fuera del trabajo. Por suerte una compañera me llevó al PJL y ahí participé por primera vez de la reunión de las mujeres domésticas. Escuchar sus historias me conmovió, pues me di cuenta de que había discriminación en otras ramas de trabajo. Estas muchachas las obligaban limpiar de rodillas, no podían comer, casi no les daban agua para tomar, y tenían que cumplir una serie de reglas que me dejó pasmada. ¡Estaban siendo humilladas! Yo traía mucho coraje por lo que yo había pasado y ahora encontrarme con estas mujeres me cuenta de que tenía que hacer algo para apoyarlas y hacer un cambio en la sociedad.

El Proyecto de Justicia Laboral me dio y me sigue dando muchos entrenamientos, como por ejemplo OSHA 10, Entrenamientos de Liderazgo y ser parte de varios comité de trabajadores (VALORS y ENLACES) que estan luchando por la justicia y dignidad de los trabajadores/as. También me permitió formar parte de la cooperativa de limpieza, *Apple Eco Cleaning*. La organización se convirtió en mi nueva casa, pues todos los días tenía algo que hacer dentro o con el Proyecto. En estos casi 3 años he crecido como persona, como líder. Lo que más le agradezco al PJL es que me ayudaron a empoderarme, a encontrar mi voz. Soy un líder y tengo una voz que las personas escuchan lo que quiero comunicar. Gracias al PJL no solo me estoy convirtiendo en mentor de nuevos integrantes de

los comités, sino también he aprendido inglés, estoy a punto de graduarme de TASC (antes GED) y próximamente voy a empezar una carrera enfocada en Salud y Seguridad.

Hoy más que nunca dependemos de nuestro centro para seguir luchando, aprendiendo y contribuyendo a la economía de esta ciudad. Estoy aquí para pedir que en este nuevo año fiscal apoye a los centros de Jornaleros con 3.6 millones para que mi centro o otros centros puedan seguir existiendo y respaldando a mi comunidad.

En conclusión, gracias por la oportunidad de testificar. Esperamos que ustedes consideren los centros de Jornaleros y cooperativas como parte de sus prioridades durante el proceso de negociación presupuestaria de este año y esperamos seguir trabajando estrechamente con ustedes.

Gracias por otorgar el tiempo de expresarme y únase a nuestra lucha. Esperamos poder seguir contando con su apoyo para que podamos seguir cambiando las vidas de la gente como ha cambiado la mía. ¡Gracias!

-English version-

Good morning, honorable Mathieu Eugene and distinguished members of the Committee on Civil and Human Rights. My name is Erika Gonzalez. I am from Mexico. I am a member of the Workers Justice Project and I would like to tell you a little part of my story. First, I want to thank you for the opportunity to testify today.

I experienced discrimination at a factory where I worked for ten years. The manager discriminated Mexican women for our way of speaking, referring to us in undermining attitude and distributing work unfairly.

The manager made fun of what we ate, our culture, and how we dressed. She had such grotesque expressions, we were underappreciated and she had no shame in using offensive vocabulary when referring to us in front of everyone.

Also, she would give preferential treatment to the men. The men would do the light work while the women had to the heavy loading. She also favored people from the Dominican Republic by giving them simple tasks, like putting stamps on envelopes, while us, the Mexicans, were asked to carry heavy bags. We ended up suffering from ergonomic problems while the others were sitting in comfortable chairs.

The owner always justified manager. There was a time when my coworker had an argument with the manager, and the owner asked her to apologize to the manager so she would feel good. My co-worker refused, left the job and ended up taking a part-time outside the factory because the situation was unsustainable.

Once I was fired, I submitted my complaint to the Commission of Human Rights. That's when I found out that I was not only being discriminated for being Mexican, but also, I also experienced gender discrimination, simply because I was a woman. Regrettably, it has been almost 3 years and I have not heard from either my lawyer nor from the Commission on Human Rights.

Workers Justice Project (WJP) was my salvation because when I left work in the factory I entered into a terrible depression. For 10 years I went from my house to the factory and from the factory to my house; I had no friends or friends outside of work. Luckily, a friend took me to the WJP and there I participated for the first time in the meeting of the domestic women. Listening to their stories moved me, because I realized that there was discrimination in other branches of work. These women were forced them to clean on their knees, they could not eat, they almost did not give them water to drink, and they had to comply with a series of rules that left me stunned. They were being humiliated! I had a lot of anger because of what I had gone through and now to meet these women told me that I had to do something to support them and make a change in society.

Workers Justice Project gave me and continues to give me many trainings, such as OSHA 10, Leadership Training and being part of several workers' committee (VALORS and LINKS) that are fighting for justice and dignity of the workers. It also allowed me to be part of the cleaning

cooperative, *Apple Eco Cleaning*. The organization became in my new house, because every day I had something to do inside or with the Workers Justice Project. In these almost 3 years I have grown as a person, as a leader. What I most appreciate the Workers Justice Project is that they helped me to empower myself, to find my voice. I am a leader and I have a voice that people listen to what I want to communicate. Thanks to the Workers Justice Project not only am I becoming a mentor to new committee members, but I have also learned English, I am about to graduate from TASC (before GED) and soon I will start a career focused on Health and Safety.

Today more than ever we depend on our center to continue fighting, learning and contributing to the economy of this city. I am here to ask that in this new fiscal year I support the Day Laborer centers with 3.6 million so that my center or other centers can continue to exist and support my community.

In conclusion, thank you for the opportunity to testify. We hope you will consider the Day Laborers and Cooperatives centers as part of your priorities during this year's budget negotiation process and we look forward to continuing to work closely with you.

Thank you for giving me the time to express myself and join our struggle. We hope to continue counting on your support so that we can continue to change people's lives as mine has changed. Thank you!

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I represent: NYC Equal Employment Practices Commission
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Date:
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Name: ERIKA GONZALEZ & SOLEDAD P. NO
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I represent: WORKERS JUSTICE PROJECT
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