

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WOMEN JOINTLY WITH THE COMMITTEE ON
GOVERNMENTAL OPERATIONS

----- X

June 19, 2018
Start: 1:12 p.m.
Recess: 4:23 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: HELEN K. ROSENTHAL
Chairperson

FERNANDO CABRERA
Chairperson

COUNCIL MEMBERS: Dian Ayala
Laurie Cumbo
Ben Kallos
Brad S. Lander
Alan N. Maisel
Bill Perkins
Keith Powers
Ydanis A. Rodriguez
Kalman Yeger

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

Jaqueline Ebanks, Executive Director
NYC Commission on Gender Equity

Laura Ringelheim, Deputy Commissioner
Real Estate Services
Dept. of Citywide Administrative Services, DCAS

Dr. Torian Easterling, Assistant Commissioner
Brooklyn Health Action Center, Center for Health
Equity, Department of Health and Mental Hygiene

Hollis Pfitsch, Deputy Commissioner, Law Enforcement
NYC Commission on Human Rights

Mickie Ronan Groesten, Assistant Commissioner
Division of Children and Families' Wellbeing
Administration for Children's Services ACS

Erin Drinkwater, Assistant Deputy Commissioner
NYC Department of Social Services

Dr. Nichole Adams, Deputy Commissioner of Health
Affairs, NYC Department of Correction, DOC

Mersida Ibric, Deputy Commissioner for Citywide
Procurement, Department of Citywide Administrative
Services, DCAS

Elizabeth Dank, Deputy Commissioner and General
Counsel, Mayor's Office to Combat Domestic Violence

Amy Loprest, Executive Director
NYC Campaign Finance Board

Shulamit Warren Cooter, Policy Director for Gale
Brewer, Manhattan Borough President
Appearing for Gale Brewer

Audrey Sims, Volunteer, National Diaper Bank Network

Baronese Kernizan Appearing for: Chanel Porchia-Albert, Executive Director, Ancient Song Doula Services

Allison Weir, Chief of Policy, National Diaper Bank Network

Alice Bufkin, Director of Policy for Child and Adolescent Health, Citizen's Committee for Children

Ashley Sawyer, Director of Policy and Government Relations, Girls for Gender Equity

Sarah Brafman, Staff Attorney, Better Balance

Olga Rodriguez Vidal, Associate Vice President of Shelters, Safe Horizon

2 [sound check] [pause] [gavel]

3 CHAIRPERSON ROSENTHAL: Good afternoon.

4 My name is Helen Rosenthal and I chair the Committee
5 on Women and I'm so pleased to co-chair this hearing
6 with the Chair of the Committee on Governmental
7 Operations Fernando Cabrera. This year instead of a
8 Mother's Day card, the City Council drafted a
9 legislative package for Mother's Day. It's-it's
10 serious legislation to address a serious imbalance in
11 the workplace. These bills will provide ne services
12 and expand existing protections for moms, all parents
13 and caregivers across the city. Today, the Committee
14 will hear six of nine bills from the Mother's Day
15 package. Intro 380 sponsored by Council Member
16 Treyger and co-sponsored by members Ampry-Samuel,
17 myself, Cumbo, Levin and Reynoso would require the
18 Department of Citywide Administrative Services to
19 provide diapers to residents and service recipients
20 at a number of city run operations including city
21 childcare centers, Family Justice centers, Living for
22 the Young Family through Education programs, Domestic
23 violence shelters and any other programs operated by
24 the Human Resources Administration-oh, I see-
25 including homeless shelters and youth shelters.

COMMITTEE ON WOMEN JOINTLY WITH COMMITTEE ON
GOVERNMENTAL OPERATIONS

6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Intro 853 sponsored by Public Advocate Tish James and co-sponsored by Council Members Kallos, Miller and Levin would require the Department of Citywide Administrative Services to conduct a feasibility study and pilot program for offering on-site group childcare options for all city employees. Intro 878 sponsored by Council Member Cornegy and co-sponsored by Council Member Cumbo would require lactation rooms in Department of Education schools, police precincts, jail facilities accepting visitors and jail facilities housing females. Intro 879 sponsored by Council Member Cumbo and co-sponsored by members Cornegy, myself, Chin, Rivera, Rose, Ayala and Ampry-Samuel would require employers with more than 15 employees to provide lactation spaces. This expands on state regulations by requiring that the areas are free from intrusion and have access to electricity and that a refrigerator is reasonably close for storing breast milk. Intro 899 sponsored by Council Member Powers and co-sponsored by Council Member Cumbo would allow political candidates to use campaign funds but not public money for certain childcare costs for children under 13 years of age where the candidate is a primary caregiver. Intro 905 sponsored by Council

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Member Rivera would require employers to establish lactation accommodation policies and distribute them to all new employees. It would also require the Commission on Human Rights to establish and make available a model lactation accommodation policy. The sponsors will discuss each bill in more detail. Taken together, these are common sense steps to remove the hurdles that women and other caregivers face in the workplace. The message these bills sends is clear: New York City should be the best place in the country to have a child and raise a family and that our city government should have your back. Finally, well timed, I would be remiss if I did not mention the context in which we are holding hearing. For while we are fortunate to have an opportunity to make this city a more family-friendly place, our country is faced with a moral crisis brought on by the inhumane policy of family separation now in place on our borders. The cruel choice that the president has made to separate mothers and fathers from their children must be reversed. Today as we consider how to advance protections and services locally, let us also consider our responsibility to guarantee basic human dignity nationally and that we do so daily.

1
2 Let me thank all the staff who made this hearing
3 possible including the committee on Women's Council
4 Brenda McKinney, Counsel Austin Branford. He helped
5 out. Okay. I can see him. Policy Analyst Chloe
6 Rivera, Finance Analyst Daniel Kroop, and Legal
7 Fellow Rabbia Kaseen (sp?), Intern Jessica Kang,
8 Legal Intern Lisi Giliadoba (sp?) as well as my
9 Legislative Director Sean Fitzpatrick and our
10 Legislative Interns Rob Benthieski and Anisa Ayud for
11 their work in preparing for this hearing. With that,
12 I'd like to recognize Council Members Yeger, Powers,
13 Cumbo, and now I'd like to turn it over to Chair
14 Cabrera. Thank you. Well, I thought you got to
15 recognize the Public Advocate. I get to? Okay. I'd
16 also like to recognize our Public Advocate Leticia
17 James who will be speaking in a moment about her
18 legislation and now Councilwoman Rivera.

19 CHAIRPERSON CABRERA: Thank you so much
20 to my co-chair. Good afternoon and welcome to this
21 joint hearing of the Committee of Governmental
22 Operations and Committee on Women. I am Council
23 Member Fernando Cabrera, Chair of the—Chair of the
24 Committee on Governmental Operations, and I want to
25 thank my co-chair Council Member Helen Rosenthal for

1
2 her leadership and advocacy and for making today's
3 hearing possible. Three other bills—bills are being
4 heard today are under the Committee on Governmental
5 Operations. I will not describe each bill in detail
6 since my co-chair has already listed them for you and
7 each of the sponsors will soon discuss their bill in
8 greater detail. I do, however, want to briefly
9 stress how important the subject of these bills are.
10 Many of these bills were introduced around Mother's
11 Day and are being heard right after Father's Day, but
12 the truth is that in many ways it is not just
13 individual parents that contribute to raising our
14 children. It is the entire community. The community
15 should not be isolating parents. We should be
16 joining them together to support them. That to me is
17 the heart of these bills, an effort by the community
18 to support the needs of parents. I tried to stress
19 that kind of community support in my life outside of
20 the Council, and I am proud to be stressing it here
21 as well. We all benefit when that happens. I want
22 to thank the members of both committees and the
23 sponsors of these bills for their commitment to this
24 issue. I also want to thank the staff of both
25 committees Brad Reed, Christopher Cronk, Zach Harris,

1
2 Brenda McKinney, Chloe Rivera, Clavia Kasim (sp?)
3 and Daniel Kroop as well as my own Legislative
4 Director Clara Maclevain for all their hard work. I
5 look forward to our discussion on these bills.

6 [background comments] And we are also being joined by
7 Council Member Treyger and Brad Lander outside.

8 [pause]

9 CHAIRPERSON ROSENTHAL: Okay. Public
10 Advocate James.

11 PUBLIC ADVOCATE JAMES: I personally thank
12 chairs, Chairs Rosenthal and Cabrera as well as all
13 of the Council Members, the staff, the committee
14 staff and, of course, a member of my staff Jason
15 Ferman who has been—who drafted this bill, and I also
16 want to thank all of the advocates who were in the
17 audience and I want to thank the Administration. For
18 far too long, a failure to provide necessary support
19 has made it harder for women and especially mothers
20 to enter or stay into the—stay in the workforce, and
21 as the government of the most progressive city in the
22 world, we need to do more to change that paradigm.
23 We need to welcome nursing mothers back into the
24 workforce by ensuring that they have the support and
25 the privacy that they need. We need to make it

1
2 easier for struggling families to afford diapers. We
3 need to make it easier for parents with young
4 children to run for office so we are better able to
5 change stagnant institutions in every local level of
6 government, and if that is not more obvious today,
7 then I don't know what is. We need to take a hard
8 look at providing on-site childcare. [baby crying]
9 The little baby said amen. So, parents have the
10 peace of mind and support they need to do their jobs.
11 The bill that's under consideration that is sponsored
12 by the Public Advocate is Intro 853, which would
13 require a comprehensive study of providing on-site
14 childcare to city workers leading to—the bill
15 basically provides for potential pilot program, and
16 hopefully to eventually a full-scale adoption of on-
17 site childcare for city workers. Nearly half of
18 working parents—parents miss an average of four days
19 of work at least once every six months because of
20 childcare breakdowns costing working families \$8.3
21 billion in lost wages, and unfortunately but not
22 surprisingly the burden falls mostly heavily—most
23 heavily on working mothers. Three-quarters of
24 mothers who leave the workforce cite the lack of
25 affordable childcare as the reason why they leave the

1
2 workforce, and those who seek to return to the
3 workforce often find it impossible to find a job or
4 receive only—receive only low-bale offers—low-ball
5 offers. So, those who stay in the workforce face a
6 motherhood penalty. Let me say that again. Those
7 who stay in the workforce, face a motherhood penalty
8 that studies show may be responsible for much of the
9 gender wage gap. By moving towards an on-site
10 childcare system, we can ensure that mothers do not
11 need to leave the workforce and send the message that
12 women and their families are valued and respected by
13 the city. Let me also go on to say that as most of
14 you know, the vast majority of the individuals who
15 work in our workforce are women, and the vast
16 majority of women who work for the city of New York
17 unfortunately earn less than their male counterparts,
18 and what we need to do is to address the feminization
19 of poverty in our city and the best way that we can
20 do that is to provide on-site childcare. It would be
21 an enormous step forward, an enormous help to all
22 parents in the city workforce and a critical
23 demonstration of the proof of the—of the concept for
24 a much broader expansion. By implementing on-site
25 childcare, we could also help agencies because

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

studies have shown that childcare—have child—on-site
childcare decreases absenteeism and increase
productivity knowing that your fact—knowing that your
child is in safe hands. It also represents an
enormous step in ending the municipal worker wage
gap, which still far outstrips what is found in the
private sector. We must find ways to support working
families. We must do all that we can do to address
the wage disparity, the feminization of poverty and
move the city even closer to providing for the needs
of families in the city of New York, and so I believe
these bills represent an important step in the right
direction. I thank the Chairs. I thank the Council,
but I particularly want to give a shout-out to the
Woman's Caucus who has been leaders in regards to
these bills, and to the men who serve on the Men who
Get it Committee, and I think the men who are on this
committee are all co-chairs. I think they're co-
chairs most of them of the women who or the Men Who
Get It Committee, and I thank them greatly for their
support.

CHAIRPERSON ROSENTHAL: Thank you Public
Advocate, and thank you for that common sense
legislation. Very much appreciated. Majority Leader

1
2 Cumbo, would you like to talk about Intro 878? Nope,
3 879. Thank you.

4 MAJORITY LEADER CUMBO: Thank you, Chair
5 Rosenthal. So, pleased to be joined with Council
6 Member Cabrera, Chair as well. Thank you so much for
7 hosting this hearing. Another member of the Caucus
8 of Men Who Get It has joined us. Hello, Council
9 Member Cornegy. Raising a child in New York City is
10 really hard, and I know from personal experience. I
11 know exactly what it's like to have all of this
12 experience, all of this talent, all of these titles,
13 and having to choose on a day-to-day basis whether to
14 realize your full potential or to take care of your
15 family, and it's a choice that's very much
16 intertwined that so many women across the City of New
17 York have to battle with every single day. You're
18 battling with the fact of: Am I a good mom? Am I a
19 great staffer? Am I a great employee? Am I a great
20 boss? It's all of these things that we have to
21 juggle and childcare would be one tool in our toolkit
22 that would help us dramatically in terms of
23 addressing the need of dynamic women being in whether
24 it's serving in public office or if it's working in
25 our hospitals, our schools, our educational

1
2 facilities, our academic institutions. The list is
3 endless. I was proud to bring forward this Mother's
4 Day package last month on my very own first Mother's
5 Day. I have long been an advocate for women, and
6 particularly for mothers, but over the last 10-1/2
7 months I have experienced first hand what it takes to
8 care for an infant while also balancing a demanding
9 career like being the Majority Leader of the New York
10 City Council. Talk about an oxymoron. There are a
11 million different pieces that make up the day-to-day
12 caring for an infant, and much of the responsibility
13 falls on women in two or single parent households.
14 For single mothers 40% of whom are in poverty, there
15 is still a significant gap in getting the support
16 they need to provide for themselves and their
17 families. We must meet the needs of mothers, and
18 meet them right where they are at such as their
19 workplace. All of these broader goals such as
20 closing the gender and racial wage gap or increasing
21 the number of women in politics will not be achieved
22 if we are not looking at what it truly takes for
23 mothers, low-income, immigrant, women of color,
24 single mothers to raise family in the city. Spaces
25 to lactate outside of their home are a particular

1
2 barrier for mothers. I know first hand. We really
3 need breast feeding hour breaks. While it has long
4 been recognized that there are a number of benefits
5 to breast feeding for both mother and child, not
6 enough has been done to support mothers in that area.
7 This not only can compromise health outcomes for both
8 mother and child, but it also creates a barrier for
9 mothers looking to return to work thus impacting the
10 economic security of women and their families. The
11 stigma of breast feeding in public unfortunately
12 remains a source of shame and embarrassment for many
13 mothers. Not for me any longer, and while a shift in
14 cultural attitudes is needed, we have the opportunity
15 to break down the structural barriers. We say we
16 want mothers in the room at the table, but are our
17 rooms set up to accommodate mothers and working
18 women. I mean we are dynamic, amazing, incredible,
19 brilliant talented, multi-taskers. Who wouldn't want
20 us at the table? I would be remiss to mention that
21 as we sit here our federal government is promoting
22 the inhumane policy of separating migrant children
23 from their parents. I know like many of you to hear
24 those cries as a mom has got to be one of the most
25 heart wrenching and heart breaking things that you

1
2 can hear or experience just imaging yourself and your
3 child in that experience. We cannot forget that
4 parenthood and childhood are still a privilege for
5 many, and we must continue to do all that we can to
6 protect and support mothers and children of this
7 city. I'm very proud of many of the bills that we're
8 going to be addressing here today. I'm proud to work
9 with my colleagues on many of these bills with
10 Council Member Mark Treyger and the provision of
11 diapers. The bill would require the Department of
12 Citywide Administrative Services to provide to
13 childcare subsidized care centers, family justice
14 centers, Department of Education LYFE Programs,
15 domestic violence shelters and many others to make
16 sure that a supply of diapers is sufficient to meet
17 the needs of the residents to meet the needs of the
18 residents. I'm also proud to work with Public
19 Advocate Letitia James on providing on-site childcare
20 for city employees. I'm proud to work with Council
21 Member Robert E. Cornegy and requiring lactation
22 rooms in certain city spaces, and we've done
23 tremendous work on this, and I know Robert Cornegy
24 the father of six children, two of whom are twins can
25 speak a lot about lactation rooms and the [laughter]

1
2 and the importance of breast. I'm also proud of
3 requiring certain employees to provide lactation
4 spaces in a reasonable proximity to work areas for
5 the purposes of storing breast milk and, of course,
6 my colleague Keith Powers recognizing the use of
7 campaign funds for certain childcare expenses. We
8 say we want more women to run for office by 2021 but
9 in order to do that, childcare has to be front and
10 center in terms of how we make that happen, and
11 Council Member Carlina Rivera in requiring employees
12 to implement the Lactation Accommodation Policy. So,
13 there's so much more work that needs to be done, but
14 this Mother's Day package is an incredible start, and
15 you have 11 women that are City Council members in
16 the city of New York. Just imagine when we are more
17 than half, and we take over and we have the ability
18 to work with our colleagues and the colleagues of Men
19 Who Ge It working hand-in-hand, we're going to
20 accomplish even more. So, thank you so much Chair
21 Rosenthal.

22 CHAIRPERSON ROSENTHAL: We are
23 outnumbered here. Thank you so much Majority Leader
24 Cumbo. All of those points are absolutely accurate,
25 and I appreciate your perspective. There are so many

1
2 bills, but it's because the working world just isn't
3 set up to accommodate women, and so there's work to
4 be done to just take down those barriers, and I
5 appreciate you and your work on that extraordinary
6 very, very much. So, thank you. I want to welcome
7 Council Members Treyger, Maisel and Cornegy to the
8 hearing and next call on Council Member Powers who is
9 the sponsor of Intro 899.

10 CHAIRPERSON CABRERA: Thank you. I know
11 we have some more comments. I'll try to keep it
12 quick and short. I introduce the bill a few weeks
13 back, Intro 899, which is in response to a decision
14 by the FCC when they made a landmark decision to
15 allow federal candidates to designate campaign funds
16 for childcare costs. This was the start of a trend,
17 and along with Majority Leader Cumbo and many of my
18 colleagues, Council Member Rosenthal, and others, we
19 introduced a bill to bring this ruling at the federal
20 level to our city's local elections permitting
21 campaign funds to be used for certain childcare
22 expenses when the candidate is the primary caregiver.
23 As we've discussed, running for office, as many of us
24 up here know, is both fiscally and emotionally taxing
25 even more so while raising a child, and reducing some

1
2 of the burden can mean the difference between running
3 for office or not. This bill would benefit any
4 primary caregiver interested in running for city
5 office, but I believe it particularly would improve
6 the experience for women. More than 40% of women
7 responded to a survey saying that at some point in
8 their working life they have reduced their hours in
9 order to care for a child or other family member.
10 For men it was 28%. Given that the mother is the
11 breadwinner in more than half of New York City
12 households, this represents a significant barrier to
13 female candidates, and as we discussed, right now
14 this—we have the fewest number of women at eleven
15 that it has had in any point in the last 20 years.
16 But by removing one obstacle in the process of
17 running for office we can make it easier to increase
18 representation in a body that we all know desperately
19 needs. This bill has the support of Planned
20 Parenthood, the National Organization of Women, and
21 21 and 21 amongst others in addition to the number of
22 the colleagues that are here today, I believe it's an
23 important step in encouraging new parents to enter
24 public service and to remove an important—and to—and
25 to remove an important—and to—and to remove an

1
2 obstacle for—for anyone who is looking at running for
3 office in the future, and I really do believe it
4 serves mothers very well, but serves fathers as well.
5 We have a number of City Council members here who are
6 new parents, and I believe understand that it's like
7 a balance on that challenge. I wanted to just very
8 quickly thank my staff for working on this, and I
9 also want to thank the staff at the Council and
10 Campaign Finance Board for engaging with us on this
11 issue, and discussing ways that we can work through
12 to make this work for candidates as we enter into a
13 campaign cycle in '21--'21, which I know nobody in
14 this room knows anything about. So, thank you.
15 Thank you to Chair Rosenthal. Thank you to Chair
16 Cabrera.

17 CHAIRPERSON CABRERA: Thank you.

18 CHAIRPERSON ROSENTHAL: Okay, thanks so
19 much, Council Member Powers. Next, we're going to
20 hear from Council Member Treyger who is the lead
21 sponsor on Intro 380.

22 CHAIRPERSON CABRERA: Thank you to the
23 Committee on Women Chair Helen Rosenthal, and
24 Committee and Governmental Operations Chair Cabrera
25 for hosting today's hearing and for hearing my bill

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Intro 380. We know that it's more expensive than ever to raise a family in our city, and diapers are a costly necessity. Having clean diapers for your children is not a luxury, but a basic need. My bill would require the Department of Citywide Administrative Services to provide the child subsidized daycare centers, Family Justice Centers, Department of Education LYFE program, domestic violence shelters operated by HRA and shelters operated by the Department of Homeless Services in the Department of Youth and Community Development. A supply of diapers that is sufficient to meet the needs of the residents and service recipients of those programs. Diapers are an expensive necessity and low-income families struggle to afford them. The cost of diapers can especially be a hardship for single parents, and studies show that moms who struggle to afford diapers are more likely to have depression. No parent should ever have to choose between paying rent and buy clean diapers for their child. This is urgent especially since I've heard from advocates that parents have lost custody of their children simply because they couldn't afford clean diapers. Our city became a better and more

1
2 equal place about two years ago when the City Council
3 passed legislation that provided free feminine
4 hygiene products for people across our city. Like
5 feminine hygiene products are also a necessity. Our
6 city must show basic decency by providing clean
7 diapers to families. This is really just a common
8 sense issue. No baby should have to be in a dirty
9 diaper when our city could easily step and make sure
10 clean diapers are available. I'd like to also just
11 note that the—the inspiration or—or—behind this
12 legislation was a member of my staff Samantha was
13 working on a case trying to help a single mom find
14 housing, and during the course of the case, the
15 single was—was asking her if we could help provide
16 her child with clean diapers, and I was really
17 appalled to learn how this was not readily available
18 for families. In a city that has now an \$89 billion
19 budget, and we've done a lot of good things when it
20 comes to food emergencies and dealing with this.
21 Were talking about diapers. We're talking about
22 basic needs, talking about children and our families,
23 anything that helps our kids and our parents and our
24 families is good for the entire city of New York.
25 So, I'd like to thank the chairs. I would also like

1
2 to commend my colleagues whose important bills are
3 being heard today as well. Thank you.

4 CHAIRPERSON ROSENTHAL: Thank you so
5 much, Council Member and I want to welcome Council
6 Members Ayala and Council Member Perkins for joining
7 us today. Next we're going to hear from Council
8 Member Rivera on her bill Intro 905. Thank you
9 Council Member.

10 COUNCIL MEMBER RIVERA: Thank you Chairs
11 Rosenthal and Cabrera. Thank you very much for
12 granting me the opportunity to speak in support of
13 Intro 905, which I introduced to the Council on May
14 9th. This bill would require employers in the city
15 to establish policies describing lactation
16 accommodations and the process by which an employee
17 can request such accommodations. They bill would
18 also require employers to distribute these policies
19 to all new employees, maintain records of written
20 requests for lactation space and require the city's
21 Commission on Human Rights to establish and make
22 available a model lactation accommodation policy.
23 The benefits of breast feeding to both mother and
24 infant are well established with studies showing that
25 it significantly contributes to better maternal and

1
2 child health outcomes. Unfortunately, women face a
3 number of challenges when it comes to breast feeding
4 in the workplace. When women still face stigma, and
5 may prefer to nurse in private and not among their
6 colleagues even though state and federal law does
7 permit nursing in public. This can lead to challenges
8 for working mother to find time or private space to
9 breast feed, which can unduly and unfairly impact
10 their careers. This bill would uniformly clarify the
11 employees their rights regarding lactation
12 accommodations and create clear standards for
13 employers to follow. These accommodations require a
14 basic and sanitary space, something any employer can
15 and should be able to provide. If we are going to be
16 the fairest big city in America, we must continue to
17 pass legislation like this Mother's Day package that
18 address the financial and career challenges that
19 women face in addition to accessing—to accessing
20 quality healthcare and childcare. We need to ensure
21 that women can access the same financial
22 opportunities and paths to career advancement as
23 their colleagues in the workplace, and whether it's
24 men or whether it's—whatever population or community
25 that you identify with, you know, family planning is

1
2 something that should be included in-in-in your
3 rights and your policies where you work and that's I
4 think how we create a really fair city. We need
5 women to feel that they can apply for any jobs, they
6 can run for any seat, any office, or even take a seat
7 in the boardroom while they're still caring for a
8 family whether it's one or it's six. I'm excited to
9 be participating in today's hearing and again thank
10 you for the opportunity to testify on this important
11 package of bills, and I do look forward to
12 strengthening some of the language in this
13 legislation whether it's working with the Commission
14 on Gender Equity, the agencies in the room and, of
15 course, the Council staff, our own personal staff
16 that take so much time to make sure that we are here
17 to give comments that are thoughtful and that are
18 reasonable. So, I do ask that my colleagues support
19 this package as it moves through the Council and
20 again, thanks so much for the time.

21 CHAIRPERSON ROSENTHAL: Thank you,
22 Councilwoman and next we're going to hear from
23 Council Member Cornegy about his bill that he's
24 sponsoring 878, which is a continuation on your
25 leadership about lactation rooms. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER CORNEGY: Thank so much,
Helen. So, I just want to start with a personal
note. This all began for me many years ago when I
watched my wife and the mother of my children come
home and literally cry because while working for some
of the top executive law firms in the city, she found
herself expressing milk for my children in broom
closets and in unsanitary bathrooms, and I made a
promise them before I was elected that if I ever was
elected I would provide—make sure that there were
spaces provided not only in my office, but throughout
the city, and in my office when we did the
architectural designs, we didn't convert a broom
closet into a lactation station, we actually did a
buildout for that, which I'm very proud of. I'm
proud to have the first public lactation station in a
government office in the state of New York, which was
very exciting and the unintended consequence I mean
the un-intend—unintended benefits there was that we
had mothers and still have mothers who come on a
daily basis solely to express milk and to store it
'til the end of the day. So, there are working women
in the area of my district office who avail
themselves of that facility not for the purpose of

1
2 breast feeding but for expressing milk to store so
3 that they can take home either to their caregivers or
4 have it just on storage just in case. So, as a
5 husband and father of six, I believe strongly that
6 women should be supported as new mothers to breast
7 feed their children. They should have access to safe,
8 clean sanitary spaces to breast feed their children.
9 I was proud to open the first-first public lactation
10 station in a government office in this city and my
11 district office in 2015, and I'm proud today to speak
12 in support of two bills that will expand the position
13 of safe lactation stations to nursing mothers across
14 this city. In 2016, I was proud to be the prime
15 sponsor of Intro 1063 now Local Law 94, which
16 requires DOHMH to provide a dedicated lactation room
17 for nursing mothers in all their health centers as
18 well as in job centers, SNAP centers and medical
19 assistance program centers of DSS and HRA among
20 others. The first bill Intro 878, which I'm proud to
21 co-prime alongside and outstanding mom Majority
22 Leader Cumbo, will expand this provision to school
23 buildings and city jobs. The second, which I'm also
24 proud to have introduced with Majority Leader Cumbo
25 as well as Council members Rosenthal, Chin, River,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Rose, Ayala and Ampry-Samuel will make safe, clean, dedicated spaces for use by breast feeding mothers available to more women in the private sector.

Everyday we in government espouse the importance of giving our children the best opportunity to succeed in life. As we have become increasingly aware of a myriad of benefits associated with breast feeding, it's only appropriate that we do everything in our power to stick to our word, and this means empower moms to be able to safely and healthily breast feed their children. Nursing mothers deserve to have access to safe, clean, comfortable space to breast feed or express breast milk. If you care about the health and wellbeing of our children, then we have to care about the health and wellbeing of their mothers, too. These bills demand the support of anyone who cares about the future of our children, and I look forward to their--to them becoming law. I'd just like to add on a personal note that I find it ironic that this Mother's Day group of bills comes right after Father's Day. [laughter]

CHAIRPERSON ROSENTHAL: Get used to it Council Member. [laughter] Thank you so much, Council Member Cornegy. I'm now going to ask the

1

2

committee counsel for Government Operations to give
the oath, and then hear from our panel.

4

5

6

7

8

LEGAL COUNSEL: Please raise your right
hand. Do you swear or affirm to tell the truth, the
whole truth and nothing but the truth in your
testimony before these subcommittees, and in response
to Council Member questions?

9

10

11

12

13

14

15

JACQUELINE EBANKS: [off mic] I do.

LEGAL COUNSEL: Thank you.

CHAIRPERSON ROSENTHAL: Okay. I'm going

to ask that you introduce yourselves, and is there—

Laurie, do you need to leave early? No, not in

particular. Okay. Jackie, do you want to start?

Thank you.

16

17

18

19

20

21

22

23

24

25

JACQUELINE EBANKS: Thank you. Good
afternoon, Chairs Rosenthal and Cabrera and Public
Advocate James. I am Jaqueline Ebanks, Executive
Director of New York City's Commission on Gender
Equity. In this role, I also serve as an advisor to
the Mayor and First Lady on policies and issues
around gender equity in the city. I'm pleased to be
joined today by my colleagues from the Department of
Citywide Administrative Services, DCAS, Department of
Health and Mental Hygiene, DOHMH, and the City's

1
2 Commission on Human Rights who will also offer
3 testimony on the package of bills before you today.
4 I would like to acknowledge the leadership of Council
5 Member Helen Rosenthal and Majority Leader Laurie
6 Cumbo who serve as CGE Commissioners. Their
7 partnership since I became Executive Director in
8 August 2017 has been invaluable to the progress the
9 Commission has made and the strides the city
10 continues to make in advancing gender equity.
11 Additionally I'd like to congratulate Council Member
12 Diana Ayala and Carlina Rivera for their recent
13 appointments to the Commission. I look forward to
14 working with each of you as we build an equitable
15 city for all New Yorkers regardless of gender
16 identity or expression. Ensuring a fairer and more
17 equitable city has been the principal goal of the de
18 Blasio Administration. To that end, the
19 Administration has partnered with the City Council to
20 develop and pass historic legislation that advances
21 gender equity and builds a family friendly city. I
22 want to take a few minutes to sort of go over some of
23 our key accomplishments. Together, we have passed
24 since 2014, we have been able to pass legislation to
25 pass legislation to ban all employers from inquiring

1
2 about job applicants' salary history. We've been
3 able to expand paid sick leave to many of the lowest
4 paid industries that employ a disproportionate number
5 of women. We have also been able to expand paid sick
6 leave to include paid safe leave so that victims of
7 domestic violence, sexual violence, stalking and
8 human trafficking can get paid time off to respond to
9 the various challenges that result from gender based
10 violence. We also now as a city provide six weeks of
11 fully paid parental leave to city employees, and we
12 provide free full-day Pre-K available for all New
13 Yorkers. We, as you have noted, also have
14 established publicly accessible lactation rooms in
15 city facilities. These foster family-friendly work
16 places and we have stronger protections for pregnant
17 employees and parents. Earlier this year we now
18 require diaper changing stations in all restrooms to
19 be installed in new and heavily renovated buildings
20 in the city, and we now ensure that our workplaces
21 are free from sexual harassment and violence with
22 some of the toughest laws in the nation. This
23 Mother's Day package of bills before you today
24 continues the city's march toward gender equity. The
25 package of bills offers the Administration and the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

City Council the opportunity to partner once again in making historic strides for our city's families. The Administration finds high alignment with the values and the goals of the bills included in the Mother's Day package. However, on deeper analysis of some of these bills, we see the complexities to implementation that the initiatives require, and as such necessitate further discussion, evaluation and collaboration. The Administration would like to offer about three recommendations regarding strengthening the bills specifically Intros 380, 853, 878, 879 and 905. First, we'd like to encourage reviewing and streamlining the current state of operations for the provisions of goods and services provided in Intros 380 and 878. This includes synchronizing language around contracting and procurement for the proposed distribution on diapers in Intro 380, and holding further conversations regarding the potential limitations and concerns some agencies have around implementing a one-size-fits-all policy as proposed in Intro 878. The Administration is supportive of the intent of Intro 878, and has worked in partnership with the Council to create supportive environments where women are comfortable

1
2 to breast feed or express milk whenever or wherever
3 needed. The Administration is, however, concerned
4 about limitations of existing agency space. Many
5 agencies in Intro 878 have significant and many cases
6 dated infrastructure throughout our city. We would
7 like to work with the Council to give these agencies
8 flexibility to determine which of their sites can
9 accommodate a designated lactation room for the
10 public. In prior discussions regarding these bills
11 when we—when Local Law 94 was passed in 2016 it was
12 acknowledged that there were legal and operational
13 obstacles for some agencies that require further
14 attention. The Administration is indeed continuing
15 to look into legal and operational obstacles and
16 looks forward to continuing to work with the City
17 Council on these questions. The second
18 recommendation for strengthening the bills applies to
19 Intro 853. We would like to suggest the
20 establishment of a working group to allow for
21 deliberate assessment and thorough research for the
22 proposed Municipal Childcare Study and Pilot
23 Initiative. This working group would expand the
24 number of agencies at the table and increase the
25 number of stakeholders so that we can sort of

1
2 collective come up with the best possible response to
3 the childcare needs of New York City workers, which
4 we do agree is a critical issue that should be
5 addressed. We believe, however, that it's—it's not
6 solely the purview of one city agency, but that we
7 all should be at the table including the voices of
8 the employees themselves. Third, regarding Intro 85-
9 879 and 905, we'd want to encourage reviewing a
10 reconciliation of language, which are--as currently
11 drafted in conflict with current law. For example,
12 Intro 879 would set a higher threshold regarding the
13 size of businesses impacted than current law, which
14 now requires businesses with employees for and above.
15 The law says 15, the proposed legislation says 15,
16 and also 905 currently limits current protections
17 regarding undue hardships. So, we really would like
18 to look at that, and ensure that there is deeper
19 alignment with current laws with the proposed
20 legislation. Our concern is that if any or all the
21 above conditions are not sufficiently focused, we
22 risk fall to development and poor implementations of
23 these bills. We look forward to working with the
24 Council to address these concerns so that the
25 objectives of these bills can be achieved in the most

1
2 effective and practical way. I appreciate the
3 opportunity to provide testimony before you today and
4 welcome questions as well as any further discussions
5 on the policies and the initiatives proposed. We,
6 the Administration, looks forward to continuing
7 discussions with the Council, and with the agencies
8 tasked in the legislation to assure appropriate
9 execution. Thank you very much. [pause]

10 LAURA RINGELHEIM: Good afternoon, Chairs
11 Rosenthal and Cabrera and Public Advocate James and
12 members of the Committees. My name is Laura
13 Ringelheim, Deputy Commissioner of Real Estate
14 Services at the Department of Citywide Administrative
15 Services. I'm joined today by my colleague, Mersida
16 Ibric, who's the Deputy Commissioner of Procurement
17 at DCAS, and we're here today to discuss Intros 853
18 and 380. Intro 853. While this administration
19 supports the intent of Intro 853 as currently
20 drafted, DCAS would be limited in its ability to
21 comply. We urge the Council to consider the
22 development of a working group to better understand
23 the goals and parameters of the Feasibility Study as
24 well as the pilot program. I would like to take this
25 time to explain some of the challenges that are

1
2 presented by the bill. First, while DCAS may be the
3 appropriate agency to search for available city-owned
4 or controlled space for the program, this proposed
5 pilot is far outside DCAS's scope in the following
6 ways: Designing architectural plans for childcare
7 operations, finding vendors that run these programs
8 and assessing costs for such contracts or operations.
9 In fact, when the city sites daycare or Early Learn
10 facilities, DCAS only handles the real estate
11 transaction and the relevant agency is responsible
12 for its functions. We would welcome the opportunity
13 to sit down with the Council to see if this could be
14 crafted in a way to make such a feasibility study
15 meaningful and possible. We also believe that any
16 bill that is passed by the Council should include
17 definitions for what is meant by city-owned or city
18 controlled spaces. DCAS currently operates and
19 maintains 55 city-owned buildings, approximately 50%
20 of which are occupied by city agencies for office use
21 and 50% are occupied by the Office of Court
22 Administration for court functions. In addition,
23 there are currently more than 7,000 buildings in the
24 city's real estate portfolio. While some of these
25 buildings do not house city employees, many of them

1
2 including police precincts, firehouses, hospitals and
3 colleges do, and DCAS has no jurisdiction over those
4 sites. Also, while we manage 7.2 million square feet
5 of court space, DCAS has no authority to develop
6 programming in that space. Only OCA, which is a
7 state agency can decide what services will be offered
8 and who will occupy that space. Many city controlled
9 spaces that are used for city operations are leased
10 spaces in privately owned buildings. Often, the city
11 occupies only a portion of the building or in some
12 instances the spaces are leased for agencies that are
13 providing services to the public. These leases
14 commonly have defined terms that limit additional
15 uses beyond what's identified in the lease. This
16 limitation makes running a daycare facility extremely
17 difficult. Because of this, we urge City Council to
18 consider eliminating lease spaces from the bill. If
19 Council would like to include them, we would welcome
20 the opportunity to engage in meaningful dialogue
21 about how to develop criteria for site selection.
22 Additionally, we believe that any bill that is passed
23 should provide more information as to the population
24 that will be served. There are different rules and
25 regulations that govern the operation of a daycare

1
2 center in New York, and often these regulations
3 differ depending on the age of the children who are
4 being served. So, we recommend that Intro 853 define
5 the intended population. Finally, there's a very
6 limited supply of vacant city-owned spaces, and DCAS
7 continually strives to achieve maximum utilization of
8 city-owned space by renovating and reconfiguring
9 existing space wherever possible. Where we have
10 identified pockets of available space, we have slated
11 them for agency operations after renovation. Because
12 of space constraint to ensure agencies have the
13 resources that they need, we often have to rely on
14 leased spaces. So putting a daycare in city-owned
15 space would almost certainly require relocating
16 agencies to a leased space. Regarding Intro 380.
17 This Administration supports the intent of Intro 380,
18 and DCAS currently has in place a contract for
19 diapers. This contract is available to all city
20 agencies, but unfortunately procurement rules do not
21 allow for DCAS to make these goods directly available
22 to non-government entities. We recommend adding
23 language to the bill that makes clear that DCAS upon
24 request will make diapers available to city agencies,
25 and that the agencies would ensure that the vendors

1
2 who are running these programs would receive them as
3 needed. Thank you for the opportunity to testify on
4 these important topics. We look forward to working
5 with the Council and we'll gladly answer any
6 questions.

7 DR. TORIAN EASTERLING: Good afternoon,
8 Chairs Rosenthal and Cabrera and members of the
9 committee. I am Dr. Torian Easterling Assistant
10 Commissioner of the Brooklyn Health Action Center
11 within the Center for Health Equity at the New York
12 City Department of Health and Mental Hygiene. On
13 behalf of Commissioner Bassett, I would like to thank
14 you for the opportunity to testify on the topic of
15 breast feeding. It has many public health benefits.
16 I would also like to especially thank our Brooklyn
17 legislators who I have worked closely with who have
18 been breast feeding champions, Council Member
19 Cornegy, and Majority Leader Cumbo. It is a priority
20 of the department to promote breast feeding, also
21 referred to as feeding infants breast or human milk,
22 as a way to improve the health of infants and
23 mothers. Exclusive breast feeding or feeding an
24 infant on breast or human milk is recommended for the
25 first six months of life, and continued infant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

feeding with breast or human milk is encouraged until one year of age or longer. Babies who are breast fed are less likely to experience medical problems such as respiratory illness and ear infections. Additionally, studies suggest that people who breast feed are less likely to develop breast and/or ovarian cancer and cardiovascular disease. However, many people who want to breast feed, face barriers to continue in exclusive breast feeding. This can lead to disparities in breast feeding rates for low-income communities and communities of color. Although the majority of people in New York City Initiate breast feeding and continue to breast feed their babies for at least eight week, racial disparities in breast feeding continuation exist especially with exclusive breast feeding. Rates of exclusive breast feeding eight weeks after birth, or 26.2% for Latino mothers, 27.9% for Asian Pacific Island mothers, and 27.9% for Black non-Latino mothers, and this is compared to 42.9% for white non-Latino mothers. The department has several initiatives to encourage breast feeding. We offer breast feeding education, support, and pumps to new mothers through our—our Home Visiting Programs. We develop and distribute educational

1
2 materials and information to providers and the
3 general public about breast feeding. We work closely
4 with community based organizations to build local
5 capacity to support breast feeding and offer
6 trainings to local healthcare providers, hospital
7 staff and field workers. We also offer a lactation
8 program for our own employees including lactation
9 rooms with the Loaner Breast Pump Program at
10 Department of Health offices. In addition, the
11 Breast Feeding Hospital Collaborative works to
12 increase the number of maternity facilities that
13 achieve the World Health Organization and UNICEF Baby
14 Friendly designation. This designation is achieved
15 when a facility offers an optimal level of care for
16 infant care and feeding, and mother/baby bonding. To
17 date 16 New York City hospitals and birthing centers
18 including non-Health and Hospitals offer the optimal
19 level of care for infant care and feeding in
20 mother/baby bonding to warrant achieving this
21 prestigious designation. We are working hard to
22 address this issue directly in key neighborhoods.
23 The Brooklyn Breast Feeding Empowerment Zone trains
24 community members to support breast feeding parents
25 and families and activity faith based leaders, small

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

businesses, policymakers and others to ensure that every mother and baby has the opportunity to experience the health benefits of breast feeding, and to reduce the racial disparities and ethnic disparities that we know exist in breast feeding. Another program creating breast feeding friendly communities targets our three Neighborhood Health Action Center neighborhoods: Brownsville, East Harlem and the South Bronx. Engaging childcare centers and daycare homes, worksites and outpaced clinical practices to make sure that we can achieve the Breast Feeding Friendly designation in accordance with guidelines established by the New York State Department of Health. In addition, our Neighborhood Health Action Centers, as I mentioned in Brownsville, East Harlem, and in South Bronx offer community lactation rooms as well as breast feeding education and support. Last year we opened five lactation pods around the city at Health and Hospitals, Queens, Hospital Center, Harlem Hospital Center, the Bronx Zoo, the Staten Island Children's Museum and the Brooklyn Children's Museum. The pods are part of the department's efforts to promote and support breast feeding and ensure that mothers feel comfortable

1
2 breast feeding—pumping and breast feeding wherever
3 they choose. Thank you.

4 CHAIRPERSON ROSENTHAL: Thank you so
5 much, Dr. Easterling. [background comments]

6 HOLLIS PFITSCH: Good afternoon,
7 Chairpersons Rosenthal and Cabrera, Public Advocate
8 James, and the members of the committees. My name is
9 Hollis Pfitsch, and I am the Deputy Commissioner for
10 Law Enforcement at the New York City Commission on
11 Human Rights. Although the Commission doesn't
12 regularly testify before your committees, we are
13 happy—happy to join you today to speak in favor of
14 Intros 879 and 905. New York City Commission on Human
15 Rights is a city agency charged with enforcing the
16 city's anti-discrimination and anti-harassment
17 protections in virtually all areas of the city
18 including employment, housing, places of public
19 accommodation, on the street and other public areas
20 within New York City. As the Deputy Commissioner for
21 the Law Enforcement Bureau, I'm in charge of all the
22 law enforcement investigations and litigation at the
23 Commission. All of the law enforcement at the agency
24 is civil law enforcement, which means that the
25 remedies sought by the city or intervening

1
2 complainants are limited to money damages,
3 affirmative and injunctive relief and civil
4 penalties. Currently, the New York City Human Rights
5 Law, which is the body of anti-discrimination and
6 anti-harassment protections we enforce requires that
7 employers reasonably accommodate the needs of an
8 employee for her pregnancy, child birth or related
9 medical condition that will allow the employee to
10 perform the essential requisites of the job provide
11 that such employee's pregnancy, childbirth, or
12 related medical condition is known or should have
13 been known by the employer and this is laid out in
14 the Administrative Code 8107, Section 22. More than
15 two years ago on May 6, 2016, the Commission released
16 legal enforcement guidance expressly making clear
17 that lactation and expressing breast milk are covered
18 accommodations under the law. Quoting from our
19 guidance, lactation is a medical condition related to
20 child birth and, therefore, must be accommodated
21 absent an undue hardship. Employers must provide
22 reasonable time for an employee to express breast
23 milk and may not limit the amount of time that the
24 amended rule (sic) can use to express milk unless the
25 employer can demonstrate that the time needed

1
2 presents an undue hardship to the employer. In
3 addition, absent undue hardship an employer must
4 provide a clean, sanitary and private space other
5 than a bathroom that is shielded from view and free
6 from public intrusion from co-workers along with a
7 refrigerator to store breast milk in the workplace. A
8 lactation space must be conveniently located and
9 reasonably near the employee's work station. An
10 employee who wishes to express milk at their usual
11 work station shall be permitted to do so as long as
12 it does not create an undue hardship for the employer
13 regardless of whether a co-worker, client or customer
14 expresses discomfort. Where an employer already
15 provides compensated break, an employee who uses that
16 break time to express milk must be compensation in
17 the same way that other employees are compensated for
18 break time. The Commission supports Intros 879 and
19 905 to the extent that they are consistent with our
20 current law and legal enforcement guidance. However,
21 both bills are drafted in ways that would actually
22 provide less protection than is currently available
23 under the law. If that is truly the intention of the
24 bills, the Commission is interested in understanding
25 the Council's reasoning behind those limitations as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we are generally not support of proposals that would
limit the current application of the law.
Specifically, current law require employers with four
or more employees to provide lactation spaces to
employees. While Intro 879 only applies to employers
with 15 or more employees. We're interested in
understanding the reason behind this proposed change
to the law. Similarly, Intro 905 allows employers to
wait five business days but-before responding to
requests for lactation space. Waiting five days
before expressing milk at work could result in severe
pain, difficulties with continued lactation or other
issues. Under current law, waiting five days before
responding to requests for lactation space for a
currently lactating employee who needs the space at
the time would likely constitute evidence of bad
faith on behalf of the employer and could result in
employer liability under the City Human Rights Law.
As such, we're interested in understanding the
reasoning behind codifying a five-day wait period for
employers to respond to those accommodation requests.
We're concerned that legislating a specific response
time could actually limit existing protections, which
in many instances would require now employers to

1
2 respond more quickly. Currently, the reasonable
3 accommodation process requires a case-by-case
4 individualized assessment for how quickly an employer
5 should respond to an accommodation request. Also,
6 Intro 879 outlines an undue hardship standard that
7 differs from Human Rights Law Section 8102 Section
8 18. The different standard may be interpreted to
9 limit current coverage rather than expand it, and
10 could create confusion since other pregnancy related
11 accommodations would continue to be subject to the
12 current undue hardship standard. The current
13 standard applied in situations where an employee
14 requests a lactation space or accommodations related
15 to pregnancy, child birth or related medical
16 conditions has been useful in enforcement of the law.
17 As such, we're interested in understanding why the
18 Council believes there should be a different standard
19 for the specific pregnancy/child birth related
20 accommodations. Overall, however, I wish to
21 reinforce the commission's support for providing
22 accommodations for employee's pregnancy, child birth
23 or other related medical conditions, and we'll be
24 happy to work with Council to make sure these bills
25 do not contract the current protections. As a

1
2 champion of women rights in the workplace, the
3 Commission has consistently prioritized strong
4 enforcement and outreach to combat discrimination
5 based on pregnancy, childbirth or related medical
6 conditions. On May 27, 2018 in a letter to the
7 editor the New York Times, our Commissioner Carmelyn
8 P. Malalis reminded us that the New York City that
9 New York City is home to some of the strongest
10 workplace protections in the country for expecting
11 and current mothers and caregivers, and encourage
12 people to come forward to file complaints when they
13 experience such discrimination also noting that the
14 Commission has increased investigations in this area
15 by more than 34% in the last two years. Pregnancy
16 discrimination, however, remains rampant and the
17 Commission wants to seize this opportunity to
18 consider how we can ensure accountability in the
19 workplace and make certain that places of employment
20 are welcoming and supportive places for expecting
21 mothers and caretakers. The Commission recently
22 released a report combatting sexual harassment in the
23 workplace, trends and recommendations based on 2017
24 public hearing testimony, which is the result of a
25 public hearing we held on December 6, 2017 where over

1
2 27 members of the public including representatives
3 from advocacy groups, activists and workers from a
4 wide range of industries shared their experience of
5 sexual harassment on the job. Centering the
6 narratives of the unique experiences of workers and
7 taking the opportunity to really listen to how people
8 experience sexual harassment on the ground has
9 enabled us to think through strategic and community
10 centered approaches to our effort to end workplace
11 harassment. We look forward to working together with
12 the Administration and the City Council to consider
13 how we can continue to advance and protect the rights
14 and needs of workers based on their pregnancy, child
15 birth or related medical conditions.

16 CHAIRPERSON ROSENTHAL: Thank you so much
17 to all of you for your thoughtful insights, your
18 suggestions. We look forward to working with you
19 during the legislative process, and delighted to hear
20 that for the most part there's a lot of agreement and
21 excitement about this new legislation. I have just a
22 couple of questions, and then I'll turn it over to my
23 colleagues. In terms of the Public Advocate's Bill
24 853, you know, employees of the city of Boston are
25 offered childcare services for children from three

1
2 months to seven years old at Boston City Hall. The
3 U.S. General Services Administration offers childcare
4 services to federal employees. For—just for the
5 record a very good friend of mine used those services
6 when she was an assistant attorney general and the
7 name of the childcare center was called Just Us Kids.
8 I thought that was cute. Three of those sites are--
9 for the U.S. Government are in New York City. Has
10 DCAS or the Mayor's Office discussed the creation of
11 on-site childcare for city employees with these or
12 similar government entities?

13 LAURA RINGELHEIM: As an administration,
14 we certainly as you know, Council Member care a great
15 deal about ensuring a family friendly workplace, and
16 ensuring that this city becomes a place where
17 individuals regardless of gender identify and
18 expression are able to enjoy fully lives where they
19 indeed can thrive. The actual specific consideration
20 of city employee childcare based on those models has
21 not yet been discussed, but we are indicating here
22 that we are in support of the concept and want to
23 ensure that it is a fully—it's a broadly discussed
24 issue, and not solely resting with one agency, and
25 that's—that's really I think our position that yes we

1
2 would like to engage in that discussion but ensure
3 that it's something that's done citywide across all
4 our agencies to determine what's the best model for
5 New York City which employs close to 400,000
6 individuals, which is significantly large—larger than
7 Boston and D.C. on that really.

8 HOLLIS PFITSCH: I would add to that that
9 the GSA provides similar services to what DCAS
10 provides. Currently, as it's structured, DCAS
11 doesn't have that programmatic knowledge. So, I
12 think what we're saying is that there are other
13 agencies that might be better equipped at least to
14 weigh in here, and where the structure and the main
15 support for those programs would like and that DCAS
16 would really just be the real estate service provided
17 to accomplishing that.

18 CHAIRPERSON ROSENTHAL: Thank you, and
19 then in relation to the three lactation bills, Intro
20 878, Intro 879 and 905 there is now a list. Oh, I'd
21 like to recognize Council Member Rodriguez who has
22 joined us as well. There is no list of accessible
23 lactation rooms made available to members of the
24 public via the city's website. Thank you. Have you—
25 has anyone considered creating a mobile app for great

1

2

accessibility or offering directions or a map of some

3

sort? [background comments, pause]

4

DR. TORIAN EASTERLING: Thank you for

5

that question. We are in constant contact with our

6

colleagues in ACS and DSS. We are constantly putting

7

and updating that list on our website and we do want

8

to make sure that we have it available for mobile

9

usage. We are also talking with some contractors

10

about—about o=potential opportunities to link their

11

existing resources that the agency doesn't

12

necessarily leave and operate, but I think there's an

13

opportunity for us to work with organizations that

14

already provide this information. We have been also

15

talking with other entities like Yelp to make sure

16

that we can expand the opportunity to designate

17

spaces, restaurants, small businesses as lactation

18

space as well.

19

CHAIRPERSON ROSENTHAL: Anyone else

20

working with--? Okay, some entrepreneur is watching

21

this and is going to make this happen. Thank you

22

whoever you are, and lastly, according to data

23

released by the Health Department and as you

24

testified Dr. Easterling, women of color and women

25

from high poverty neighborhoods in New York City are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

less likely to breast feed exclusively during the first five days after giving birth. Babies born to mothers who live in higher income areas were 1.6 times more likely to be exclusively breast feeding within the first five days as compared with babies from lower income neighborhoods. What does the Administration attribute this difference to and what steps are you taking currently to address this difference?

DR. TORIAN EASTERLING: Thank you again for that question, and why these--these bills are so important is because we know that when they need to have the opportunity and we need to make them known that women can breast feed any time and anywhere. The first five days is very important as I shared our work within hospitals to make hospitals a baby friendly designation. It's so important to increase the mother to baby bonding time as well as to ensure that resources are available to mothers so they know how to--and to feeding, and so the opportunities within these hospitals are to provide the right type of education and messaging. We know that is a barrier. Also resources is also a barrier. So we want to make sure that the mothers know if there is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

any challenges with breast feeding how they continue,
and we want to promote what breast feeding can, and
what the challenges may be, and so also offering home
visiting programs once the mother is discharged that
someone will be able to visit them in their home and
help them when those challenges exist as well. But I
also know that sometimes mother have-the mother will
have to be returning back to work and so again the
leadership of this Council has made sure that we have
paid family leave, and so when mothers do have to
return to work that there is an opportunity and we
have lactation spaces available, which is a priority
for the department as well.

CHAIRPERSON ROSENTHAL: I appreciate
that, and I appreciate that you're-that you'll be
testifying at the Committee on Women's next hearing
about maternal outcomes during childbirth. I was
hoping you were going to add to your response that
hospitals should be not just-what did-what was the
expression you used? Child-centered--

DR. TORIAN EASTERLING: That's baby-
centered.

CHAIRPERSON ROSENTHAL: Baby-centric.

1

2

3

DR. TORIAN EASTERLING: Baby friendly
designation.

4

5

CHAIRPERSON ROSENTHAL: Baby-centric, but
that it should also be mother-centric.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

DR. TORIAN EASTERLING: Uh-hm.

CHAIRPERSON ROSENTHAL: And one of the
things that we've been learning is that there is not
just implicit bias, but explicit bias on behalf of
the medical profession as to who should be educated
about the importance of any of a number, any of a
myriad issues on-on birthing and-and then-and then
lactation and-and taking care of the child. And what
I would hope is that the Department of Health would
maybe in starting with HMH be working to educate
physicians about removing that explicit bias so that
every mother regardless of the color of their skin
would get the same education about the importance of
breast feeding.

20

21

22

DR. TORIAN EASTERLING: I couldn't have
said it any better. Thank you for that, for raising
that point.

23

24

25

CHAIRPERSON ROSENTHAL: Okay. I
appreciate that. I'm going to turn it over to my
colleagues. Council Member.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON CABRERA: Thank you so much, co-chair. Jackie, I have a quick question, and I'm kind of scratching my head over here. On page 3 on you second suggestion, you mention establishing a working group to allow for deliberate assessment and thorough research for the proposed municipal childcare study, and pilot initiative in Intro 853 by engaging other agencies and stakeholders in the process. So, I'll tell my hesitation and—and then what I believe the process should be instead of. The problem that I have with working groups is that often they become eternal working groups. They could go on forever and ever and ever and when you've gone through all of the forevers, then an amen after that. The whole point of—I mean in terms of, you know, we pass bills, the lowest bar that I see often in here is a study.

JACQUELINE EBANKS: Uh-hm.

CHAIRPERSON CABRERA: So, the whole point of the study could involve working groups. So, why have a working group when it should be part of the study in the first place?

JACQUELINE EBANKS: I appreciate that explanation of the bill. As reading it now, it

1
2 simply said DCAS has the responsibility to the study,
3 and so one of the things we wanted to suggest that it
4 really is a broader responsibility than solely DCAS
5 recognizing the complexity of the issue as was stated
6 in her remarks. So, I think we're on the same page,
7 but they'll also give some time frame, and that
8 would—and I agree with you, we don't want a working
9 group that goes on in perpetuity. We need to make
10 some decisions and respond to the needs of our
11 mothers in city government, and we—we care greatly
12 about that. So, I think there is a disagreement on
13 intent. We would really want to be clarifying
14 process and expectation so that we can better execute
15 on the outcomes of the bill.

16 CHAIRPERSON CABRERA: Yes, and Laura, do
17 you want to say something?

18 LAURA RINGELHEIM: Well, I was just going
19 to add to that because I think the bill requires
20 certain—not just the study, but certain things happen
21 in a certain amount of time. If we were going to—if
22 DCAS was just going to find a space, it would require
23 like relocating the agency that would require finding
24 more space for that agency so this could be located
25 in the city on space. So, that wouldn't meet the

1

2

time frame set out right now by the legislation.

3

Additionally, to procure vendors because I'm not the

4

expert, but I'm not sure that we have those vendors

5

in place, and it wouldn't require a procurement

6

process to get those into place. That might also not

7

be accomplished within that timeframe.

8

CHAIRPERSON CABRERA: So, and that list

9

that you're giving me right now could be—it could go

10

on and on and on. That's the whole point of the

11

study. So, for me to have a working group before the

12

study it kind of, you know, creates the silo effect

13

to—to take—to kind of hold the bill hostage. From

14

where I'm sitting, I prefer and I would encourage the

15

sponsor of the bill to move forward with the study

16

because studies it covers everything you mention and

17

much more and it literally can embrace all of the

18

other possibilities that we are not even looking at

19

here. And so, I only had one question, and Chair

20

because I really want to hear the sponsor of the—of

21

the bills ask their questions. Thank you so much.

22

CHAIRPERSON ROSENTHAL: Thank you so

23

much, Chair Cabrera. We're not going to hear from

24

Council Members Cumbo, Treyger and Yeger.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAJORITY LEADER CUMBO: Thank you Chair Rosenthal and Cabrera. I want to start with a statement because I understand that our city agencies and the buildings that we're looking at were built a time where the value of women was not at that forefront of the architectural design of New York City, but I just want to state that we can't allow that wrong to continue to dictate how we move forward. So we have to continue to dig deep to find solutions to the fact that we want to have women, mothers, the disabled and everyone to be a part of the dynamic of the New York City workforce. So, with my first question is around public advocate Letitia James' legislation. Wanted to ask—so are you looking at it from the standpoint of if every single city agency even through we're talking about a pilot right now, which I think is what we need to also stay focused on, but are we looking at it from the standpoint of if it can't happen in a certain building are we looking at buildings within the vicinity that would have the ability to have child daycare where multiple city agency employees would be able to use a particular space within a one or two-block radius of where they're currently employed at.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

LAURA RINGELHEIM: And so, are you asking if-if there-if we can identify those buildings and-and assess the city employee need? If that-if that really--? I just want to nail the question down.

MAJORITY LEADER CUMBO: Right. So, like let's say we're here, the City Council is here at 250 Broadway. Many of the Mayor's Offices are at 253 Broadway. Maybe there's no space at 250, but maybe there's space at 253. Is there an opportunity to maybe look at space at 253 and to-or maybe even here at City Hall to say perhaps some spaces are available, but all three of these entities could utilize for the purposes of childcare. I mean I know just from now being a part of the network and being a part of the world, there are a lot of city employees in between these three spaces that could certainly benefit from childcare. I'm not just asking for myself. I mean for everybody.

JACQUELINE EBANKS: No, I think again, we're-we're in agreement that this is indeed a worthwhile effort in which to engage. The challenge, if you will, and that's probably too strong a word is that we-we want to encourage that more players need to be at the table.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAJORITY LEADER CUMBO: Such as?

JACQUELINE EBANKS: Such as the

Commission on Gender Equity, such as ACS, such as, you know, I'd love to learn from the non-profit community that has a deep bench strength in providing childcare services. So, I think there are many other players to bring to the table and the—the current structure of the bill sort of says DCAS has this responsibility. Now, there may be semantics here because what we would like to say is that the working group, the concept is that it brings more players to the table as you get exactly diversity of thought that you just brought, but maybe the timeline suggests it should be to this working group structure versus the sole responsibility of DCAS

MAJORITY LEADER CUMBO: Are—are there

current buildings within the portfolio that have already implemented child daycare programs such as the one that we're talking about legislating?

LAURA RINGELHEIM: No, we don't have any

of that in our portfolio. There's—there's ACS leased and owned sites that provide daycare not exclusively for city employees. So, the answer to your question is no, but DCAS could play a role in assessing its

1
2 buildings in its portfolio to see what space is
3 available, but then again, there are lots of other
4 sites that might be more appropriate that are not
5 included here, which is why we think that there
6 should be other agencies involved. It's with, you
7 know, 7,000 properties. It-it shouldn't all lie on
8 DCAS, and we don't have the ability to do that kind
9 of analysis.

10 MAJORITY LEADER CUMBO: Well, I think
11 that you may not have the analysis to do all of that,
12 but I do agree that we have to start somewhere, and I
13 believe that it's important that we figure out
14 because it takes time to build out facilities like
15 that to have the appropriate players in place, but I
16 do agree that we should add additional people to-to
17 the team to look at this, but I-similar to Council
18 Member Cabrera, this is a need of serious timing.

19 LAURA RINGELHEIM: Yes.

20 MAJORITY LEADER CUMBO: The-the growing
21 workforce of women continues to grow. The amount of
22 women that are now working with children continues to
23 grow rapidly, and probably one of the fastest growing
24 populations in our workforce, and we have to meet the
25 needs and the demands of that workforce as quickly as

1
2 possible. So, wanted to ask in addition to that, I
3 wanted to just switch, but I want to go back to this
4 issue because it also has to do with lactation spaces
5 as well. When I came home from having my son, I—I got
6 a lot of information from the hospital about La Leche
7 and La Leche is a service that teaches you how to
8 breast feed by going to certain classes, and I just
9 broke it down for you because that was revolutionary
10 to me. I've never heard of this. So, you have an
11 opportunity to go to different classes, but would
12 have also been helpful would have been if I had
13 gotten a list of where all the breast feeding spaces
14 are throughout the city of New York to say this is
15 something that is accessible to you, and you could go
16 to the borough president's office. You could go to
17 Assemblymember Walter Mosley's or Council Member
18 Robert Cornegy's Office. Have there been
19 discussions, Dr. Easterling, in terms of how can we
20 distribute that information more readily at the
21 hospital so that moms have it right then and there?

22 DR. TORIAN EASTERLING: There—there has
23 been discussion through, as I mentioned, our Breast
24 Feeding Hospital Collaborative how best we can make
25 sure that that information is distributed. Happy to

1
2 follow up with your office to—to really think through
3 what's the best was way. I know that some hospitals
4 have it and some do not, and so we want to make sure
5 that it is standard of practice.

6 MAJORITY LEADER CUMBO: I'd like that to
7 be universal because I think that that's the first
8 key to—it's changing societal norms because I even
9 know when I came home and I was breast feeding and
10 sometimes people would see me in my community. There
11 is that push to say like you need to give that baby a
12 bottle, or you're not giving the baby a bottle? I
13 give the baby—I give my baby a bottle with some
14 formula and some cereal and he grew up big. Your
15 baby is so small. You should have a big baby by now.
16 So, there's like this push to have a bigger baby, and
17 that push is—is—is pushed onto formula and cereal and
18 other elements at a very early stage when you're
19 still questioning what is the right answer for you.
20 When you talked about the disparities between women
21 of color and white women, have you also broken that
22 down more so by economics in the sense of is it more
23 an economic issue or is it really still a racial
24 issue because many women of color may perhaps have to
25 right back to work and don't have the option and

1
2 don't have paid family leave and have to go right
3 back to work? So, the idea of breast feeding is just
4 not possible.

5 DR. TORIAN EASTERLING: So, yes, you're-
6 you're raising a lot of good points. I do think that
7 the structural racism is still the number one issue
8 that exists both within the hospitals and also
9 neighborhood environments. You know, specifically
10 economic, and so that's also sort of a structural
11 factor that also does play out. We do not have
12 specific data that really speaks to each of these
13 factors. We have done some reports around
14 neighborhood environmental factors such cultural
15 norms, as you have mentioned because there's—as more
16 information is being readily available and taught, is
17 that the child the infant's stomach is the size of-
18 size of a walnut, but then this over-feeding pattern
19 is happening. So, there's some cultural norms.
20 There is the economic factor that also does play out
21 of how people within communities of color and low-
22 income communities have to return to work much
23 sooner, but then also as we had mentioned before, the
24 structural factors and structural racism that exists
25 within hospitals about how and who is getting what

1

2 information and who is not getting other information,
3 what resources are available and what resources are
4 not available. So, want to tease out all of it to
5 understand, you know, what is leading to those
6 disparities and inequities that—that we see--

7

MAJORITY LEADER CUMBO: Uh-hm.

8

9 DR. TORIAN EASTERLING: --both within
10 health, but also as we know that ultimately plays out
11 to the inequities overall within say one zip code
12 versus another, too.

13

14 MAJORITY LEADER CUMBO: I—I had the—the
15 privilege of going to the Brooklyn Children's Museum
16 and utilizing what seemed to be like a breast feeding
17 mini-trailer to me as I would describe it. What is
18 the terminology you utilize for it?

19

20 DR. TORIAN EASTERLING: That's the
21 lactation pod.

22

23 MAJORITY LEADER CUMBO: A lactation pod.

24

25 DR. TORIAN EASTERLING: Yes, uh-hm.

26

27 MAJORITY LEADER CUMBO: Okay. I loved it
28 and I utilized it, had never—would have never seen it
29 had I not needed it, and so I think that that is a
30 great answer to a lot of the issue that you brought
31 up in terms of facilities. Can you answer me a few

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

questions in terms of how much did the pod cost? How big is it and this is something--and how many spaces is it in currently, and could we utilize this for spaces throughout our city agencies that may not have the ability to put something or to build out a space structurally for a lactation room, but could have a pod that would service the same purpose as what we're trying to propose in the bills in terms of employees of 15 or more. But with a pod like this it could even be even fewer employees because it doesn't take up that much space.

DR. TORIAN EASTERLING: Uh-hm. So, to your first question, the lactation pod was approximately \$100,000, and so it was an opportunity for the Department of Health to use some unspent funds to implement and--and have lactation pods in various locations, and I listed that there were about five locations that we currently have across the city in each borough so we can increase lactation spaces that are available for families particularly for mothers.

MAJORITY LEADER CUMBO: And who paid for that?

1
2 DR. TORIAN EASTERLING: Department of
3 Health and Mental Hygiene.

4 MAJORITY LEADER CUMBO: Department of
5 Health paid for that, uh-hm.

6 DR. TORIAN EASTERLING: Uh-hm, and so,
7 the-is-is this an opportunity? I would say that the
8 department always supports the opportunity to expand
9 spaces for lactation methods. I think that we would
10 absolutely expand and-and want to support building
11 and safe spaces where there are people because you
12 want to have individuals who really support and manage
13 those spaces. I think for the lactation pods we're
14 also really supportive of expanding and figuring out
15 how we can provide those in more locations. So,
16 again I think this is an opportunity to-opportunity
17 to follow up with you, but I think we want to offer
18 the flexibility or is it in a building or could it
19 also be in a more public space in parks or other
20 areas. So, yeah, I think that there's a lot of
21 possibility there, too, to see how we can make that
22 happen.

23 MAJORITY LEADER CUMBO: I want to turn it
24 over to my colleagues because I know everyone has a
25 lot of questions, but I just wanted to follow up on

1

2 this point because I think it could address the issue
3 that we were talking about in terms of a lack of
4 space, and we're talking about firehouses, police
5 precincts, schools and many others. If we were to
6 build more pods, do you think it's possible for the
7 cost to come down, and is there on the timeline
8 desire to implement or roll out more of the pods in
9 the coming year?

10 DR. TORIAN EASTERLING: So, we work with
11 the vendor to purchase the pods, and so that would
12 that would have to be a conversation with the vendor
13 that we contracted through to purchase those pods
14 about what the cost would be, but again, I think the
15 space to your point is definitely an opportunity to
16 be flexible about where we can have these lactation
17 pods stationed to increase the flexibility.

18 MAJORITY LEADER CUMBO: I think it would
19 be great if that could be a part of a great
20 conversation that you all can have because I think
21 that it addresses the—the question that you raised in
22 terms of—I think you had said which spaces can have
23 lactation spaces, and my question was more so how can
24 we have lactation stations in every space possible
25 versus which ones? I think everyone should be able

1
2 to come up with a series of well, if you can't do
3 this, can you do this, and if you can't do this, can
4 you do that? I think we need to have a tier of-of
5 systems throughout each space to determine which is
6 the best route for us to take.

7 JACQUELINE EBANKS: Absolutely full
8 agreement with you and-and yeah with CGE and DOHMH
9 would definitely like to work together on that.

10 MAJORITY LEADER CUMBO: Wonderful. Thank
11 you.

12 CHAIRPERSON ROSENTHAL: Thank you so
13 much, Majority Leader Cumbo. I'd like to turn it
14 over now to the Public Advocate, and give her a
15 chance to ask some questions as well.

16 PUBLIC ADVOCATE JAMES: Thank you. So I
17 agree with Ms. Ebanks that there should be other
18 stakeholders at the table, and so this more is maybe
19 a question I don't know for the chairs or for perhaps
20 the city agencies can answer this. Where is ACS and
21 DSS today? [background comments] Are you testifying?

22 JACQUELINE EBANKS: No, but available for
23 questions as needed.

24 PUBLIC ADVOCATE JAMES: The only reason
25 why I asked that is out of respect for the

1
2 Administration and out of respect for this panel, I
3 think clearly we need to hear from ACS and DSS who
4 are responsible for childcare in the city of New
5 York, and so in the absence of any—in the absence of
6 questions with respect to real estate, I would like
7 know if we cannot—if we do not have the real estate
8 because of the limitations in space is—is it possible
9 that ACS and/or DSS could provide vouchers for—to
10 municipal workers to seek childcare in the city of
11 New York? And so, I wanted to ask that question and
12 perhaps at some point in time off the record ACS and
13 DCAS could respond to that question.

14 CHAIRPERSON ROSENTHAL: [interposing]
15 Public Advocate.

16 PUBLIC ADVOCATE JAMES: Sure.

17 CHAIRPERSON ROSENTHAL: You know, there
18 are representatives from those agencies--

19 PUBLIC ADVOCATE JAMES: Okay.

20 CHAIRPERSON ROSENTHAL: --and they can
21 come up, and you can ask them the question if you
22 like.

23 PUBLIC ADVOCATE JAMES: Yeah, because the
24 question is what programs currently exist in the city
25 of New York for municipal workers to obtain

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

childcare, and I don't know whether or not this panel
is in a position to answer that question--

CHAIRPERSON ROSENTHAL: Okay.

PUBLIC ADVOCATE JAMES: --and so, I
would--

CHAIRPERSON ROSENTHAL: [interposing]

Could the representatives from--

PUBLIC ADVOCATE JAMES: [interposing] I
think from OCS and DCAS--DSS is in a position.

CHAIRPERSON ROSENTHAL: Thank you.

PUBLIC ADVOCATE JAMES: What programs
currently exist for municipal workers to obtain
childcare? Notwithstanding this wonderful panel, is
there anyone in the audience who can answer that
question? If the answer is you're not prepared to
answer the question--

CHAIRPERSON ROSENTHAL: [interposing]

Would Ms. Drinkwater, do you want to--

PUBLIC ADVOCATE JAMES: --and get back to
me that's good, too.

CHAIRPERSON ROSENTHAL: --and any other
city representatives from the city agencies we can
just pull up additional chairs. Thank you. Just--

1

2

you're going to be sworn in very quickly and then

3

we'll continue.

4

LEGAL COUNSEL: Hi. Do you swear or

5

affirm to tell the truth, the whole truth and nothing

6

but the truth in your testimony before these

7

subcommittees, and in response to all Council Member

8

questions?

9

MICKIE RONAN GROESTEN: I do.

10

LEGAL COUNSEL: Thank you.

11

CHAIRPERSON ROSENTHAL: Would you please

12

state your name for the record before answering the

13

Public Advocate's question. Thank you.

14

MICKIE RONAN GROESTEN: Hi. My name is

15

Mickie Ronan Groesten and I am an Assistant

16

Commissioner at ACS in the Division of Children and

17

Families' Wellbeing, and I can just speak to your

18

question of eligibility. So, the work that I do is

19

actually I oversee the close to 400 childcare centers

20

that contain both childcare and Head Start programs

21

and those are all eligibility based programs. So, we

22

have to follow very strict guidelines. [coughs] Ad

23

for the Head Start performance standards, it's for

24

families earning up to 100% of the poverty line.

25

1

2

PUBLIC ADVOCATE JAMES: What is that in terms of income, wages? I mean what's the income-- what's the income limitations on that?

5

6

MICKIE RONAN GROESTEN: Excuse me, it also--it ranges on the--the Federal Poverty Guidelines are released every year. It really depends on the-- the number of people that live in that family--

9

10

PUBLIC ADVOCATE JAMES: [interposing] Got it.

11

12

MICKIE RONAN GROESTEN: --the number of children, the number of parents. It's--

13

14

15

16

PUBLIC ADVOCATE JAMES: [interposing] So, for a family of four what would be the income? What would be the maximum income allowable in order to get affordable childcare in the city?

17

18

MICKIE RONAN GROESTEN: Oh, I'm so--I so have not looked at that recently.

19

20

PUBLIC ADVOCATE JAMES: [interposing] Is it fair to say that it's around \$30,000?

21

22

23

MICKIE RONAN GROESTEN: I'm sorry.

PUBLIC ADVOCATE JAMES: Is it--it's fair to say that it's around \$30,000?

24

25

1

2

MICKIE RONAN GROESTEN: It's possible. I really—I have not looked at those guidelines in the past year or two. So, I apologize.

5

PUBLIC ADVOCATE JAMES: Okay.

6

MICKIE RONAN GROESTEN: For our childcare centers, it's for families up to 200% of the poverty line, but then there are other factors where they have to have—they are looking for—there are other eligibility guidelines. They are enrolled in a college program or they're looking for work or so there are other limitations as well. So, it's specifically for municipal workers.

14

PUBLIC ADVOCATE JAMES: Uh-hm.

15

MICKIE RONAN GROESTEN: There is no specific parameter for that that I'm aware of right now, but for us it's all eligibility based.

18

PUBLIC ADVOCATE JAMES: Let me just recap. So, there—right now there is no specific program for municipal workers. Currently, you base eligibility on federal guidelines. It depends upon the various factors. Are you in college? Are you working in school? Are you in school period? Are you working, looking for employment, et cetera?

25

MICKIE RONAN GROESTEN: And—and income.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PUBLIC ADVOCATE JAMES: And income, and
is it fair to say that there's a waiting list?

MICKIE RONAN GROESTEN: In many of our
programs yes.

PUBLIC ADVOCATE JAMES: There's a waiting
list?

MICKIE RONAN GROESTEN: Uh-hm.

PUBLIC ADVOCATE JAMES: Do you know
whether or not this administration is looking at a
childcare program specifically for municipal
employees?

MICKIE RONAN GROESTEN: I'm not aware.
I'm sorry.

PUBLIC ADVOCATE JAMES: Okay. Thank you.
I appreciate your answer.

MICKIE RONAN GROESTEN: Okay.

PUBLIC ADVOCATE JAMES: The other guest
who we know well.

ERIN DRINKWATER: Hi. Erin Drinkwater
from the Department of Social Services. Similarly,
our programs would be eligibility based, and wouldn't
differ for those who are municipal employees or not.

PUBLIC ADVOCATE JAMES: Okay. So, thank
you for that answer. So, recognizing based upon

1
2 DCAS' testimony, a number of the buildings—a number
3 of municipal employees work in state buildings. OCA,
4 they're under the jurisdiction of a state agency,
5 yes. Two, there are leased buildings and you would
6 like for the City Council to remove the term leased
7 buildings in the legislation, and the reason why that
8 is because of—because of costs or what's the basis
9 for removing leased buildings in the legislation?

10 ERIN DRINKWATER: The legislation
11 currently says city controlled, which we are taking
12 to mean leased—

13 PUBLIC ADVOCATE JAMES: Right.

14 ERIN DRINKWATER: --but I—I think if—if
15 the decision is made by Council to include lease
16 spaces that we need to include more parameters in
17 that legislation as to what would be required for
18 starting. So, existing city controlled spaces
19 probably would not—we could say off the bat are
20 really not feasible because we'd have to go and amend
21 leases and that would almost be impossible to do in
22 almost every case. It's very difficult enough to get
23 daycare sites that are suitable. That's why we made
24 that recommendation in the testimony.

1

2

3

4

5

6

PUBLIC ADVOCATE JAMES: And so again just to recap so I can basically understand you would have to renegotiate leases, which obviously would be problematic, and two, the cost is prohibitive? Is that my understanding?

7

8

9

ERIN DRINKWATER: I—I think it would just be better that if we did do leased spaces that we would start with a new leased space.

10

11

12

13

PUBLIC ADVOCATE JAMES: A new lease going forward. Got it and how long are the terms of the lease? Any idea for a typical leased space, how long are the leases?

14

15

16

17

18

19

ERIN DRINKWATER: It could be anything. We generally try to do at least 15 years to 20 years. Sometimes we're only able to get ten years. You know, for daycare especially we like to do it as long as possible. It just depends on negotiations with that particular landlord.

20

21

22

PUBLIC ADVOCATE JAMES: Got it and is it possible to build out any of your underutilized land? For instance your parking—municipal parking lots?

23

24

25

ERIN DRINKWATER: Is it possible? Sure. I mean with the correct studies of whether those

1
2 zoning permits in certain spots or the zoning would
3 have to be changed or--

4 PUBLIC ADVOCATE JAMES: [interposing] The
5 City Council can always change the zoning for that.

6 ERIN DRINKWATER: So, I think that would
7 be part of what the study would be, whether to build
8 new, look at existing city spaces or look at leased
9 spaces.

10 PUBLIC ADVOCATE JAMES: So, I would—I'm
11 open to putting forth a resolution with respect to
12 OCA, Office of Court Administration's state owned
13 buildings. I think that individuals and employees
14 who work in OCA buildings and/or individuals who have
15 business before the courts should have an opportunity
16 to have childcare available to them. I think that's
17 really critically important, and that's a discussion
18 that we will have with the state. Too, I understand
19 your position with respect to leased property. I
20 understand the terms of your lease might be
21 restrictive. And so, I think at that point in time I
22 think that we should consider possibly providing
23 vouchers to municipal workers to obtain childcare in
24 the city of New York, and I think in here working
25 with the City Council and I believe working with ACS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and DSS we really need to look at some of these eligibility requirements, and we need to establish a program specifically for municipal workers in the city of New York. I recognize that there are a number of challenges with respect to this, but I think women face a number of challenges in the city of New York, and we have to rise above and beyond these challenges, and provide childcare. It's really critically important. I thank all of you for your work, and I look forward to working with the members of the City Council to make this a reality for the countless number of families who desperately need childcare, and I recognize that childcare is a necessity in the city of New York. I thank you all.

CHAIRPERSON ROSENTHAL: Thank you. Thank you so much Public Advocate. I actually do just have one follow-up question from your bill to—oh, there's a lot of movement around. Come on back, doctor. You mentioned concerns or complications with Intro 878, which apply to DOE and the jails for example. Do you think that, you know, these lactation pods, which is now my favorite expression could be more easily used in those facilities?

1

2

3

4

JACQUELINE EBANKS: I would like to
invite our colleagues from DOC to directly answer
that question.

5

6

7

CHAIRPERSON ROSENTHAL: Thank you. If you
could just be sworn in and then state your name for
the record. Thank you.

8

9

10

11

LEGAL COUNSEL: Do you swear or affirm to
tell the truth, the whole truth and nothing but the
truth before these subcommittees, and to respond
honestly to Council Member questions?

12

13

14

DR. NICHOLE ADAMS: Yes I do.

LEGAL COUNSEL: Thank you.

DR. NICHOLE ADAMS: My name is Dr.

15

16

17

18

19

20

21

22

23

24

25

Nichole Adams. I'm the Deputy Commissioner for
Health Affairs for the New York City Department of
Correction. So, in respect--so I just want to say
before I answer your question I am so proud to be
sitting here right now. It is so exciting. I have
three babies and to listen to all this wonderful
conversation about helping working mothers is just--it
does my heart good. So, I'm so excited to sit here,
and I'm really excited like I wanted to say amen a
couple of times when I was listening to you guys
testifying. But yes, we are excited to explore the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

pod option. We have actually begun the process of trying to figure out how it's feasible. You know, we have some infrastructure issues, but when we saw the legislation we were so excited about how can we do this? What else can we do, and there definitely are some logistical and operational concerns, but we recognize that the lactation pods were an exciting option of us to consider. So, excited about it we started pricing it out, tried to figure out who would be cleaning them, tried to figure out how do you maintain them in a way that's safe, and being very security minded. So, we really are exploring all of the operational and security concerns that kind of go with providing this to women but we're—we're excited to cooperate and participate and do what we can, and I could probably keep talking about that a while, but I just—I guess I answered your question. So, yes, we're looking into it.

CHAIRPERSON ROSENTHAL: You could bring us all to tears. [laughter] [background comments]

PUBLIC ADVOCATE JAMES: Did someone explain what the hell is a pod? Like—I'm like I'm clueless.

1

2

CHAIRPERSON ROSENTHAL: Oh, Council

3

Member Treyger I was going to call on you next.

4

COUNCIL MEMBER TREYGER: [off mic] No

5

problem.

6

CHAIRPERSON ROSENTHAL: Okay, thank you.

7

DR. TORIAN EASTERLING: So the lactation

8

pod is actually an enclosed space, and you can walk

9

right into the space. It provides a chair, a seating

10

area for you and other members of your family. You

11

could bring your little child in, and actually in

12

the—once you're in the space, it actually allows—it

13

has nice lighting and also it just allows for the

14

mother to either—to pump and/or breast feed, and

15

there's also sanitary items in there that will allow

16

them to clean up as well, and so again this was a

17

one-time purchase for the Department of Health

18

because we had unspent funds, and so working with

19

that vendor we were able to identify locations

20

throughout the city where these lactation pods could

21

be utilized.

22

PUBLIC ADVOCATE JAMES: Just last

23

question Madam Chair since he's talking. It's

24

portable?

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DR. TORIAN EASTERLING: Well, you cannot pick it up. It would take some—a group of people to move it.

PUBLIC ADVOCATE JAMES: So, it's permanent? It's a permanent structure?

DR. TORIAN EASTERLING: But you can move it. No, you can move it right, but we just have to coordinate. That's all I'm saying with—with others. We have to coordinate to get about five or six other people to move it.

CHAIRPERSON ROSENTHAL: Thank you so much, and the other for the record—let the record show that we're looking at lactation pods on our phones—on our Smart phones. [laughter] We're all for the pods. Council Member Yeger, I know you had some questions as well. Thank you.

COUNCIL MEMBER YEGER: Thank you, Madam Chair. [coughs] Also, let the record reflect that I think the baby approved of the—of the pods. I heard that. Yes, I believe that's—for those of us who speak baby talk, the parents in the room, yes, I believe that was amen. I have a question. I have two questions for DCAS and for the Commission on Human Rights. First for the Deputy Commissioners of

1
2 DCAS and this is more of a comment then--then I guess
3 we'll have a period of time when you can answer if
4 you'd like. What the Council has asked for in Madam
5 Public Advocate's bill Intro 853, is for a
6 feasibility study and the concerns that you've
7 brought in your testimony are in my very respectful
8 opinion better placed as part of the Feasibility
9 Study. If, you know, I think you're selling yourself
10 short, frankly. DCAS is a big agency. Two years ago
11 this Council, the predecessor to this Council
12 introduced a piece of legislation and the Mayor
13 signed it, a Local Law to require a branding program
14 for school safety offices for school safety agents in
15 non-public schools. Argument could be made that that
16 that program would have been better suited for the
17 Department of Education. An argument could be made
18 it would have been better suited for the Parks
19 Department, but the wiser heads in this Council and
20 the Administration prevailed and it fell in your lap,
21 and, you know, the jury is still out, but I think
22 you're doing an okay job. So I think DCAS can handle
23 something, and selling yourself short that this is
24 not a program necessarily that--that should be
25 undertaken or studied in the, you know, as--as the

1
2 bill is currently written I think is just a very
3 short-sighted way of looking at it with due respect.
4 With respect to and then I'll, you know, let you give
5 back as well as I give it.

6 LAURA RINGELHEIM: [interposing] If I
7 could comment on that.

8 COUNCIL MEMBER YEGER: Sure, sure.

9 LAURA RINGELHEIM: So, I have the good
10 fortune of when I first got to DCAS not being in real
11 estate and I worked on the school security bill and
12 we did do it, and we pulled a lot of heads together
13 to try and make that work, and it was a very big
14 challenge because we didn't have the expertise, and
15 we ourselves wondered why? You can just go to
16 another agency with more expertise. So, I'm not
17 saying it's impossible. I'm saying if you looked at
18 efficiency and capacity, some of the requirements are
19 technical feasibility and anticipated costs, but
20 there are agencies with a lot of expertise in that
21 that we don't have.

22 COUNCIL MEMBER YEGER: Deputy
23 Commissioner, that's the point I'm getting to, which
24 is that as-as part of the Feasibility Study we would
25 be asking DCAS to come back with the answer, and that

1
2 means calling on your colleagues and other agencies
3 to help you do that feasibility study. It's not all
4 on you. It's on you to lead the project. It's on you
5 to write the report and give it back to the Council,
6 but it's not on you to do actual work. If you think
7 that ACS or the Department of Health or Health and
8 Hospitals Corporation or the Department of Education
9 or whatever, it is, the Police Department for their
10 buildings and their facilities, Fire Department,
11 whatever you think makes sense to get the feedback.
12 You're the project leader. Lead the project and
13 bring in those agencies to give you those answers and
14 come back with the answer, but the point of, you
15 know, exempting a certain amount of space for example
16 with the lease spaces. You know, I was once a lawyer
17 before I came here. Amending a lease is not a big
18 deal. It just not. You know, you go to the landlord
19 and you say, we are a city agency we pay you a
20 bajillion dollars a year for this piece of property.
21 We would like you to consider a midterm amendment to
22 the lease that would allow us to put one room in that
23 could be use for the following purposes. You okay
24 with that because if not, when this lease is up,
25 we're going to take our business elsewhere. I think

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you'll find that most landlords would be okay with it, and so I'm just saying that don't sell yourself short. I think you can, you know, put your heads together, bring in your colleague agencies and try to get that happening.

LAURA RINGELHEIM: And I, yeah, I think it's possible and we could do it. I think that--

COUNCIL MEMBER YEGER: [interposing]
Probable, probable. There you go.

LAURA RINGELHEIM: --you know, our question was why would Council interject DCAS as the agency to lead this student when the role that DCAS would play or its current mission would be smaller in terms of allocation space. The--the legislation calls for a pilot.

COUNCIL MEMBER YEGER: [interposing]
Council Members picked your agency because we trust they---we trust you.

LAURA RINGELHEIM: Well, I appreciate that. [laughter] But even for the pilot program that it would not really be feasible for DCAS to get that off the ground where we don't have that knowledge. So, I would just ask that, you know, Council consider that. We think us as the lead agency in this to

1
2 explore whether that would be the most appropriate
3 way.

4 COUNCIL MEMBER YEGER: Okay, fair enough.
5 I mean I'll just saying in closing on that top that I
6 think you've shown that you can get new projects and,
7 you know, when the microphones aren't here we can
8 talk about why DCAS got the School Safety Project,
9 but I think that you're selling yourself short, and I
10 think that you can—you can do this. If—if you bring
11 in your sister agencies to help out I think you can
12 get this done. I have a question for the Commission
13 on Human Rights. You indicated—I'm sorry. I don't
14 have your testimony, but I have notes. You indicated
15 that you have a problem or that the Commission has a
16 problem with—with the response time of five business
17 days for a private employer I believe. Right? Okay,
18 what's the right amount of time?

19 LAURA RINGELHEIM: The current law it
20 doesn't set a specific amount of time, but instead
21 required a dialogue between the employer and the
22 employee, which would be—and then a fact is really
23 that specific analysis about what is needed for that
24 employee at that time, and that that also taking into
25 consideration what the employer can offer. So, it's

1
2 not-it's similar to other disability accommodation,
3 other accommodation analyses-

4 COUNCIL MEMBER YEGER: An hour--

5 LAURA RINGELHEIM: --on Anti-
6 Discrimination law.

7 COUNCIL MEMBER YEGER: --or minutes?

8 LAURA RINGELHEIM: We would, we--

9 COUNCIL MEMBER YEGER: You want it to be
10 vague and not stated.

11 LAURA RINGELHEIM: I want to have-we-the
12 current law works. The standard that is laid-that as
13 it works now, an employer and employee engage in a
14 cooperative dialogue. They figure out what's needed.
15 It could be-it could be that five days is way too
16 long, and that would be a violation of the City Human
17 Rights Law. Two days could be too long.

18 COUNCIL MEMBER YEGER: Well, five days
19 would not be too long in a violation of the City
20 Human Rights Law if this Council legislates five days
21 to be very clear.

22 LAURA RINGELHEIM: It would create
23 dueling standards actually and it would be--

24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER YEGER: [interposing] No, it-it would say five days for-for a lactation space. It's dueling standards to get--

LAURA RINGELHEIM: [interposing] Often a lactation space, claimed-related reasonable accommodation claim could be intertwined with other pregnancy accommodation related claims and it would-it could really cause some confusion and, in fact, even in one situation an employer would be--

COUNCIL MEMBER YEGER: [interposing] Which is what we're trying to avoid with-with-we don't want confusion. So, what we've done here in a very wise by four of my colleagues three of whom are women, some of whom are parents, they-they came up with a deadline, five days. It doesn't mean that the employer can't give an answer in a day, and an employer who chooses to give an answer in a day will get Hosannas, but maybe an employer won't, but five days is the deadline. It's the top. It's-don't exceed five day. What-what you're proposing is a vagueness, you know, those-those who write laws and those who enforce laws know that we want-we want certainty in the law. We want employers to know that if they don't answer within a certain period of time,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

what's that period of time? Well, well these fine Council members said five days and the Mayor signed a bill. That's wonderful. So, five days it is and the point of that is to avoid what you've described as the current process a back and forth, and then a flip of the coin, the Human Right Commission says well, for that employer a day was too long. For that employer six weeks was too long. This way we're saying five days is the limit. It can't go to five days and one hour. It's five days.

LAURA RINGELHEIM: Our primary concern is that it could be interpreted to limit current protections that actually instead of increased protections this could make employers less responsive and so we would—we would very much like to look forward—work with Council to create a solution that would provide more clarity and actually expand protections rather than limit what we have.

COUNCIL MEMBER YEGER: [interposing] But what would the answer be then?

LAURA RINGELHEIM: We would—I mean if there is—it would—it's hard for me to speculate right now about how to fit a limit within the undue hardship standard, which is something applies to all

1
2 accommodations under the City Human Rights Law
3 disability, religion, domestic violence and
4 pregnancy. So we would very much like to sit down
5 and work out a solution if that's—if there is going
6 to be a hard stop.

7 COUNCIL MEMBER YEGER: Okay.

8 LAURA RINGELHEIM: Maybe there's some
9 language could be--

10 COUNCIL MEMBER YEGER: [interposing] So,
11 we're all sitting here now.

12 LAURA RINGELHEIM: Yeah, maybe some
13 language could be indicated that that is an employer
14 may—must respond more quickly under certain
15 circumstances is something that helps the employer
16 and the employee understand that it's not sit and
17 wait for five days if you have a lactation space
18 available and a currently lactating employee, but
19 that that would be the deadline. As you articulated,
20 I think if the—if the statute expressly—if the
21 proposal expressly is connected to the existing
22 standard and then increased the protection, I think
23 that would be—

24 COUNCIL MEMBER YEGER: [interposing]
25 Thank you.

1

2

LAURA RINGELHEIM: --that's something
that we could work on.

4

5

COUNCIL MEMBER YEGER: Well, I look
forward to hearing back from you on what the law
should be.

7

8

LAURA RINGELHEIM: Yeah we can
definitely.

9

10

COUNCIL MEMBER YEGER: Okay, thank you
very much Madam Chair.

11

12

CHAIRPERSON ROSENTHAL: Thank you so much
Council Member. Council Member Treyger.

13

14

15

16

17

18

19

20

21

22

COUNCIL MEMBER TREYGER: So, in the
opening statements I'm just going to repeat what was
stated. The Administration supports the intent of
Intro 380 and DCAS currently has in place a contract
for diapers. This contract is available to all city
agencies, but unfortunately, procurement rules do not
allow for DCAS to make these goods directly available
to non-government entities. So, I-I just need some
further clarity on this. So, is it correct to say
that DCAS does have diapers to distribute?

23

24

25

LEGAL COUNSEL: I have to swear you in.
Do you swear or affirm to tell the truth, the whole
truth and nothing but the truth before this

1
2 committees and to respond honestly to Council Member
3 questions.

4 DEPUTY COMMISSIOENR IBRIC: I do.

5 LEGAL COUNSEL: Thank you.

6 DEPUTY COMMISSIONER IBRIC: [off mic]

7 Good afternoon, I'm Deputy Commissioner--

8 COUNCIL MEMBER TREYGER: Is the mic. The
9 mic is no on.

10 DEPUTY COMMISSIONER IBRIC: Thank you.

11 I'm Mersida Ibric, Deputy Commissioner for Citywide
12 Procurement at DCAS. So, yes we do have contracts in
13 place. Currently on city agencies can procure off
14 those contracts. So, for example a daycare center
15 could not procure directly from our contracts or
16 order directly from our contracts. However, ACS can.

17 COUNCIL MEMBER TREYGER: So, it says here
18 that procurement rules does not allow for DCAS to
19 make these goods directly available to non-government
20 entities. Which procurement rules?

21 DEPUTY COMMISSIONER IBRIC: So, our
22 citywide contracts are only made available to all
23 city agencies. It's the way that the structure is
24 set up.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER TREYGER: But our—is this—
is this city code? Is this a statute? Is this a
regulation? Is this guidance. Can you speak to what
level of rule this is?

DEPUTY COMMISSIONER IBRIC: Yeah, I
believe it's much more technical than that. So, in
order for an agency or anyone to procure directly
from our contracts, you would have to have a payment
mechanism in place and that's through the city's
financial management system. So, right now only city
agencies are able to access and use that system.

COUNCIL MEMBER TREYGER: But just so I'm
clear, have non-profits requested diapers from the
city Administration to help families in need?

DEPUTY COMMISSIONER IBRIC: So, those
requests would come directly to city agencies, not to
DCAS. So, I don't—I can't speak on behalf of the
other city agencies, but that would probably be
through ACS, DSS, you know, so--

COUNCIL MEMBER TREYGER: I just want
clarity whether or not we have turned away any family
in need of diapers because of a bureaucratic process
that I'm not even clear about right now as far as
whether this is law or this is simply just someone's

1
2 interpretation of a bureaucratic regulation or a rule
3 or guidance because there's a difference between a
4 law and a regulation and guidance.

5 DEPUTY COMMISSIONER IBRIC: Absolutely.

6 COUNCIL MEMBER TREYGER: So, are we
7 dealing with law or are we dealing with just a
8 regulation or guidance?

9 DEPUTY COMMISSIONER IBRIC: So, I'm going
10 to open it up to the other agencies that would
11 actually answer those requests, but again it's—it's a
12 bit more sort of mechanical than that, and so right
13 now all city agencies, there's about 100 of them and
14 authorities and departments are able to procure
15 diapers through our contracts. So, I don't know if
16 anybody will respond.

17 LAURA RINGELHEIM: Well, I was just going
18 to add to that I think it's—what we're recommending
19 is that the language in the legislation be changed
20 because just the way it works isn't that they would
21 come to DCAS because we don't run those programs.
22 So, there needs to be a program in place, which would
23 be run by the agencies who then can deliver that
24 good. It's really not a matter of, you know, trying
25 to get around something and making it

1
2 bureaucratically difficult. It's just that there's
3 an agency that serves that need. It isn't DCAS.
4 DCAS' service is to provide the procurement to make
5 the contract vehicle available to the agency.

6 COUNCIL MEMBER TREYGER: Yeah, I mean
7 there's a willingness on our part, on my part to make
8 the languages as simple, as easy for families to get
9 diapers. What I'm just trying to understand is that
10 this is the first I'm reading about procurement rules
11 that do not allow for this to happen right now, and
12 I'm just trying to get clarity. Is that the
13 discretion of a commissioner or are you bound by some
14 law?

15 LAURA RINGELHEIM: So, I-I also want to
16 add that you said this earlier the Feminine Hygiene
17 Law. So that law is written the same way that we are
18 sort of recommending that these changes as well,
19 right. So that it's-it directly indicates that the
20 city agencies are procuring these items on behalf of
21 other entities, and to answer your direct question, I
22 believe that it has-it's much more mechanical, much
23 more technical than that, but we can absolute follow
24 up with the exact reference for you.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER TREYGER: Okay and to be clear, the Administration supports the legislation making sure the language is as clear as possible and to make it as easier as possible for families to obtain the diapers. Is that correct?

LAURA RINGELHEIM: Yes, yes.

COUNCIL MEMBER TREYGER: Okay, I-I will stop here. I'm just saying that I was very concerned that, you know, a single mom who came into my office who was in desperate need of housing was going through the shelter system, had very difficult--had a very difficult time obtaining basic needs for her child--

LAURA RINGELHEIM: Uh-hm.

COUNCIL MEMBER TREYGER: --and I, you know, it-it really-it hit the heart of my staffer. It hit the heart-it hit my heart when we heard this because diapers I think we'd all agree are basic necessities. These are not luxury items, and I-I don't know why it's difficult to get diapers into the hands of--of families that--that--that need them, but anything we can do to make this process as easy as possible and again, and I would just ask because passing this will take some time. Hopefully, not a

1
2 lot of time, but it will take some time. I'm just
3 asking the commissioners and the Administration to
4 review your current policy now, and to see if there's
5 anything you can do within your discretion now to
6 make this process easier to get diapers into the
7 hands of families that need them, and I thank the
8 chair for--for her time.

9 CHAIRPERSON ROSENTHAL: Thank you so
10 much, and oh, do you want to add something? Please.
11 The Committee Counsel will just swear you in very
12 quickly. [sneezing] Bless you.

13 LEGAL COUNSEL: Please raise your right
14 hand. Do you swear or affirm to tell the truth, the
15 whole truth and nothing but the truth in your
16 testimony before this committees and to respond
17 honestly to Council Member questions?

18 ELIZABETH DANK: Yes. I do.

19 LEGAL COUNSEL: Thank you.

20 ELIZABETH DANK: Hi, my name is Elizabeth
21 Dank. I'm the Deputy Commissioner and General
22 Counsel at the Mayor's Office to Combat Domestic
23 Violence. So, I just wanted to give an example on
24 the Family Justice Centers where related to in the
25 legislation. So, Mayor's Office to Combat Domestic

1
2 Violence operates the New York City Family Justice
3 Centers and act as advocates (sic) and we provide
4 diapers and other practical needs to clients using
5 city procurement contracts in order to do that so
6 that's one example of how even though what DCAS is
7 saying about how contracted providers are not able to
8 access those without working through the programs
9 they're working with we're able to provide those
10 diapers through the city's procurement.

11 COUNCIL MEMBER TREYGER: Right and I
12 think you've just kind of made my point that you
13 found a way to make it happen. I just want—I want
14 that to happen across the board, uniformly across all
15 city government to make this process easier for
16 families. Thank you.

17 ELIZABETH DANK: Sure.

18 CHAIRPERSON ROSENTHAL: Thank you so
19 much, Council Member Treyger and I think that's it
20 for this panel. Thank you.

21 ERIN DRINKWATER: I have one more thing.

22 CHAIRPERSON ROSENTHAL: And we're just
23 going to hear from DSS one more time.

24 ERIN DRINKWATER: Rotating chairs. Erin
25 Drinkwater again DSS. I wanted to respond in regards

1
2 to our domestic violence shelters and the family with
3 children shelters run by the Department of Homeless
4 Services. We will be having a hearing on Thursday
5 about model budgets, but one of the things that the
6 model budget process addressed was the client
7 supplies. Diapers are provided both in domestic
8 violence shelters currently and in family with
9 children shelter currently as part of the shelter
10 pantries. So, I wanted to let you know that they are
11 currently available. If there is any information on
12 this particular client, please we can talk afterwards
13 and—and follow up, but I wanted to provide that
14 information to the Committee.

15 CHAIRPERSON ROSENTHAL: Thank you so
16 much. It's really helpful. You just gave me an
17 idea. Okay, thank you so much to this panel. Really
18 appreciate all your thoughtful insight and answers to
19 our question. Next, I'm calling up representing the
20 New York City Campaign Finance Board, Amy Loprest and
21 anyone else that she would like to bring up with her,
22 but again our next panel will be from the New York
23 City Campaign Finance Board. [background comments,
24 pause] Great and do you have testimony that you want
25 to share? [pause] It's on its way. Okay. Terrific.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I'm going to ask the Committee Counsel to swear you
in.

LEGAL COUNSEL: Hi. Do you swear or
affirm to tell the truth, the whole truth and nothing
but the truth before this--in your testimony before
these committees and to respond honestly to Council
Member questions?

AMY LOPREST: I do.

CHAIRPERSON ROSENTHAL: If you could just
introduce yourself and your title for the record.
Thank you. So, could to see you, by the way.

AMY LOPREST: Good afternoon, Chair
Cabrera, Chair Rosenthal and members of the
Committees on Governmental Operations and the
Committee on Women. My name is Amy Loprest. I'm the
Executive Director of the New York City Campaign
Finance Board. Thank you for the invitation to
provide testimony on Intro 899, which would permit
campaign funds to be used for certain childcare costs
for children under 13 years of age for which the
candidate is the primary caregiver. For over 30
years the city's Public Matching Funds Program, which
we administer, has opened the door for aspiring
officer holders of all backgrounds to run competitive

1
2 campaigns. We are supportive of efforts for removing
3 the barriers that keep qualified New Yorkers from
4 seeking elected office. As we consider the
5 legislation we have identified some administrative
6 and practical concerns. Currently under the Campaign
7 Finance Act, Section 702-21(b), childcare costs are
8 clearly included among the expenditures that are not
9 in furtherance of a political campaign for elective
10 office. The bill would amend the act to allow to
11 allow the expenditure of campaign funds on childcare
12 costs that would not exist but for the campaign or
13 campaign activities. Such expenditures would not be
14 an allowable use of public funds. To ensure the
15 legislation fulfills its intent, we have identified
16 some recommendations for further review. We would
17 recommend the bill clarify the permitted campaign
18 expenditures that pertains specifically to childcare
19 services such as the qualified caregiver or daycare.
20 One model is the definition of eligible expenses
21 under the Dependent Care Assistance Program or DCAP
22 that's available to city employees. Under DCAP pretax
23 funds can be used to pay for employment related
24 dependent care expenses performed within or outside
25 the home while a city employee or the employee's

1
2 spouse is at work or attending school full time. A
3 qualifying caregiver is someone who is not a
4 dependent, spouse or the spouse's child. Paying a
5 family member for childcare expenses provides—
6 prevents a unique issue. The bill does not
7 explicitly carve out as impermissible payments to a
8 family member of childcare arrangements. However, 3-
9 702-21(a) does not extend the presumption that the
10 enumerated expenditures are in furtherance of the
11 campaign to payments made to candidates' spouse,
12 domestic partner, child, parent or sibling. If the
13 Council was to use the DCAP definition for childcare
14 services dependents, spouses, and spouses' children
15 would not be covered. So, considerations would have
16 to be made for other family members such as
17 grandparents or siblings. As drafted, the bill would
18 require candidates to fill out an approved statement
19 of childcare needs with the board, which the board
20 could approve in whole or part or deny. We agree
21 candidates should be required to make a showing that
22 expenditures "would not exist but for the campaign"
23 and as such are permissible campaign expenditures.
24 However, the statement, if approved, should certify
25 only that the expenses exist solely because of the

1
2 campaign. It should not constitute a preapproval of
3 individual childcare expenditures, which would still
4 be subject to the post-election audit review as are
5 all other types of expenditures. The board
6 anticipates promulgating rules to clarify the
7 standard and how candidates would be able to satisfy
8 it. An open transparent rule making process in
9 consultation with potentially affected stakeholders
10 will help ensure the board can develop guidelines
11 that are both practical and fair. While child-
12 childcare costs would not be a qualified expense
13 under the legislation, they would be subject to the
14 spending limit, which would help limit the overall
15 amount that candidates spend on childcare costs
16 through their campaign. However, the bill does not
17 specify if campaign funds for childcare costs can be
18 spent in the out-years or post election. It is likely
19 that the need is greatest in the year of the
20 election, and we recommend that expenditures on
21 childcare costs be permissible only in the year of
22 the election. With regards to disclosure around the
23 issue of childcare expenses, there must be a balance
24 between ensure proper documentation is maintained,
25 and submitted to the board and protecting children's

1
2 information from disclosure. The Board is sensitive
3 to these concerns, and we believe they can be
4 addressed through the rule making process, but we
5 thought it was important to raise them here. We hope
6 you'll take these concerns into consideration. Thank
7 you for the opportunity to testify, and I'm happy to
8 answer any questions you have.

9 CHAIRPERSON ROSENTHAL: Thank you very
10 much. I appreciate your testimony. I do think this
11 is a tricky issue and I respect that and understand
12 it wholeheartedly. I do have to say having lived
13 through two elections, I-I think it would be a-a
14 penalty to-to the child-the caretaker if they would
15 be subject still to the spending cap just knowing in
16 my mind's eye how that money gets spent having to add
17 on. I'm not sure where I would take away. Having
18 spent up to the cap in my two campaigns I don't quite
19 know what I could give up spending money on in order
20 to cover those costs. So, I respect the fact that
21 you respect the fact that it's a complicated tricky
22 issue. So, thank you for that. Do any of my
23 colleagues have questions? Yes, Council Member Cumbo

24 COUNCIL MEMBER CUMBO: Thank you. So, I
25 want to piggyback on Council Member Rosenthal in

1
2 terms of gaining clarity on if the money spent on
3 childcare would count towards your cap. You're
4 saying yes.

5 AMY LOPREST: Well, I mean the way the
6 law is written these would be campaign-related
7 expenses and all campaign-related expenses apply to
8 this spending cap.

9 COUNCIL MEMBER CUMBO: Now--

10 AMY LOPREST: [interposing] There are
11 certain very narrow exceptions, but generally.

12 COUNCIL MEMBER CUMBO: It would make
13 sense maybe if like you had a 13-year-old, and your
14 13-year-old went to school Monday through Friday and
15 they got out a 5:00, 6:00 for after school and maybe
16 from 6:00 to 9:00 you would need that type of, and so
17 you might utilize your funds for that, but if you
18 have a newborn and let's say your campaigning and the
19 baby is three months old, such as was in my case,
20 childcare in the Fort Greene-Clinton Hill area is
21 about \$2,000 a month. So, if you were--and that's on
22 the very low end and you're not at a great childcare
23 space, and it's--it's not the crème de la crème.
24 There's no waiting list for the \$2,000 a month

1
2 childcare space. So, you're--what you're stating is
3 that that \$2,000 a month would go towards your cap.

4 AMY LOPREST: Yes, but these are to be
5 only expenses that you wouldn't have had to have
6 other--except for running for office. So, you know,
7 if you had been working before, you would have had
8 childcare expenses beforehand, but this--this law is
9 to provide for people to be able to spend campaign
10 money on childcare costs that would not exist but for
11 your running for office. That's my--that's my
12 understanding of the intended purpose of the law.
13 So, it's not just to allow campaign funds to be spent
14 for childcare costs in general. It's really that
15 very narrow type of expenses that wouldn't exist but
16 for your running for office and I--we of course do
17 understand that childcare costs are significant. I
18 mean you're--you're right. The--the number you're
19 citing is probably a low number.

20 COUNCIL MEMBER CUMBO: Right. I don't
21 understand the nuance that you're stating.

22 AMY LOPREST: In--in that--

23 COUNCIL MEMBER CUMBO: [interposing]
24 You're saying like if you had a job, let's say I'm a
25 City Council member so I had a job before, and then I

1
2 ran for office. My baby was born in August. My
3 primary was in September. MY general election was in
4 in November. So, if I wanted to use my expenses for
5 childcare, what are you stating should happen in that
6 case?

7 AMY LOPREST: I think that actually it's
8 probably the perfect example of the childcare
9 expenses that wouldn't occur but for the campaigning.
10 You were already campaigning and you had a baby and
11 you--therefore, you needed to have childcare expenses
12 to care for the baby while you continue to campaign.
13 That was exactly the--the fact pattern that was
14 presented to the Federal Election Commission upon
15 which this legislation is based. It's a candidate
16 who had baby while she was campaigning and then
17 wanted the FEC to allow her to use campaign funds to
18 pay for childcare expenses because now she had
19 childcare expenses but she couldn't stay home and
20 take care of the baby because she was campaigning.
21 Your--your situation is exactly analogous to the
22 situation that was presented to the Federal Election
23 Commission. Of course, under federal law there are
24 no spending caps and so that, you know, so that
25

1

wasn't an issue before the Federal Election
Commission.

3

4

COUNCIL MEMBER CUMBO: I still don't
understand it, but what I do understand is that my
takeaway would be it's better not to use your
campaign expenses for childcare expenses if you've
just had a baby. That's my takeaway. Would you say
that's the right takeaway?

5

6

7

8

9

10

AMY LOPREST: I mean I think that that's
e--

11

12

COUNCIL MEMBER CUMBO: [interposing] If
you're running an intelligent election?

13

14

AMY LOPREST: Yeah, I mean I think that
one of the things that we had talked about is that
there's a lot of and that's one of the issues is that
there's a lot of devil in the details in here of like
how the debt--how things are defined, and I think that
one of our--that's what I said in my testimony that
one of the takeaways from--for our point of view is
that because of the spending cap there would be--
necessarily people would be constrained in the amount
of money that they would spend on childcare just as
you suggest.

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER CUMBO: Because this piece of legislation sounds good. I's a great hashtag. It makes the news media, but that devil in the detail is where this could just be a good sounding. We're trying to make it better for women to run for office. You have this option, but if you're really an intelligent woman running for office you won't take it, but if you're not so intelligent you would take, and you take out \$2,000 or \$2,500 a month for your childcare and then it will add up towards your spending cap. When in a real election you don't want to feed anybody, you don't want to give anybody a Metro Card. You don't—you got, you know, young people working with you. It's late at night. Sorry. You shouldn't have stayed out so late door knocking with me. You know, you've got to start making those hard decisions because running and election with the caps that you have are very specific. So, it really wouldn't in theory, it really—maybe somebody that's running like one of those kinds of I'm just running for the sake of running to get my name out there. Maybe those types of people could use it, but somebody that's trying to run and win wouldn't use it, and in addition to that, a woman who is deciding

1
2 to run for the very first time you don't have—if
3 you're running a competitive election, you're not
4 working either. So, my election in 2013 I had to
5 discontinue my job for a whole entire year to run
6 because of the aggressive nature of the other
7 candidates who had also stopped working as well. So,
8 I had five candidates, two were men who continued
9 their full-time jobs, three were women. We finished
10 in the top, first, second and third place, but that
11 demonstrates you had to just quit your job in order
12 to run for office. So, I—I just want to say it would
13 be—it would disingenuous to pass this bill if we
14 didn't have the ability for it not to count against
15 the cap in a meaningful way. So, that's just kind of
16 one of the challenges that I have with that, and I
17 definitely don't think that it should be only for the
18 year of the election because when I ran in 2013—when
19 I ran in 2013, I had to be—I had to stop working the
20 year before. So, I believe it should be not just for
21 the year that you're running, it should be for the
22 year prior to the year that you're running. So,
23 let's say it's 2021, you should be able to, if this
24 is utilized the right way, utilize all of 2020 and
25 all of 2021 to be able to run for your campaign and—

1
2 and to utilize this particular provision. It
3 shouldn't just be for the year because if you're just
4 doing it for the year, you're not really running a
5 really competitive campaign. I mean some people can
6 if they have certain types of name recognition, but
7 if you're trying to get your name out there, you need
8 more than a year to do that.

9 CHAIRPERSON ROSENTHAL: Council Member
10 Yeger.

11 COUNCIL MEMBER YEGER: Thank you, Madam
12 Chair. Good afternoon, Madam Director. The
13 Administrative Code is the basis for what constitutes
14 an exempt expenditure, correct? Right, the CFB
15 doesn't actually make the rules about what's exempt
16 and what's not exempt.

17 AMY LOPREST: No, the--the--the act--

18 COUNCIL MEMBER YEGER: The Campaign
19 Finance Act.

20 AMY LOPREST: Yes.

21 COUNCIL MEMBER YEGER: So, my--my comment
22 to my colleague Madam Majority Leader is if you were
23 to amend this law to require that these expenditures
24 be exempt from the spending cap, I would support that
25 and I think the sponsor of this bill should support

1
2 that, and I think that would be a wise way to get
3 around this other conundra that you pointed out in
4 this bill because this is an important bill, and what
5 we're trying to do here I think with the colleagues
6 who propose this legislation is to mirror what the
7 FEC did, and I don't think this bill actually does
8 that, and I'm going to point out some ways that I
9 think this bill is not actually doing what the FEC
10 just did. First of all, just to correct the record,
11 I'm sure this was not intentional, the candidate in
12 the FEC matter did not have a baby during the
13 campaign, already had three children, gave up her
14 income so that she can engage in campaigning. And
15 the FEC decision also-the FEC opinion also referenced
16 a prior case from two decades where it was the
17 candidate's wife who was the primary caregiver and
18 because she was campaigning, in that case the FEC
19 allowed it. And what the FEC said now. I'm-I'm not
20 smarter than you. I just have it in writing.
21 [laughter] The FEC said that in this position-in
22 this opinion any person involved in any specific
23 transaction or activity, which is indistinguishable
24 in all its material aspects from the transaction or
25 activity with respect to which this advisory opinion

1

2 is rendered they rely on this advisory opinion. Now,
3 that's our lawyer speak for this is bonding. So,
4 having said that, this bill would require that a
5 caregiver who needs to expend sums from the campaign
6 or desires to expend sums from his or her campaign in
7 order to care for a child so that the caregiver who
8 is a candidate can go out and campaign would have to
9 ask you for permission. Yes or no?

10 AMY LOPREST: Well, that's the way the
11 law is drafted currently.

12 COUNCIL MEMBER YEGER: Correct. Okay.
13 So, do you think that's right?

14 AMY LOPREST: I think there's—I mean as I
15 pointe out there are some administrative issues with
16 that. I mean in particular the definition of what,
17 you know, what it means to be but for campaigning to
18 have childcare expenses. Also, the idea of what is
19 that? When people file that statement, what does
20 that mean as far as all your expenses going forward,
21 or does that mean that any expense that you say is
22 childcare related is appropriate or is that statement
23 really just saying yes we're certifying that you made
24 the demonstration that you didn't have these expense
25 but for the campaign.

1
2 COUNCIL MEMBER YEGER: So, if the
3 candidate under this bill your interpretation as we
4 sit here is if the candidate certifies to the board
5 that the candidate's expenditures are but for his or
6 her status as a candidate would not exist that is,
7 that statement would be subject to a review by the
8 CFB at which the CFB can say no at which point the
9 candidate could then submit additional statements if
10 denied or if a change in need occurs. So, if the CFB
11 says no the candidate can come back and beg again,
12 and my question is wouldn't it be better if the
13 candidate simply made an affirmative statement under
14 oath saying, Dear CFB, I want to let you know I have
15 a child but for my campaign status as a candidate I
16 would not have to incur these expenses, but now that
17 I'm a candidate then I have to go out to the what's
18 it called? Civic Association on such and such
19 precinct council and have to have fundraisers not
20 just in the year before the campaign, but the first
21 and second and third year before the campaign and the
22 year before the campaign. Thank you very much CFB.
23 Please place this information in my file, and then
24 your job is done. You don't have to say yes. You
25 don't get to say no, and the candidate gets to make

1

2

the expenditures in accordance with the sworn

3

statement and in the very, very rare case where a

4

candidate has lied under oath and you so discover,

5

refer it to the appropriate prosecutor, but the CFB

6

doesn't get to say yes or no. Would that be a better

7

way to go?

8

AMY LOPREST: I'm going to have to think

9

about it. I think that that is—I mean it's clear. I

10

mean that's a clear statement. Again it's—it's more

11

like the, you know, other provisions of the law like

12

the statement of need. You, that would—I guess that

13

requires us to demonstrate, you know, that you met

14

one of those criteria, and it's like the original the

15

way the statement of need was before it was amended.

16

COUNCIL MEMBER YEGER: Right, so the

17

statement of need actually has—sets forth criteria,

18

which the candidate checks off a number of boxes and

19

such because I had to do a statement of need. I was

20

outspent 3 to 1. I have to do a statement of need

21

because but for that even though my candidate—my

22

opponent could spend three times what I was or close

23

to four times. I was still held down to a lower

24

limit. I had to come and beg for permission, but

25

there are clear criteria on what constitutes standing

1
2 needs. It's not discretionary by the CFB. You don't
3 get to say no because I meet the criteria. A guy had
4 a famous last name. His father held office. I get
5 to come in with a statement of need. So, but in the
6 case of childcare that's discretionary. You can say
7 well, Council Member Cumbo she's a full-time council
8 member right now. She doesn't need to take off and
9 spend money on hiring somebody to take care of her
10 child, but we all know—we know her. We know that she
11 had a child in the middle of the campaign. She had a
12 heated primary. She had—somebody had to watch that
13 baby otherwise she couldn't go out and campaign.
14 It's not a secret that we don't get paid here by the
15 hour. If I don't show up to work for six months, I
16 still get a check. It's—but—so, I could have taken
17 off. Well, I wasn't in the Council. She could have
18 taken off from her job to go campaign. We're allowed
19 to do that. We are elected officials. We're not the
20 separate description of public service although we
21 are public servants. It's a whole different
22 distinction of the charter. So, the point is that
23 she needed to go and go and do that, but she would
24 have to beg you for permission, and if you said well,
25 you know, you're—you—you got a job. You—if you want

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to go do your job, you have to get childcare. So,
therefore, as a candidate, you know, that's on you.
Should a candidate have to go through that whether
it's the year of the campaign, whether it's August of
the Primary or whether it's a year and a half before,
and the candidate says, you know, normally I don't
have this issues, but it happens to be that I have a
fundraiser tonight, and it runs form 6:00 to 9:00 and
I don't anybody to watch my child. I need to hire a
babysitter to do so. Should that be subject to a
check-off year or no by the CFB?

AMY LOPREST: I'm—I mean again, I—we
didn't write this—the way the legislation is written
out. It's not our recommendation, and so we'd be
happy to work with the Council to make it closer to
what you're describing.

COUNCIL MEMBER YEGER: Did you
participate at all with the City Council in
suggesting the language prior to today's hearing in
the legislation?

AMY LOPREST: I mean maybe we talked to
the—the, but we didn't suggest any particular
language.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER YEGER: Was-was any of your suggestions and some of the concerns that you've raised prior to today incorporated in the final version of the bill that you're seeing in front of you today?

AMY LOPREST: I'm not. No. (sic)

COUNCIL MEMBER YEGER: Okay. I just want to make sure.

AMY LOPREST: Yeah, yeah, yeah. I mean I guess what-what happened is we-we talked to them and they're-they said they were going to work in-on drafting new language in the future. So, I don't think that's been incorporated yet, but I think it, you know, there's certainly not an unwillingness to work on--

COUNCIL MEMBER YEGER: [interposing] So, if we were to propose a revision to this bill and if the-if the A version of this bill were to come out, and able to remove from the legislation the portion thereof that requires that the candidate received your approval prior to making those expenditures or subsequent there, would you support that as being a much cleaner way. This way this candidate in my version of it the candidate would simply submit a

1

2

sworn statement: Dear Campaign Finance Board, I

3

hereby affirm under the penalty of perjury or I am

4

duly sworn as the case may be that I would—that I

5

have these following expenditures related to the care

6

of my child, and I anticipate they will be whatever

7

or I don't anticipate they do ever, whatever the case

8

may be. Send off the statement to the CFB and call

9

it a day.

10

AMY LOPREST: Yeah, and I think that—I

11

mean I think it makes more important to define what

12

we're talking about as childcare services especially

13

as if we were talking about making them exempt from

14

the spending limit, and—and also making, you know,

15

this preemptive statement, one just to do what

16

exactly you're saying just to make it clearer and

17

more—less discretionary, you know, to make a narrow.

18

You know the childcare expenses are, you know, as we

19

suggest in here kind of following the guidelines of

20

this is the federal program that deferred the

21

Dependent Care Assistance Program, you know that you

22

really—that the expenses are limited to child care

23

services for a qualified caregiver or a daycare like

24

the people that actually take care of your child.

25

Not, you know, I mean they're as Council Member Cumbo

1

2 knows, as you know, there's a lot of expenses related
3 to raising, you know, childcare expenses could be a
4 very expansive item.

5 COUNCIL MEMBER YEGER: Well, I don't
6 think anybody is talking about diapers or-or baby
7 formula in the bill in this bill--

8 AMY LOPREST: [interposing] No, and I
9 think that that's the intention of the law.

10 COUNCIL MEMBER YEGER: --and I don't
11 think CFB would think that and-and surely even if
12 this bill wasn't at all clarified, if a candidate
13 went out and bought diapers on the campaign dime,
14 that candidate I think would face serious problems
15 not just with you, but with the prosecutors. So, I
16 don't think that that's the concern that's a
17 legitimate concern necessarily of a candidate going
18 out there because this bill is perhaps not completely
19 artfully drawn that the---nothing personal, right. I
20 love you--that a candidate would go out there and do
21 childcare costs and say well, I, you know, I've taken
22 my kid to Great Adventures. That's a childcare cost.
23 Obviously, we're talking about--we're talking about
24 legitimate care costs, and my--my suggestion would be
25 that we take the FEC approach which is that this--the--

1
2 the—the reasonable reliance on the three-page FEC
3 opinion if a candidate says that, you know, I am the
4 primary caretaker or my spouse or partner or what
5 have you is the primary caretaker and together we are
6 involved in this campaign, and as such, we have this
7 issue, and just to be clear, my child is 16 years old
8 and I don't have this issue. I'm not looking to
9 benefit from this law in any way for now, but that
10 reliance, that reasonable reliance on a clear set of
11 standards that you can put out because you can even
12 design the form, the affidavit form, and I would say
13 it should be an affidavit a sworn statement, but then
14 that's it. No—no—no discretion. No checking off, no
15 yes or no. No July 15th at the time that the
16 candidate is filing his or her petitions, his or her
17 disclosure statement, his or her COIB disclosures,
18 and wants to submit the statement to you an all of a
19 sudden the CFB is well, like no, no you can't pay it
20 on that and the candidate has to go back with another
21 set of paperwork and say well look, I have these
22 expenses, and paying it to mom and pops daycare
23 incorporated, it's legit and no, no, that's not good
24 enough. You need to get it again. It needs to be on
25 pink paper this time. It needs to be copied the

1
2 right way, 300 MBP or whatever it's called with the
3 dots and the scanning. I mean guys have a lot of
4 rules about things you have to do, and if you don't
5 do it a certain way you got a sledge hammer over
6 their head. What I want to make sure is that that
7 doesn't happen to a person 60 days prior to an
8 election, and so Council Member Cumbo who doesn't get
9 to run again for this body, but God willing gets to
10 run for something one day, and will at that point
11 have a child who's two or three years old and I
12 anticipate will also have a childcare cost and should
13 be able to avail herself of—of a very wisely thought
14 of legislation without having to beg for relief.

15 AMY LOPREST: I mean. Yes, we've
16 already, I mean we've already agreed to that.

17 COUNCIL MEMBER YEGER: Okay, good. We're
18 on the same page. Perfect. Thank you very much,
19 Madam Chair and Mr. Chair. Thank you.

20 COUNCIL MEMBER CUMBO: Can I just make a
21 point of clarity?

22 CHAIRPERSON ROSENTHAL: Please.

23 COUNCIL MEMBER CUMBO: So, in my
24 situation also when I had my son in August and my
25 election in September and then my general in

1
2 November, technically I should have been on maternity
3 leave, but I couldn't have maternity leave because I
4 had to run for office, which if this bill were
5 written and—and passed into law, then that sort of
6 dynamic should be exactly the quintessential of who
7 needs childcare and if it's permissible. And so I
8 think that the nuances that you're bringing up is
9 everybody has such a different situation, but I think
10 it's really the owner—the ownership should be on the
11 candidate in terms of identifying what their need is
12 going to be versus the CFB because you could have the
13 approach of well, you already have a job so you don't
14 need childcare whereas my position would be I'm on
15 maternity leave and if not for this election, I would
16 be at home bonding and learning how to be a mom, and
17 that sort of thing.

18 AMY LOPREST: Uh-hm, yes, I mean I also
19 have children. So, it would be difficult for me to
20 qualify this. [laughter]

21 CHAIRPERSON ROSENTHAL: Great. I really
22 appreciate Council Member Yeger, your expertise on
23 the Campaign Finance Board is very impressive, very
24 impressive and very helpful to the Council. I
25 appreciate your bringing up the idea to switch that

1
2 to the—to I affirm just in the same way we say I
3 affirm we're going to spend the money appropriately.
4 So—so I really do appreciate it. I would—I might,
5 you know, my two cents would be to do that, but also
6 to make it something that's above and beyond what the
7 campaign---the public money that's provided through
8 the Campaign Finance Board that there should be
9 public money allotted for this as well because again
10 as we were discussing with this entire package of
11 bills taking down the hurdles for, you know, women or
12 men who care for their children primarily taking down
13 all barriers for them to in this case run for office.
14 And, you know, I'm not sure that we should be
15 expected to have to raise more money from out donors
16 who want to—to run for office. I—I—my two cents is
17 it would come out of the public purse, but regardless
18 thank you very much for coming here and testifying
19 today. We really do appreciate your thoughts on
20 this. I'm going to call up the next panel, and
21 unfortunately I think we've lost a few members of the
22 public because this hearing has gone on for a while.
23 So, we lost I know Felice Farber from the General
24 Contractor's Association. We're bout to leave—lose
25 our Majority Leader who is a rock star and mother

1
2 and, you know, and we also lost one of my favorite
3 doulas, oh, but we have a replacement doula. Okay,
4 actually, that's great and you can come up and—and,
5 oh, I think you're on the next panel. That's
6 alright. We're going to get to you really fast. We
7 have a representative from Manhattan Borough
8 President Gale Brewer's Office, Shulamit Warren
9 Cooter, and Audrey Sims from the National Diaper Bank
10 Network who's a volunteer, Alyssa Allison Weir from
11 the National Diaper Bank Network and Chanel Portia
12 Albert who I think had to leave, but do you want to
13 go in her place? That's fine. Come on up and you'll
14 just introduce yourselves. [pause] Alright, if I
15 could ask the sergeant-at-arms, we're going to put
16 three-minute clock only because we have a deadline
17 for this room. If everyone could—if we could start
18 with you Ms. Warren and if you would introduce
19 yourself for the record. Thank you.

20 SHULAMIT WARREN COOTER? Absolutely.
21 Thank you. My name is Shulamit Warren Cooter I'm the
22 Policy Director for Manhattan Borough President Gale
23 Brewer, and thank you so much for this opportunity.
24 My name is—it's not Gale Brewer, but I'm speaking on
25 behalf of her and she's the Manhattan Borough

1
2 President. I would like to thank Chairs Rosenthal
3 and Cabrera as well as the members of the both
4 committees for the opportunity to testify in support
5 of Intro 380 in relation to the provision of diapers.
6 For the past two winters my office has led a diaper
7 drive in partnership with the Food Bank and Girl
8 Scouts. Truly, this unusual addition to the city's
9 many holiday season donation drives fulfills a real
10 need and we are proud to have distributed nearly
11 25,000 diapers earlier this year on emergency food
12 providers throughout the borough. Supplying diapers
13 for free at these food bank partners helps relieve a
14 major burden on parents and children. As we all know
15 and has been discussed extensively throughout this
16 hearing, these families often rely on childcare
17 services that require them to supply disposable
18 diapers and wipes for their children. Without
19 diapers low income working parents who use childcare
20 services can't get to work or school because the
21 service require each parent to supply diapers not to
22 mention yet again wipes for their children. I
23 support Intro 380 and commend its primary sponsors
24 Council Members Treyger, Ampry-Samuel Rosenthal,
25 Cumbo, Levin and Reynoso. Yesterday the Center for

1
2 New York City Affairs released a brief for reshaping
3 New York changing world of childcare. It cites
4 licensed group family childcare as the fastest
5 growing childcare capacity for the city's infants and
6 toddlers. Could these sites be included in the
7 legislation? I would also like to suggest this bill
8 be expanded to include emergency food providers that
9 serve families and have the capacity for
10 distribution. Low-income working parents may receive
11 SNAP and WIC, which they cannot use to purchase
12 diapers and wipes yet may not live homeless shelters
13 or have their children placed in the Eligible
14 Childcare Centers. At the beginning of this month,
15 my office conducted a study in order to determine
16 whether the soup kitchens and food pantries across
17 Manhattan were in need of diapers. For the sites
18 that currently distribute diapers, they depend on
19 donations that are unreliable. Out of the 60 soup
20 kitchens and food pantries that we spoke with, 35 or
21 around 52% of the programs expressed a strong desire
22 for a regular supply of diapers. While not all soup
23 kitchens and food pantries have a client base or
24 capacity for diaper distribution, it would be wrong
25 to turn a blind eye on the programs for which a

1
2 supply of diapers is just as imperative as food
3 support especially as our client families are
4 challenged with this additional financial strain on
5 households with very limited resources. Sites like
6 Hope Line Diaper Distribution in the Bronx
7 established by Executive Director Maria Santron (sp?)
8 should be reviewed and recommended as a best
9 practice. I'm sure the colleagues are on this panel
10 as well. I want to thank the sponsors again for
11 trying to ease the burden on low-income and working
12 families in our city. Thank you for your time.

13 AUDREY SIMS: Hi. My name is Audrey Sims.
14 I am a volunteer with the National Diaper Bank
15 Network and I live here in New York City. I would
16 like to thank the Council so much for giving me the
17 opportunity to testify on this issue that's very
18 close to my heart. [bell] I have been-

19 CHAIRPERSON ROSENTHAL: We're restarting
20 the clock for you.

21 AUDREY SIMS: Oh, sorry.

22 CHAIRPERSON ROSENTHAL: Okay. Keep
23 going. You're fine.

24 AUDREY SIMS: I've been volunteering fro
25 the National Diaper Bank Network first for the Good

1
2 Plus Foundation, which is a New York City diaper and
3 baby supply foundation and then for the larger
4 National Diaper Bank Network in a lobbying capacity
5 for about two years, and I started out just going
6 around in my neighborhood and collecting open
7 packages of diapers that people didn't need any more,
8 and from there we grew into a passion, and what I'd
9 like-what I kind of want to point out from my
10 perspective as a kind of civilian volunteer the
11 interest and uniquely compelling interest that New
12 Yorkers have in this issue. Parents from all over the
13 city have messaged me to come and get diapers and
14 said I can't believe this is such an, you know, such
15 a need, and everyone is always surprised that diapers
16 aren't covered under any programs. Because any
17 parent, as any parent knows, you really can't do
18 anything without diapers, and so over the past two
19 years through both my own just collections with my
20 daughter walking around in our stroller and putting
21 on the bottom and having people drop them off. And I
22 have been able to participate in a few diaper drives
23 with other organizations. I estimate about 25,000
24 diapers just from people who have been interested in
25 this cause, and I think that the-after the donation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

piece the next question is always what more can we do from these concerned citizens, and I think Council Member Treyger's bill does an excellent job addressing this issue, supplementing the supply that New Yorkers have been so eager to donate. As Gale Brewer's Office mentioned, sometimes the supply is very erratic or I often collect like lots and lots of little tiny diverse and not as many big diapers because you go through the smaller sizes very quickly, and then the bigger ones that you have the more need for. I've also heard many stories about, you know, kids going through trauma and regressing. So, that's an extra expense that you weren't counting on necessarily. There's so-diaper need touches on so many issues in this spectrum, wider spectrum of poverty and is I feel a lynchpin for addressing these issues in an effective and tangible, concrete way. So, I am very honored to be able to support this bill, and I hope that the Council will take it further and hopefully provide New York with the—with dignity that the most vulnerable citizens deserve. Thank you.

CHAIRPERSON ROSENTHAL: Thank you.

[background comments]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BARONESE KERNIZAN: Hello. Yes.
Greetings everyone. My name is Baronese Kernizan. I
am here to give the testimony of Chanel Porchia-
Albert who is the Executive Director of Ancient Song
Dual Services. Okay. So, good afternoon for all and
give thanks for joining us today to support the
movement towards black justice or towards justice and
black maternal health. Ancient Song Doula Services, a
Brooklyn based organization has actively worked
towards bridging racial disparities in maternal
health towards addressing racial implicit bias since
2008. So, she actually started the Ancient Song out
of her living room, and ten years here we are. She
saw that there as a need to address access to care.
So, since then Ancient Song has trained over 300
Doulas including myself both locally and nationally.
We are a community based and culturally relevant
organization and we are crucial in spearheading the
fight against the disparities in black maternal
mortality and morbid--morbidity. Excuse me. Ancient
Song stands here in favor of the package of bills
coined as the Mother's Day Package offering both
lactation services accommodations as well as in
support of diapers and childhood expenses because

1
2 just like Doula services, diapers should not be seen
3 as a luxury. [coughs] But we would also like to
4 stress the importance of community based and
5 culturally relevant organizations who have been and
6 still are at the forefront of maternal health work
7 within our communities being not only included but
8 recognized as key resources in informing the earliest
9 phase of this work and improving the outcome of
10 postpartum period for those individuals and families
11 most at risk. Certified lactation counselors—I am
12 one of those by the way—additionally should be
13 regarded as an integral part of supporting lactation
14 for employees in order to foster continuity and both
15 physical and emotional support in lactation. In
16 order to effectively address racial disparities
17 within maternal healthcare in New York City and
18 statewide, we must also ensure that the community
19 voices and representations are stakeholders in any
20 developments towards health equity. This in itself
21 plays an integral role in addressing the maternal
22 mortality and fair morbidity—morbidity of black women
23 and working within our city. Black women are four
24 times more likely to die in the U.S. and 12 times
25 more likely to die of child birth and child birth

1
2 related causes in New York City. New York City—New
3 York City should be regarded as the prime example in
4 facilitating what it means to have equitable
5 partnership in addressing disparities within our most
6 marginalized communities. The Maternal Mortality
7 Review Board is already taking adequate steps towards
8 addressing maternal deaths by having Ancient Song and
9 other community organizations steering conversations
10 and providing information to adequately address
11 maternal deaths. The Maternal Mortality Review Board
12 [bell] as propose by the New York Assembly includes a
13 section that would--

14 CHAIRPERSON ROSENTHAL: Wrap it up but
15 you're doing great.

16 BARONESE KERNIZAN: Oh, thanks. Yeah, you
17 know, try saying that three times. Maternal
18 Mortality Review Board as proposed by the New York
19 Assembly includes a section that will compromise
20 confidentiality, protection that is not only actively
21 required by all states, but is also considered
22 crucial by the CDC. This section must be revised in
23 order to protect the confidentiality—confidentiality
24 of our mothers. The new language proposed within
25 this states the initiative only breaches

1
2 confidentiality, but also safety of those groups.

3 Thank you for all of your time and energy, and thank
4 you in advance for supporting. We look forward to
5 shifting the narrative of pregnant and birthing
6 people in New York City.

7 CHAIRPERSON ROSENTHAL: Thank you and
8 thank you for testifying on behalf of Chanel, and
9 thank you for being a Doula.

10 BARONESE KERNIZAN: Oh, thank you.

11 [laughs]

12 CHAIRPERSON ROSENTHAL: Next.

13 ALLISON WEIR: Good afternoon Chair
14 Rosenthal and Chair Cabrera the committee. My name
15 is Allison Weir. I'm the Chief of Policy at the
16 National Diaper Bank Network. We're a network of
17 three-200 diaper banks across the country. Diaper
18 banks provide diapers through-to poor and low-income
19 families through community-based agencies. In most
20 cases we don't receive any government funding, and
21 the need as we've already heard is quite great. Two
22 of our members here in the city we haven't mentioned
23 Hope Line and the Good Plus Foundation, but you, as
24 you can imagine getting diaper banks in New York is
25 fairly challenging because of the cost of warehousing

1
2 diapers and distributions. So, we fully support this
3 bill of getting more diapers out to more families
4 more easily. Diapers are important for children and
5 their family. An insufficient supply of diapers can
6 increase the risk of severe diaper rash and infection
7 causing parents to take time off from work to care
8 for sick children, but also parents with healthy
9 children have a problem with diapers if they don't
10 have enough diapers to provide for the childcare
11 program. Last summer we surveyed families across the
12 U.S. and found that 1 in 3 families suffers from
13 diaper needs, the inability to provide enough
14 diapers to keep their child clean, healthy and dry.
15 Fifty-seven percent of parents in diaper needs say
16 they miss work or school at least once during the
17 year—the month before because of diapers. Fifty-
18 seven percent. By providing diapers it makes a real
19 economic difference. An analysis of the University of
20 Connecticut Center of Economic Analysis that Sergeant
21 Barnes (sic) just passed out among you. Providing
22 diapers reduced the risk—reduced the incidents of
23 diaper rash 33% and the duration of diaper rash 77%
24 causing real medical saving over the diaper rash
25 medical cost. The city also estimates—estimated

1
2 because diapers can help parents go to work and stay
3 at work that the earnings of the recipient families
4 increase eleven times the value of the diapers they
5 received. These increased earnings, of course, added
6 to the state revenue and more income tax and sales
7 tax. Diaper use strongly correlates with maternal
8 stress, and there's a strong correlation between
9 maternal-between diaper need and maternal stress and
10 any other basic need including food insecurity. Not
11 being able to provide diapers for your child causes
12 stress, and stressed families have difficulty caring
13 for their children and exacerbating the situation.
14 With this bill, families under stress can provide
15 this most basic need for their children. Small
16 things like diapers can have a big impact on the
17 physical, mental, and economic wellbeing of the
18 children and family. We fully support this bill and
19 urge you to support it. Thank you.

20 CHAIRPERSON ROSENTHAL: Great. Really
21 appreciate everyone's testimony and everyone's work
22 on behalf of our mothers and children. Thank you for
23 your work. I see there are no Council Members
24 besides the two of us. [laughter] We care. I'm
25 going to call up the next panel. Thank you again.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Next we have Olga Rodriguez from Safe Horizon, Ashley Sawyer from Girls for Gender Equity, Sarah Brafman from a Better Balance. Nice to see you. Nice to see that you waited here, and Alice. I can't quite read your last name from Citizen's Committee of Children. Are you here? Okay. Sorry, I couldn't—you'll pronounce it for me. Alright, if you have testimony, you can give it to the sergeant and I'm going to ask you just introduce yourself before giving your testimony and Alice only because you're sitting down last maybe you could start. Just be sure to turn on the microphone so the red light shows, and we're going to keep the three minute limit for testimony. Thank you.

ALICE BUFKIN: Thank you. My name is Alice Bufkin. I'm the Director of Policy for Child and Adolescent Health with the Citizen's Committee for Children. We're an independent multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe. I'd just like to thank Chair Rosenthal, Chair Cabrera, the members of the committee and Public Advocate James.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRPERSON ROSENTHAL: I'm going to interrupt you just for a quick sec. If you want, you can just talk about—we have copies of your testimony. You're welcome to read it into the record or you're welcome to make some general comments as well.

ALICE BUFKIN: Sure. I'm happy to do that. So, I do want to, you know, we as a multi-issue advocacy organization appreciate the full package of the Mother's Day bills today, are very support of the intent of all these bills. I first want to address Intro 380 related to the diaper supply. You know, we've heard today extensively about how important diapers are, and how difficult they are to—for families to afford. CCC thus strongly supports Intro 380. We do have a few recommendations to further improve the bill. First, in addition to providing diapers, we'd like to ask the Council to consider also providing a supply or having DCAS provide a supply of baby wipes and wash cloths. These are also items, as you know, are very difficult for families to obtain, and so we'd like to consider adding that to the diaper supply as well. Additionally, many infants and toddlers are in subsidized childcare or in family childcare settings

1
2 rather than in center-based settings, and so, we
3 would ask that the Council explore the feasibility of
4 providing diapers in these family based settings in
5 addition to center settings. This could potentially
6 take the format of a reimbursement for diapers per
7 person (sic) supplied. We also strongly support
8 Intro 853. We believe that a plan to ensure city
9 workers have access to high quality affordable
10 childcare is long overdue. As you know, a lot of
11 city agencies have a high number of female employees.
12 So, we'd love to see the pilot study in particular
13 work with one of the agencies that has a high number
14 of female employees within it. We also obviously
15 very much appreciate the Council for focusing
16 attention on how to improve breast feeding supports
17 in New York City, and appreciate DOHMH for its
18 extensive work on this area. Despite these efforts,
19 we've heard again how we still have a long way to go
20 as a city. So, we very much support the intent of
21 Intro 879 and Intro 905. We do echo the comments
22 earlier today, and wanted to make sure that those do-
23 will ultimately expand the protections available for
24 working moms, but again we very much appreciate
25 increasing accommodations and increasing the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

education and the knowledge of employees about what's out there and what's available to them. In general, we would just say that with all these lactation accommodations, always we want to make sure that we also will think about our culture of support for breast feeding. So making sure that these things go hand-in-hand with an opportunity to support breast feeding as-as promoted, as welcomed and celebrated in addition to making sure that there is private space for these moms. Again, we're incredibly grateful to the City Council for looking at these, and appreciate your time today.

CHAIRPERSON ROSENTHAL: Thank you.

ASHLEY SAWYER: Good afternoon, Chair Rosenthal and Chair Cabrera. My name is Ashley Sawyer and I'm the Director of Policy and Government Relations at Girls for Gender Equity. Girls for Gender Equity, GGE is a youth development and advocacy organization committed to the physical, psychological, social, economic development of girls and women, and we're committed to fighting structural forces including racism, sexism, transphobia, homophobia, and economic inequity, which constrict the freedom of cisgender and transgender girls and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

women of color and gender non-conforming people of color. Thank you for holding this important hearing on this package of bills addressing the needs of many parents in the city of New York. Last term we worked with many of you to launch the first dedicated initiative for cis and trans girls and women and gender non-conforming youth, the New York City Young Women's Initiative. A number of issues being addressed today were recommended by this body in 2016, and we appreciate the leadership of the City Council to continue to prioritize women, girls and gender non-conforming folks in our city. Safe, clean, accessible and comfortable lactation spaces are an important step in removing barriers that prevent all breast feeding parents, but especially parents of color from breast feeding. As you all heard today, the American College of Obstetricians and Gynecologists highly recommend breast feeding for the first six months, and primarily exclusively for the first six months, and despite all of the evidence that you all heard about today about the benefits of breast feeding for both parent and child, we know that there are still significant structural impediments that prevent parents of color from breast

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

feeding or pumping and the CDC has also indicated that many of those barriers are related to people who have—work in low-wage jobs, and work in small employers that do not accommodate them. At GGE because we focus on youth and young people I want to particularly emphasize the way this package of bills can benefit young people who are parenting in schools. We can understand that the barriers exist for parents who are in a traditional workplace. So, you can only imagine the barriers that exist for a young person who is trying to breast feed while attending a New York City public school. In 2016, GGE launched a participator action research process where we engaged over 100 young people attending New York City schools. To better understand the specific needs and concerns that they had, those young people compiled 45 recommendations for the city in the report entitled Schools Girls Deserve. As you may recall, we know that from that Schools Girls Deserve Report, and the participatory action research that came from it that not being able to care for children if you're a student is one of the main contributors to push out for students, pregnant and parenting students in New York City schools, and so we ask that

1
2 this bill and this package of bills emphasize the
3 ways that school personnel should allow breast
4 feeding students to take breaks or pump or otherwise
5 express milk and students should not [bell] should be
6 able to—excuse me—should be able to do so in spaces
7 that do not subject them to stigma or embarrassment,
8 and so we should also have access to refrigeration.
9 I'll quickly speed up. As an attorney, I represented
10 young people who were in New York City jails and
11 girls identified folks or Rikers, and I was—had
12 extensive conversations with them about the trauma of
13 being separated from their children, and for that
14 reason, I also emphasized the way that this package
15 should support folks who are in New York City's
16 detention facilities and jails and being able to
17 breast feed and express milk. You can only imagine
18 what it's like to stand next to a woman who is in
19 court who is engorged and is in extreme pain, and how
20 that can prohibit her from having a fair day in
21 court. So, we thank you again for your leadership
22 around these issues and we hope that you all will
23 continue the process to ensure that breast feeding
24 parents and children are able to have the resources
25 and the support that they need. Thank you.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRPERSON ROSENTHAL: Thank you. I

appreciate that especially your emphasis on the
courts and on the jails. Great point.

SARAH BRAFMAN: Hi. My name is Sarah

Brafman. I am a staff attorney at a Better Balance,

which is an organization, a legal advocacy

organization that works to further the law for

working families. We have been proud to work with

the city Council and Public Advocate James in

advancing many pioneering solutions for the city

including the Pregnant Workers Fairness Act and the

City Human Rights Law also know of the PWFA. Beyond

just working closely to pass the law, our

organization has an emphasis on enforcement. Since

the 2014 passage of the PWFA, we have spoke to

hundreds if not thousands of workers in New York City

through our free confidential legal help line about

their rights under the law including their right to

receive lactation accommodations as a related medical

condition to pregnancy and childbirth. While my

written testimony focuses on three bills at issue

today, including 853, 879 and 905 I want to focus on

the two bills related to lactation accommodations

Intro 879 and 905. While we certainly support the

1
2 Council's desire to ensure working parents can access
3 lactation spaces. We're concerned that the
4 legislation as written would actually curtail rights
5 already granted under the PWFA and create confusion
6 for employers and employees. I'm going to lay out
7 three concerns with 879 and two concerns with 905.
8 First and foremost, as has been pointed out, Intro
9 879 would codify in statute that only employers with
10 15 or more employees would be required to provide a
11 lactation space. This could preempt the current four
12 employees threshold made clear by the Commission
13 guidance stripping employees of who work for
14 employers with few than 15 employees of lactation
15 accommodations. Second, the law currently requires
16 that employers accommodate employees when a related
17 medical condition is known or should have been known
18 to the employer. This means that an employer must
19 accommodate even when the employee has not
20 affirmatively requested the accommodation. 879,
21 however, places the affirmative burden on the
22 employee to request the accommodation. Finally, 879
23 allows employers located in the same building to
24 share a lactation space. We are concerned about the
25 administrative ability of this provision. Allowing

1
2 employers to combine spaces could result in employees
3 being unable to access a space that is not operated
4 by their employer. For an employee who needs to
5 express milk on a regular schedule, this could result
6 in not only in inconvenience but also a risk to the
7 employee's health. As to 905, our concerns are
8 twofold. In January 2018, the Mayor signed into law
9 Intro 804-A, which amended the Human Rights Law to
10 require that employers engage in a cooperative
11 dialogue with employees who request reasonable
12 accommodations including lactation accommodations.
13 The cooperative dialogue standard requires employers
14 to (1) engage in good faith in a reasonable time and
15 again—and places the burden again to request the
16 accommodation [bell] on both the employer and the
17 employee. Intro 905, however, does not have a good
18 faith requirement, allows the employer up to five
19 business days to grant the request as opposed to
20 reasonable time and again, only puts the burden on
21 the employee to request the accommodation. Finally,
22 we're concerned that this will place an unnecessary
23 burden on the Commission to crate a model policy when
24 materials are already available from the Commission
25 setting forth employers' obligations. The city just

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

adopted budget cutting the Commission's budge by
nearly 10% and the Commission or \$1.4 million and the
Commission is now tasked with implementing with both
the cooperative dialogue and the recent gender based
harassment laws. It seems unnecessarily onerous to
make the commission create another policy that is
redundant. While the lactation laws could certainly
be strengthened, we urge the Council to consider our
feedback on 879 and 905 and to consider the confusion
these laws may cause workers and employers leading to
a potential reduction in workers' access to lactation
accommodations. We would be happy to lend our
expertise and answer questions on these issues to
ensure that these protections work for all New
Yorkers. Thank you.

CHAIRPERSON ROSENTHAL: Really appreciate
your help, and this is exactly what the legislative
and the back and forth is about. Thank you.

SARAH BRAFMAN: Thank you.

OLGA RODRIGUEZ VIDAL: Good afternoon.
Thank you for the opportunity to testify before you
today. My name is Olga Rodriguez Vidal, and I am the
Associate Vice President of Shelters for Safe
Horizon. Safe Horizon is the nation's leading victims

1
2 assistance organization in New York City and the
3 largest provider of services to victims of crime.
4 Safe Horizon's mission is to provide support, prevent
5 violence, and promote justice for victims of crime,
6 abuse, their families and the communities they live
7 in. Safe Horizon strongly supports Intro 380 as
8 diapers are a basic necessity of every family, and
9 should be readily available for families in need.
10 Assist with clean diapers for families in our
11 domestic violence shelters would mean that they could
12 direct their financial resources to other basic
13 necessities like food, clothing, transportation and
14 that Safe Horizon could direct resources to other
15 essential services for survivors. Safe Horizon
16 operates eight domestic violence shelters across all
17 five boroughs and we provide a safe, healing setting
18 for over 700 people each night. More than half of
19 the families that we serve are children. The
20 families in our domestic violence shelters want the
21 best for their children as we all do, but have very
22 limited financial resources. An average monthly
23 supply of diapers costs about \$80, and families
24 living in our shelters must often sacrifice and make
25 choices between basic necessities like food,

1
2 clothing, transportation, medical care and diapers.
3 No parent should have to choose between purchasing
4 diapers and meeting the basic needs of their
5 children. For families who are living in domestic
6 violence shelters, access to clean diapers means that
7 they can budget their resources towards other
8 essential needs, and that there is one less thing for
9 them to worry about as they work to rebuild their
10 lives and focus on safety. Additionally, regular
11 access to clean diapers ensures that children are
12 healthy and avoid the health risks that came with
13 staying in a soiled diaper for a long period of time.
14 Safe Horizon will occasionally be able to offer
15 diapers to families on an emergency basis, but
16 current reimbursement rates for our domestic violence
17 shelters do not allow us to provide diapers on a
18 full-time basis, which is what families really need.
19 Intro 380 could help Safe Horizon to direct the
20 current funds we use to purchase emergency diapers to
21 other resources for shelter residents like food,
22 transportation and different kinds of assistance.
23 Additionally, Safe Horizon will occasionally receive
24 donations of diapers that we can distribute to
25 families, but these donations are not always—sorry.

1
2 Will occasionally receive donations of diapers that
3 we can distribute to our families [bell] but these
4 donations are not always consistent. So, our
5 families cannot depend on that. Having a steady
6 supply of diapers will allow families and Safe
7 Horizon staff to plan better indirect critical
8 resources to what is most needed.

9 CHAIRPERSON ROSENTHAL: Do you want to
10 wrap up, and we have your testimony.

11 OLGA RODRIGUEZ VIDAL: Sure. So, I just
12 wanted to say that earlier on we heard, you know,
13 someone testify about, you know, providing diapers to
14 organizations, and as far as I know, there really
15 aren't a lot of resources that we can direct clients
16 to. Often times if clients are in need, we can
17 provide an emergency basis or other programs that can
18 provide diapers, but it's usually a one-off. It's
19 not a resource that is ongoing, and so I just want to
20 say that this is really important, and I—and I hope
21 that it comes to fruition. So, thank you for your
22 time.

23 CHAIRPERSON ROSENTHAL: Thank you very
24 much. I really appreciate it. I mean I thought that
25 the information from the Diaper Network was really

1

2 interesting. That might be a resources, but I really
3 appreciate everyone on the panel here. I know
4 Council Member Yeger has a question.

5 COUNCIL MEMBER YEGER: Thank you, Madam
6 Chair. My question for Ms. Brafman. I don't know if
7 you were here earlier when I was talking to the fine
8 people from the Human Rights Commission. I'm going
9 to ask you the same question: What's the right
10 number?

11 SARAH BRAFMAN: So, the standard in the
12 Cooperative Dialogue Law is a reasonable time, and I
13 think that that's appropriate because if you have
14 someone who you know is coming back to work, often
15 times women will actually alert their employer
16 beforehand and so they really only need a much
17 shorter amount of time in order to create that
18 accommodation than putting five days in the law might
19 actually give employers the thought that well I can
20 actually drag this out unnecessarily when really you
21 have someone that needs to express milk every three
22 hours or possibly more, and so our concern is that
23 changing it from a reasonable time, which actually
24 could be an hour or a day to five days is going to

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

really compromise the health and safety of the
workers.

COUNCIL MEMBER YEGER: Who determines
what's a reasonable time?

SARAH BRAFMAN: Well, first the dialogue
happens among the employer and employee, and then a
reasonable time if it becomes an issue, it becomes
the determination of the Human Rights Commission or
of a court if you take it court, and I think--

COUNCIL MEMBER YEGER: [interposing] So--

SARAH BRAFMAN: --you'd see with
especially around lactation that often it doesn't
take five days to create that kind of accommodation,
and you're talking about workers that really need
this in real time. So, five days could actually push
them off the job without employment.

COUNCIL MEMBER YEGER: If an employer has
to do this within five days, right, and a reasonable
time could be an hour, is there a likelihood in your
view that in the city of New York where they have
this-this great number of employers who are going to
say well I can do it in an hour, but let me wait up
to five days. Is there some kind of a benefit to

1

2 those employers that you see that they would wait
3 five days in order to do it?

4

SARAH BRAFMAN: So, I talk to workers day
5 in and day out, and if employers can put off
6 following the law they will. We just had a client
7 who—who told her employer she needed break time to
8 express milk at work. Her employer put in writing—
9 she found right, when she got back: I don't feel
10 like following this law. So, she got back. She
11 needed break time to pump. Her employer didn't want
12 to follow the law, and she was fired days after she
13 came back from maternity leave.

14

COUNCIL MEMBER YEGER: And that's a great
15 example of an employer who would be in violation of
16 this law as well.

17

SARAH BRAFMAN: They would be in
18 violation of this law, but they'd also—they're also
19 currently in violation of our current law.

20

COUNCIL MEMBER YEGER: But they would
21 also be in violation of this law. What I'm looking
22 to find is an example of somebody who would currently
23 be in violation of the law as currently interpreted
24 by the fine people at the Human Rights Commission,

25

1

2

but would somehow get a free pass under the wise
legislation being proposed by this body.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SARAH BRAFMAN: Sure. So, let's say you
have an employer who has a space available, but
doesn't want to give it to the employee, and they
say—and so the employee says okay I need—I need the
space, and they have it available and they need it
within one day, and the employer says well, I
actually have five days, and so the employee goes
homes, doesn't get to express milk, loses time, loses
money for not being at work. Under this law, though,
the employer might not be liable. Under the
Cooperative Dialogue Law, reasonable time would show
that the employer should have complied with the law
within the day, but now the law says it actually only
needs five—they actually can take five days to comply
with the law. So now your law, which preempts the
Cooperative Dialogue Law because it's more on point
with lactation accommodations has now curbed their
ability to bring a claim because it's gone from
reasonable time to five days.

COUNCIL MEMBER YEGER: But that's your
interpretation of what would be reasonable, and that
employer and somebody else's interpretation could

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

have done it in one day, could have done it in two hours. What we're saying is that there's a cap. There's five days. Employers are going to know that they have to do this within five days. If they can do it within four days, I don't think an employer, I mean I don't think most employers would say well let me wait that extra day. There's no cost involved. There are no savings involved in waiting the extra day versus doing it in four or three or two, and what we're trying to do I think, the wise drafters of this bill is create some certainty in the law versus the interpretation or the whims of an agency, and you say that with regard to the other agency. I have the same concerns. What I'm trying to do, and I think some of my colleagues on this Council are trying to do is to take out uncertainties in the law. As a lawyer you know that we don't like uncertainties. We like people to know what the rules and regs are and how to follow them, and what the current rules and regs are is that the commission gets to decide what the employer could have done, whether or not it was reasonable and whether or not the employer unduly delayed it. And which brings me to my next point

1

2 unless you want to jump in because you look like you
3 wanted to.

4

SARAH BRAFMAN: Sure. So, can I jump in?

5

6 COUNCIL MEMBER YEGER: Yeah, yeah,
please, please, please.

7

8 SARAH BRAFMAN: If we talk about clarity
9 in the law, the—you'll have two conflicting laws,
10 right? So, you'll have a cooperative dialogue law
11 and then you'll have a lactation accommodation law.
12 One will say reasonable time. One will say up to
13 five days. So that is number one is to something
that could crate--

14

COUNCIL MEMBER YEGER: [interposing]

15

That's what—but you know, that our--

16

SARAH BRAFMAN: [interposing] Action in--

17

COUNCIL MEMBER YEGER: --statutory

18

19 interpretation of this law will govern issues related
specifically to lactation.

20

SARAH BRAFMAN: Right.

21

COUNCIL MEMBER YEGER: Okay.

22

SARAH BRAFMAN: So, to the second point.

23

COUNCIL MEMBER YEGER: The Supreme Court

24

is very clear that this is exactly the kind of

25

legislation that would—that would, you know, the two

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

comparisons of the—the comparison of the two legislations, this legislation would clearly trump the other because this speaks to the point, and it's specific versus the other legislation, which is a general legislation. So, the Supreme Court is very clear that this bill is what governs. There's no dis—there's no unclarity, there's no confusion, there's no trumping or kind of, you know, conflicting two statutes.

SARAH BRAFMAN: Yes, so--

COUNCIL MEMBER YEGER: Okay.

SARAH BRAFMAN: Can I make two points on it?

COUNCIL MEMBER YEGER: Sure, sure.

SARAH BRAFMAN: One, I think is a point of compromise and—and one—maybe not one point, but the point of compromise I would say if—if the intent really is to make a cap, right that five days is really the cap, but if they can do it sooner then we should do it sooner then I would—I would want to think about this more, but just offhand to put something in the law that says, you know, without delay, within reasonable time up to five days only.

COUNCIL MEMBER YEGER: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SARAH BRAFMAN: Right.

COUNCIL MEMBER YEGER: Okay, well that's the answer that the Human Rights Commission could not give, and I appreciate that.

SARAH BRAFMAN: So, I think that that's a way to—to think about it.

COUNCIL MEMBER YEGER: Okay.

SARAH BRAFMAN: The—the other thing I would say, though is that one has to remember that the—the PWFA is about pregnancy, childbirth and related medical conditions. So, someone who comes back and needs to express milk may have other accommodations related to child birth or medical condition that aren't the need to express milk. So then you are continuing to have confusion in the law because the reasonable time standard would still exist for the other accommodations related to pregnancy child birth and related medical conditions, and then a separate standard for the lactation space. So you're still giving employers a confusing standard because if they're weighing two kinds of accommodation one related to lactation and one related to let's say it was a really difficult birth and the person needs like a new chair or needs to

1
2 take more frequent breaks because they are still
3 recovering from child birth three months later. Then
4 they're seeking an accommodation for that as well as
5 expressing milk, and there are two different
6 standards set out for both of those kinds of
7 accommodations.

8 COUNCIL MEMBER YEGER: But no conflict
9 because this is--this law was specifically drafted to
10 deal with lactation policy of the city of New York as
11 articulated by its Legislature, and what you're
12 describing are reasonable accommodations related to
13 medical conditions, which are not just limited to
14 medical conditions related to pregnancy, but medical
15 conditions across the board. If somebody breaks a
16 leg, and isn't--and also entitled to reasonable
17 accommodations at their place of employment I
18 believe. I want to ask you another question
19 regarding the--the point that you brought up of the
20 known or should have known standard, and my question
21 is going to be is it ever appropriate for an employer
22 to ask an employee are you currently expressing milk?

23 SARAH BRAFMAN: So, the Commission
24 contemplates that kind of scenario, and what the
25 Commission's guidance says, and I'm not quoting

1
2 verbatim so apologies if I make an error, but what
3 they say is that if an employer knows that—that an
4 employee may be in need of an accommodation and that
5 accommodation is related to pregnancy, childbirth and
6 related medical conditions, then they would have the
7 responsibility to ask if they needed an
8 accommodation. And so, I think if someone is out on
9 parental leave and then they're coming back, and they
10 need to express milk at work, to say to someone will
11 you require lactation accommodation when you return
12 because they know that the person might have a
13 condition related to pregnancy and child birth, and
14 that condition is lactation. Then to ask if they need
15 a space for that, then I think that would be
16 appropriate, and the other thing is that employees
17 sometimes have fear of asking for such a space
18 because they fear retaliation. Now, the—the Council
19 is considering a current law that would put requests
20 for reasonable accommodations within the anti-
21 retaliation provision of the New York City Human
22 Rights Law. I testified on that yesterday, but I
23 think employees--

24 COUNCIL MEMBER YEGER: [interposing] I
25 co-sponsored that bill.

1

2 SARAH BRAFMAN: that's wonderful. Thank
3 you.

4

 COUNCIL MEMBER YEGER: With Matteo (sic)
5 yes and it's a good bill.

6

 SARAH BRAFMAN: It's a really good bill,
7 and I thank you for that. At the same time employees
8 are still likely to fear retaliation for request
9 accommodation. So, if the—if the employer reaches
10 out and knows my employee is going to need lactation
11 accommodations, then it—I really alleviates a burden
12 on the employee whom I have feared asking for those
13 accommodations.

14

 COUNCIL MEMBER YEGER: Let me—let me give
15 you this scenario. Obviously, we're here on a—on a
16 female friendly legislative day. It's about time and
17 Helen, Council Member Rosenthal has been a leader on
18 them in this Council. I don't have the—the burdens
19 of that obviously because I'm not a female, but I
20 could tell you that as a male, I would never feel
21 comfortable asking the woman who works for me whether
22 or not she was currently expressing milk. I wouldn't
23 think that—that's an appropriate for me to ask. I'm
24 a married guy and I'm comfortable with—with personal
25 relationships with my staff, but I don't think it's

1
2 appropriate for somebody to turn to their staffer and
3 say, I know you just had a baby. Are you lactating,
4 and—and I think what we're doing here is we're
5 setting up a situation where we requiring he
6 employers to tell employees what their rights are,
7 but we're asking the employee to say I need this
8 accommodation. That's normal. That's standard, and
9 that's in every kind of accommodation that employees
10 need, but it also takes the burden away from this
11 confusion where an employer may say, you know, on the
12 one hand I—I got to know because you just had a baby,
13 this may be a thing, but on the other hand I don't
14 want to ask that because it's not my business
15 necessarily.

16 SARAH BRAFMAN: Well, then what I would
17 implore you to do is to ask every parent who is
18 coming back from a parental leave whether they
19 require lactation accommodations. Then you're not
20 assuming someone's gender. You're not assuming
21 someone's gender identify. You're not assuming
22 whether they might need lactation accommodations, and
23 you're not assuming whether a woman would need
24 accommodations. You send out an email to every
25 standard fare, every employee who is returning to

1
2 work from a parental leave who has a new child
3 whether it be adopted, foster, you know, biological,
4 do you require lactation accommodations when you
5 return to the workplace? And then you're not in a
6 position where you're uncomfortable because that's
7 just standard fare that as an employer you're going
8 to ask whether you require lactation accommodations
9 when you return from parental leave.

10 COUNCIL MEMBER YEGER: Council Member
11 Rivera's bill, Rivera, Cumbo, Councilman Powers and
12 Councilman Ayala, have a bill that requires a written
13 policy by the employer that be distributed that the
14 employer is as affirmatively telling their staff we
15 will do this for you. You've just got to tell us you
16 want it done, and I don't see—respectfully, I don't
17 see what the problem with that would be and it takes—
18 again, it takes away the uncertainty. It takes away
19 the confusion, and it doesn't require guess work and
20 it doesn't require uncomfortable conversations or
21 confrontations or whatever. It puts everything out
22 there as a firm policy of the City of New York. The
23 employer has to put it in writing, has to tell the
24 employees what their rights are just like in your
25 place of employment, I'm sure in the—in the coffee

1
2 room there's a whole bulletin board full of employee
3 rights. You have the right to an unemployment if
4 you're terminated. You have the right to disability.
5 There's all these things that the state law requires
6 and that city law requires. This would be another
7 such policy and that's—and it's a matter of
8 explaining it to of what the thinking was behind it,
9 but that's the thinking here. We want to do it
10 better. There's no question we want to make it
11 easier, but what we're also trying to do is create
12 certainty in the law where uncertainty right now.

13 SARAH BRAFMAN: So, two points on that.
14 (1) I just want to re-emphasize the idea that when
15 anyone returns from parental leave you put out a
16 query as to whether they need lactation
17 accommodations. Then you're not put in the
18 uncomfortable position, and needing to ask a woman
19 specifically whether they need lactation
20 accommodations.

21 COUNCIL MEMBER YEGER: What about a new
22 employee? Just—just hired a woman, do we ask the
23 woman whether or not she's currently lactating and
24 needs accommodations?
25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SARAH BRAFMAN: Well, you're going to be—
a new employee you would be giving the model policy.
So, you would be letting them know that they have the
right to lactation accommodations.

COUNCIL MEMBER YEGER: And we would be
giving that to existing employees as well?

SARAH BRAFMAN: The second—the second
point I want to make respectfully is that when a—when
an employee sits down and receives a policy, if it
doesn't affect their life, they likely—while we think
it's important, I—I support legislation that would
require our policy with the provisos that I made in
my testimony. At the same time, someone who doesn't
have that need in that moment is not going to
remember that three years later when they actually
require the accommodation, and so what I would say to
that is we need the policy. It needs to be on the
books. I fully support it, and our organization
fully supports it. At the same time, I hear from—
from callers and women every day. Only when the need
arises do they want to know what their rights are and
they might have received a policy. I can't tell you
how many times someone might have said to me oh,
yeah, I might have seen something when I was hired

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

three years ago, but I have no idea what that says. I don't know how to access it, and I don't know what my rights are, and giving an employer the responsibility to say, you know, when the need arises, that you have this right is going to be much more practically effective for an employee, much more so than a form of paper they got along with 300 other pieces of paper on their first day of working saying they have the right to this, that and the other. And I think going back to the point of just treating it neutrally where everyone who is returning from parental leave gets a notification that if you require lactation accommodations, please let me know. That's not making an assumption as to whether they are or are not expressing milk. It's just telling them we know you are a new parent. We're not assuming what your needs are, and we have this available to you should you need it.

COUNCIL MEMBER YEGER: Alright, I

appreciate the dialogue. Thank you.

SARAH BRAFMAN: Thank you.

COUNCIL MEMBER YEGER: Thank you, Madam
Chair.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON ROSENTHAL: Thank you so much
Council Member Yeger. Really appreciate that, but
also I really appreciate this panel. Thank you for
your thoughts on this, these pieces of legislation.
Thank you for staying so late today. Council Member
Cabrera, I think I'm going to call the hearing—

CHAIRPERSON CABRERA: Yes.

CHAIRPERSON ROSENTHAL: Okay. I'm going
to call this hearing to a close. Thank you. [gavel]

SARAH BRAFMAN: Thank you.

[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 June 29, 2018