

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY WITH
COMMITTEE ON CIVIL AND HUMAN RIGHTS

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April 23, 2018
Start: 1:14 p.m.
Recess: 4:20 p.m.

HELD AT: Council Chambers - City hall

B E F O R E: I. DANEEK MILLER
Chairperson

MATHIEU EUGENE
Chairperson

COUNCIL MEMBERS: Adrienne A. Adams
Daniel Dromm
Andy L. King
Alan N. Maisel
Eric A. Ulrich
Jumaane D. Williams
Daniel Dromm
Ben Kallos
Brad S. Lander
Bill Perkins
Ydanis A. Rodriguez
Helen K. Rosenthal

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

Dawn Pinnock, Executive Deputy Commissioner
Dept. of Citywide Administrative Services, DCAS

Sanford Cohen, Deputy General Counsel
Dept. of Citywide Administrative Services, DCAS

Charise Terry, Executive Director
NYC Equal Employment Practices Commission, EEPC

Malini Daniel, Commissioner
NYC Equal Employment Practices Commission, EEPC

Dalvanie Kay Powell, President, United Probation
Officers Association, NYC Department of Probation

Paul Newell, Kurland Group Appearing for:
Vincent Variale, President of Local 3621

Gloria Middleton, President
Communication Workers of America, Local 1180

Owen Barzilay, President, Local 2507 FDNY EMS.

Vincent Variale, President, Local 3621
Uniformed Officers EMS Union, FDNY

Beverly Neufeld, PowHer New York

Angelo Falcon, President
National Institute for Latino Policy

Jonas Shaende, Analyst, Fiscal Policy Institute

Cher, Policy Analyst, Fiscal Policy Institute

[sound check] [gavel]

CHAIRPERSON MILLER: Good afternoon. I'm Council Member I. Daneek Miller. I'm the Chair of the Committee on Civil Service and Labor, and I'd like to thank everyone for coming out this afternoon to this important hearing. Today's hearing—for today's hearing we'll be hearing four pieces of legislation, Intro 633, 752, 755, and Intro 756. I would like to discuss Intro 633 within this opening statement, and my esteemed colleagues Council Member Eugene, Chair of the Committee on Civil and Human Rights will be discussing the other bills, and we'll be hearing from the bills, certainly from the bills' sponsors Council Member Laurie Cumbo and the Public Advocate. This bill would mandate all city agencies to provide pay, employment and equity data to the Department of Citywide Administrative Services otherwise known as DCAS. This data would then be put together in an annual report that includes a variety of employee related data for gender and racial groups of such employees if available. This data then would be provided to the Mayor and the Speaker in an annual report along with the recommendations to address such problems associated with pay and employment

1 inequities. On April 27th of 2017, this committee
2 held a hearing on the same bill. We received
3 information from the public advocate and held a round
4 table in 2017 with an-organizations dedicated to
5 advocating for women's rights in the workforce with
6 many experts in attendance saying that it was
7 extremely difficult to prove wage disparities because
8 there was little data to point to. This among other
9 things is the impetus for this bill, which will allow
10 us to have a better understanding of what city
11 employees are getting paid, and what is actually
12 happening in terms of the wage gap and gender gap in
13 discrimination in employment. This hearing today
14 will further strengthen the reasons why we need this
15 bill, and allow for pay disparities to be reduced
16 while making New York City a more equitable and just
17 place to work serving as a model for private sector
18 what exactly is pay equity? Pay equity means that
19 the criteria employees-employers use to set wages be
20 sex and race neutral, and this does not happen and we
21 have disparities, this is called wage gap. It is a
22 very frustrating aspect of our economy that a wage
23 gap between men and women still exists. According to
24 the Institute for Women and Policy Research, the
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1 earliest available national data for 1980 from the
2 median usual weekly earnings in 2017 dollars shows
3 that women made just 64.2% of what a man earned while
4 the most recent census data from 2016 indicates that
5 this figure has risen to 80.5 of male earnings. In
6 36 years, this gap has improved only 18%. This is
7 simply not enough. Here within New York City we are
8 not immune for 2015 New York City—New York City
9 government. In 2016, New York City the overall wage
10 gap was compared with the median annual earnings of
11 men and women working full time was 85%. For black
12 women, the gap was 53%, for Latino women 74%--44% and
13 for Asian women 74%--76% for white women as comparing
14 median annual earnings to those white men. This
15 disparity needs to be addressed in a more sufficient
16 and substantive way, and it is our hope that Intro
17 633 can help be a solution to this problem as it
18 relates to the city government workforce. Let us set
19 an example for other municipalities across the state
20 and the country and private sector as to how treat
21 our workers. I look forward to the hearing—hearing
22 from those who would testify today in understanding
23 how this wage gap has changed since our last hearing
24 as well as what can be done to better reduce these
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1 striking inequities. I would like to acknowledge the
2 members of the committee who are with us today
3 Council—we have Council Member Cumbo who, of course,
4 is the bill's sponsor, Council Member Been Kallos,
5 Council Member—somebody else is on that. Somebody
6 else is on that side [background comments] Perkins
7 from the great village of Harlem, and certainly the
8 Council staff and, too, Counsel Malcolm, Kevin is
9 around her somewhere, Kendall and, of course, my
10 Senior Advisor Joe Goldblum, and Mr. Brandon Clark,
11 and now we will hear from my esteemed colleague from
12 Brooklyn for his opening statement. Thank you.

14 COUNCIL MEMBER EUGENE: Thank you very
15 much, Mr. Chair. Good afternoon. My name is Mathieu
16 Eugene and I'm the Chair of the Civil and Human
17 Rights Committee. I would like to thank my
18 colleague, my esteemed colleague Chair Miller of the
19 Civil Service and Labor Committee for making this
20 joint hearing possible. In addition to the Intro
21 633, the Civil and Human Rights Committee will be
22 hearing Introductory Bills No. 752 creating an office
23 of the Diversity of Inclusion with the Department of
24 Citywide Administrative Services introduced by my
25 colleague—by my colleague Council Member Laurie

1 Cumbo, and two bills that I'm proud to have
2 introduced, Introductory Bill 755, requiring the
3 Equal Employment Practices Commission to analyze and
4 report annually on citywide racial and ethnic
5 classifications on the utilization and investment
6 part and Introductory bill No. 756 requiring the
7 Department of Citywide Administrative Services to
8 review and report annually on the city efforts to
9 collect racial and ethnic demographic information
10 including the review of racial classifications
11 categories and of a response rate. As one of the
12 most diverse cities in the country and as one of the
13 city's biggest employers, it is vital that the city
14 Civil Service reflects the people that it serves. As
15 the most recent data available makes clear, currently
16 there are seven groups whose participation in the
17 city's workforce remains low, the Hispanic workforce
18 for example is around 20% even though this group made
19 up to 28% of the employed population. Similarly,
20 Asian civil servants comprise only 9% of the city's
21 workforce and 15% of the whole labor force. Part of
22 the aim of today's hearing is to shed light on how
23 the city can improve on these numbers, and ensure
24 that its workforce is representative of the workforce
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1 as a whole. According to the U.S. Census Bureau,
2 historically one would want to applaud social
3 mobility has been employment in local government.
4 The Committee is, therefore, very interested then to
5 hear what are the current incentives being used by
6 the city agencies to include and retrain a diverse
7 workforce have been successful. City laws and
8 policies, required agencies to track specific
9 processes that follow Equal Employment Opportunities
10 Guideline, but there is concern that these processes
11 are vague and do not identify our agencies and not
12 complying. Negative and difficult to remedy, to
13 improve the employment (sic) process. Intro 752
14 [coughs] would establish on the face of diversity and
15 inclusion within the Department of Citywide
16 Administrative Services. The office would be
17 responsible for creating specific directives,
18 policies, processes, and measurable goals that
19 endeavor to diversity the city's workforce. The
20 city's processes of collective-of collective equal
21 employment opportunity data is an essential
22 complement in evaluating the city's workforce
23 diversity goal. The city currently collects-and
24 collects some information that provides the snapshot
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1 of the racial and gender makeup of the city's
2 service, but these statistics do not offer a complete
3 picture. For example, while the Annual Workforce
4 Report for this owned by DCAS provides a comparative
5 data, and the racial and gender composition of the
6 city's workforce for new hires, separation,
7 retirement and resignation. There are no gender or
8 racial by-with them of salary blackouts (sic)
9 promotions of level of severity, all of would be
10 clear indicators to measure upward mobility. In
11 contrast, the city of Philadelphia, which also
12 publishes the Workforce Report provides the gender
13 and racial composition of categories such as
14 executive labor, those make over 9--\$90,000 per year,
15 commissioners and directors including the head of
16 departments, and the report also provides a section
17 specifically looking at salary disparities within the
18 different groups. Ensure that the data--the data
19 collected by the Administration is clear and
20 accessible, is vital, and that is why I have
21 introduced Intro 755 and Intro 756. Intro 755-2018
22 reflects the Council's concerns that there is an
23 underutilization of various groups within the city
24 agencies. As I have stated, the current way to
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1 reporting diversity data makes it difficult to track
2 the progress of different groups, and a special
3 compone—component in evaluating the effectiveness of
4 Equal Employment Opportunities Initiative, and 755-
5 2018—Intro 755-2018 would, therefore, require the
6 Equal Opportunity—Equal Employment Practices
7 Commission, EEPC with these on a different and non-
8 mayoral city enacted to report annually on whether
9 agencies are meeting the Equal Employment
10 Opportunity's goal, and when they are not, the EEPC
11 would be required to specifically identify and
12 provide corrective recommendations to address
13 underutilization. Currently, many of the
14 recommendations are standardized and do not paint a
15 specific picture of our city agencies are not
16 complying. The Council would like greater detail and
17 EEPC's report, thereby, enabling a clear way of
18 monitoring trend. The committee is also concerned
19 that two and diversity categories are broad and do
20 not necessarily reflect the group that people
21 identify with. There are over 800 different
22 languages spoken in New York City, and yet the
23 current racial classification used by DCAS are
24 limited to five. The two genders categories are also
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1 not reflective of the different groups that people
2 identify with. Currently, Arab-Americans are
3 classified as white despite there is national
4 security scrutiny, hate crime and various forms of
5 discrimination. About four years ago, the U.S.
6 Census Bureau had agreed to add two new categories.
7 One for residents of Middle Eastern and not African
8 origin, and one for those of Hispanic origin, but in
9 January the Bureau at Berkley announced it would not
10 move forward with the reforms. This continued a
11 ratio (sic) of several groups is not in line with the
12 city's approach toward diversity, and we ought to
13 lead by example and recognizing all groups. Intro 756
14 would, therefore, require the Department of Citywide
15 Administrative Services to review its racial
16 classification categories, which are currently fairly
17 limited. This bill would also require DCAS to
18 annually report on the city's effort to collect
19 diversity data, and the response rates of employees.
20 We look forward today to reaffirm the Administration,
21 the EEPC, and advocates to learn more about the
22 recommendation with that and Intro 752-2018, 755-2018
23 and 756-2018. Before we begin, I would like to
24 acknowledge the numbers even though that my
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1 colleagues and Mr. Chair did it before, but I am
2 going to do it again. I'm going to acknowledge the-
3 the members who have joined us. We have Council
4 Member Rivera is here, Council Member Lander, who is
5 a member of the committee, Council Member Perkin,
6 Council Member Rosenthal a member of the committee
7 also, Council Member Laurie Cumbo, and Council Member
8 also Kallos, Council Member Adams over here. We
9 acknowledge all of you for being here, and now I
10 would like to ask the Committee Counsel to administer
11 the oath.
12

13 CHAIRPERSON MILLER: Before we-

14 CHAIRPERSON EUGENE: [interposing] Okay.

15 Let me turn it over to my Co-Chair Council Member
16 Miller.

17 COUNCIL MEMBER MILLER: Could you all
18 keep your hand up like that. Just hold it and we'll
19 get back to you in the meantime. [background
20 comments] Before we begin testimony, hearing
21 testimony I'd like to hear from the sponsor of 633,
22 Council Member Laurie Cumbo.

23 COUNCIL MEMBER CUMBO: Thank you, Chair
24 Miller. Thank you Chair Eugene for this very
25 important hearing today. Good afternoon. I am

1 Laurie Cumbo your Majority Leader of the New York
2 City Council, and I want to thank both my chairs
3 Mathieu Eugene and Council Member Daneek Miller for
4 presenting this powerful hearing today, and we are
5 certainly going to make herstory today. I would be
6 remiss if I did not—did not acknowledge the tireless
7 advocacy on the subject matter of pay equity, wage
8 transparency and employment diversity that took place
9 both inside this Council and with great support from
10 Council Member Daneek Miller, and from the countless
11 advocates here such as Beverly Neufeld the Founder
12 and President of PowHer New York, and she has been so
13 dynamic on the steps of City Hall every year all the
14 time, rain, sleet or hail to push this effort
15 forward, and we thank you for your advocacy.

16 President Emeritus Arthur Cheliotis who has been a
17 phenomenal leader. Since he has retired and before
18 that you would never know the difference that there
19 had been a retirement that took place because this
20 issues is so close and dear to his heart that he is
21 going to continue to work on this issue. And I also
22 want to acknowledge the newly appointed President
23 Gloria Middleton of CWA Local 1180, and all of the
24 dynamic men and women who are here in red coats and
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1 with out, for your fierce and tireless advocacy
2 whether it's on the steps of City Hall, in front of
3 news-news cameras, behind the scenes, in front of the
4 scenes, you all have championed this issue, and it is
5 going to benefit all people throughout this nation.
6 You have worked so hard, and I have been so excited
7 to bring Intro 633, legislation that reports on pay
8 and employment equity data. What we've seen a lot is
9 this topic of pay equity, but we've also seen it in
10 the entertainment world. Many of you know the-the
11 vary famous movie the 1996 Jerry McGuire film where
12 Cuba Gooding roars, Show me the money, and we have
13 also Rihanna one of my favorites that says pay me
14 what you owe me, and that's what this hearing is
15 about. But when I was child about eight years old,
16 almost 19-1983 I believe she came out with this song.
17 When I grew up, eight years old Dolly Parton would be
18 on the radio singing this song, and I knew the lyrics
19 a little bit, but I really know them now. She
20 stated, Working 9 to 5 what a way to make a living.
21 Barely gettin' by. It's all taking and not giving.
22 They just use your mind and they never give you
23 credit. It's enough to drive you crazy if you let
24 it. You would think that I deserve a fat promotion,
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1 want to move ahead, but the boss won't seem to let
2 me. I swear sometimes that man is out to get me.
3 Now, if you think about these lyrics almost 40 years
4 ago women particularly had been feeling this
5 frustration all throughout, and today is a time that
6 we are going to move forward from the era of the
7 Dolly Parton songs and we're going to start to get
8 our money as Cuba Gooding has said. The wage gap
9 persists regardless of industry, and the reasons for
10 this gap are multi-faceted. The wage gap is
11 persistent within all of occupations and regardless
12 of educational level. Discrimination and bias still
13 contribute to the wage gap. Research highlights that
14 discrimination and unconscious bias continue to
15 affect women's wages around 38% whereas 62% of wage
16 gap can be attributed to occupational and industry
17 differences. Difference in experience and education.
18 And factors such as race, region, and unionization.
19 Debt, poverty and homelessness are the realities
20 faced by woman living paycheck to pay check unable to
21 meet the inflated cost of living in this city. Women
22 represent half of our city's population and workforce
23 and yet we have been short changed by the very
24 economic system that would not flourish without our
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1 contributions. Women can no longer afford to be
2 nickeled and dimed when we earn \$5.8 billion less
3 than our male counterparts annually, \$5.8 billion.
4 We know the statistics that White women earn 84% for
5 every dollar earned by men. For women of color every
6 penny counts as Hispanic, Black and Asians women earn
7 only 46 cents, 55 cents and 63 cents respectively.
8 The numbers just don't add up. Our city's economy is
9 stronger because of our growing and diverse
10 workforce. Look at this Council. We are the most
11 dynamic body because of the diversity that exists
12 here, but I will be—if I were to receive less pay
13 than any of my male counterparts, I'll say that.
14 [background comments] Equal opportunity must also
15 translate to equal pay for equal work. Though women
16 have outpaced men in education, earning more advanced
17 degrees, many have been—benchmarks in their career
18 advancement as a result of salary history. I am
19 proud to have worked with Public Advocate Letitia
20 James and co-sponsored the Salary History Ban
21 legislation, one step in the journey of a million to
22 get us to where we need to be. This legislation will
23 end discriminatory hiring practices that
24 disproportionately affect women and ensure a fair
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1 compensation based on experience for 3.8 million
2 workers in the public and private sectors. Moving
3 forward more must be done to increase transparency
4 when it comes to the reporting of pay and employment
5 data within city agencies. For the first time we
6 will have access to the data that will clearly show
7 the discriminatory pattern of wage suppression and
8 subjective promotions based on sex, gender and race,
9 but there's further and more work that needs to be
10 done. These issues are not just faced by women of
11 color, but rather faced by a diversity of people,
12 cultural differences and racial minorities,
13 immigrants as well as the disabled and the LGBTQ
14 communities. This legislation is going to lift up
15 all people, but it is through the inspiration and the
16 hard work of women that this advancement will happen.
17 The people of New York deserve a transparent process
18 when it comes to pay equity, and we will continue to
19 organize and raise our voices until our city pays
20 them what they're worth. In the final line of that
21 song by Dolly Parton she says there's a better life
22 and you dream about, don't you. Today's the day to
23 end the dream. We have to begin to live the reality,
24 and like many of you, we were present for Mayor Bill
25

1 de Blasio's State of the City, and in the State of
2 the City, he documented and said that we want New
3 York City to be the fairest big city in America, and
4 I can think of no legislation better than this
5 legislation that's in alignment with that State of
6 the City Address, and we must continue to work and to
7 hold our Administration accountable to making sure
8 that women in particular and people of all races and
9 nationalities and sexual orientations and religions
10 are given their fair opportunity to be their best
11 selves, and the only way to do that is through having
12 an equitable government. Thank you. [applause]

14 COUNCIL MEMBER MILLER: I know there is
15 going to be a lot of this, but this is what we do.
16 Okay, thank you. I'll give you one myself. So, with
17 that, we're being set up—I want to take a point of
18 privilege and acknowledge once again the Chair of the
19 Women's Issues Committee from the great Borough of
20 Manhattan. [background comments]

21 LEGAL COUNSEL: In accordance with the
22 Rules of the Council, I will now administer the
23 affirmation to the witnesses from the Mayoral
24 Administration. If you could raise your right hands.
25 Do you affirm to tell the truth, the whole truth and

1 nothing but the truth in your testimony before these
2 committees, and to respond honestly to Council Member
3 questions?
4

5 COMMISSIONER PINNOCK: I do.

6 SANFORD COHEN: I do.

7 COMMISSIONER PINNOCK: Good afternoon,
8 Chair Miller, Chair Eugene and members of the City
9 Council Committees on Civil Service and Labor and
10 Civil and Human Rights. I am Dawn Pinnock, and I
11 proudly serve as the Executive Deputy Commissioner
12 for the Department of Citywide Administrative
13 Services know as DCAS. I am joined today by Sanford
14 Cohen, our Deputy General Counsel. I am please to be
15 here today to inform you of DCAS' commitment to
16 improving fairness and equity across the city, and to
17 testify about Intro 752, 755, 756 and 633. In
18 October or 1987, the City's Department of Personnel
19 now known as DCAS established the Bureau of Citywide
20 Equal Employment Opportunity. In 2012, reflecting an
21 expansion of its mission, this bureau became known as
22 the Office of Citywide Diversity and Equal Employment
23 Opportunity, also known as Citywide Diversity and EEO
24 within DCAS. To broaden the reach of the Citywide
25 Officer of Diversity and EEO, in March of 2018, DCAS

merged this office within the Human Capital line of service renaming City Office of Citywide—the Office of Citywide Equity and inclusion known as CEI. This merger will improve service deliver, increase compliance with EEO and Civil Service policies and increase access to employment or promotion opportunities. Our primary mission is to ensure that the City’s Equal Employment Opportunity EEO policy and EEO related responsibilities under the New York City Charter are followed both in letter and spirit. CEI provides guidance to agencies—agencies of EEO policy and procedure, applicable law changes and other EEO related issues. Toward that end in addition to providing EEO officers across the city basic training, CEI hosts monthly best practices meetings to share information and to discuss such topics as proposed legislation, complaint trends, diversity and inclusion best practices and trends, upcoming training programs and EEO compliance. Through DCAS’ EEO and Diversity Website, CEI provides agencies with 24-hour access to standardized procedures, templates and other resources. To implement City Charter mandates, the EEO Policy requires agencies to develop annual diversity and EEO

1 plans that address recruitment, selection, promotion
2 complaint handling, training and activities to
3 prevent employment discrimination. Agencies
4 developed the plan under the guidance of CEI and they
5 are subject to CEI's review and approval. Agency
6 progress implementing the annual plan is captured in
7 quarterly reports submitted to DCAS, the Mayor and
8 the Council. Agency heads are also required to issue
9 and annual EEO and diversity statement to memorialize
10 their commitments to equitable, fair and inclusive
11 employment and recruitment practices. Inclusive
12 recruitment and outreach are key to promoting equal
13 employment opportunity. To increase access to
14 municipal employment opportunities, DCAS established
15 the of Office of Citywide Recruitment, OCR in 2015.
16 The office seeks to generate a path line for
17 applicants with the education and experience needed
18 to sustain operations across the city workforce. OCR
19 shares information with historically underserved
20 communities such as veterans, people with
21 disabilities, the unemployed and the LGBTQ community
22 in order to foster greater diversity. Using
23 workforce data, OCR reviews gender distribution,
24 ethnic composition and attrition rates of the
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workforce to focus its recruitment efforts. Since its establishment, OCR has participated in 360 job fairs, has conducted 300 Civil Service 101 sessions, a training program developed by the OCR Team to simplify the Civil Service process and highlight the benefits of working for the city. Through the job fairs and training, OCR has reached over 32,000 job seekers. I am proud that the recruitment team has either participated in a job fair, or conducted training in all 51 Councilmanic districts, and have participated in 14 events sponsored by the Council. These efforts have been complemented by other diversity events supported by the de Blasio Administration including the city's first Nationwide Diversity and Inclusion Colloquium in October of 2016 which drew 150 participants from 67 agencies across 12 municipalities. A citywide job fair in November 2016, the city's first diversity job fair held in partnership with the Mayor's Office for people with disabilities in November of 2017, the city's first symposium for HR and EEO professionals, which focused on disability etiquette and the 55-A Program in April of 2018. We've also engaged CUNY as a partner to increase the diversity of the city's entry level

1 pipeline. We are looking forward to working with the
2 Council on Intro 752 on ways in which to build upon
3 the important work performed by this office. We do
4 have concerns about the proposed mandate to set and
5 enforce numerical benchmarks to achieve
6 representation in the workforce proportionate to the
7 characteristics of city residents. The mandate must
8 take into account both the Civil Service Law, which
9 requires appointments pursuant to competitive
10 examination for approximately 90% of the city's
11 workforce, and the requirements imposed by the United
12 States Constitution and Federal Anti-Discrimination
13 Statutes for implementing race and gender based
14 employment practices. Workforce demographic data is
15 maintained in the Citywide Equal Employment Database
16 System known as CEEDS. CEEDS collected demographic
17 information during the application, onboarding and
18 employee background investigation processes. These
19 data points are used in compliance reports, the
20 Annual Workforce Profile Report and in ad hoc
21 reports. CEEDS data is used to prepare federally
22 mandated bi-annual EEO-4 Reports, which profile the
23 workforce by gender and ethnicity, salary ranges,
24 job category and agency functions. The city's latest
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1 report submitted in 2017 shows among other things
2 that the share of minority and women officials and
3 administrators increased from approximately 45% in
4 2007 to 55% in 2017. The next report is due in 2019.
5 DCAS also provides agencies with quarterly charter
6 mandated reports that focus on characteristics of the
7 workforce by agency including job groups, civil
8 service titles, race, ethnicity and gender, civil
9 service status, pay class, full-time or part-time,
10 new hires, promotions, separations and utilization,
11 which compares the representation of the incumbent
12 workforce to the available workforce in the labor
13 market helping to identify overutilization or over-
14 representation and underutilization or under-
15 representation of demographic groups within agencies
16 and job groups. In 2015, CEI implemented quarterly
17 interactive workforce diversity dashboards for
18 agencies. The dashboard summarizes the data found in
19 the quarterly charter mandated reports in an
20 interactive graphic format that makes it easier to
21 communicate key indicators for agency and management
22 leadership. With the various reports produced by the
23 office, we are confident that we can work with the
24 Council to ensure that the information required in
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1 Intro 755 can improve and build upon our existing
2 work. CEI develops and delivers standardized EEO
3 Diversity and Inclusion Training. These courses are
4 consistent with best practices, and guidance provided
5 by civil rights enforcement agencies like the United
6 States Equal Employment Opportunity Commission, EEOC,
7 New York State Division of Human Rights, and the New
8 York City Commission on Human rights. EEO diversity
9 and inclusion trainings are offered year round, and
10 are accessible to all city employees. CEI provide
11 EEO and diversity training to agency EEO and
12 diversity professionals citywide. It provides new
13 EEO officers an introductory training within two
14 weeks of being on-boarded. It holds a five-day boot
15 camp training for EEO officers twice a year. We are
16 also—we also offer more specialized training in the
17 following areas: Mentoring, Religion in the
18 Workplace, Micro Triggers, LGBTQ Inclusion,
19 Understanding Unconscious Bias, Disability Etiquette,
20 Structured Interviewing and Everybody Matters, which
21 serves as the city's foundational diversity and
22 inclusion training. We are pleased that Intros 752,
23 755 and 556 complement so much of the existing work
24 performed by the Office o Citywide Equity and
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1 Inclusion. I look forward to collaboration with the
2 Council. Now, that we've discussed in detail the
3 important work that CEI does, I would like to briefly
4 highlight our efforts to ensure fair and equitable
5 compensation across the city. As you are aware, DCAS
6 is also responsible for administering the city's
7 Civil Service system. For all competitive titles,
8 hiring and promotions are based on merit and fitness
9 as determined by competitive examination, and many of
10 our titles come with pre-determined salaries based on
11 collective bargaining agreements. In certain
12 situations, however, there may be discretion to set a
13 salary within a prescribed salary band. Managers and
14 original jurisdiction employees, approximately 7% of
15 the city's workforce fall within this category. To
16 establish a level playing field for employees serving
17 in titles with limited discretion with respect to
18 salary, Mayor de Blasio issued Executive Order 21 in
19 2016. This order removes the reliance on paid
20 history and the calculation of salary offers to
21 applicants, and prohibits hiring managers from
22 inquiring about a candidate's salary history before
23 making a conditional offer of employment. As a
24 result of Executive Order 21, city agencies must
25

1 assign value to a position based on education
2 experience and level of technical expertise rather
3 than a candidate's previous salary history.
4 Achieving pay equity is an extremely important
5 concern shared by the Council and this
6 administration. We support the spirit of Intro 633
7 to increase the availability of data concerning how
8 the city pays its employees and varies job categories
9 by race, ethnicity and gender groups consistent with
10 the privacy concerns of employees who voluntarily
11 provide demographic information based on the city's
12 commitment that an individual's information will be
13 held in strict confidence. We are mindful that
14 disclosure of demographic information at the
15 individual level threatens to degrade the accuracy of
16 the data. DCAS has and will continue to work in
17 collaboration with the Council to refine bills where
18 appropriate. Our previous response to Intro 633
19 formerly Intro 1536 is evidence of our willingness to
20 find the balance between increased transparency,
21 protecting the privacy of our employees and avoiding
22 the degradation of the data we collect. I thank you
23 for the opportunity to highlight the work performed
24 by DCAS' Citywide Equity and Inclusion team with
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1 respect to EEO, Equity and Inclusion. We look
2 forward to the Council's continued partnership and
3 we'll gladly answer any questions.
4

5 CHAIRPERSON MILLER: Thank you. That was
6 a mouthful, but we—now see if we can drill down on
7 all of that, and I know you've certainly come
8 prepared as you have in the past to be able to
9 address these very pertinent and relevant issues that
10 we have before us, and—and so let's—lets begin with
11 what you—the latter part of your testimony, which was
12 salaries. As we noted, salaries can vary widely
13 across multiple agencies, which could also leads to
14 pay inequities with men and women and—and folks of
15 color and—and—and others. For example, given the
16 Civil Service title of Agency Attorney, one can find
17 [coughs] an experience opening in the NYPD's salary
18 ranging from \$73,900 to \$101,000 [coughs] and another
19 experience opening in DYCD proposed for \$58,000 to
20 \$89,000 and so on amongst [coughs] varying agencies.
21 We understand that different city agencies are
22 engaged in different types of work. A review of job
23 description for both an extensive list—list of legal
24 services for all candidates and—and to some degree.
25 How—how are the salary ranges determined for what—in

1 such a title as the title appears in the position
2 either within the same agency or across agencies
3 throughout the city?
4

5 COMMISSIONER PINNOCK: In the particular
6 case that you mentioned, agency attorney, this
7 particular title does fall within that group that is
8 represented by a union and covered under CBA. This
9 title in particular also has various levels that have
10 been negotiated. Each level had a prescribed salary
11 band, and—and based on the salaries that you
12 mentioned I believe at DYCD that particular band
13 falls within the Assignment 1 of the agency attorney
14 title, and the NYPD will roll is at the level of
15 Assignment Level 3. And so, essentially with those
16 associated assignment levels, the expectation is that
17 someone serving at a higher level within that
18 particular title is then assigned potentially a more
19 complex caseload, potentially has a greater span of
20 control. In addition, when you look across agencies,
21 sometimes—sometimes the salary band that is reported
22 is also tied to the budget of that agency. So, you
23 may sometimes see a more narrow salary band that is
24 posted because an agency potentially does not have
25

1 the budget to support a higher paying position at the
2 time. [pause]

3
4 CHAIRPERSON MILLER: So, the difference
5 between the levels is that an open-is that a
6 promotional or is that the discretion of agency
7 managers and heads?

8 CHAIRPERSON EUGENE: Well, the
9 establishment of those assignment levels and the
10 bands are first negotiated. However, someone's
11 progression through those assignment levels that is a
12 case, but there is limits-limited on discretion.
13 Meaning that an agency would use certain factors such
14 as knowledge obtained over time, potentially time and
15 title performance evaluations to determine how
16 someone would move up-up those levels in that
17 particular title.

18 CHAIRPERSON MILLER: So, [coughs] as we-
19 so this is more or less a policy. What are the
20 checks and balance on that to make sure that one is
21 that those agency heads are adhering to the criteria,
22 and that they're just not advancing their friend?

23 COMMISSIONER PINNOCK: In terms of checks
24 and balances, I'm not really sure. I'd like to say--

1
2 CHAIRPERSON MILLER: [interposing] So,
3 this can go a lot of ways, and we--so because we're at
4 the very beginning of this [coughs] your testimony
5 and--and this questioning period. So, I'm--I'm sure
6 we're going to drill further into it--

7 COMMISSIONER PINNOCK: Uh-hm.

8 CHAIRPERSON MILLER: --but at this point,
9 we--we want to know that if, in fact, we have such
10 broad salary ranges, and--and your definition and
11 justification for each salary range, there were
12 several justifications were so. How do we, in fact,
13 know that those justifications and those criteria are
14 being adhered to?

15 COMMISSIONER PINNOCK: Well, DCAS, as you
16 know, we set policy related to a host of employment
17 practices including EEO, and certain HR practices as
18 well. The job with respect to compliance and
19 adherence to those policies, is--it lies with the
20 agency head at those respective agencies. The city
21 of New York has a decentralized hiring process. That
22 being said, we do use one system of record as it
23 relates to all personnel transactions, and that's the
24 New York City Automated Personnel System known, as
25 DCAS. So within that system we would actually see

1 the rate that someone is originally hired into, and
2 so in terms of checks and balances, we then ensure
3 that individuals are not hired above the prescribe
4 and negotiated salary range.
5

6 CHAIRPERSON MILLER: So, we have a
7 criteria for a particular title. Now, we know that
8 that title that criteria—the criteria is the same.
9 More work may be demanded or more technical work may
10 be demanded from that title depending on what the
11 agency is, right? Upon elevation of an individual
12 within the title with salary what has to be
13 described? Is there anything in place that is
14 required for the agency heads to justify elevating
15 the individual?

16 COMMISSIONER PINNOCK: If you're
17 referring to a specific policy that speaks to
18 someone's advancement to assignment level, no that is
19 not a policy that's written. However, there is
20 certain guidance and best practices that as a city
21 that human capital does share with HR departments
22 across the city. That being looking at time served
23 in title, if there are particular trainings and
24 skills that that person has obtained over time. So,
25 we certainly work with agencies to ensure that those

1 best practices are carried forward. Separate and
2 apart from that, there is a vetting. For every title
3 that we have within the city, currently we're at over
4 800 titles within our portfolio, and for every title
5 there are minimum qualifications. So, also as part
6 of that vetting process before someone is hired into
7 a role that they meet those minimum qualification
8 requirements as well.

10 CHAIRPERSON MILLER: So, is there a
11 centralized database where we could find this
12 information? Could I go online and see why a
13 Councilman was promoted--

14 COMMISSIONER PINNOCK: [interposing] Not-

15 -

16 CHAIRPERSON MILLER: --and why?

17 COMMISSIONER PINNOCK: There is currently
18 no database that will provide you with that
19 information.

20 COUNCIL MEMBER MILLER: Okay, because if
21 it was a competitive exam, the scores would be
22 available, right? We'd be open to--

23 COMMISSIONER PINNOCK: [interposing]
24 Right. In terms of the Civil Service Exam yes there's
25 information that we currently have that's available

1 that would indicate your score on-on a Civil Service
2 exam. Once again as mentioned, 93% of the workforce
3 serve within titles where there is essentially no
4 discretion because those salaries are negotiated and
5 covered under CBA. It's 7% where there is some
6 discretion that could be exercised.
7

8 COUNCIL MEMBER MILLER: So, I know that-
9 I-I know that the Counselor asked me to kind of-to-to
10 ask this question, but it's similar to that we were-
11 and-and you guys hosted a-an inclusionary and
12 diversity conference I think it was last year--

13 COMMISSIONER PINNOCK: Yes, it was. (sic)

14 COUNCIL MEMBER MILLER: --and addressing
15 best practices nationally.

16 COMMISSIONER PINNOCK: Uh-hm.

17 COUNCIL MEMBER MILLER: What did you
18 learn and what have you implemented?

19 COMMISSIONER PINNOCK: We actually--well,
20 the reason why we wanted to highlight the colloquium
21 that took place because really it was a first. Most
22 of the conference the HR and EEO professionals take
23 part in, really speak to the private sector where
24 there's great deal of discretions as it relates to
25 salary settings, hiring practices, et cetera. Within

1 the city, as you know, New York City is a Civil
2 Service municipality. So, with that, there are some
3 inherent restrictions on navigation through the civil
4 service system. That being said, one of the best
5 practices that we learned, and we're happy to see
6 that it confirmed how we've operated. It was really
7 a reliance on the data. As you know, DCAS has worked
8 really closely with the Council to be not only
9 collaborative but transparent. The information we
10 have in the Open Data Portal the EEO-4 information we
11 released our Workforce Profile Report with every
12 iteration looking at the consensus of data, are
13 definitely evidence of that, and so certainly that
14 was a best practice that we knew to continue with.
15 Also, creating greater synergy between EEO
16 professionals—professionals and HR professionals is
17 something that we certainly carried away because
18 sometimes complaints related to salary settings, rate
19 of pay, overlap between those two areas and that was
20 also one of the reasons why in this latest merge we
21 decided to merge our Equity and Inclusion Office
22 within Human Capital to ensure that that synergy
23 existed for the city.
24
25

3 COUNCIL MEMBER MILLER: Are-are there-are
4 there some agencies that you find more compliant than
5 others or some agencies that obviously [coughs]
6 excuse me-lacked the type of diversity that is like
7 the values of the city?

8 COMMISSIONER PINNOCK: Certainly, as you
9 look across job categories you may see differences in
10 diversity. We have some titles where the historical
11 candidate pool is really homogenous where you see
12 more women historically applying for Social Services
13 positions, and then as it relates to certain craft
14 positions of skill trades, you would see that the
15 candidate pool was, you know, primarily men. And so,
16 you would see that diversity variance across city
17 agencies.

18 COUNCIL MEMBER MILLER: But in-in terms
19 of titles that-in terms of titles that have a
20 particular criteria that have been met by all the
21 candidates, but candidates end up in one agency and
22 not another. Do you see that?

23 COMMISSIONER PINNOCK: I don't understand
24 the question. I'm sorry. Can you repeat the
25 question?

2 COUNCIL MEMBER MILLER: [interposing]
3 You're saying that the Police Department may pay a
4 little more than others in that particular title.

5 COMMISSIONER PINNOCK: I that particular
6 title.

7 COUNCIL MEMBER MILLER: In that
8 particular title, but there are titles that do seem
9 to work across the city and are paid differently in
10 different agencies.

11 COMMISSIONER PINNOCK: Um--

12 COUNCIL MEMBER MILLER: [interposing] For
13 example, DOT. There are laborers throughout the city
14 and DOT is probably the least one, the least diverse
15 and, you know, interestingly enough I spoke at their
16 Black History event in February and--and I started by
17 saying that I bet I could identify what department in
18 the agency that each person that was in the room
19 worked in, and that's been kind of the history of
20 that agency. But based on the data that you had,
21 based on the data that you had, could you identify
22 certain agencies that--that are better and includes
23 being more inclusive than others?

24 COMMISSIONER PINNOCK: I--I wouldn't
25 necessarily frame it as one agency being better or

1 worse because in this particular case of laborers,
2 this is an area where as a city, you know, there are
3 some additional improvements we need to make. One of
4 the focuses of our Office of Citywide Recruitment has
5 been to look at skilled trade positions, labor
6 positions, carpentry positions because historically
7 the candidate pool has had so few women--

8
9 COUNCIL MEMBER MILLER: [interposing]
10 Right.

11 COMMISSIONER PINNOCK: --and then in
12 addition to taking a civil service exam where, you
13 know, the beauty of it that it's based on merit and
14 fitness and not gender or race once again adds
15 another restriction as it relates to those who are
16 finally appointed into the positions. So, what we do
17 is we look at our Workforce Utilization Report. As I
18 mentioned in testimony that really shows you where
19 there is utilizing across job categories. We then
20 work with agencies to enhance the recruitment efforts
21 to ensure that at the time an exam is administered
22 that you have a more diverse candidate pool that will
23 eventually take and pass the exam.

24 COUNCIL MEMBER MILLER: So, I-I-I know
25 that in terms of the human capital and--and--and the

1 competitive exams, right, but I-I would submit to you
2 that there are three--probably closer to five
3 variations of the labor title within the city of New
4 York, and maybe two, maybe open competitive. The
5 others aren't and there's a serious pay disparity in
6 those, and that is just one example. But they're all
7 city employees, and how--how do you aggregate this--
8 this data to--to kind of figure out--and that's
9 essentially what this is about right, which is
10 whether or not people performing the same task are
11 being compensated equitably.

13 COMMISSIONER PINNOCK: And so there are a
14 few factors that we look at. We look at potentially
15 time and title, education and experience. We look at
16 the candidate pool, as I mentioned before. We also
17 look at the span of control, level of responsibility
18 of that agency. So, once again we--we don't look at
19 one factor to determine whether disparity exists, we
20 look at a host of factors. Additionally, there are
21 times when and use DOT as an example because of a
22 recent legal mandate, they have this need to hire
23 significant numbers for a few titles. Some agencies
24 have come to us asking that we conduct some kind of
25 analysis because they believe there may be poaching

1
2 going on meaning that one agency is looking to hire
3 folks serving in the same title for more money, and
4 so in both cases we do provide agencies with analysis
5 that shows current salaries of their incumbents,
6 showing them the min, max and average to see how
7 closely aligned the salaries are for recruitment
8 purposes.

9 COUNCIL MEMBER MILLER: And how do you
10 analyze this then. Do you—do you—sit down with these
11 agencies and—and analyze the data?

12 COMMISSIONER PINNOCK: We meet with
13 agencies quite often. We do, and we ask to review
14 job descriptions. We ask to get candidates late.
15 There are reports that we have that especially for
16 discretionary positions where a collective bargaining
17 agreement wouldn't dictate the rate of pay
18 potentially, where we look at was there a diverse
19 candidate pool? Did you have a diverse interview
20 panel? EEO Officers at the agencies also review
21 interview questions, and we also provide structured
22 interviewing classes, and unconscious bias training
23 once again to push forward our mission in terms of
24 having a fair and equitable workplace.

25 COUNCIL MEMBER MILLER: Okay, thank you.

COMMISSIONER PINNOCK: Thank you.

COUNCIL MEMBER MILLER: And certainly we have more questions. Do we have questions from the—my colleagues? Council Member Dromm. [background comments] Council Member—we've been joined by Council Member Rodriguez, and—and—and we're opening with Council Member Rodriguez for questions.

COUNCIL MEMBER RODRIGUEZ: [off mic] Yes, you know—[on mic] in the city of two tales that we were able to get the Mayor elected with a mandate to close the gap. The reality is that we still have it comes to diversity in leadership positions, and this is more than one individual. I don't think that the city have—ever had a mayor so committed to bring more Black, Latino and women to the workforce especially to leadership than this mayor. However, we have inherited a structure that go like in two different directions. It's like minimal the movers and those are going in two different directions then the next here we are progressive nationwide. Challenges one of the worst President Trump for lack of women and men of color in his cabinet. It is more easy to mobilize to millions of our brothers and sisters who are progressive, but when the Budget Director came

1 here and testified, and they take the whole area
2 right side. All we see is faces of people that they
3 don't reflect the diversity of our city, a city where
4 women is a large majority, a city where 29% of black
5 and Latinos where 27% are black, we are the majority.
6 So, when you look through agency, it don't—it's not
7 reflected. So, one of my question is when you look
8 to the workforce, let's focus on leadership. How
9 many leadership positions do we have in the city of
10 New York through other agencies that DCAS
11 coordinates?
12

13 COMMISSIONER PINNOCK: Well, we have 41
14 Mayoral agencies. So, for each of those agencies you
15 would have one commissioner. The number of other
16 deputy commissioners or associate commissioners or
17 assistant commissioners that would have to be
18 takeaway. I don't have that information with me, and
19 it—it also depend on--

20 COUNCIL MEMBER RODRIGUEZ: [interposing]
21 But I'm sorry. Let's focus on the numbers. So, we
22 don't know how many leadership positions do we have
23 in the city of New York?

24 COMMISSIONER PINNOCK: I have that but I
25 don't necessarily have that off the top of my head.

1 I can look to one of the members of my team to see if
2 we can pull it very quickly for you.

3
4 COUNCIL MEMBER RODRIGUEZ: Do we agree
5 that regardless that number is--there's a lack of
6 black, Latino and women in those leadership
7 positions?

8 COMMISSIONER PINNOCK: I would say this--

9 COUNCIL MEMBER RODRIGUEZ: [interposing]
10 Because we--we know the percentages in the city--the
11 New York City population. Do we feel that the
12 leadership position throughout the agencies reflects
13 the New York City population when we look to the
14 breakdown of white, black and Latino as mentioned?

15 COMMISSIONER PINNOCK: It doesn't
16 directly reflect it. However, it is improved when
17 you do a 10-year look back.

18 COUNCIL MEMBER RODRIGUEZ: No, I agree
19 with you.

20 COMMISSIONER PINNOCK: Uh-hm.

21 COUNCIL MEMBER RODRIGUEZ: No, I give
22 credit.

23 COMMISSIONER PINNOCK: Uh-hm.

24 COUNCIL MEMBER RODRIGUEZ: I-I-I can tell
25 you that you know--

COMMISSIONER PINNOCK: [interposing] So,
there's more across the city.

COUNCIL MEMBER RODRIGUEZ: [interposing]-
as Dominican--

COMMISSIONER PINNOCK: Uh-hm.

COUNCIL MEMBER RODRIGUEZ: --I can't tell
you that when Dinkins was the mayor, he was good with
us. He had Joseph Costa in the position of Human
Rights. In this Administration we Stephen Milos(sic)
in DCAS. We have Pinyoski Pena Mora (sic). I have
no doubt, but, you know, the Mayor will be over in
four years. We don't know who the new mayor is going
to be. So, the importance of this legislation that
also I want to add my name that it's about being sure
that we put the tools in place to be sure that again
like, you know, we've been failing, and I'm saying
the last four years. I'm talking about we as a city,
and it's not even ten--look at the Banking Commission
in New York City. Tell me how many are black and
Latino. The most powerful agency, the more power for
the rich in our city, it still doesn't open the doors
to diversity, and I think again, and it's coming from
someone, the city's mayor asset partner, someone that
has the improvements, but you look at Bore (sp?)

1 throughout the city of New York. I know that the
2 mayor is committed. You know as a politician from
3 13—for 13 years when he goes to Tweets, when he goes
4 to any agency people have been there for 30 and 40
5 years, and it's difficult to shut the privilege. It
6 would take people's understanding to know New York
7 City changed. In the 1900 census of the New York
8 City population where it was 20-90%--96% white, 2%
9 black and Latino we were not counted. In the 2017
10 population at least the number that I shared with
11 you, so I think that this reporting effort that we
12 want to put in place is about to take our city where
13 we should be to be sure that in any agency
14 commissioners, directors, budget directors that you
15 represent, we need—we can be the model of our nation,
16 and I hope that in the next four years, with the
17 leadership of the Mayor, with his commitment to
18 continue opening more door, we really were passing
19 this bill, get DCAS and anything that we had in
20 place—put in place listening to CWA, and let's be
21 sure that we file this hear because this is going to—
22 not just for us. It's also for our children.

24 CHAIRPERSON MILLER: Thank you, Council
25 Member, and certainly the Council Member asked a good

1 question about the leadership. Certainly it's the
2 discretion of the elevation and these salaries are
3 determined by such leadership is very important the
4 leadership reflect masses. We're going to hear from
5 Council Member Cumbo.
6

7 COUNCIL MEMBER CUMBO: Thank you,
8 [coughs] Chair Miller. Want to jump right into the
9 heart of the matter. Do managers and supervisors
10 employed by city agencies undergo unconscious bias
11 training, which you've already addressed, but I
12 wanted to get more specific into it or what are the
13 major challenges facing women and minorities in the
14 city workforce today in terms of unequal pay
15 distribution? So, in your experience and what you're
16 seeing on the ground, what are the major challenges
17 facing women and minorities that are present right
18 now in the current day?

19 COMMISSIONER PINNOCK: I would say the
20 primary challenges that we are seeing, and we're
21 actively trying to address, really center around the
22 fact that we see that a career trajectory for a woman
23 is sometimes adversely impacted because of childcare
24 or taking care of their families. And so, with those
25 positions over which we have limited discretion, the

1 managers and individual jurisdiction employees that I
2 mentioned, we do have a paid parental leave program
3 in place. And so we consistently market the program,
4 and make the service available to women and to men so
5 at the time that they need to take care of a child
6 that they have the opportunity to do so without
7 worrying about where they stand professionally. And
8 additionally, I think that specifically in certain of
9 our categories, we've historically had a problem as a
10 city with recruiting women and people of color in
11 certain industries that have been predominantly
12 comprised of white men. We see that in our skilled
13 trades. We see that in other types of positions, and
14 so our office of Department of Citywide Recruitment
15 has partnered with a host of CBOs as well as other
16 agencies where there is underutilization in order to
17 address those particular issues.

18
19 COUNCIL MEMBER CUMBO: Let me just go
20 back to your—your first response. So what you've
21 noticed or what you've documented from all of the
22 work that you've done is that the challenge that
23 women are facing in terms of promotion and/or pay gap
24 has much to do with childcare issues and—and issues
25 around Family Leave and those sorts of dynamics that

1 are impeding a woman's ability to make what their
2 male counterparts make and/or to get hired for major
3 promotions and that sort of thing.

4
5 COMMISSIONER PINNOCK: It definitely is a
6 contributing factor, and that is not unlike what you
7 see across the nation and—and that was one of the
8 reasons why Parental Leave for the city of New York
9 was really so important for us to move forward with.

10 COUNCIL MEMBER CUMBO: Now, parental
11 leave is great. I took advantage of it. My son is
12 now eight months old, but after those three months
13 are up, you're in a situation afterwards. So, it's
14 great that we have that, but it would seem that the
15 focus would be more on addressing that issue. Has
16 there been any real thought in terms of addressing
17 the issue of the fact that so many families
18 predominantly women need childcare. So, is it—is
19 there—has the thought been if this is the major
20 challenge that women in the workforce are facing, how
21 can we on a citywide and agency above and beyond—
22 above and beyond Universal Pre-Pre-K, which is
23 awesome, but in addition to Paid Family Leave, there
24 is that gap between three months, and four years old,
25 and beyond in terms of after school, working late,

1 weekends. Someone in my district even came up with a
2 concept called—instead of day care, night care
3 because there are so many families and women that are
4 working jobs in the evening, that are working nights,
5 that are going to school late. Has that been a
6 thought in terms of how do we rectify this challenge
7 so that all people can work equitably?
8

9 COMMISSIONER PINNOCK: In terms of the
10 work performed by DCAS, not to date. In terms of
11 looking at programs such as night care, but to your
12 other comments regarding challenges that women
13 sometimes face relating to unconscious bias, one of
14 the things that we did put in place was the training,
15 and we also incorporated that within structured
16 interviewing training as well to have individuals be
17 more mindful of the areas in which they are biased to
18 try to level the playing field for all applicants for
19 positions.

20 COUNCIL MEMBER CUMBO: Uh-hm. Have the
21 data from the CEEDS ever been publicly available?
22 Can you identify any potential problems with making
23 them publicly available?

24 COMMISSIONER PINNOCK: Our concern about
25 making it publicly available is an employee's right

1 to privacy essentially. The information is reported
2 on an individual basis, notwithstanding the CEEDS
3 information directly feeds or Workforce Profile
4 Report that is provided online as well as the EEO-4
5 Report that we share with the federal government
6 every two years.
7

8 COUNCIL MEMBER CUMBO: So, if I'm an
9 African-American woman with a child, and I feel that
10 through some water cooler discussion I feel that I've
11 kind of stumbled onto the fact that potentially other
12 people in my office male colleagues are making more
13 money than I'm making currently, what avenue, or what
14 systems are in place for me to then verify because
15 you've spoken about the fact that you don't want
16 people's internal information shared, and that sort
17 of thing. What I want to do today is—is to end the
18 chicken and egg cycle in terms of the fact that we're
19 always saying we don't want to violate people's right
20 to privacy, but at the same time, we recognize that
21 we have this huge wage gap that's affecting people of
22 color, women and so forth. How do we break this
23 chicken and egg scenario because we can't stay stuck
24 with the fact that we don't want to violate anyone's
25 privacy, but we have to address this terrible

1 inequity that's causing so many people from not being
2 able to get ahead in life.

3
4 COMMISSIONER PINNOCK: To your first
5 question in terms of the avenue that someone would
6 pursue--

7 COUNCIL MEMBER CUMBO: Uh-hm.

8 COMMISSIONER PINNOCK: --so if someone
9 believes that they are paid inappropriately or they
10 believe that their serving potentially a title that
11 they deem lower than the work that they've been
12 assigned, they have three potential paths they can
13 take. For those titles that are represented by a
14 CBA, sometimes those complaints come through labor
15 meaning that someone believes that they have an idle
16 title grievance. They believe they're not serving
17 their appropriate title or at the right level or at
18 the appropriate salary. As a result of that, the
19 information is worked through via labor and the Labor
20 Relations Office assigned to that respective agency,
21 and depending on the merits of the case, an
22 investigation, potentially would ensure.
23 Additionally, there may be desk audits that are
24 involved in that analysis as well to determine if
25 there are merits to the claim. An individual can

1 also go to the HR professional if they have even
2 anecdotal information to suggest that they are paid
3 at levels below other individuals. At that time,
4 that would prompt that HR professional to take a look
5 at current salary potential within that office
6 looking at other individuals working with that agency
7 in a similar title and to get a sense of where folks
8 stand with respect to compensation. And then the
9 last place where an employee can go potentially would
10 be to the EEO Office, and in some cases that could be
11 a complaint related to compensation, but also tied to
12 the protective class that someone is in. And once
13 again, depending on—on the merits of the complaints
14 an investigation would ensue.

16 COUNCIL MEMBER CUMBO: But essentially,
17 you as the employee would not have the power or the
18 access to that information. You would then have to
19 rely on third parties or other individuals in order
20 to identify that information for you?

21 SANFORD COHEN: Council member,
22 information about all city employees and their
23 salaries is publicly available. We put out a list in
24 the—send a list every year that shows the names and
25 the salary for every city employee. So that

2 information is available to somebody who believes
3 that he or she has been experiencing discrimination
4 in wayside, but--but was not--

5 COUNCIL MEMBER CUMBO: [interposing] But
6 is that information also available by race?

7 SANFORD COHEN: It is not available by
8 race or gender, and the reason for that is--

9 COUNCIL MEMBER CUMBO: [interposing] But
10 that's what this conversation is specifically--

11 SANFORD COHEN: [interposing] And I'm
12 getting to that.

13 COUNCIL MEMBER CUMBO: Okay.

14 SANFORD COHEN: As I think you know, the
15 city makes a commitment to employees when they
16 voluntarily disclose their race, their ethnicity or
17 their gender that that information will be kept in
18 the strictest confidence, and [coughs] a principal
19 reason for that is the concern that if it's not held
20 in strict confidence, people will not report those
21 demographic characteristics to the city, which will
22 degrade the value of the data that we rely on to
23 report to the federal government, which we have to do
24 every two years, and to do our analyses and to make
25 information available elsewhere where needed.

1 Reporting the race, and gender and ethnicity of
2 350,000 city employees in a public report that goes
3 on a net—on the Internet each year, poses a real
4 danger to our ability to get cooperation from our
5 workforce to provide that data to us. That's why
6 last year when we discussed this bill, we proposed an
7 alternative that would allow for meaningful analysis
8 of wage disparities while at the same time
9 maintaining that commitment to the security and the
10 privacy of race and gender and ethnicity information
11 at the individualized level. It was an effort to
12 provide a middle ground so that we continue to
13 collect that data in a meaningful way and an accurate
14 way, and at the same time allow for analysis of the
15 things that you're looking at. There are differences
16 in wage scales and—and wages between women and men in
17 the same job categories and so forth.

18
19 COUNCIL MEMBER CUMBO: What does
20 meaningful more specifically mean? Because if we're
21 discussing that we're not going to—or rather let me
22 just ask you this question: Do you believe that
23 there is inequity in terms of pay across race and
24 gender?
25

2 SANFORD COHEN: I believe that there are
3 different opportunities that have been opened to
4 women or to racial or ethnic minorities and to whites
5 and to what titles they can go into, and that
6 explains on an average basis why there are
7 disparities along those lines, within titles because
8 for the vast majority of our employees, their wages
9 are set through collective bargaining. Men and women
10 in the same titles tend to advance pretty much in
11 lock step. There are not great wage disparities
12 within titles, and so that's the answer to that
13 question.

14 COUNCIL MEMBER CUMBO: How would you know
15 that answer? Do you internally in your position have
16 the ability to see disparities based off of race,
17 sex, gender? Are you internally allowed to see that
18 information or are you making a feeling assessment?

19 SANFORD COHEN: No, well, actually the--
20 the Public Advocate recently reported on that--

21 COUNCIL MEMBER CUMBO: Uh-hm.

22 SANFORD COHEN: --and showed that within
23 titles there's very little difference between--

24 COUNCIL MEMBER CUMBO: [interposing] Like
25 a \$10,000 difference.

2 SANFORD COHEN: Very little difference
3 between the pay that men and women get, or that white
4 people and--and minorities receive within those
5 titles. The disparity was really in the opportunity
6 for women to move into certain positions. There has
7 been a historic inequality in the Fire Department.
8 We--we all know that, and that's something we've been
9 working on on a daily basis in the court system, and
10 there are other examples like that, but within those
11 job titles there's--there's not a tremendous
12 disparity. The CWA matter is slightly different
13 because that was a change from a managerial position
14 to one that is represented in part, and that's what
15 contributed to some differences in wages, which are
16 now being addressed.

17 COUNCIL MEMBER CUMBO: Do you think that
18 the CWA issue is different specifically because CWA
19 public raised it or there could be disparities
20 similar to CWAs, but haven't been raised with the
21 same fort and--

22 SANFORD COHEN: [interposing] Well, I
23 think--

24 COUNCIL MEMBER CUMBO: --might that CWA
25 has?

1
2 SANFORD COHEN: I think it's very much
3 specific to the accretion process that occurred with
4 CWA, and that's the root of the--of the disparity that
5 they claim to exist, but it's being negotiated now in
6 good faith by both sides under the supervision of--of
7 a United States Magistrate Judge, and I have every
8 confidence that it's going to come to a successful
9 conclusion.

10 COUNCIL MEMBER CUMBO: And so, from--from
11 that I just want to understand from--from this if
12 we're talking about the CWA case, do you feel that
13 the victory in that will set a precedent that will
14 also be employed throughout the city of New York?

15 SANFORD COHEN: I think it's a very
16 specific case. It's specifically CWA.

17 COUNCIL MEMBER CUMBO: Okay. I'm going
18 to--I want to ask more specific questions but I--I just
19 wanted to make sure that no other members because I
20 don't want to lose members in the process of this.
21 Okay, and then I'll come back to mine.

22 CHAIRPERSON MILLER: Council Member
23 Perkins.

24 COUNCIL MEMBER PERKINS: So, we have a
25 problem? Do we have a problem? Sir, do we have a

1 problem? I just want to make sure we're all on the
2 same page with this-those items. Do we have a
3 problem in terms of the disparities that this hearing
4 is presently being conducted for? Would you
5 acknowledge that?
6

7 SANFORD COHEN: I'd acknowledge that
8 there are different opportunities available to women
9 and men and in some categories to racial minorities
10 and ethnics within the municipal workforce, and that
11 contributes--

12 COUNCIL MEMBER PERKINS: [interposing] So
13 is that--

14 SANFORD COHEN: --to an average disparity
15 in wages.

16 COUNCIL MEMBER PERKINS: Could--could you
17 just elaborate a little bit more in terms of the
18 specifics that you are familiar with? Like for
19 instance let's assume that this--this ball is in your
20 park--in--in--in your ball park, you know, like this--
21 this hot rock is in your hands. How do we--how do we
22 fix this the testimony and other information that
23 we've received--what--what are you--what do you propose
24 we--steps that we should begin to take to fix this so
25 that the outcry won't be so--

2 COMMISSIONER PINNOCK: Well, our approach
3 would be to address the issue holistically, and some
4 of that would involve--

5 SANFORD COHEN: [interposing] You know,
6 before you say that what does holistic mean? Because
7 I always hear that word, and I'm not sure, you know,
8 per person what that may mean?

9 COUNCIL MEMBER PERKINS: Holistic would
10 be inclusive and taking a really comprehensive way of
11 addressing an issue, and so with that there are few
12 things: Implementation of best practices some of
13 which we've done. In terms Executive Order 21 it
14 speaks to Chair Miller's concerns raised about their
15 being gender and race neutrality as it relates to
16 folks having a fair shot and opportunity. So, with--
17 Executive Order 21 specifically we mandated that
18 agencies remove any information relating to salary
19 history from the pre-employment applications and
20 their employment applications. Additionally, we had
21 agencies remove any information relating to set
22 percentages for promotions removed from any of their
23 policies and procedures, and--and so but separate and
24 apart from that, as we mentioned, we are certainly
25 open to working with the Council because in terms of

1 the spirit of Intro 633, we share an agreement. You
2 know, however, the path forward is what we'd like to
3 work though and discuss with the Council to figure
4 out the best way to preserve the data that we're
5 collecting and maintaining the privacy of the
6 individuals we serve.
7

8 COUNCIL MEMBER PERKINS: I'm-I'm like
9 some-I-I appreciate that, and I-and I hope that we
10 can continue to have this conversation even after
11 this moment. But I want to-I'm trying to understand
12 what-what-what we-what-how do we very specifically
13 move forward not simply rhetorically, but just in
14 terms of some steps that you-you're going to be
15 laying out as per the subject matter today?

16 COMMISSIONER PINNOCK: As I mentioned,
17 there are some steps we've taken specifically related
18 to Executive Order 21. In addition, you know,
19 training that we provided across the agency where
20 we've trained folks in structure interviewing
21 unconscious bias because that also ties in with the
22 person who ultimately receives the job or who is
23 advanced. We've also-and I don't know why I'm
24 drawing a blank here, but we've also looked at
25 inclusive recruitment looking at those job categories

1 when historically the candidates who have not
2 included women or people of color, and so working
3 with agencies in order to have the diverse candidates
4 in order to fill those positions, those are
5 actionable steps that we have, and we will continue
6 to take, to have a diverse and inclusive workforce.

8 COUNCIL MEMBER PERKINS: So, like for
9 instance this is a term or this is called best
10 practices. How do we do this in terms of something
11 called best practices?

12 COMMISSIONER PINNOCK: Some of the best--

13 COUNCIL MEMBER PERKINS: [interposing] If
14 you were to use best practices current stuff from
15 your understanding of it, lay our how this--this
16 diversity problem would be solved.

17 COMMISSIONER PINNOCK: Some of the best
18 practices have been implemented. On of the best
19 practices--

20 COUNCIL MEMBER PERKINS: [interposing]
21 And we haven't--but they haven't been solved, right?

22 COMMISSIONER PINNOCK: Well, we are a
23 large and dynamic city with over 300,000 employees.
24 So, I feel like every step is--is toward progress.

25 So, I don't think that there's one simple cure-all to

1 address a longstanding issue. That being said, some
2 of the best practices include having parental leave
3 programs in place, limiting discretion as it relates
4 to salary setting. As I mentioned previously, the
5 discretion is really the 7% of the titles in which in
6 which our workforce serves. Also, having more
7 inclusive recruitment strategy that talk to the
8 nature of diversity at all levels within government.
9 So some of the--those are some of the best practices
10 that we've already put in place.

12 COUNCIL MEMBER PERKINS: I apologize if
13 it seems as if I'm accusing you, but I'm not. I'm--

14 COMMISSIONER PINNOCK: [interposing] No,
15 I just--I just--

16 COUNCIL MEMBER PERKINS: --I just want to
17 be sure--

18 COMMISSIONER PINNOCK: [interposing] I
19 don't feel accused at all.

20 COUNCIL MEMBER PERKINS: --because
21 sometimes these kind of conversations get a little
22 touchy because, you know, the--the best practices are
23 being announced all the time, and we're still where
24 were are, but the result is bad practices and--and bad
25 relationships and--and bad feelings, and, you know,

1 people are caught up this discriminatory situation.
2 So, that's the reason why I'm asking because the--the
3 term best practices is--is--is magical when you're
4 trying to convince people that you're trying to do
5 the right thing, but the facts don't reflect that,
6 and so how do we get there?
7

8 COMMISSIONER PINNOCK: I think an
9 actionable next step, which we've, you know, already
10 indicated is collaboration with the Council to figure
11 out where we can land with respect to the bill. We
12 are not opposed to sharing information. It's just
13 the--the current described path forward is--is not one
14 that we're completely aligned with, but I certainly
15 view that as--as a next step.

16 COUNCIL MEMBER PERKINS: And--and so,
17 this--you mentioned--you mentioned alliances? Did I
18 hear alliances?

19 COMMISSIONER PINNOCK: No, alignment.

20 COUNCIL MEMBER PERKINS: Oh, alignment.
21 Are you--

22 COMMISSIONER PINNOCK: [interposing]
23 Right. The path forward as described currently in
24 Intro 633 gives us some pause because we are
25 concerned about privacy of, you know, our client

1 base. That being said, we had or we believed that we
2 had come up with a solid middle ground to help
3 achieve mutual goals. Our rights to preserving
4 privacy and also on the Council's desire to have
5 information that we can collaborate on and analyze.
6

7 COUNCIL MEMBER PERKINS: So, what--do you
8 have a--sort of a schedule for when some of these
9 practices will unfold and become evident and
10 manageable or at least measurable?

11 COMMISSIONER PINNOCK: Well, the best
12 practices that I mentioned have already been
13 instituted. In terms of an actionable next step with
14 the Council, that would really, you know, be based
15 on, you know, schedules between, you know, our
16 legislative team and with the Council to further
17 refine the bill.

18 COUNCIL MEMBER PERKINS: Okay. So, this
19 is--let's--so in that--in that vain, you have an idea of
20 when you're--what is the plan? What is the schedule?
21 When--what are the milestones that we're going to be
22 able to measure or see in terms of how these best
23 practices are working out?

24 COMMISSIONER PINNOCK: In terms of
25 milestones that have been set, I mean in terms of

1 Parental Leave we have information regarding the
2 numbers of people who've actually taken Parental
3 Leave, and we have that separated gender, and the
4 length of time that they've used this benefit. In
5 terms of unconscious bias and structured
6 interviewing, we collect training data, and we have
7 certainly incorporated that in the Diversity and EEO
8 Plans at every agency, which we review those updates
9 that they provide to us. Those updates are sent to
10 the Council as well, and so, certainly it—it bears a
11 takeaway in terms of any information you'd like to
12 know where we stand with respect to the
13 implementation of those best practices. We can
14 certainly furnish it.

16 CHAIRPERSON MILLER: Thank you,
17 Councilman.

18 COUNCIL MEMBER PERKINS: Thank you.

19 CHAIRPERSON MILLER: I want to find it
20 and let me just jump in there real quick because
21 Counselor, I have to say that I-I-I just
22 categorically dismiss the fact that because people
23 aren't a part of a particular culture. Because you
24 don't have firemen in your family, you're not going
25 to become a fireman or because you don't know for

1 some reason or the other that there is a promotional
2 opportunity or an advancement that you're not going
3 to take advantage. I don't think that is that
4 simple. I think that we have been—in fact, we've
5 introduced legislation about the online portal, which
6 is now up and running and—and—and the reason why
7 because of that online portal. Not just to make it
8 easier for an individual to apply and become a public
9 servant, but to be able to report and account who is
10 providing these services, and certainly just by the
11 mere online portal and the data that is collected is—
12 is information that is useful, and we know that it's
13 useful. I think that we have all agreed that it's
14 useful. How we disseminate that information is
15 important. To the—to—we had—I think I have just
16 about all agency data that was available, and—and
17 from those who had the highest numbers or white male
18 dominated to the lowest to the male to the women
19 dominated titles, the one that—the one exception is
20 the one that we have all agreed that has not been in
21 compliance that have been major parts of lawsuits,
22 and—and—and found themselves in the newspaper, DOT.
23 That data is not available. Anxiously (sic) omitted.
24 So, hat being said, I—I think I's more of—of the
25

1 cultural and how do you change the culture in that
2 for people that have the ability to promote, to give
3 increases in pay and compensation. Those are the
4 folks who have traditionally been doing that, and
5 once you step outside the merit base, and contracting
6 the negotiated salaries, we find the problem. The
7 being said, getting back to the data and--and--and
8 rights or privacy. You're talking about the people,
9 those civil servants, and I've had the pleasure of
10 being a business agent and the President of--of a
11 union that I represented thousands of city employees,
12 and public employees, and I don't think any of the
13 would have objected to information being revealed if
14 it was a matter of--getting to a matter of they were
15 being disproportionately undercompensated number 1.
16 Number 2 and most importantly, I--I think that there's
17 certainly ways to disaggregate this information and
18 this data through demographics, individuals and
19 individuals and levels and degrees of accuracy of the
20 data. Now, first of all, we're talking about titles,
21 not necessarily individuals, and--and, in fact, we
22 were talking about the individuals itself there are
23 ways to redact simple data in alpha numerical
24 deleting data dates and--and other things that we
25

1 could certainly without identifying Mr. or Mrs.
2 Jones. The fact of the matter is having been a—we go
3 by numbers, right, and the public doesn't have access
4 to those numbers nor does your colleague have access
5 to your number, right? So no one will know who that
6 individual is unless that individual voluntarily
7 gives up that information. My point is that there
8 are a plethora of ways that we could arrive at the
9 necessary data if we had the will to do it. I don't
10 think it's as simple as we want to protect the
11 integrity of someone's confidence because there's
12 many, many ways to do it if we put our heads
13 together, and I think that we have just identified
14 several ways which we could redact that information
15 and—and make simple changes to be able to identify
16 the individuals that were involved. Certainly, if I
17 was involved or I thought in any shape, form or
18 fashion that I was being undercompensated that
19 someone who was doing the same job was being paid
20 more, or given an additional vacation day or being
21 promoted, whatever information that was necessary for
22 us to prove that to be the case, and to bring justice
23 to an unjust situation, I don't think that anyone
24 would be—would deny that from—from occurring. So,
25

1 Have we attempted to analyze this data in-in
2 different ways, in-in such ways that we were
3 redacting or did it alpha numerically or simply
4 identified employees by their identification numbers,
5 607592 by the 832957, which is my pension number.
6 Who knows, right, but I mean there are--there are just
7 a number of ways that we could identify each and
8 every person in this room without identifying that
9 person by his name or Social Security number, and
10 certainly with the resources that we have sitting on
11 that side of the table, that we could do that. It
12 just has to be the will.

14 SANFORD COHEN: With all respect, Council
15 Member, we've looked at this issue very closely.
16 [coughs] It's very easy to reverse engineer the
17 identities of people with alpha numeric and itemizing
18 or with using other methods like identifications
19 because the information that--that would be published
20 under the current draft of this legislation would
21 have numerous data points. The starting date, the
22 wages. I think six or seven data points in which it
23 would be very easy based on information already in
24 the public domain to identify the person's through
25 reverse engineering by their race, ethnicity and

1 gender. [coughs] And so, that's why we're concerned
2 about publishing data, disaggregated at the end at
3 the individual level, and have proposed and
4 alternative, which will allow for the analysis that
5 you're looking for without trembling on those
6 individual privacy interests, and degrading the class
7 of data that we all want to collect. [pause]

9 CHAIRPERSON MILLER: That's a stretch. I
10 think that it certainly can be done, again, if the
11 will is there to do it. Are we using the—here's a
12 question. I know the Council Member mentioned—asked
13 the question earlier about how information was gather
14 on demographics and so forth. What happens when it
15 is not self-reported?

16 COUNCIL MEMBER PERKINS: When the
17 information—and so, we actually lesson that 12—excuse
18 me. Less than 10% of city's workforce that chooses
19 not to self-report. In those cases, at the time of
20 onboarding, there is what we call observed reporting
21 where an HR professional would have to make and
22 observation in order to finish that transaction.
23 However, that is not an ideal set of circumstances.
24 We prefer that folks feel comfortable in disclosing
25 their gender and ethnicity at the time of hire.

1
2 CHAIRPERSON MILLER: Who are the HR
3 professions? Is it someone during--someone in HR
4 during the time of hire? Is it someone--

5 COMMISSIONER PINNOCK: Uh-hm.

6 CHAIRPERSON MILLER: --in the agency
7 after a person is--has already been employed?

8 COMMISSIONER PINNOCK: So, there are
9 three different touch points where individuals can
10 voluntarily self-disclose. One would be at the time
11 that they apply for civil service examination, but
12 once again, it's voluntary. At the time of hire,
13 that's when that observed reporting would take place.
14 So, if someone decided not to include that
15 information on their hiring application via eHire,
16 the HRA professional, and that would be anyone, an HR
17 generalist and the analyst processing the transaction
18 would then be required to provide that information.
19 However, at the time that an employee decides to
20 self-disclose, that would override anything that
21 would have been considered absorbed reporting. So,
22 once again, our goal is to encourage people to
23 disclose.

24

25

1
2 CHAIRPERSON MILLER: Because obviously,
3 that is very subjective, and the person that was
4 outside the individual themselves could be wrong.

5 COMMISSIONER PINNOCK: You're exactly
6 right and that's why the preferred approach is to
7 have an environment in which people feel open and
8 safe to provide to self ID accurately.

9 CHAIRPERSON MILLER: And—and is—is there
10 a point where it's recorded that it was done by a
11 third party or an outside person other than the
12 person and someone--?

13 COMMISSIONER PINNOCK: I'm just trying to
14 think about the actual screen. I don't think it
15 necessarily makes that distinction, but I—I would
16 need to follow up on that.

17 CHAIRPERSON MILLER: Council Member
18 Cumbo.

19 COUNCIL MEMBER CUMBO: Thank you. Thank
20 you, Chair Miller. I want to get right into the
21 legislation and to gain a greater understanding of
22 the—the elements of the legislation and what your
23 thoughts are on it. So, in your testimony, you
24 stated that we support the spirit of Intro 633 to
25 increase the availability of data concerning how the

1 city pays its employees in various job categories by
2 race, ethnicity and gender groups consistent with the
3 privacy concerns of employees who voluntarily provide
4 demographic information based on the city's
5 commitment that individual—an individual's
6 information will be held in strict confidence. So, I
7 want to understand the spirit and bring the spirit
8 into reality. What are the—where are the space and
9 time between the spirit and the reality in terms of
10 your thoughts on this legislation?
11

12 COMMISSIONER PINNOCK: And so when we say
13 we agree with the spirit of it, we do believe that
14 this certainly an issue that's worth and worthy of
15 further analysis. However, our concerns are
16 reporting someone individual information. I think
17 that city at large has really enjoyed a process
18 whereby less than 10% of our population feel
19 comfortable disclosing. We've also expanded our
20 self-self ID categories to allow individuals to share
21 with us if they are a disabled veteran or if they
22 belong to one or more races. Excuse me. Two or more
23 races. You know, our concern is really the
24 degradation of the data going forward if we move
25

1 forward with sharing individual-information at the
2 individual level.
3

4 COUNCIL MEMBER CUMBO: It just—we all
5 know whether you can at this time specifically state
6 that while you're at this hearing. We all know that
7 there is a huge inequity issue that's happening in
8 terms of pay across the city. We understand that and
9 we know that, but it seems as if because it's too
10 difficult of a task or it would create such a new
11 paradigm shift it would expose too much of inequities
12 that so many individuals have experienced for so long
13 that we want to protect this system as it currently
14 stands and exists because it's more comfortable to go
15 along with what we've been doing than to uncover the
16 real inequities that people have been dealing with
17 decades, and to say that as according to Chair Miller
18 there has to be a way that we can uncover this
19 information, and if people, and you know, we're—we're
20 saying this mostly impacts women who are faced with
21 issues around childcare and how—God bless them if
22 they can go through all this data, and determine that
23 this person was hired on this date, and this person
24 works here, and they figured out how to do this. So,
25 it must be this person. If they can figure out all

1 of that, then they absolutely deserve to be able to
2 bring their case forward in that way. We have to
3 figure out a real way, and I'm—and I'm not hearing it
4 from this particular hearing that we're going to come
5 to that middle ground that it's going to take in
6 order to be able to push forward to uncovering this
7 inequity. And I—and I also wanted to bring your
8 attention to Intro 752, a Local Law to amend the New
9 York City Charter in relation to creating an Office
10 of Diversity and Inclusion within the Department of
11 Citywide Administrative Services. So, I wasn't clear
12 on your thoughts in terms of your feedback on Intro
13 752.
14

15 COMMISSIONER PINNOCK: Certainly. We're
16 supportive. We had an office that handles much of
17 what's described in the Intro for the last 30 years
18 as I mentioned. We would also welcome the
19 opportunity to talk to the Council about some
20 additional ways to refine the bill. One of the
21 concerns that we had was specifically around the
22 assignment of benchmarks or potentially affirmative
23 hiring because we need to take into account the fact
24 that the city of New York is a civil service
25 municipality, and so, having specific diversity goals

1 when you have a tax based system is actually
2 something that it's-it's-it's nearly impossible to
3 navigate because at the time that you taken an exam,
4 your race and your gender aren't part of your score
5 or you rank on a list. So, certainly supportive of
6 having the office, very happy to have the office. We
7 also want to be sure that the legislation doesn't
8 necessarily restrict the scope of the office because
9 we take pride in over the last 30 years continuing to
10 expand our mission to tackle issues that are timely
11 and relevant. So, we don't want to lose that
12 flexibility, and we want to continue to grow our
13 service to the city.

14
15 COUNCIL MEMBER CUMBO: It's more the
16 importance of codifying it so that it lasts
17 throughout administrations, but also at the same time
18 as was brought up earlier, we need real benchmarks,
19 and coming out of this hearing, I'm not understanding
20 what the benchmarks are. For example with Vision
21 Zero, we have a clear vision. We want to see no
22 fatalities as a result of vehicular accidents or car
23 crashes. You know, when it comes to any other
24 elements that we have in terms of MWBE participation,
25 and wanting to see that, but it seems like we have no

1 clear goals or benchmarks as it relates to pay
2 inequity. I further want to press upon that in terms
3 of what are the goals or the benchmarks and how do we
4 reach them if not wanting to disclose this
5 information, and through the work that you do
6 internally, are you internally working collectively,
7 effectively in order to root out issues of pay
8 disparities or inequities even when a case is not
9 brought forward? Is this something that through the
10 current office that exists or others that you're
11 actively going through the process of righting the
12 wrongs that have been happening for so many decades.

14 COMMISSIONER PINNOCK: I would say there
15 has been work that has been done in terms of periodic
16 salary reviews. There have been cases in which
17 personal actions have been put forth, and we more
18 requests for parity adjustments have been made. Once
19 again, looking at a host of factors. Conducting desk
20 audits to look at work that is being performed by
21 someone with a similar title, with similar tenure,
22 education and experience. So, yes, that work is
23 really kind of ongoing on practice at agencies across
24 the city, and once again, that is work that ties in

1 with that HR professional that--and the EEO
2 professional as well.

3
4 COUNCIL MEMBER CUMBO: Do you feel like
5 this work is aggressive?

6 COMMISSIONER PINNOCK: I think that there
7 are opportunities to sort of--

8 COUNCIL MEMBER CUMBO: [interposing] No,
9 I asked are we are competent on these things?

10 COMMISSIONER PINNOCK: I'm just being
11 very deliberate--[laughs]

12 COUNCIL MEMBER CUMBO: Okay.

13 COMMISSIONER PINNOCK: --on what I'm what
14 I'm saying, but--but I do believe there has been some
15 aggressive efforts. There have been cases in which
16 there have been large scale promotions offered to
17 some, and we had to ask agencies to rescind those
18 actions. I mean so it really depends on the nature
19 of the case. I do think that as a city we have made
20 strides, but that is not to suggest that there's not
21 more work to do, and I did want to just comment on
22 just the comment about our will. I think that, you
23 know, over the administration DCAS has not shied away
24 from anything lift. (sic) With respect to data
25 transparency collaboration and so certainly if--if you

1 believe that you're not hearing our willingness to
2 work and collaborate with the Council, that's not
3 where we sit today. We are certainly open to
4 figuring out the best way to—to not only produce the
5 data, but to do it in a way that we also meet our
6 reporting requirements and our obligations to the
7 clients we serve. So, it is not that we're not here
8 with a willingness to move forward.

10 COUNCIL MEMBER CUMBO: And I hear you on
11 that, but our obligation is to make sure that protect
12 those 300,000 plus workers to make sure that they
13 have the pay equality that they need to leave their
14 homes and to lead their lives, and to have the best
15 chance for it. I'm going to ask one question and then
16 turn it over because we have a number of advocates.
17 How many complaints is DCAS aware of relating to
18 discrimination faced by the city's civil servants?

19 COMMISSIONER PINNOCK: I don't have that
20 number. The complaints that we receive are captured
21 in our online Complaint Tracking System, and
22 primarily they're tied to a complaint related to a
23 protected calls. As you know, that could age, race,
24 sexual orientation and so certainly if—if that's

1 information that you'd like, I can provide it to your
2 office.
3

4 COUNCIL MEMBER CUMBO: Would you say at
5 this given time because we would like this before the
6 hearing closes, would you say that that's information
7 that's in the dozens, in the hundreds, in the
8 thousands?

9 COMMISSIONER PINNOCK: [background
10 comments, pause]

11 SANFORD COHEN: It's certainly in the
12 hundreds, and the information is provide to DCAS, to
13 the Mayor's Office as at the Council--

14 COMMISSIONER PINNOCK: [interposing] and
15 the EEP.

16 SANFORD COHEN: --on a quarterly basis.
17 So, you have that information or should have that
18 information available to you now on the Quarterly
19 Reports that have been flowing into your offices
20 since 2012 I believe.

21 COUNCIL MEMBER CUMBO: I'm glad that it's
22 easily accessible. So, I hope that I can get that
23 from you today. Thank you.

24 CHAIRPERSON MILLER: Thank you, Council
25 Member Cumbo, and before I turn it over to my

1
2 esteemed colleague over here, I just had—I want to go
3 back to the data and—and—and do that. Has—have—have—
4 has DCAS tried Regression Analyst as—as was done in
5 the CWA—CWA 1180 case, and I—and I know that there
6 was a—that that was a method that should be used. Is
7 that applicable here as we move forward?

8 SANFORD COHEN: We—we proposed a
9 different approach, which was to provide data for
10 each agency in the city in a frequency table that
11 showed the full-time employees--[coughs] excuse me—by
12 their agency, by their EEO-4 job groups, by their job
13 categories, by their race and gender and ethnicity at
14 a level that would allow for meaningful analysis
15 without disclosing the identity of the individuals.
16 That was a draft proposal that we shared with the
17 Council when 1536 was under consideration last year.
18 That it—we thought that we had meaningful
19 understanding of the value of that proposal last
20 year, and we're willing to continue to propose that,
21 or to see if there are any enhancements that can be
22 made to that proposal that will meet the objectives
23 of both of the Council and the of the concerns about
24 the privacy of the data that people voluntarily
25 disclose.

2 CHAIRPERSON MILLER: So, that information
3 and—and that process was—was volunteered by virtue of
4 an arbitrational court case but not applicable to
5 what we are trying to accomplish here, simple pay
6 equity?

7 SANFORD COHEN: No, it would be for the
8 entire city. It's not a matter of arbitration.

9 CHAIRPERSON MILLER: Yeah, I'm saying
10 right now you would be willing to—to aggregate that
11 data in this—in that manner now as we move forward?

12 SANFORD COHEN: Yes.

13 CHAIRPERSON MILLER: Okay, great.

14 SANFORD COHEN: That's the proposal we
15 made last year.

16 COMMISSIONER PINNOCK: Yes, that's what
17 we agreed to last year.

18 CHAIRPERSON MILLER: Great, and—and
19 finally, we talked a bit DOT, and is there a reason
20 why the DOT according to the DCAS reports was we were
21 unable to get this information. Was—was it not
22 classified according to this code, particularly
23 street—street and highway repairs? [background
24 comments, pause]

2 COMMISSIONER PINNOCK: Right. Are you
3 referring to the information that was in the Public
4 Advocate's Report specifically relating to DOT?

5 CHAIRPERSON MILLER: No, no.

6 COMMISSIONER PINNOCK: No?

7 CHAIRPERSON MILLER: No. We were—a lot
8 of this information is readily available. What was
9 not was information, a lot of information was omitted
10 from the Department of Transportation. They are a
11 department that have a—a long history of lacking
12 diversity.

13 COMMISSIONER PINNOCK: And so,
14 specifically with DOT and—and—

15 CHAIRPERSON MILLER: [interposing] So,
16 those particular titles were titles that we were not
17 able to access information from? Those are titles
18 that aren't competitive titles, and certainly aren't
19 diverse, and as we talked about one of the many labor
20 class they are labor class. They're not labor
21 because they're a labor class laborers, but not open
22 competitive with their salaries far beyond that of
23 the other three or four of those labor titles that we
24 see here in the City of New York?

2 COMMISSIONER PINNOCK: I'm sorry. I feel
3 like I'm not following because I know that you
4 mentioned about the information was not really
5 accessible.

6 CHAIRPERSON MILLER: It wasn't accessible
7 at--

8 COMMISSIONER PINNOCK: Right, so-so what
9 source are you referring to where you had access to
10 other information but not information about the--the
11 laborer?

12 CHAIRPERSON MILLER: DCAS reports. Yeah.

13 COMMISSIONER PINNOCK: A report that we
14 forwarded to you?

15 CHAIRPERSON MILLER: Yeah. It's the EEO.

16 COMMISSIONER PINNOCK: You mean the EEO-
17 4 Report?

18 CHAIRPERSON MILLER: Function codes.

19 COMMISSIONER PINNOCK: Okay, because with
20 the EEO-4 Report the information is--it's aggregated
21 and it aligns with different job categories. So, you
22 would have a mixture of titles that are falling
23 within those categories. It wouldn't speak to just
24 one title. That information is aggregated because
25 that's the federal requirement.

2 CHAIRPERSON MILLER: We were able to pull
3 that information in--in laborers except for in that
4 title, in--in the laborer title, but not in that
5 agency. It sounded funny because that's the agencies
6 that has had a history of problems.

7 COMMISSIONER PINNOCK: Right because we
8 could--

9 CHAIRPERSON MILLER: So, you know, what--

10 COMMISSIONER PINNOCK: Right.

11 CHAIRPERSON MILLER: --how about you just
12 agree that you're--you're going to provide that
13 information to the committee as we move forward?

14 COMMISSIONER PINNOCK: I just need to
15 have specifics on the title that you're referring to,
16 but we collect data on every title. So, that's why
17 I'm not--

18 CHAIRPERSON MILLER: [interposing] But
19 we--yeah, because we had this conversation about that
20 title, and the question in the past was why wasn't it
21 a competitive title? In hearings here we've had that
22 question.

23 COMMISSIONER PINNOCK: Okay, so we'll
24 look at that.

2 CHAIRPERSON MILLER: And I--so I can go
3 forward--

4 COMMISSIONER PINNOCK: Uh-hm.

5 CHAIRPERSON MILLER: --there is somewhere
6 where it's--it's glaringly lacking of diversity, and
7 they--that is kind of exactly what we're talking about
8 today where people do the same job or are compensated
9 differently, and certainly--

10 COMMISSIONER PINNOCK: Okay.

11 CHAIRPERSON MILLER: --you--you--you
12 indicated that where you have civil servants that
13 there is--you can control through merit base what
14 salaries are, and when you have these non-competitive
15 got to know somebody titles, it's a little different.
16 Okay. I'm going to turn that over to my colleague
17 Council Member Eugene. Thank you.

18 CHAIRPERSON EUGENE: Thank you very much
19 Chair Miller. So, it seems that all of the questions
20 have been answered already, and I'm going to ask you
21 some few questions because there are so many people
22 who want to testify, and for the sake of time, but
23 Council Member Cumbo asked the question about the
24 complaint. So, could you tell us how do you handle
25 the complaint when you receive the complaints? What

1 are the steps that you use to handle the complaints?
2
3 What happens, and what are the most common complaints
4 that you receive.

5 COMMISSIONER PINNOCK: Once again, the
6 complaints are tied. You're talking about complaints
7 that are submitted to an EO Professional?

8 CHAIRPERSON EUGENE: Yes.

9 COMMISSIONER PINNOCK: Those complaints
10 would tie to one of the 19 protected classes. That
11 being the case, at the time that a complaint is
12 submitted, and it could be submitted in writing, it
13 could be submitted verbally or even anonymously.
14 Based on the complaint, there's an intake process
15 where there—if the complainant is available, that
16 there is an interview to determine the merits of the
17 claim, and so there are a couple of paths that are
18 reviewed at that point. If the nature of the
19 complaint could be satisfied potentially through
20 mediation, that is an option forward. If there's a
21 referral that needs to happen either to HR or to a
22 disciplinary body, and it doesn't necessarily tie
23 with and EEO specifically, then that referral is
24 made. However, if an EEO investigation needs to be
25

1 conducted, then the investigative process will be
2 conducted by the EEO professional.
3

4 CHAIRPERSON EUGENE: Thank you very much.
5 I think Council Member Ydanis was talking about the
6 management and the leadership, the representation of
7 the people that we are serving, but I don't recall
8 that you mentioned the step that will taken by your
9 agency to ensure that there's a-a good representation
10 of the people that we are serving in term of
11 leadership and management.

12 COMMISSIONER PINNOCK: Well, as I
13 mentioned, DCAS has a decentralized hiring process,
14 and yes we do set forth policy, but hiring decisions
15 are made at the agency level by their agency head.
16 Some of the positions that we referenced earlier by
17 one of the other Council Member in terms of the
18 executive leadership, those are all appointments and
19 those folks serve in what we call exempt class
20 titles. These individuals are appointed by the
21 commissioner of that agency. Notwithstanding, we do
22 review the composition of the city's workforce at its
23 highest levels, and while yes we have made strides
24 over the last 10 years to have a female majority in
25 terms of the city's workforce and a minority

1 majority, it does not negate the fact that there's
2 more work that can be done to have a leadership
3 across the city that's reflective of the city's
4 client base.
5

6 CHAIRPERSON EUGENE: But is-is there any
7 role that the agency can take and play in term of
8 improve the diversity of the level of the management
9 and nomination for the management position?

10 COMMISSIONER PINNOCK: You're asking if
11 there's a role that DCAS can play in nominating?

12 CHAIRPERSON EUGENE: Uh-hm.

13 COMMISSIONER PINNOCK: In some cases,
14 we're asked to sit on interview pools or recommend a
15 candidate slate, but once again, that appointment is
16 made by the agency head. For all intents and
17 purposes that agency is that agency head business to
18 run, and so they make the final decisions as it
19 relates to hiring. We do also participate in a
20 vetting process in working with City Hall at the time
21 where there are leadership positions that are going
22 to be filled. Specifically in the equity and phase,
23 we actually conduct a vetting meeting with any EEO
24 Officer, serving at the executive level at an agency.
25

3 CHAIRPERSON EUGENE: I'm going back to
4 your testimony. You say that or primary mission is
5 to ensure that the city's Equal Employment
6 Opportunity, EEO policy and EEO related
7 responsibilities under the New York City Charter are
8 followed both in letter and spirit. How do you
9 ensure that those responsibilities and policies are
10 followed? How do you ensure that's happened?

11 COMMISSIONER PINNOCK: Well, the first
12 thing that we do, we require and this is mandatory
13 that all agencies submit a diversity and EEO Plan.
14 It's basically their annual plan where they lay out
15 recruitment goals, using workforce utilization
16 information. They talk about training goals, diverse
17 recruitment. So, it really runs the gamut to ensure
18 that that agency head first, and—and the EEO
19 professional are making a commitment to having a more
20 diver and inclusive workforce. There's also a policy
21 statement that agency heads are required to release
22 to their agency committing to diversity, and Equal
23 Employment Opportunity. The way we check with
24 agencies, not only do we review their plans that they
25 submit and we finally approve them, and they are
providing quarterly updates. That information is

1 shared with us as well as with the Mayor's Office and
2 the Council highlighting their commitment to
3 diversity and inclusion and also to make sure that
4 they keep pace with the goals that they've outlined
5 at the beginning of the year.

7 CHAIRPERSON EUGENE: I think that you
8 mentioned training, you know, for the agency, you
9 know, to—to help the agencies meet their goal, but in
10 addition to that, is there any other thing that you
11 do to help them reach their goal and comply with the
12 requirements?

13 COMMISSIONER PINNOCK: Definitely as it
14 relates to recruitment, we review the recruitment
15 goals that agencies have outlined. We also offer any
16 assistance that they may need. Some agencies
17 unfortunately don't have staff enough to have
18 dedicated recruitment resources, and so the Office of
19 Citywide Recruitment resources, and so the Office of
20 Citywide Recruitment as best as we can we try to
21 supplement that at the agency level.

22 CHAIRPERSON EUGENE: So, what about if
23 they don't reach the goal or they don't comply with
24 the requirements, what is the position of DCAS?

1
2 What—what are the steps? What do you do to remedy
3 the situation?

4 COMMISSIONER PINNOCK: With—with any
5 goal, if someone falls short of that we certainly
6 meet with them to find out what barriers or issues
7 arose that stopped them from meeting that recruitment
8 goal. That could be—although they had cast a wide
9 net, that potentially they didn't have the number of
10 candidates that they anticipated for a particular
11 job. So, it really depends on that specific issue.

12 CHAIRPERSON EUGENE: So, could you tell
13 us why does the Workforce Report that offer (sic)
14 went down of salary, promotion, senior positions
15 according to their race and gender. Why not?

16 COMMISSIONER PINNOCK: I don't
17 necessarily have a firm answer on that. The
18 Workforce Profile Report was actually something
19 that's not legally required. It's something that
20 DCAS originally had worked on with the Mayor's Office
21 of Operations to really provide greater transparency
22 around—on the city's workforce. So, with iteration,
23 we've continued to improve upon the reporting. Our
24 first report that was released did not include DOE or
25 H&H or SCA. Our next iteration was more of a one

1 city report that provided the full breadth of titles
2 covered by the city. So, certainly it's something we
3 could look into and explore, but it was not
4 necessarily something intentional.
5

6 CHAIRPERSON EUGENE: I'm glad that you
7 mentioned. This is a transparency issue, and also
8 accountability, and we would appreciate it if, you
9 know, your agency DCAS can do any effort to make sure
10 that we have those indications information on the
11 report because it is very important for the public to
12 know. We got to know where we are at in term of
13 diversity in the—in the workforce in New York City.
14 I think that's [pause] Is there any other
15 recommendations, something that you would advise to
16 do to ensure that at the level of the city and any
17 area, you know, management, leadership and the
18 workforce, any recommendations, something we can do
19 together, DCAS, the City Council, the Mayor's Office,
20 something we can do together to work to—to ensure
21 that we improve the diversity in term of the
22 workforce, in term of the position in New York City?
23 What will it be?

24 COMMISSIONER PINNOCK: I think—I think
25 the path that we're on is actually the right one in

1 terms of understanding the importance of data. One
2 thing that we share with HR and ER professionals is
3 that you need to let the data drive work to help it
4 inform policy and decision making going forward. I
5 think that certainly there's a willingness, you know,
6 between DCAS and the Council to get to the right way
7 to not only review the data, but to help-help it
8 inform our collective responses to these issues.

10 CHAIRPERSON EUGENE: If some people came
11 to me, and they mentioned that they would like to--
12 they have the qualifications, they have the skill for
13 certain positions in the city, but they don't know
14 how to navigate, what to do. So, is there anything
15 that DCAS can do because to help people access or get
16 access to the leadership or management position? It
17 may happen that there are people that there are
18 people that are qualified at this skill, but they
19 don't know what to do to get access to those
20 positions? Is there anything that DCAS can do? Is
21 there anything that you can propose--

22 COMMISSIONER PINNOCK: [interposing] Uh-
23 hm.

24 CHAIRPERSON EUGENE: --in terms of
25 helping those people, you know, from different ethnic

1 backgrounds, different social and community situation
2 who are qualified or could be also at the higher
3 level? Is there anything that DCAS can do or we can
4 do to help them graduate and go to that level?
5

6 COMMISSIONER PINNOCK: I think the first
7 step is working with agency's career counselor.
8 Every agency and I believe it's a charter requirement
9 that requires that every agency have a designated
10 career counselor. In their respective capacity,
11 they—they provide a service similar to what you
12 mentioned, helping someone to best navigate their
13 career whether it's through a civil service pathway
14 or whether it's through just and there's an
15 opportunity. So, I think that that's certainly a
16 solid first step.

17 CHAIRPERSON EUGENE: There is another
18 very important issue or very important big step that
19 we made in the city of New York. The workers
20 Parental Leave. With a million workers, they have
21 that also?

22 COMMISSIONER PINNOCK: As it stands now,
23 it is for managers and original jurisdiction
24 employees. My understanding is that potentially,
25 separate unions are bargaining on that issue, but—but

1
2 I don't have any more information with respect to
3 that.

4 CHAIRPERSON EUGENE: Okay. I think that's
5 all for my questions because we have to go to-to the
6 next panel. There are so many people who want to
7 testify.

8 COMMISSIONER PINNOCK: And I'm sorry. If
9 I may, we actually have the number of complaints for-
10 -

11 CHAIRPERSON EUGENE: [interposing] I'm
12 sorry?

13 COMMISSIONER PINNOCK: Council Member
14 Cumbo had asked us for the total number of complaints
15 for the third quarter of Fiscal Year 18. So, I
16 wanted to make sure I left that with you.

17 CHAIRPERSON EUGENE: Uh-hm.

18 COMMISSIONER PINNOCK: There are a total
19 of 179 internal complaints made to the EEO Office.

20 CHAIRPERSON EUGENE: How many complaints?

21 COMMISSIONER PINNOCK: 179.

22 CHAIRPERSON EUGENE: But do you have the
23 breakdown?

24

25

2 COMMISSIONER PINNOCK: The breakdown
3 would have to be a takeaway, but I can certainly
4 ensure you have that information tomorrow.

5 CHAIRPERSON EUGENE: So, would you send
6 it to our office to--

7 COMMISSIONER PINNOCK: I certainly will.

8 CHAIRPERSON EUGENE: Thank you very much.

9 COMMISSIONER PINNOCK: Thank you.

10 CHAIRPERSON EUGENE: Thank you very much
11 to both of you for your testimony--

12 COMMISSIONER PINNOCK: Thank you for your
13 time.

14 CHAIRPERSON EUGENE: --and thank you for
15 your time. Thank you. [background comments, pause]

16 CHAIRPERSON EUGENE: Just once again,
17 please, I think that--Chairman, do you have any
18 questions?

19 CHAIRPERSON MILLER: [off mic] I don't.

20 CHAIRPERSON EUGENE: Thank you.

21 COMMISSIONER PINNOCK: Thank you.

22 [background comments]

23 CHAIRPERSON MILLER: Thank you so much,
24 again.

2 CHAIRPERSON EUGENE: Thank you very much.

3 [background comments, pause] Is the Commissioner
4 Equal Employment Opportunity is in the audience
5 please? The Commission of Equal Employment
6 Opportunity--[background comments]--Practice
7 Commissioner? [background comments, pause]

8 LEGAL COUNSEL: In accordance with the
9 rules of the Council, I will now administer the
10 affirmation to the witnesses from the Mayoral
11 Administration. If you would please raise your right
12 hands. Do you affirm to tell the truth, the whole
13 truth, and nothing but the truth in your testimony
14 before these committees, and to respond honestly to
15 Council Member questions?

16 CHARISE TERRY: [off mic] I do.

17 Can you repeat that? Are--are you saying
18 that you're in--you're doing the affirmation for the
19 Mayoral testimony?

20 LEGAL COUNSEL: I'm sorry.

21 CHARISE TERRY: Can you repeat that?

22 LEGAL COUNSEL: The affirmation?

23 CHARISE TERRY: No, the reason for it.

24 LEGAL COUNSEL: So, with the rule any
25 time the Mayoral Administration--

CHARISE TERRY: [interposing] We're an independent agency not a Mayoral one.

CHAIRPERSON MILLER: Susan.

CHARISE TERRY: And this is a City Council Commission. She was appointed by the City Council. So, I'm not sure that applies to us.

[pause] Okay, in the interest of time, would you like me to focus on anything specific or should we start with questioning or should I just present testimony?

CHAIRPERSON MILLER: Do you have your testimony?

CHARISE TERRY: Yes.

CHAIRPERSON MILLER: Then read it for us.

CHAIRPERSON EUGENE: Read it and that's—yes, uh-hm.

CHARISE TERRY: Okay. Good afternoon members of the Civil Service—the Committee on Civil and Human Rights. I am Charise Terry, the Executive Director of the New York City Equal Employment Practices Commission. This Commission represented by Commissioner Malini Daniel appears before you today to present testimony on Introduction No. 0755-2018, which would require the EEPC to analyze and report annually on whether agencies are meeting their racial

1 and ethnic effort of affirmative employment goals,
2 and when not, identify the under-utilized adversely
3 impacted group, and provide recommendations and
4 corrective action. It would also require the EEPC to
5 report aggregates citywide and data and provide
6 recommendations to improve diversity and recruitment,
7 selection, retention and promotion of city and
8 government employees for five years. [coughs]
9 Excuse me. The EEPC is an independent non-mayoral
10 city agency empowered to monitor and evaluate
11 agencies to ensure that they maintain effective equal
12 employment opportunity or EEO for employees and
13 applicants from protected groups. Chapter 36,
14 Section 831(d) (5) of the New York City Charter and
15 empowers the EEPC to audit and evaluate the
16 employment practices and procedures of city agencies
17 and their efforts to ensure fair and effective equal
18 employment opportunities for women and minority
19 employees and applicants seeking employment. Section
20 831(d) (2) and 832(c) authorizes the EEPC and with the
21 determination that any plan, program, procedure,
22 approach, measure or standard that does not provide
23 equal employment opportunity, require appropriate
24 corrective action, and monitor the implementation of
25

1 the corrective action prescribed. Agencies, which
2 fall under the EEPC's jurisdiction, which are funded
3 held in part with the City Treasury, all where a
4 majority of the board members are appointed by the
5 Mayor or where the majority of the board members
6 serve by virtue of being city officers. There are
7 approximately 140 agencies, which consist of the
8 Office of the Mayor and the mayoral agencies to seat-
9 -the New York City Council, the borough presidents,
10 the district attorneys, the community colleges,
11 public administrators and community boards. The City
12 Charter empowers EEPC powers and duties, which
13 include, but are not limited to requesting and
14 receiving information assistance that may be
15 necessary to carry out the provisions of the Charter
16 and requiring reviewing and providing suggestions on
17 the uniform standards, procedures and programs at
18 DCAS and city agencies. The EEPC addresses its
19 mandate and the requirements of Intro 755-2018
20 through its audit. The EEPC—the EEPC's Equal
21 Employment—Employment Practices Audit—I'm sorry—EPA,
22 which specifically relates to the proposed
23 legislation was conducted during 2016 and 2017. The
24 EPA requires agencies to analyze their workforce
25

1 statistics, and determine whether or not there is
2 underutilization assess their selection procedures to
3 determine whether job qualifications and criteria are
4 job related and required by business necessity, and
5 develop prospective recruitment and selectin
6 strategies that increase employment opportunities in
7 job groups where underutilization is present. The
8 EPA's methodology includes the collection analysis of
9 documents, records and data that an agency provides
10 in response to the EEPC document and information
11 request. The review of diversity and EEO plans and
12 quarterly reports for each mayoral agency and similar
13 reports for non-mayoral agencies and the analysis of
14 utilization data from the citywide Equal Employment
15 Opportunity Database System, which is provided
16 through the EEPC, quarterly by DCAS. The EEPC's
17 analysts use the seized data to ascertain the
18 concentrations of race, or gender groups within the
19 agency's workforce as well as underutilization.
20 Where underutilization is revealed, the EEPC's
21 analysts assess whether an agency has undertaken
22 measures to address it. As part of an Audit, the
23 EEPC issues a preliminary determination letter, which
24 includes and evaluation of the agency's efforts. The
25

1
2 EEPC requires correction action, if necessary, and
3 attaches the CEEDS' report for reference. In 2016,
4 the EEPC initiated the automation, collection and
5 tracking of agency's responses during the compliance
6 monitoring phase of their audit via the use of
7 Teammate, which is an automated management software.
8 At the end of a four-year cycle all agencies under
9 the EEPC's jurisdiction would have uploaded responses
10 in Teammate, which would facilitate an appropriate
11 comparison. The EEPC's Board of Commissioners
12 adopted a resolution, whenever a determination is
13 issued and again when the agency completes the
14 Charter mandated compliance monitoring period.
15 Currently, the EEPC's resolutions, which indicate the
16 corrective actions each agency has received and
17 implemented are available via the EEPC's Annual
18 Report, the EEPC's website, the New York City
19 Municipal Archives and library and by direct request
20 from the EEPC's office through a Freedom of
21 Information Law request. In addition, the EEPC
22 provides underlying audit documents to the Department
23 of Records and Information Assistance within New York
24 City Municipal Archives and Library and in direct
25 response to FOIL requests. In short, the EEPC

1 evaluates, monitors and publishes workforce diversity
2 efforts through its audits. Accordingly, under our
3 current mandate, the EEPC performs a substantial
4 portion of what the legislation is—the legislation
5 proposes. Since a separate report as required by
6 Intro 755-2018, may create redundancy, the EEPC is
7 open to meeting with the Council and continuing a
8 dialogue on how we may refine our approaches to make
9 our information more accessible.
10

11 CHAIRPERSON MILLER: Thank you very much.

12 Councilman?

13 CHAIRPERSON EUGENE: Thank you very much
14 for your—for your testimony. Can you explain how the
15 EEPC measures on the utilization on agencies?

16 CHARISE TERRY: Can you—I'm sorry.

17 CHAIRPERSON EUGENE: Can you explain, how
18 the EEPC measured underutilization?

19 CHARISE TERRY: How do we measure
20 underutilization?

21 CHAIRPERSON EUGENE: Explain.

22 CHARISE TERRY: Okay.

23 CHAIRPERSON EUGENE: You know, the
24 underutilization.
25

1
2 CHARISE TERRY: I thought you would ask
3 that so, I brought with me a CEEDS report.

4 CHAIRPERSON EUGENE: Okay.

5 CHARISE TERRY: This is the--the famous
6 CEEDS Report that everyone has been talking about
7 today.

8 CHAIRPERSON EUGENE: Uh-hm.

9 CHARISE TERRY: To protect the
10 information, I brought the Council's CEEDS Report.
11 So, you can look at your own. Sorry. I can pass
12 this around, but this report is provided by DCAS, and
13 I guess the highlighted areas is what you would look
14 at or the areas that are indicated--indicates U. It
15 shows underutilization and ACC also tracks
16 underutilization in our own database, which is this
17 page and you can--you can kind of space them out so
18 that they kind of --[background comments] Those
19 reports are provided to the EEPC quarterly--

20 CHAIRPERSON EUGENE: Uh-hm.

21 CHARISE TERRY: --from the Department of
22 Citywide Administrative Services.

23 CHAIRPERSON EUGENE: So you provide the
24 report, but can you explain that, you know? Can you
25 explain what can we say about--?

1
2 CHARISE TERRY: So, I—I don't—I gave you
3 the report, but the areas that are marked U indicate
4 where there's been a utilization analysis to show
5 whether or not the agency's workforce compares to the
6 availability data that the agency recruits from. So,
7 if there are more agent—there are more—there's more
8 of an availability of people with that skills in the
9 work—in the labor market than there is in the
10 agency's workforce then it would indicate U, which is
11 part of the utilization.

12 CHAIRPERSON EUGENE: [background
13 comments] So, are—are there, you know, EEPC and the
14 system of underutilization? How do you end all that?
15 What-what-what has been done?

16 CHARISE TERRY: How do we--?

17 CHAIRPERSON EUGENE: You end all that,
18 the underutilization?

19 CHARISE TERRY: How do we end it?

20 CHAIRPERSON EUGENE: Your end audits?

21 CHARISE TERRY: Enter it? How we enter
22 it? (sic)

23 CHAIRPERSON EUGENE: Yes.
24
25

1
2 CHARISE TERRY: I'm sorry. Here I
3 brought another report of--this is an EEPC's
4 Preliminary--

5 CHAIRPERSON EUGENE: [interposing] I'm
6 sorry. You know, the report we can get it, and when
7 we go to the office go over it, but can--what can you
8 say about that?

9 CHARISE TERRY: So, what we do is when we
10 find that there's underutilization, which is
11 indicated in that report, in the Employment Practices
12 Audit, from the testimony I just read, what we do is
13 we go through an agency and we figure out how to--does
14 the agency first of all know that they have
15 underutilization and in what job groups? So, in our
16 preliminary determination we will make a finding that
17 the agency has underutilization or not. We monitor
18 the agency after that to see whether or not they--the
19 agency has conducted an Adverse Impact Study to see
20 if any of their selection criteria is impacting, is
21 the reason why they have underutilization or we look
22 at where they've recruited. If there's an
23 underutilization of let's Blacks or Hispanics, we
24 look at where they recruited and the job that has the
25 underutilization. If they haven't recruited, if they

1 haven't done targeted recruitment we recommend that
2 they do targeted recruitment. We monitor the agency
3 for six months, and then we see exactly where they
4 recruited and whether or not they've come up with a
5 plan to remedy the underutilization. So, it's all in
6 our preliminary determination, our final
7 determinations and our compliance monitoring reports
8 where we monitor the agencies for six months.

10 CHAIRPERSON EUGENE: The finding, the
11 data that you have collected, are they available to
12 the public?

13 CHARISE TERRY: The resolution where the
14 Commission makes a vote on what findings the EEPCC has
15 made is available to the public. What's also
16 available to the public is whether or not the agency
17 has complied with the recommendations that we've
18 made. These—the underlying audit documents because
19 they're so voluminous, are available as a part of a
20 FOIL request, or we make them available to the city
21 library, but the Commission—what's on our website is
22 the resolutions that the Commission votes on, which
23 tells the—the public exactly what recommendations
24 were made for the agency. [background comments,
25 pause]

2 CHAIRPERSON MILLER: Thank you for being
3 here. You know, this is obviously you say you do
4 very important work, but you kind of exist in
5 obscurity that we, you know, we didn't even know you
6 were in the room here. So, with that being said,
7 how--how many other--are you overseeing any recent
8 legislation? We have a legislation and you talked
9 about the Commission and--and the work that they do,
10 but any legislation that the Council has passed over
11 the past few years are you working--are you overseeing
12 that or playing any role in the implementation of our
13 oversight?

14 CHARISE TERRY: We were. We presented
15 testimony on--I can't remember the--the--the Sexual
16 Harassment Legislation.

17 CHAIRPERSON MILLER: Uh-hm.

18 CHARISE TERRY: The data that we received
19 that you have in front of you is very important, but
20 we do not receive aggregate complaint data. We've
21 requested that data from DCAS, and we haven't been
22 able to get it. We've also requested salary data,
23 which we haven't been able to--

24 CHAIRPERSON MILLER: Which data?

25 CHARISE TERRY: Salary data.

2 CHAIRPERSON MILLER: Okay.

3 CHARISE TERRY: The same data that you
4 were talking about earlier.

5 CHAIRPERSON MILLER: [interposing] Uh-hm.

6 CHARISE TERRY: So, we had—those two
7 pieces of—of data would be very helpful in our audits
8 because well, one, we're conduct—this year we're
9 conducting sexual harassment prevention audits. So,
10 that would be helpful in understanding. We get
11 complaint data individually from agencies, but the
12 agency would have to be under audit for us to get the
13 data. We would prefer to get it in aggregates so
14 that we can target our audits towards agencies that
15 may have more complaints than others, and in terms of
16 the salary data, it would—obviously it would be
17 helpful in helping us understand where there's
18 occupational segregation or where, you know, salary
19 plays a role.

20 CHAIRPERSON MILLER: So, what is it that
21 facilitates you audit? I know that you're required
22 to do annual audits? How do you determine which
23 agency is going to be audited?

24 CHARISE TERRY: Right now primarily we do
25 it on a quadrennial cycle, which is dictated by the

1 Charter. So, every four years we audit the 140
2 agencies that are under our jurisdiction. It's just
3 sort of a rotating cycle.
4

5 CHAIRPERSON MILLER: Okay.

6 CHARISE TERRY: However, if there is an
7 issue—there has been—I think in the EEPC's history
8 there was maybe a request once or twice by the
9 Council to audit a particular agency. I would have
10 to look. We—we can also audit agencies if CCHR
11 requests that we audit an agency.

12 CHAIRPERSON MILLER: Uh-hm.

13 CHARISE TERRY: Or if we see that there's
14 a particular problem at an agency, but because we're
15 so short staffed is we're—we have a headcount of 14
16 but we don't have 14 analysts, which are the people
17 that conduct the audits. So, we usually—we're—we're
18 on a rotating cycle, and we usually do it once every
19 four years if we can get around to--

20 CHAIRPERSON MILLER: [interposing] So,
21 let me share this because I—I—I know that my-my
22 colleagues would concur. This is so important that
23 when we killed the legislation around the Online
24 Portal and the other DCAS stuff that we talked about
25 today in years past that we had included some funding

1
2 in the budget for them to hire staff to—to reduce
3 their provisional to—workforce, and—and some other
4 things that was attached to it. Certainly, a staff
5 of 14 it would be very difficult for you to really
6 drill down on the information that is necessary.
7 This is that vital, you know, pay equity and ensuring
8 that we have an equitable workforce that reflects the
9 diversity and the values of the city is—is certainly
10 something that's worth investing in, and—and perhaps,
11 you know, we could offline between our committees
12 and—and certainly sit down with the Speaker's staff
13 and talk about that, and—and that would be really
14 great. Are—are there any examples of the non-
15 compliance that you've come across in—in audits?

16 CHARISE TERRY: Yes. [laughs] We always
17 come across non-compliance.

18 CHAIRPERSON MILLER: Okay.

19 CHARISE TERRY: Rarely do we audit
20 agencies that do not have corrective action. It
21 happens, but it rarely happens. Agencies that may
22 not have corrective actions are really tiny agencies.
23 We have desk audits that we do for agencies like
24 community boards. We've had a few agencies that have
25 had maybe for the—their complaint investigations may

1 not have had collection action, but for the most part
2 with employment practices audits, the tone that you
3 would be interested in we haven't had any agencies
4 that had corrective actions.
5

6 CHAIRPERSON MILLER: Where agencies that
7 were non-compliant?

8 CHARISE TERRY: Right, non-compliant.
9 Well non-compliant meaning--corrective action meaning
10 that they were non-compliant in certain areas. So,
11 when--during our audits we look at the distribution of
12 the--EEO policies. We look at the employment
13 practices, recruiting, hiring and promoting. That
14 includes underutilization and adverse impact. We
15 look at

16 CHAIRPERSON MILLER: [interposing] Well,
17 what would--

18 CHARISE TERRY: --career counseling.

19 CHAIRPERSON MILLER: What would DOE--DOT
20 rank? Have you audited them recently?

21 CHARISE TERRY: [interposing] I didn't
22 bring that information with me, but we have done a
23 recent audit of DOT.

24 CHAIRPERSON MILLER: Okay.
25

1
2 CHARISE TERRY: But I-I think actually we
3 just did a second audit of DOT, which may be on the
4 agenda for our next Commission meeting, which is in
5 May.

6 CHAIRPERSON MILLER: Okay, so we-we can
7 expect to see that?

8 CHARISE TERRY: I would be able to,
9 right, I would be able to--

10 CHAIRPERSON MILLER: [interposing] And,
11 of course, FDNY would be low-hanging fruit right?

12 CHARISE TERRY: [laughs] FDNY has
13 improved. That's as much as I'm-I'm going to say
14 about that at this time.

15 CHAIRPERSON MILLER: Okay, so, and-and-
16 and-and basically, the audits are-are done for the
17 most part just based on an annual or by-in accord
18 (sic) to the--

19 CHARISE TERRY: [interposing] Right, we-
20 we put them on a rolling cycle, and if we haven't
21 gotten around to auditing an agency with the past
22 four years, then that-that agency--

23 CHAIRPERSON MILLER: [interposing] Okay,
24 and-and if-if there is particular interest from the
25

1 Council or the Admin or somewhere then--then--then you
2 would have that audit as well?

3 CHARISE TERRY: Right.

4 CHAIRPERSON MILLER: Okay.

5 CHARISE TERRY: I think that's written
6 into the Charter that as requested by the Council and
7 CCHR.
8

9 CHAIRPERSON MILLER: Okay. So, aside
10 from the audit, what other information or data is-is-
11 do you--are you responsible for?

12 CHARISE TERRY: Primarily audits. We're
13 also responsible for reviewing the--the overall
14 process of DCAS, and DCAS' I guess measurements or
15 standards or whatever they put forth for city
16 agencies.

17 CHAIRPERSON MILLER: Uh-hm.

18 CHARISE TERRY: We should be involved in-
19 in reviewing. So, we review if let's say DCAS comes
20 up with a new format for the agency's specific plans,
21 the agency submits. Every year the agency--each city
22 agency has to submit an agency specific EEO plan. I
23 think now they call it a diverse EEO Plan. We would
24 be responsible for reviewing the format that they're
25 asking the agencies to submit it in. The city

1 agencies also submit quarterly reports on how they're
2 implementing the agency's specific plan, the EEPC
3 receives those--

4 CHAIRPERSON MILLER: [interposing] Do you
5 do you received those timely?

6 CHARISE TERRY: No, actually one of our
7 most popular recommendations is that agencies are
8 not--

9 CHAIRPERSON MILLER: [interposing] Don't
10 submit their--

11 CHARISE TERRY: Right. However, I would
12 say the mayoral agencies submit-submit the quarterly
13 plans more frequently than--

14 CHAIRPERSON MILLER: [interposing] Of
15 course.

16 CHARISE TERRY: --than the non-mayorals.

17 CHAIRPERSON MILLER: Okay.

18 CHARISE TERRY: The non-mayorals actually
19 I'm-I'm not sure whether or not-some non-mayorals
20 submit quarterly plans.

21 CHAIRPERSON MILLER: Okay.

22 CHARISE TERRY: But--

23 CHAIRPERSON MILLER: [interposing] So,
24 could you-could you just for future references could-

1 could the—could this committee have that information
2 of what agencies specifically aren't in compliance,
3 have not submitted the necessary info—report, I mean?

4 CHARISE TERRY: Yeah, I think we sent
5 this to the committee members or maybe the
6 chairperson. Our Annual Report has the most frequent
7 corrective actions, and we list all of the agencies
8 and the recommendations that they've gotten.

9 CHAIRPERSON MILLER: Okay, could you send
10 it also to the Committee on Civil Service and Labor?

11 CHARISE TERRY: Yes.

12 CHAIRPERSON MILLER: Okay. Great. Thank
13 you. Council Member Cumbo.

14 COUNCIL MEMBER CUMBO: I'm going to keep
15 my remarks or questions brief although I have many
16 more because I know that the room needs to be
17 utilized shortly.

18 CHARISE TERRY: Okay.

19 CHAIRPERSON MILLER: So, just wanted to—
20 so do you believe that the—the work of your office is
21 important, and if it were to disappear, it would be a
22 great loss to the city?

23 CHARISE TERRY: Yes.

CHAIRPERSON MILLER: So, the legislation that I've put forward is—is in many ways to do codify and existing office so that via one administration to the next and office such as this doesn't disappear. And would you believe that it's important for this office to continue and to do the work despite an Administration that may not feel that equity is important?

CHARISE TERRY: Yes.

COUNCIL MEMBER CUMBO: Awesome. So, we are on the right track there.

CHARISE TERRY: [laughs] I'm answering for the Commissioner, but [laughter]

COUNCIL MEMBER CUMBO: Well, this is good. I'll stick with this line of questioning. Because this would allow the City Council to conduct greater oversight over the issue, and make amendments to the mandate of the office as necessary, which is important, and currently where the differences are there is an adequate transparency in how the office implements and evaluates diversity policies. While the Workforce Report is very comprehensive, it does not track promotions, and upward mobility of minorities in city government, and that information

1 is very important, and that's part of the reason for
2 this legislation. There are also no gender or racial
3 breakdowns for salary brackets. So, while you may
4 feel that a lot of this work is being done under the
5 banner of the office, there's still much more to do,
6 and this legislation will empower the office to do so
7 much more, which is what I'm sure you all want to do
8 is to get to the heart of this matter. So, that
9 completes my questions, and I'll turn it back over to
10 the Chair.
11

12 CHAIRPERSON MILLER: So, can the two
13 committees expect that info—the information along
14 with the Majority Leader?

15 CHARISE TERRY: Absolutely.

16 CHAIRPERSON MILLER: Thank you so much
17 for your testimony, and I'm so glad that you hung
18 around and that we had the opportunity to see the
19 important work that is being done.

20 CHARISE TERRY: Thank you.

21 CHAIRPERSON MILLER: Thank you so much.

22 FEMALE SPEAKER: Can I just make one
23 small statement here.

24 CHAIRPERSON MILLER: Absolutely.
25

1
2 CHARISE TERRY: The—the EEPC has been—we
3 have ostensibly five Commission members, and for
4 about four years now, we have actually been operating
5 with just four Commission members, and that's because
6 we have not had a chair appointed to the Commission,
7 and so we are—I'd like to think a very collegial
8 group that tries to operate on consensus because a
9 common understanding and agreement in how to move
10 forward on equal employment in regards to the
11 agencies is very important. A chair is vital. A
12 fifth member is vital to successful continued
13 operation I would say.

14 CHAIRPERSON MILLER: Thank you so very
15 much for that information. That is critical
16 information as to how serious this is being taken.

17 CHAIRPERSON EUGENE: Mr. Chair, I just
18 wanted to thank you for your testimony and thank you
19 also for the information.

20 CHARISE TERRY: Thank you.

21 CHAIRPERSON EUGENE: Thank you very much.

22 CHAIRPERSON MILLER: Okay, thank you.

23 Okay, next panel Ms. Gloria Middleton, Vincent
24 Variale, Owen Barzilay (sp?) [background comments]
25 Lauren--[background comments] and Delvanie Powell.

1 [background comments, pause] Okay, okay. I'm sorry,
2 panel, but we are going to put a-be on a 2-minute
3 clock for each person with initial testimony, and we
4 could-They're going to put us out of the room real
5 quick. How about we begin no this end. [background
6 comments]
7

8 DALVANIE KAY POWELL: Dear Chair,
9 Chairman, thank you for having-thank you for giving
10 me the opportunity to speak in support of Intro 633.
11 My name is Dalvanie Kay Powell, President of the
12 United Probation Officers Association. I represent
13 more than 700 probation officers and supervising
14 probation officers by the New York City Department of
15 Probation and more than 400 retirees of New York City
16 Department of Probation. We are predominately female
17 and predominately of color. Our members have
18 suffered a severe and chronic suppression of our
19 salaries. We face unrealistic and unfair barriers to
20 promotion and pay increases. We are under-valued
21 compared to others who serve in law enforcement. We
22 are entitled to and need the data the city refuses to
23 turn over to us with regards to the race and gender
24 of our members to better understand the problems with
25 pay disparity our members face so we can solve the

1
2 problem. There is a unity of interest in pay
3 disparity and knowledge is power. Providing this
4 data is the first step in understanding and ending
5 pay disparity in the city of New York. Some have
6 pushed back claiming that disclosing the—the race and
7 gender of individuals is an invasion of privacy, but
8 this is just an excuse. First of all, as public
9 employees—employees we already have a lowered
10 expectations of privacy. Our names, positions,
11 titles, salary, even locations where we work is
12 published on the websites of the general public. So,
13 I ask you how is releasing my gender and race more
14 private, and who here does not know my race and
15 gender? [laughter] Of course, privacy is important,
16 but it cannot be used as an excuse of avoiding an
17 equally important right of all New York City
18 employees, which is to work in an environment free of
19 discrimination and to be paid fairly for the work
20 that we do. I thank the Council for holding this
21 hearing, and hope you will work quickly to pass Intro
22 633 to ensure the city provides dis—disaggregated
23 data that includes employee's race and gender in
24 addition to the information already provided. As
25 public employees, we give this information to the

1 city voluntarily, and with the understanding that it
2 will be used for this purpose. [bell] This bill
3 would ensure the city do-do what is required to-and
4 help take the steps for having the same equality.

5 [laughter]

6 CHAIRPERSON MILLER: Thank you.

7 [laughter] Thank you so much.

8 DALVANIE KAY POWELL: Thank you.

9 PAUL NEWELL: Good afternoon, Chairs
10 Miller and Eugene, Majority Leader Cumbo, Council
11 Member Perkins. My name is Paul Newell. I'm with
12 the Kurland Group and I'm appearing on behalf of
13 Vincent Variale, President of Local-Local 3621 who
14 had to appear in court today on a related matter on a
15 related Article 78. Vincent Variale is the President
16 of Local 3621, the Uniformed EMS Officers Union
17 representing over 500 EMS lieutenants and captains of
18 the New York City Fire Department. Thank you for
19 giving us a chance to speak in support of Intro 633,
20 which would amend the Administrative Code to ensure
21 disclosure of necessary data to ensure pay equity.
22 We appreciate the actions taken by the City Council
23 in advancing this legislation to ensure that the city
24 provides disaggregated data of race and gender along
25

1 with pay information to help address pay inequity in
2 the city workforce. Just to put in perspective how
3 reasonable it is that this information be turned
4 over, I want to explain when every employee starts
5 working with the city of New York they fill out a
6 form. One of the pages asks if you would like to
7 voluntary—voluntarily disclose your race and gender
8 in an EEO section. It is also disclosed that while
9 this will be—that this will be kept confidential
10 within the agency, it will be disclosed in accordance
11 with the law such as a request for the data under
12 FOIL. So, this is optional information, voluntarily
13 given, which is expressly disclosed to employees will
14 be turned over to others in accordance with the law.
15 Yet, the city claims that giving this information to
16 us so that our statisticians can perform a regression
17 analysis to determine where discrimination is
18 happening among our ranks would be violating to those
19 employees' privacy. In fact, just today, we have to
20 appear in the New York—in New York State Court in an
21 Article 78 that we had to bring to force the city to
22 turn this data over despite the fact that other
23 unions [bell] have already won decisions in State
24 Court such as the Communication Workers of America
25

1 Local 1180, who just a little over a year—a year ago
2 had to file their own suit, which they won forcing
3 the city to turn this exact information over. Many
4 don't have the time or resources to bring affirmative
5 litigation just to force the city to turn over what
6 is already—what is already its obligations to turn
7 over. Nor should members have to suffer under
8 discriminatory work conditions while the city drags
9 its heels [bell] and ignores the law, and I mean the—
10 I hope this legislation will have the teeth necessary
11 to ensure the city turns over the data in a
12 disaggregated way so that it can be properly used by
13 statisticians. Providing this information in buckets
14 or averages that can't be used properly to determine
15 if there is pay disparity. Thank you. Respectfully
16 submitted, Vincent Variale. [background comments]
17 [coughs]

19 GLORIA MIDDLETON: Good afternoon Chair
20 Miller, Chair Eugene and to all the members of these
21 two great committees. My name is Gloria Middleton,
22 President of Communication Workers of America, Local
23 1180. I'm here to speak on Intro 633, a Local Law to
24 amend the Administrative Code of the City of New York
25 regarding the reporting of pay and employment equity

1 data. I emphasize the word 'equity' as that is what
2 we are her to talk about this afternoon, equity for
3 all New York City workers, especially for women and
4 minorities. Now, I had a 10-page testimony, but I
5 won't go into all of that. [laughter] You have a
6 copy of it, and I will go into the important points.
7 As my predecessor said, we engaged into a lawsuit
8 with the city under the Bloomberg Administration for
9 administrators whose salaries when we acquired the
10 title that ranged from \$53,000 to \$150,000. I heard
11 what DCAS said today. Huh. [laughter] They refused
12 to negotiate with us as far as changing that minimum
13 salary, and we went to court. The city should lead
14 by example and meet the standards it requires others
15 to follow. It is particularly hypocritical that the
16 city requires similar data reporting from contractors
17 doing business with the city, and in the city
18 enforces anti-discrimination laws against all
19 employers, yet permits its own city agencies to
20 violate the laws. In some instances, the private
21 sector is doing much better. Corporations who take
22 pay equity and racial discrimination seriously and
23 not just rhetorically and theoretically are taking
24 action. There was a report on 60 Minutes last Sunday
25

1 where a CEO named Mark Bennet of Sales Force a
2 corporation with \$10 billion in revenue annually had
3 an earnest desire to achieve pay equity in his
4 company. He gathered the data and did an audit of
5 his company [bell] to see if there was a persistent
6 pay gap between women and men doing the same job.
7 Guess what? The audit consistently showed through
8 departments there was a wage and pay gap for women
9 versus men. What we suggest is that we establish a
10 pay and equity commission that shall be under the
11 jurisdiction of the Council's Committee on
12 Governmental Operations.

14 COUNCIL MEMBER CUMBO: Go ahead, sister.

15 GLORIA MIDDLETON: Provide information as
16 set forth in Intro 633 to the Council, the Public
17 Advocate and the Mayor on matters of pay equity.
18 Review and analyze this list in order to eliminate
19 gaps in pay and job equities. Recommend legislative,
20 regulatory and other changes to agency policies to
21 address issues associated with pay and employment
22 equity. The Public Advocate's Report published in
23 March of this year regarding pay inequities in New
24 York City's male agencies is further proof that we
25 need a change. Honorable Chairs Miller and Eugene,

1 time's up. We need to make this change now. Thank
2 you for your time.
3

4 COUNCIL MEMBER CUMBO: Right. Imagine if
5 we would have heard the 10-page report. [laughter]
6 [background comments, pause] You can proceed.

7 OWEN BARZILAY: Chair Miller and Eugene
8 and Council Members. My name is Owen Barzilay
9 President of Local 2507 FDNY EMS. Thank you for
10 allowing me to speak today with regards to the need
11 for transparency and access to data necessary to
12 ensure our members are protected from discriminatory
13 pay practices. Our Emergency Medical Service members
14 are predominantly of color and includes a large
15 percentage of women. Our fire inspectors are
16 overwhelming of color. They are the ones who
17 responsible for inspecting buildings to allow
18 firefighters to do their job. Yet our members earn
19 almost half of what their counterparts on the fire
20 side at FDNY service. We applaud this Council's
21 efforts to pass Intro 633. This is much needed
22 legislation and will go a long way in ensuring the
23 city comply with its obligation to provide data
24 needed to analyze and end discriminatory pay
25 practices. In particular, I want to emphasize that

1 we need disaggregated data rather than aggregated
2 averages or buckets. Providing simply what some
3 refer to as city Level EO-4 would mask the problem.
4 It does not offer the data in the form that
5 statistical experts need to run the necessary
6 regression analysis to identify when there is a pay
7 disparity. There is no harm—there is no harm in
8 releasing the race and gender of our members. The
9 harm comes in continuing to shrewd and keeping the
10 darkness of inequity and pay in the city of New York.
11 Passing this law is critically important because
12 while it's already the city's responsibility to turn
13 this data over, the city simply will not do so unless
14 and until it's forced to. Currently, right now as I
15 testify before you, our legal team is in court
16 because despite its obligation to do so, the city
17 will not give us records with regard to the race and
18 gender of our members. [bell] I know we're not the
19 first union to have this—to have to sue to get this
20 information, and I know unions like 1180 have been
21 successful, but needing to sue incurs costs, causes
22 delays and creates unnecessary adversary (sic)
23 between the city and the meetings when we should be
24
25

1 working together in the strict interest of ending
2 this discrimination in the city's workforce.

3
4 VINCENT VARIALE: Good afternoon. Sorry,
5 I—we just came back from the Courthouse that
6 President Barzilay mentioned in his testimony. So,
7 I'm glad I made it back in time. I'd just like to
8 read some comments and a statement. [coughs] So,
9 good afternoon, Chairman and distinguished members of
10 the City Council. My name is Vincent Variale, and I
11 am President of the Local 3621, the Uniformed EMS
12 Officers Union representing over 500 EMS Lieutenants
13 and Captains of the New York City Fire Department.
14 Thank you for giving us a chance to speak in support
15 of Intro 633, which would amend the Administrative
16 Code to ensure disclosure of necessary data to ensure
17 pay equity. I appreciate the actions taken by the
18 City Council advancing legislation to ensure the city
19 provides disaggregated data of race and gender along
20 with pay information to help address the pay
21 inequality in the city workforce. Just to put into
22 perspective how reasonable it is that this
23 information be turned over, I want to explain. When
24 every employee starts working at the city of New York
25 they fill out a form. One of the pages asks if you

1 would like to voluntarily disclose your race and
2 gender in an EEO section. It also disclosed that
3 while this will be—that this will be kept
4 confidential within the agency, it will be disclosed
5 in accordance with the law such as requests for the
6 data under FOIL. So, this is op--optional
7 information, voluntarily given, which is expressly
8 disclosed to employees will be turned over to others
9 in accordance with that law. Yet, the city claims
10 that giving this information to us so that the
11 statisticians can perform a regression analysis to
12 determine where discrimination is happening among our
13 ranks would be violating to those employees' privacy.
14 In fact, today, we have to—we—we did appear [bell] in
15 New York State Court on an Article 78 hearing that
16 would--had to bring forward—bring forward or force
17 the city to turn this data over despite the fact that
18 other unions have already won decisions in State
19 Court such as the Communication Workers of America
20 Local 1180, who just a little over a year had to file
21 their own suit, which they won forcing the city to
22 turn this exact information over. Many don't have the
23 time or resources to bring affirmative litigation
24 just to force the city to turn over what is already
25

1 its obligations to turn over. Nor should members
2 have to suffer under discriminatory work conditions
3 while the city drags its heels and ignores the law.
4 I hope this legislation will have the teeth in it
5 necessary to ensure the city turns over this data in
6 a disaggregate—disaggregated way so that it can be
7 properly used the statisticians providing [bell] this
8 information in buckets or in averages that can't be
9 used properly to determine if there's pay disparity.
10 Thank you. If you have any questions, I'll be happy
11 to answer them for you. I'd also like to add, we
12 just went to the courthouse across the street, and
13 the excuse that the city is using about not giving us
14 this information happens to do that. They don't
15 recognize Veteran's Day as a holiday, which is
16 absolutely absurd and disrespectful to all the men
17 and women of the military veterans that we have.
18 They're saying that because of that—that they can't
19 give us the information because of a timely issue.
20 I've never heard—this is at best they can stall
21 further and not give us information at best if they
22 were victorious in that, which they were not. But I
23 just find it absurd these—these—these actions they
24
25

1 take continuously just to drag their heels and stall
2 the process out further. Thank you.

3
4 CHAIRPERSON MILLER: Oh, I-I think that
5 there's already obviously been—a precedent has been
6 set and the city has been known to re-litigate a case
7 numerous times hoping one day they'll win. You know,
8 we've seen that, but in the interest of time, we're
9 going to have to call in this committee, but let me
10 just say thank to each and every one of you for
11 coming here and—and bringing to power because I've
12 sat here on—on—in that side testifying obviously like
13 many members. But also, isn't it interesting how
14 it's always just a glaring report on members are
15 getting served—services are being delivered timely
16 and efficiently, and then the folks that are
17 responsible for delivering those services come and
18 dispute everything that was just said--

19 VINCENT VARIALE: Right.

20 CHAIRPERSON MILLER: --and that's what
21 has to happen. So, my committee and I know my
22 colleagues are available to expand on this very, very
23 important issue. This fact gathering, and we need to
24 passing this legislation, and we certainly will, and
25 your testimony will assist, but that's only one tool

1 in the toolbox, and this—and to—to help us attain the
2 equity that we're looking for, and we will continue
3 to work with each and every one of you beyond these
4 pieces of legislation.
5

6 VINCENT VARIALE: Thank you very much,
7 Chairman.

8 CHAIRPERSON EUGENE: Before you go, I
9 just want also to thank you and to commend you
10 because during that testimony you raised very vital
11 and important issues critical to us, and that will
12 lead us, and help us, you know, to take very
13 important decisions. Thank you so very much for
14 your testimony. Thank you.

15 CHAIRPERSON MILLER: Thank you again.
16 [background comments]

17 FEMALE SPEAKER: Can you hold on one
18 second? [background comments, pause]

19 CHAIRPERSON MILLER: I'm sorry.

20 COUNCIL MEMBER PERKINS: Mr. Chair, what
21 is the city afraid of? [background comments]

22 MALE SPEAKER: That's a good question.
23 [background comments, pause]

24 VINCENT VARIALE: I believe the city is
25 afraid of the truth coming out. I mean there is no

1 possible victory right now other than stalling and
2 making the actual decision come out at a later date.
3 So, basically, what they're doing is punishing people
4 and allowing it to continue, the discrimination to go
5 on longer, which is a disgrace.

7 COUNCIL MEMBER PERKINS: But the--so, what
8 truth would come out that would be--

9 VINCENT VARIALE: That EMS has 35% women,
10 over 50% minorities and is paid \$40,000 less a year
11 while doing the same or similar tasks as other
12 uniformed emergency services. The Mayor to this date
13 still has not recognized EMS as a uniformed emergency
14 service. They consider us as office personnel, and
15 civilians. So, the Mayor won't even support EMS as
16 far as saying we're an emergency service, and we
17 believe that the data we've obtained would show that
18 in comparison to our diversified emergency service we
19 have more women minorities compared to other
20 uniformed emergency services, and that's the reason
21 why we're being treated so poorly. We have higher
22 rates of discipline. We are paid \$40,000 less a
23 year. Our workload in the Fire Department EMS does
24 95% of workload. Yet, we earn \$40,000 less than our
25 counterparts.

1
2 COUNCIL MEMBER PERKINS: It sounds like
3 discrimination.

4 VINCENT VARIALE: It is. Thank you.
5 [laughter]

6 CHAIRPERSON MILLER: Thank you so much.
7 You guys did tremendous. (sic)

8 VINCENT VARIALE: Thank you, sir.
9 [background comments, pause]

10 CHAIRPERSON MILLER: Beverly Neufeld and
11 Angelo Falcon. [background comments, pause]

12 BEVERLY NEUFELD: Yes, can you hear me?

13 SERGEANT-AT-ARMS: You all quiet down
14 people, please, and nobody bring it on line. (sic)

15 BEVERLY NEUFELD: Okay, terrific.
16 Alright. Good afternoon. I'm here representing 100
17 organizations. [bell] It's a statewide network
18 called PowHer New York. I want to thank the Chairman
19 and Council Members Particularly Council Member Cumbo
20 who has been in the equal pay fight from the
21 beginning. So, we thank you, and we thank each and
22 every one of you for continuing this fight. I'm here
23 for three hours waiting to show solidarity.
24 Advocates across the state. We are a network. We
25 meet up by phone every two weeks, and they care about

1
2 CWA 1180, but they will now care about the EMS
3 workers. We're working on education parity as well.
4 Equal Payday represents the fact that—that
5 discrimination is happening on so many levels. So, I
6 just want to make a very—a couple points that are in
7 addition to what have been said. What happens in New
8 York City does not stay in New York City. The Salary
9 History Ban passed, and it has ripple effects across
10 the country. So, as hard as it is to do this, that's
11 how important it is that we do it, and that we
12 accomplish it. National companies are adopting
13 salary history because of what you passed. Also, of
14 real importance is what's happening in Washington,
15 and what's happening in Washington is that the EEOC
16 Rules all the Obama Administration Executive Orders
17 are being rescinded as we speak. Tomorrow will be
18 another EEOC that will be rescinded. So, what you do
19 in terms of progress is all about the cities. It's
20 all about the states now, and we have to—if we're
21 going to do any progress, it's going to happen right
22 here in this Chamber. Additionally, there's lots of
23 facts. You've covered them all, but I do want to say
24 that you should look at comparable worse. It's
25 pointed out in Public Advocate James' report. It is a

1 key to actually creating equity because what we've
2 talked about is the fact that there is [bell] a job
3 here and there's a job there. They're in different
4 agencies. We are not comparing them. We need to
5 compare it across agencies, but also women's work is
6 under-valued and under-paid. The only way we'll get
7 at that why women are always on the bottom of all of
8 these curves is if you do comparable worth analysis
9 and we look at the value of work. Lastly, I just
10 want to say that United Kingdom is asking every
11 company of over—I think 100 employees to report their
12 equal payday. The greatest corporations in the
13 country are doing this because it's good for
14 business. So, whatever the way we can push our city
15 to do better on it, we're there for you to, you know,
16 to—to help. I know you didn't like the idea of best
17 practices, but New York City just published this Best
18 Practices Guide. It's through the Commission on
19 Gender Equity. I was part of making that happen, and
20 in it is a mandate, a requirement—not a requirement,
21 but a suggestion to all of lawyers to do what you're
22 asking, to look at the data, to really carefully and
23 make a dedicated statement about equity from the top
24 and at every level at every agency. So, there is a
25

1 commitment from the city to do this for other
2 employers, and there needs to be a stronger
3 commitment for us to accomplish it not just to talk
4 about it on a city. Through the city agencies. Thank
5 you very much. [background comments]

7 ANGELO FALCON: I'm sorry. I'm
8 President—I'm Angelo Falcon. I'm President of the
9 National Institute for Latino Policy. We've been
10 tracking the underrepresentation of Latinos in the
11 city government since the Ed Koch Administration. I
12 came here—have now come and I still have my hair, but
13 it's been a long time trying to raise this issue of
14 this persistent problem. Our conclusion after
15 looking at these issues over 30 years, is that right
16 now the city agencies that you've been hearing from
17 today have basically been failing at least the Latino
18 community and not the entire city in terms of dealing
19 with effective equal employment opportunities for all
20 people, and one of the things that we would recommend
21 is that when you look at the legislation you're
22 proposing that, in fact, what you're doing is maybe
23 throwing good money after bad in terms of putting all
24 your eggs in a basket of the existing agencies. We
25 would highly recommend that the—your committees

1 really look at the issue of looking at the whole EE-
2 and Equal Employment Opportunity Programs in-in a
3 holistic way. These agencies I think right now are
4 basically suffering from what I call Bureaucratic
5 Sclerosis in-in terms of their passivity, in terms of
6 the fact that they're not really strong advocates for
7 the issues that I heard you are having concerns
8 about. [coughs] So, we would-what we would
9 recommend is that, in fact, you consider a
10 comprehensive overview of all the agencies. You had
11 two of them here today, but also the Commission on
12 Women, the gender equities on the part of the system,
13 civil service-the Civil Rights Commission as well, as
14 well as the Civil Service Commission. I think you
15 need to look at them as a whole [coughs] and we would
16 recommend you consider developing a new agency, a new
17 citywide agency that, in fact, would embody the kinds
18 of issues that you're talking about being with-that
19 deal with-that will basically look at this from a
20 much more aggressive way than we have now. I submit
21 that the current agencies really are not up to the
22 task [bell]. I think that basically you have within
23 DCAS one agency that is lost in this big bureaucracy,
24 which is DCAS, and that you really need something
25

1 that--that's a lot different that's more comprehensive
2 and that brings that all these different agencies
3 that deal with these issues together in a whole
4 different way. I think if you don't do this, all
5 you're going to be doing is coming back to these same
6 issues every-every year. Right now the system we
7 have now on the last page of the--of the--the testimony
8 we--we try to map out the different agencies that are
9 involved. So, I think you need to take a much wider
10 look at this issue, and look at it from a--from a
11 whole different perspective than--than simply is
12 adding more functions to agencies that have already
13 failed in their mission. Thank you.

14
15 CHAIRPERSON MILLER: [off mic] Thank you
16 all. [on mic] Thank you so much for your testimony
17 and your years of advocacy. Thank you.

18 BEVERLY NEUFELD: Thank you.

19 CHAIRPERSON MILLER: Thank you, again.
20 I've actually done some work with each of you. So,
21 I--

22 BEVERLY NEUFELD: Yes.

23 CHAIRPERSON MILLER: --I appreciate you--

24 BEVERLY NEUFELD: [interposing] Thank you
25 so much.

2 CHAIRPERSON MILLER: Appreciate your
3 service. So thank you.

4 CHAIRPERSON EUGENE: And also on behalf
5 of the Committee, thank you so very much for
6 representing this.

7 BEVERLY NEUFELD: Thank you.

8 CHAIRPERSON EUGENE: Both of you. Thank
9 you.

10 ANGELO FALCON: Thank you.

11 CHAIRPERSON MILLER: Shamir Settle, Jonas
12 Shaende [background comments, pause] Okay, you may
13 begin.

14 JONAS SHAENDE: Yep. Good afternoon.
15 I'm pleased to be invited to testify today in
16 connection to the Proposed Amendments to the
17 Administrative Code of the City New York in relation
18 to—to the reporting and analysis of pay and
19 employment equity data. My name is Jonas Shaende,
20 and I work at the Fiscal Policy Institute. We know
21 that economic inequality driven by race and gender
22 disparities in hiring and compensation have long—have
23 long—have a long history in the United States and is
24 quite well studied. Despite some progress, however,
25 the deep seated biases tend to persist. The—the—if

1 you—if you look at the disparity in the income in
2 Blacks and—and Hispanic households will see 38.5 and
3 46.8 thousand dollars correspondingly, while the
4 White households tend to have about 61 on average
5 median income. Similarly, the poverty rates are
6 higher, more than double in white—in Black and
7 Hispanic—and Hispanic households. Women also attempt
8 to earn less than men in all occupational categories.
9 Some reports project Hispanic women for instance to
10 attain pay equity by Year 2233 while Black women will
11 get there by year 2124. That maybe unacceptable. So,
12 what this law, this new—new—new amendments proposed
13 is a good development. It is possible that a lot of
14 these disparities come as a result of—of biases that
15 are unintentional, and this it is very important to
16 have a pooled and centralized approach to—to the data
17 analysis. It's important to use coherent statistical
18 techniques in the evaluation to see where the
19 problems may be so that they could be—they could be
20 rooted out. Thank you for your attention about a
21 plan (sic) and if you have any questions, I'd be
22 happy to answer.

24 CHER: Good afternoon. It's an honor to
25 be here, and to speak before you all. My name Cher.

1 I'm a Policy Analyst, also at the Fiscal Policy
2 Institute and I would to second all of the
3 recommendations that my colleague has made. In my
4 short career as an economist, the gender wage gap has
5 been a very significant component of all of my
6 research. In Jonas' testimony the—the Fiscal Policy
7 Institute also supports the research done by the
8 Institute for Women's Policy Research where I was
9 also a researcher and worked to combat the same
10 issues. The data that we would be able to have
11 access to would allow us to do very exciting research
12 that we know would be in support of every testimony
13 that everyone has given today. So, yeah, I just
14 wanted to speak in support of this.

16 CHAIRPERSON MILLER: Okay, thank you.

17 So, well, first of all let me just say that you kind
18 of—I know that the Institute was going to be here
19 testifying, but, you know, we're kind of used to Dr.
20 Parrott being here for so many years, but we worked
21 together in so many different capacities, and the
22 work how valuable the work of the Fiscal Policy
23 Institute of how we value it, and how necessary it
24 is, and in speaking to that, you were here for the
25 Administration's testimony

1
2 JONAS SHAENDE: Correct.

3 CHAIRPERSON MILLER: They pretty much
4 said that there was no way for them to provide this
5 data without violating confidentiality. In your
6 expertise, could you—would you have any suggestions
7 as to how that could be done?

8 JONAS SHAENDE: Yes. Prior to joining
9 the Fiscal Policy Institute, I was the Director of
10 Data Analysis and Strategic Planning at the
11 Department of Consumer Affairs, and I am the data
12 person. So, this is a very interesting issue for me.
13 I do believe that there is a widespread—widespread
14 reluctance to—to data, and to—and to research in—in
15 mayoral agencies. Data has to reveal information.
16 It has tell the story. It's not supposed to make
17 somebody look good. However—however, this is the—the
18 world that we live in, and it is important to collect
19 the data. If the data is not—if the data is not
20 telling us anything, all the analysis is—is
21 worthless.

22 CHAIRPERSON MILLER: So, do you think
23 that it's possible for someone to kind of access
24 personal information as was implied this afternoon
25 based on the limited data being provided?

2 JONAS SHAENDE: Yes. I would like to
3 separate the two issues. Issue number 1 is analysis.
4 Issue number 2 is reporting. I also worked at the
5 Department of Finance where we worked with taxpayer
6 data, which is highly confidential. So, in-in the
7 tax policy analysis would use very granular low-level
8 taxpayer data to produce important reports for other
9 agencies, for-for the journalists, et cetera, and
10 something similar could be done in this case where
11 the day could be worked on by one set of-of people
12 and reported to another set of people in a way that
13 actually reveals what is going on. I would like to
14 also mention one thing. From my experience-from my
15 experience I know that quite a lot of people do serve
16 outside of their category. We have quite a few
17 people at Consumer Affairs for instance who's titles
18 were community associates. They were analysts. Now,
19 I think I think is misleading, and if-if-if we start
20 pooling the data, if we start using the data to-to
21 reveal insights, the data itself has to be properly
22 sourced. It has to be properly captured and the
23 information behind the data points has to be
24 accurate.

CHAIRPERSON MILLER: Oh, it's so interesting. I just met with the union representing those folks last week, and-and that we're talking the title in which folks are doing light work, and not being compensated appropriately or being compensated differently based on demographics that we-we've-we've been talking about here today, and I want to thank you because it's so important. Yes, and we'd love to follow up with you on the information that is being provided, and just it shows what happens when you stay to the very end. This is good as it gets from the beginning to the end. It's just really important information. It's not just this because there's certainly work to do beyond passing this legislation, and achieving our goals. So, I want to thank you so very much.

JONAS SHAENDE: Thank you very much, and we're committed to this issue. You can-you could rely on me as a-as a useful professional, and resource for your analysis and evaluation. Thank you.

CHAIRPERSON MILLER: Thank you.

CHAIRPERSON EUGENE: Thank you very much also.

3 CHAIRPERSON MILLER: Thank you.

4 CHAIRPERSON EUGENE: Thank you.

5 CHAIRPERSON MILLER: With that, adjourn
6 the meeting.

7 CHAIRPERSON EUGENE: Thank you very much
8 all of your testimony and the meeting is adjourned.

9 [gavel]

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C E R T I F I C A T E

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



Date May 16, 2018