

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WOMEN AND GENDER EQUITY
JOINTLY WITH
COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

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Thursday, May 2, 2024
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HELD AT: Council Chambers - City Hall

B E F O R E: FARAH N. LOUIS, CHAIR
LINCOLN RESTLER, CHAIR

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Committee On Women And Gender Equity Jointly With The Committee On
Governmental Operations, State & Federal Legislation

A P P E A R A N C E S

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Gabriela Mejia,
Movement Building and Communications Manager at
Right to Be

Christopher Leon Johnson,
Representing himself

Committee On Women And Gender Equity Jointly With The Committee On
Governmental Operations, State & Federal Legislation

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2 SERGEANT PAYTUVI: This is a microphone check for
3 the Committee on Women and Gender Equity jointly with
4 the Committee on Governmental Operations, State and
5 Federal Legislation recorded May 2, 2024 - located in
6 Chambers by Nazly Paytuvi.

7 SERGEANT AT ARMS: Good afternoon, and welcome to
8 the New York City Committee on Women and Gender
9 Equity jointly with Governmental Operations State and
10 Federal Legislation.

11 At this time please place all electronic devices
12 to vibrate or silent mode.

13 If you wish to submit testimony you may do so via
14 email to testimony@council.nyc.gov, once again that
15 is testimony@council.nyc.gov .

16 Do not approach the dais at any time during this
17 hearing.

18 Thank you for your cooperation.

19 Chairs, we are ready to begin.

20 CHAIRPERSON LOUIS:

21 (GAVEL SOUND) (GAVELING IN)

22 Good afternoon, everyone. Welcome.

23 My name is Farah Louis, and I am the Chair of the
24 Committee on Women and Gender Equity. I would like to
25 thank my colleague, Lincoln Restler, for co-chairing

2 today, who is the chair for Governmental Operation,
3 State and Federal Legislation.

4 Today's important hearing topic is Oversight -
5 Update on Sexual Harassment Best Practices/Policies
6 in New York City.

7 Sexual harassment is a form of sex discrimination
8 that violates Title VII of the Civil Rights Act of
9 1964 as well as New York State ("NYS") laws, and
10 Local Laws. Generally, sexual harassment is a form of
11 gender discrimination and includes unwelcome sexual
12 advances, requests for sexual favors, or other verbal
13 or physical conduct of a sexual nature. Street
14 harassment is a form of sexual harassment that
15 includes unwanted comments, gestures, or acts
16 directed at someone in a public space without such
17 person's consent.

18 According to City officials, the NYPD, and the
19 New York Times, a disturbing 14 women have reported
20 getting punched - out of nowhere- by strangers since
21 mid-March, with at least on attack resulting in a
22 broken nose. These assaults represent a crime
23 category that has risen to 13 percent over the past
24 year. It is hard to interpret these incidents within
25 a broader context of increased misogyny and domestic

3 violence. Moreover, a recent survey from the Pew
4 Research Center reported that a third of women under
5 the age of 35 report having been sexually harassed
6 online.

7 According to a 2016 federal Equal Employment
8 Opportunity Commission ("EEOC") report, studies have
9 found that only 6 to 13 percent of individuals who
10 experience harassment file a formal complaint. The
11 estimated 87 to 94 percent of individuals who do not
12 file formal a complaint did so out of fear of
13 reactions ranging from not being believed or taken
14 seriously to social retaliation (including
15 humiliation and ostracism); and professional
16 retaliation, such as damage to their career and
17 reputation.

18 Today we seek to learn how the best practices and
19 policies of our local, state and federal laws can
20 help to protect all New Yorkers from sexual
21 harassment. To that end, we look forward to hearing
22 from representatives from The Mayor's Office to End
23 Domestic and Gender-Based Violence, the City
24 Commission on Human Rights, and The Department of
25 Citywide Administrative Services, as well as

1
2 businesses, advocacy groups, labor unions, and other
3 interested parties.

4 I would like to thank the members of the
5 Administration, the advocates, and the members of the
6 public, especially those with lived experience, who
7 have joined us here today. We appreciate your
8 testimony.

9 I would like to thank members of my staff Shona
10 Duncan and Daniel Heredia, as well as our committee
11 staff, Committee Counsel Sahar Moazami, and Senior
12 Legislative Policy Analyst, Cristy Dwyer for their
13 work on this hearing.

14 Thank you, and I will now turn it over to Chair
15 Restler for his opening remarks.

16 CHAIRPERSON RESTLER: Thank you so much to Chair
17 Louis. I am really appreciative of your leadership on
18 this issue and for bringing us all together today on
19 this most crucial of topics.

20 The City of New York must have a zero tolerance
21 policy for sexual harassment. This city would not
22 function without the 33,000 people who show up every
23 day to serve - from teachers to health care workers,
24 from building inspectors to bridge inspectors, and
25 more, city workers are our heroes. And every single

1
2 employee, every single city worker deserves a
3 workplace that is free of harassment.

4 Unfortunately, Mayor Eric Adams has sent the
5 message that sexual harassment is condoned in his
6 administration. When one of his closest advisers, Tim
7 Pearson, was accused of sexual harassment, multiple
8 incidents that were witnessed by other employees, and
9 led to a mass exodus from The Mayor's Office of
10 Municipal Services Assessment, the Mayor's only
11 response was that there should be due process. The
12 Mayor did not say that, if true, this behavior is
13 unacceptable. The Mayor did not say he was concerned
14 about the nature of the allegations. The Mayor did
15 not say the Mayor did not say there was a zero
16 tolerance policy for sexual harassment in his
17 administration. He certainly did not place anyone on
18 leave while the matter was internally investigated.
19 No, he didn't even conduct a proper investigation.
20 The Mayor's Office claimed the incidents could not be
21 substantiated, because the survivor grew concerned
22 about the retaliation and was wary of investigation
23 led by one of the Mayor's long time, former Borough
24 Hall staffers. And, then, when the survivor and
25 another employee filed lawsuits against the sexual

1 harasser, the Mayor forced the Law Department to
2 provide his friend, Tim Pearson, with tax payor
3 funded representation. According to multiple
4 accounts, the distinguished Judge Sylvia Hinds-Radix
5 was forced out of her job as corporation counsel for
6 the city of New York, due to her skepticism that it
7 would be appropriate for the City to provide tax
8 payor funded representation to this individual, Tim
9 Pearson.
10

11 It is hard to imagine how any City employee would
12 feel comfortable reporting an incident of sexual
13 harassment after watching the Mayor staunchly defend
14 his buddy, Tim Pearson.

15 Last year, the City reported only 247 sexual
16 harassment complaints in the entire city workforce.
17 That's less than one-tenth of one percent of the
18 entire city workforce - and half the number of the
19 complaints that were reported prior to COVID.

20 There is not great data on the extent of this
21 problem, but some estimates say that close to 40
22 percent of women and 14 percent of men across the
23 country have reported experiences of sexual
24 harassment at work. And the federal Equal Employment
25 Opportunity Commission ("EEOC") has estimated that

1
2 only six to 13 percent of individuals who experience
3 harassment file a formal complaint.

4 So, while each of those 247 complaints is indeed
5 concerning, what's even more concerning are the
6 complaints that are never reported, that are never
7 investigated.

8 The 2018 reform measures passed by the City
9 Council were a significant step in the right
10 direction - that sexual harassment will not be
11 tolerated at City agencies. But, we must do even more
12 to ensure that any employee who does experience
13 harassment feels 100 percent confident that their
14 report will be handled appropriately and that
15 necessary action will be taken.

16 The Sexual Harassment Working Group, a group of
17 former staffers the New York State Legislature who
18 all experienced, witnessed, or reported harassment
19 conducted a thorough, comprehensive, and impressive
20 review of State policies and issued a report with
21 thoughtful and smart recommendations back in 2018.
22 One of their recommendations was that there should be
23 a quote, "truly independent office to oversee
24 investigations and enforcement of harassment claims
25 for employees of elected and appointed officials."

3 The gross mishandling of the recent incidents at
4 City Hall highlights just how urgent and necessary it
5 is to have an independent agency charged with
6 investigating claims of sexual harassment. This
7 entity could ensure employees of elected officials
8 can rely on fair, independent, and swift
9 investigations. And we should work to make this
10 happen as soon as possible.

11 I'd like to thank again Chair Louis, her team
12 from the Committee on Women and Gender Equity, uh
13 Sahar and Cristy. I'd like to thank the Governmental
14 Operation staff Jayasri Ganapathy and Erica Cohen for
15 their hard work. And I'd just like to especially
16 thank my Chief of Staff Molly Haley, who is
17 brilliant, and I really appreciate all her great
18 work.

19 Thank you so much, Chair Louis.

20 CHAIRPERSON LOUIS: Thank you, Chair Restler.

21 I want to acknowledge Council Member Riley,
22 Council Member Carr, and Council Member Hanif, who is
23 on Zoom, thank you for joining us.

24 I now invite the representatives of from the
25 Administration to offer testimony. And I will
administer the oath.

2 Do you affirm to tell the truth, the whole truth,
3 and nothing but the truth, before this committee, and
4 to respond honestly to council member questions?

5 (THE PANEL AFFIRMS)

6 CHAIRPERSON LOUIS: Anyone else?

7 Thank you, you all may begin.

8 DEPUTY COMMISSIONER MONTALBAN: Good afternoon,
9 Chairs Louis and Restler and members of the
10 committees on Women and Gender Equity and
11 Governmental Operations, State and Federal
12 Legislation. I am Silvia Montalban, Deputy
13 Commissioner and Chief Citywide Equity and Inclusion
14 Officer at the New York City Department of Citywide
15 Administrative Services - commonly known as DCAS.

16 I am grateful for the opportunity to meet with
17 you to discuss DCAS' citywide work to cultivate and
18 sustain an equitable and diverse work environment
19 that adheres to inclusive employment practices,
20 including sexual harassment prevention.

21 The work of my entire office - Citywide Equity
22 and Inclusion - has expanded and evolved for several
23 years, including under this administration. We've
24 concentrated our efforts on promoting inclusivity,
25 driving recruitment and retention, boosting

1 engagement, and improving the City's equal employment
2 opportunity (EEO) and diversity, equity, and
3 inclusion (DEI) training portfolios, including sexual
4 harassment prevention. At our core, we are deeply
5 invested in improving the quality of work experiences
6 for all city employees by fostering a safe and
7 inclusive environment where all employees are granted
8 the protections they are due. More than that, our
9 commitment to equity and access are integral parts of
10 fulfilling our agency's mission - making city
11 government work for all New Yorkers.

12
13 While we work closely with all city agencies, it
14 is important to note that we do not have the
15 authority of an enforcement agency, but we provide
16 the structure and the tools to help agency heads
17 comply with their New York City Charter mandate. This
18 mandate dictates that agencies do not discriminate
19 against covered persons as prohibited by federal,
20 state, and Local Laws. DCAS has led the charge in our
21 municipal workforce to consistently raise awareness
22 about rights, responsibilities, and resources to
23 prevent all forms of discrimination, including sexual
24 harassment, and to promote workplace civility,
25 respect and belonging for all. In doing so, we do not

1
2 merely design initiatives to operationalize
3 legislation or compile reports to meet mandates, we
4 meet and exceed requirements in the relevant Local
5 Laws by considering citywide priorities and the needs
6 of the workforce.

7 In accordance with the Stop Sexual Harassment in
8 NYC Act, including Local Laws 92 and 97 of 2018, we
9 issue reports annually that provide insights into how
10 the mandated sexual harassment training is being
11 conducted and provide a comprehensive accounting of
12 sexual harassment complaints within city agencies.
13 And, since 2019, we've seen a promising trend overall
14 in sexual harassment complaints as they decrease
15 citywide. In fact, in FY 23, we saw the number of
16 complaints decrease by 10 percent. DCAS has also been
17 complying with Local Law 101 of 2018 by distributing
18 a voluntary climate survey to all City agencies to
19 ascertain the general awareness of the City's EEO
20 policy, including sexual harassment prevention,
21 knowledge of prohibited conduct and the ability to
22 report it. DCAS has issued the Citywide Workplace
23 Climate Survey twice since 2018 and we will do so
24 again this summer. We will compile a corresponding
25 report to share the findings.

1 In addition to sexual harassment prevention
2
3 training, we actively promote agencies' completion of
4 mandatory trainings that encourage inclusivity like
5 The Power of Inclusion, which is especially designed
6 to address matters related to LGBTQI+ identity in the
7 workplace and Everybody Matters: EEO and Diversity &
8 Inclusion Training for NYC Employees, which provides
9 an overview of rights, responsibilities and
10 protections against discrimination under the EEO
11 Policy and the 25 protected categories under the New
12 York City Human Rights Law. This training also
13 focuses on principles of diversity and inclusion, the
14 responsibility of managers and supervisors to report
15 discrimination and harassment, including sexual
16 harassment, bystander intervention, and protection
17 from retaliation for filing a complaint or
18 participating in an investigation of harassment or
19 discrimination. We also offer additional trainings
20 such as bystander intervention, unconscious bias,
21 microaggressions, and disability etiquette.

22 Pursuant to Section 814.1 of the City Charter, we
23 provide uniformed procedures and standards to
24 agencies so they can effectively meet the needs of
25 the municipal workforce. For instance, we work

1
2 closely with the Law Department to host information
3 sessions for City leaders to discuss their
4 obligations under the City Charter and the City's EEO
5 policy.

6 We also provide guidance and compliance tools to
7 bolster transparency about the discrimination
8 complaint process including creating documents such
9 as the EEO Complaint Process at a Glance and
10 Reasonable Accommodations at a Glance.

11 We Host bi-monthly best practices meetings with
12 agency EEO professionals to reinforce consistency in
13 the application of the EEO policy, discuss industry
14 developments, new legislation, complaint trends,
15 investigation and reasonable accommodation principles
16 and agencies' mandated training completion status.

17 We develop trainings for the EEO practitioner to
18 hone their skills, including on intersectionality in
19 EEO investigations, and an upcoming trauma-informed
20 investigations.

21 We make periodic updates to the EEO Policy,
22 relevant guidelines and accompanying trainings.

23 Provide ongoing citywide guidance on
24 accessibility matters and equity issues through
25 consultations daily with agencies, and we review and

1
2 approve the annual diversity and EEO plans submitted
3 by agency heads covering the agency's goals and
4 strategies to advance diversity, equity, and
5 inclusion in the areas of workforce, workplace,
6 community, and race relations.

7 We Produce and host a bi-annual weeklong HR/EEO
8 Conference - providing innovative resources to HR and
9 EEO professionals on equitable and inclusive
10 workplace practices. It is one of the first municipal
11 conferences of its kind in the nation.

12 Together, all these innovative initiatives help
13 inform our approach to building and maintaining an
14 equitable and inclusive workforce. We know that at
15 the heart of city government are the people. We want
16 all employees to know that as an employer, the City
17 of New York is committed to fostering a work
18 environment where employees can thrive while feeling
19 protected, valued, and respected. With that, we
20 welcome continued engagement and support from the
21 Council to further our goals and to help ensure that
22 the City of New York reflects the values that make us
23 an employer of choice.

24 Thank you, and at this time I welcome any
25 questions you may have.

1 MS. SCRIVANI: Good afternoon Chair Louis, Chair
2 Restler, and committee members. I am Hillary
3 Scrivani, Senior Policy Counsel at the New York City
4 Commission on Human Rights. Joining me today for
5 questions is Michael Griffin, Policy Counsel.
6

7 Thank you for convening today's hearing on the
8 critical issue of sexual harassment. The Commission
9 has been a leader in the fight against sexual
10 harassment for decades. Our agency enforces the New
11 York City Human Rights Law - one of the broadest
12 anti-discrimination laws in the country. The New York
13 City Human Rights Law has robust protections, and the
14 Commission vigorously enforces the Law's gender-based
15 harassment provisions. I will share a brief overview
16 of the work of the Commission, the Human Rights Law's
17 strong gender-based harassment protections, and our
18 persistent efforts to prevent and address sexual
19 harassment - more detail on this is in our written
20 testimony.

21 To fulfill the Commission's dual mandate of
22 enforcement and education, the Commission's two
23 largest units are the Community Relations and Law
24 Enforcement bureaus. The Community Relations Bureau
25

1 sits at the center of our prevention efforts, and is
2 responsible for outreach, education, and training.

3
4 The Law Enforcement Bureau conducts testing,
5 launches investigations, initiates complaints, enters
6 settlements, and takes cases to trial to address
7 violations of the Human Rights Law. Individuals in
8 New York City who believe they have experienced
9 discrimination or harassment and want to seek redress
10 have two paths to vindicate their rights. The Human
11 Rights Law specifies that individuals have the option
12 to come to the Commission, or they can file a
13 complaint in court. When a report is made to the
14 Commission, those claims are assessed by staff in the
15 Law Enforcement Bureau.

16 Cases that are investigated by the Law
17 Enforcement Bureau are often resolved by settlement
18 agreements between the Commission and a covered
19 entity. Matters that are not settled or mediated may
20 be referred to trial. Cases at the Commission can
21 lead to individual damages, civil penalties, and
22 policy changes that aim to prevent future
23 discrimination and harassment.

24 The Commission's settlements and Decisions and
25 Orders demonstrate how the agency seeks to eliminate

1
2 gender-based harassment and remedy the resulting
3 harms. Before turning to those, I will briefly
4 discuss the Human Rights Law and several provisions
5 that resulted from the 2018 Stop Sexual Harassment in
6 NYC Act.

7 The New York City Human Rights Law prohibits
8 gender-based harassment in the areas of employment,
9 housing, and places of public accommodation. The
10 legal term gender-based harassment includes sexual
11 harassment under the Human Rights Law.

12 Implementation of the Stop Sexual Harassment in
13 NYC Act reinforced and amplified the Commission's
14 commitment to combatting sexual harassment through
15 education and robust enforcement. I will now turn to
16 these amendments to the Human Rights Law.

17 The Stop Sexual Harassment in NYC Act placed an
18 emphasis on the pervasive challenge of gender-based
19 harassment in the workplace. Local Law 98 extended
20 the human rights Law's protections against gender-
21 based harassment to all employees regardless of the
22 size of the employer, and Local Law 100 extended the
23 statute of limitations for filing claims of gender-
24 based harassment with the commission from one year to
25 three years.

1 The Stop Sexual Harassment in NYC Act was not
2
3 only about changes to the law; it was also about
4 raising awareness of individual rights and
5 obligations. Several of the bills focused on
6 ensuring that information about New Yorkers' rights
7 and obligations is easily accessible, and that work
8 is central to the Commission's mandate. Pursuant to
9 Local Law 94, the Commission has built out an
10 extensive website with resources that explain sexual
11 harassment and retaliation, and provides concrete
12 examples of what constitutes illegal conduct. These
13 resources highlight how to address sexual harassment
14 as well, providing information about bystander
15 intervention, and steps to take if facing sexual
16 harassment. Consistent with Local Law 95, the
17 Commission created a downloadable poster and a fact
18 sheet regarding workplace sexual harassment. In
19 addition to including examples of harassment, they
20 also have information on the venues where individuals
21 can file claims - at the federal, state and local
22 levels. Employers are required to post the poster and
23 disseminate the fact sheet in English and Spanish.
24 These written resources are complemented by a free,
25 interactive training, as required by Local Law 96.

3 This Law requires most employers to provide their
4 employees with this training or a training with
5 similar components annually.

6 The training also satisfies New York State's
7 sexual harassment prevention training requirements.
8 Thus far in Fiscal Year 2024, the training has
9 already been downloaded or viewed over 1 million
10 times; the training and factsheet are available in
11 multiple languages.

12 The Commission's staunch efforts to eradicate
13 sexual harassment have long included public
14 engagement. Reflecting this, the agency launched an
15 extensive City-wide campaign on workplace sexual
16 harassment in print and on social media in April
17 2018. This included how to report to the Commission
18 and messaged that any and all sexual harassment is
19 against the law.

20 The focus on sexual harassment prevention is not
21 just part of written resources and our online
22 training. Many of the Commission's live, facilitated
23 trainings contain discussion of sexual harassment
24 protections. Several hundred trainings cover sexual
25 harassment each year.

3 In addition to the specific efforts to implement
4 the Stop Sexual Harassment in NYC Act, the Commission
5 has reached strong settlements and issued a recent
6 Decision and Order holding employers accountable for
7 sexual harassment.

8 I will briefly mention a few of these cases.

9 In recent settlement, an individual complaint
10 against a multinational fashion company led to a
11 Commission investigation which uncovered persistent
12 sexual harassment, retaliation, and failure of the
13 company to act when they learned of the harassment.
14 The settlement included \$330,000 in damages and
15 required of revised policies that clearly define
16 sexual harassment and an internal complaint
17 procedure. This settlement will be monitored by the
18 Commission.

19 Another example resulted from a commission-
20 initiated investigation of a large news network where
21 reports alleged a culture of pervasive sexual
22 harassment and retaliation. The network agreed to pay
23 \$1 million in civil penalties and to waive forced
24 arbitration in agreements for any claims brought
25 under the City Human Rights Law. The network to must
now hold Commission-approved sexual harassment

3 prevention and bystander training for all its New
4 York City employees and to implement a new complaint
5 procedure for discrimination and harassment
6 complaints that allows for multiples levels of
7 reporting.

8 The Commission also settled with a transportation
9 company, a clothing manufacturer, and a real estate
10 management company in this past year. Each included
11 damages and penalties, trainings, and policy changes.

12 Finally, in a written 2023 post trial decision,
13 the Commission held an employer liable for continuous
14 sexual harassment and retaliation. The complainant in
15 that case was awarded over \$300,000 in damages. he
16 Commission also imposed a civil penalty of \$250,000
17 on the employer and ordered written policies
18 consistent with the City Human Rights Law. These are
19 just some examples of the Commission's extensive
20 enforcement.

21 In closing, the Commission remains deeply
22 committed to preventing and combating sexual
23 harassment in New York City and ensuring that
24 individuals who experience harassment know their
25 rights and have venues for redress. We appreciate the

1 Council's attention and commitment to addressing this
2 issue, and we welcome your questions.

3
4 CHAIRPERSON LOUIS: Thank you, I'll start.

5 I heard some of the statistics, but if we could
6 reiterate it based off these questions that we have
7 here - could you provide us with the total number of
8 sexual harassment claims that the Commission has
9 received each year for the past seven years?

10 MS. SCRIVANI: Thank you for your question Council
11 Member. So, taking a step back, uh, before I get into
12 the numbers, as you mentioned in your testimony,
13 gender-based harassment, sexual harassment is a
14 subset of gender discrimination. So, prior to the
15 Stop Sexual Harassment Act of 2018, our tracking was
16 tracking gender discrimination claims as a whole. So,
17 we don't have the specific sexual harassment claims
18 disaggregated. But, beginning in 2019, I do have the
19 data for the sexual harassment complaints as a subset
20 of gender discrimination. So, I can share with you
21 that we've seen... that we saw an increase of people
22 coming to the Commission and reporting gender-based
23 harassment specifically, which covers sexual
24 harassment, uh, beginning... the increase began in
25 2019 and proceeded... there was a steady increase

1 from the whole number of reports beginning in 2019,
2 and then in 2020 it dipped a little bit, 2021 stayed
3 consistent. But, overall we saw more people coming
4 to the Commission with complaints of sexual
5 harassment, specifically claims that were filed,
6 excuse me, like claims that the Commission
7 investigated and filed, uh, went up following
8 implementation of the act. Which we believe was in
9 part because of the increase in information and
10 education about the right to be free from sexual
11 harassment and resources... (CROSS-TALK)

12
13 CHAIRPERSON LOUIS: You still didn't give me a
14 number.

15 MS. SCRIVANI: Yes... (CROSS-TALK)

16 CHAIRPERSON LOUIS: So, if we're saying 2019,
17 2020, 2021 we need numbers, thanks.

18 MS. SCRIVANI: Sure. So, in 20... so looking at
19 I'll go back to... so all gender discrimination
20 complaint claims in employment: in 2016 was 124; 2017
21 117; Fiscal Year 2018 was 118. So kind of that
22 consistent number, and then starting in 2019, all
23 gender discrimination complaints and employment went
24 up to 177, and 135 of those were claims of sexual
25 harassment. Again I want to clarify, I mean filed

1
2 claims. So, even though we don't have it
3 disaggregated for those years before 2019, we can see
4 that the total number of the sexual harassment
5 complaints in 2019 was ,you know, more than all of
6 the gender discrimination complaints in the previous
7 years. And we're comfortable saying that more people
8 have been coming to us during that time.

9 CHAIRPERSON LOUIS: So, of that 135 you just gave
10 us, can you tell us how many of those cases have been
11 investigated, adjudicated, rejected, or any other
12 outcome?

13 MS. SCRIVANI: Those... So, those are the cases
14 that had filed claims, and that's what our system
15 tracks. So, I don't have at my fingertips information
16 on resolutions for those cases. We're happy to follow
17 up with you after the hearing with that. But, yes
18 those are the claims that had been filed, and I can
19 say generally that many of our claims are resolved by
20 settlement, because once a claim is filed, that's
21 after an investigation and there's been the finding
22 of probable cause. So, those are complaints that have
23 been pursued. Again, many are resolved by settlement,
24 and if they don't settle, uh, will proceed to court.

1
2 CHAIRPERSON LOUIS: It's really unfortunate that
3 you have 135 complaints, and we don't know the
4 outcomes of any of them. So, it speaks to why we're
5 having this hearing. We have a major issue here as my
6 co-chair stated earlier. It's really unfortunate that
7 we have no information to provide at a hearing today.

8 My next question, Local Law 94 of 2018 required
9 the Commission to post on their website resources
10 about sexual harassment. Can you tell us where
11 each... information can be located, and what is
12 currently included in that post?

13 MS. SCRIVANI: Yes, thank you for that question,
14 Chair Louis. As I indicated in my testimony reaching
15 New Yorkers with information about our law and making
16 sure it's accessible is a cornerstone of our work. So
17 as far as information on our website, we have a
18 website, our sexual harassment campaign page, which
19 includes the information in Local Law 94. So, these
20 are the descriptions - the scenarios of instances
21 that could happen that constitute sexual harassment
22 in the workplace. This includes contact information
23 for the Commission, uh, how to file a complaint and
24 walkthrough of our complaint process. And I know that

1 I know that in fiscal year 2024 just so far, it's
2 already been accessed nearly 200,000 times. So we
3 also know that people are still going to that page. I
4 will also mention that we have a page dedicated to
5 our sexual harassment training, which so far in
6 fiscal year 2024, has been already accessed over a
7 million times, and that's that free downloadable
8 training we mentioned for employers that they're
9 required to provide in their workplace and keep track
10 of employees having taken the training. I also just
11 want to add to our discussion of case numbers, all
12 claims that are filed are thoroughly investigated.

13 CHAIRPERSON LOUIS: Okay, but we don't know what
14 was adjudicated, rejected? We don't have those
15 numbers?
16

17 MS. SCRIVANI: Well as far as... can you explain
18 what you mean by rejected?

19 CHAIRPERSON LOUIS: Well, what's the outcome of
20 the cases? You have 135.

21 MS. SCRIVANI So, again I'm not sure what you mean
22 by... at that point, the cases are generally... the
23 bulk of them are either going to settlement, so have
24 resolution by settlement - or if the Commission isn't
25 able to settle them, we would proceed to... would

1
2 proceed to trial. But, the vast majority are resolved
3 by settlement.

4 CHAIRPERSON LOUIS: Okay, but we don't know how
5 many of them have settlements?

6 MS. SCRIVANI: I'm happy to follow up with you
7 after the...

8 CHAIRPERSON LOUIS: That was my point. We don't
9 have any information.

10 Can DCAS provide an overview about what
11 information is captured through the Climate Surveys
12 developed pursuant to Local Law 101 of 2018?

13 DEPUTY COMMISSIONER MONTALBAN: Yes, I'd be happy
14 to. So the Climate Survey that we produced pursuant
15 to Local Law 101 is designed to gauge employees
16 awareness about their rights and responsibilities
17 under the EEO policy and what resources are
18 available. Particularly we seek to gauge their
19 awareness of how to file a complaint, where to go to
20 file a complaint, whether they've experienced or
21 witnessed any kind of discrimination or harassment,
22 what kinds of resources they would like in order to
23 learn more about the process, whether they find that
24 it is transparent, whether they know who their EEO
25 officer is, et cetera.

1
2 CHAIRPERSON LOUIS: And what's the rate of
3 completion of the surveys?

4 MS. SCRIVANI: So, the survey is a voluntary tool.
5 We have of course disseminated widely through all of
6 the agencies, and I would have to... Council Member,
7 I will have to give you an exact number in followup,
8 but I believe the completion rate for the very last
9 survey approximated about 30,000. Again recognizing
10 that it is a voluntary survey that is anonymous. But
11 the information we obtain from there is extremely
12 helpful. I also want to point out that... give me a
13 moment I can find information about that. So, I do
14 want to make you aware that the results have
15 indicated since the last survey, they're consistent
16 from the 2018 survey and the 2020 survey that the
17 overwhelming majority of the workforce indicated that
18 they are aware of the EO policy and were trained
19 within the last two years on EO awareness and
20 diversity and inclusion. Familiarity with the policy
21 improved nearly 4 percent - from 92.4 percent in 2018
22 to 96.1 percent in 2020. Knowledge of where and how
23 to file an EEO complaint decreased slightly, and that
24 was from 84 percent in 2018 to 81 percent. And we
25 attribute that slight decrease to the temporary

1 remote working conditions that were implemented
2 during the Covid-19 pandemic, because a change in
3 workplace settings temporarily reduced the visibility
4 of EEO Offices. In comparison to the 2018 survey
5 results, the employees knowledge of what happens to
6 an EEO complaint after it has been filed increased by
7 nearly 8 percent - that's... it went up from 57.4
8 percent to 65.8 percent in 2020. And the majority of
9 the respondents continue to indicate that their
10 workplace is safe from EEO violations - that was an
11 increase from 61.5 percent to 65.9 percent in 2020.
12 So, most employees continue to indicate that they
13 have not personally experienced discrimination. And
14 this increased awareness really reflects that the
15 Climate Survey is bolstered by the effect of the
16 sexual harassment training completions across the
17 city, which is well over 90 percent in our most
18 recent cycle.

19
20 CHAIRPERSON LOUIS: Thank you I'm going to hand it
21 over to my co-chair, Chair Restler.

22 CHAIRPERSON RESTLER: Thank you so much, Chair
23 Louis. I really appreciate your leadership and
24 thoughtful questions.

1
2 I'd like to focus my questions at this time for
3 the Law Department. So Mr. Eichenholtz, thank you for
4 being here today.

5 Just maybe start at a high level, could you
6 explain the process by which the Law Department
7 determines whether or not to represent an employee
8 accused of sexual harassment.

9 MR. EICHENHOLTZ: Yes, Council Member, I'd be
10 happy to. So, a representation process, when we
11 receive a complaint in which obviously in many of
12 these cases the City may be named as a defendant or
13 individuals. When there's an individual, the
14 individual has a right to, in most cases, to request
15 representation of the Law Department. So, we will
16 receive that request, usually it's transmitted via an
17 agency from an employee. After we get that request,
18 we will gather information. So what we will do is, we
19 will speak with the agency, we will determine whether
20 there is any information or investigation related to
21 the allegations of the sexual harassment claim. Most
22 frequently this will come up in the form of an EO
23 investigation if someone had filed an internal
24 complaint of sexual harassment, that's I think the
25 most common example in the sexual harassment context.

1 We'll review that information, and we will
2 generally... and I'm speaking now focusing really on
3 individuals who are being named because they're
4 alleged to have engaged in harassment. Sometimes
5 we'll have supervisors by ,you know, people who are
6 less or a little more tangential. I'll focus on
7 people who are alleged to have harassed. We will
8 gather up information, and then, if based on, you
9 know, we'll review that information, and then we will
10 bring in the individual to interview them. And this
11 process is based on when we've gathered up all this
12 information, we'll make a determination about whether
13 representation is appropriate. The most common
14 statute here, which is General Municipal Law § 50-k,
15 uh, says the Law Department shall, its mandatory
16 language, represent unless there's a determination
17 made that the individual was violating rules and
18 regulations, or the matter was outside the scope of
19 employment. The other thing I would add is just that
20 over the last few years, we have both standardized
21 and enhanced our internal support for these
22 investigations and determinations. The current
23 Corporation Council, with the support of the Mayor
24 and the Administration, created an Ethics and
25

1 Compliance Division. And amongst the roles of that
2 division is to provide advice to... and to help
3 organize, invest... representation investigations -
4 particularly if there's a potential conflict issue,
5 an ethical issue, and issue as to whether or not the
6 City's position may diverge from an individual's
7 position. So that when we have indication that there
8 may be a concern with representation, we can now rely
9 on this division and its staff both to conduct the
10 representation to do the review and to make sure
11 we're making a recommendation that comports with the
12 law for the Corporation Counsel to act on.

14 CHAIRPERSON RESTLER: So the final decision is by
15 the Corporation Counsel?

16 MR. EICHENHOLTZ: That's right.

17 CHAIRPERSON RESTLER: Could you confirm on the
18 record who is the Corporation Counsel today?

19 MR. EICHENHOLTZ: Corporation Counsel today is the
20 Honorable Judge Sylvia Hinds-Radix.

21 CHAIRPERSON RESTLER: Okay, glad to hear that.

22 Does the number of employees providing on the
23 record statements about the inappropriate actions of
24 an employee influence the Law Department's decision?
25

1
2 MR. EICHENHOLTZ: I'm not quite sure what you mean
3 by on... (CROSS-TALK)

4 CHAIRPERSON RESTLER: Does the number of employees
5 providing on the record statements, via the EO
6 complaint or otherwise, the EO investigation or
7 otherwise, indicating sexual harassment took place,
8 about the inappropriate actions of the of the
9 harasser - does that influence the Law Department's
10 decision to represent them?

11 MR. EICHENHOLTZ: That would be a case by case
12 determination. Obviously the number is I think
13 generally less important than the substance. The
14 credibility and what... and how it would be viewed
15 in connection with all the other information that we
16 have. It's a holistic determination. So that there's
17 no... like that wouldn't... that it wouldn't be...
18 if there's... (CROSS-TALK)

19 CHAIRPERSON RESTLER: So, if 10 people are saying
20 that they saw somebody commit egregious sexual
21 harassment, it's more about the substance and
22 specifics than it is the number of people?

23 MR. EICHENHOLTZ: Correct. So, if there's one
24 person with a very ,you know, with a backed up
25 statement that may be a different situation. It's

1
2 about the substance of the statement, how it fits
3 into the universe of information (INAUDIBLE)...
4 (CROSS-TALK)

5 CHAIRPERSON RESTLER: But, if you have a large
6 number of people with corroborating ,you know, who
7 are corroborating the same story of sexual
8 harassment, that must inform your decision that that
9 the person's actions are violating rules and
10 regulations?

11 MR. EICHENHOLTZ: Like I said, obviously we look
12 at it in in view of everything else.

13 CHAIRPERSON RESTLER: Does influence from City
14 Hall have an impact on these decisions?

15 MR. EICHENHOLTZ: I hesitate, because I don't
16 think influence is the right word. So when we do
17 representation determinations, we speak ,you know,
18 there's an agency that's involved. Right? So we will
19 speak with the agency. We will understand the
20 agency's position on what happened. So there may be
21 cases that involve or implicate City Hall. We
22 absolutely would speak with City Hall and understand
23 their view on the events and what happened, uh,
24 while making a representation determination. I say
25 influence, because, at all times, the representation

1
2 determination remains the Corporation Counsel's to
3 make. So while that might come into consideration,
4 it obviously would not be dispositive.

5 CHAIRPERSON RESTLER: Right. But the distinction
6 from when John Doe, junior level staffer at the
7 Department of Transportation is involved in an issue
8 versus when the Mayor himself, or a senior very
9 influential staffer at City Hall is involved in an
10 issue, is that the Mayor is responsible for the
11 appointment of the Corporation Counsel and oversees
12 the Law Department. Right?

13 MR. EICHENHOLTZ: That's correct that the Mayor...
14 the Mayor does with... obviously appoints
15 (INAUDIBLE)... (CROSS-TALK)

16 CHAIRPERSON RESTLER: So, when City Hall weighs in
17 on a decision to provide influence on whether the
18 Corporation Counsel should be providing taxpayer
19 funded legal representation to somebody who's accused
20 of significant sexual harassment, there's a potential
21 conflict of interest?

22 MR. EICHENHOLTZ: I not sure. I don't think you
23 can get from point A to point B there, especially in
24 a case that factually implicates the Mayor as a
25 supervisor or City ,you know, or City Hall as a

1 supervisor. I think that, again, it's very context and
2 case specific.
3

4 CHAIRPERSON RESTLER: Can you confirm if City
5 Hall weighed in one way or the other, voiced a
6 preference, on the Law Department's representation of
7 Tim Pearson?

8 MR. EICHENHOLTZ: No, because, as you know, I
9 cannot comment or share information covered by the
10 attorney client privilege, attorney work product. So,
11 I can't talk about a specific case like that.

12 CHAIRPERSON RESTLER: Or maybe phrased a different
13 way, has City Hall weighed in on any recent decisions
14 about whether counsel should be provided to an
15 alleged harasser?

16 MR. EICHENHOLTZ: It's the same answer Council,
17 Member.

18 CHAIRPERSON RESTLER: I guess I struggle when you
19 say on the record that ,you know, the Law Department
20 only provides legal representation to City employees
21 when you believe the employee is quote "not in
22 violation of any rule or regulation of his agency at
23 the time the alleged act or omission occurred".

24 Tim Pearson has been widely reported to have
25 harassed a subordinate on over 20 occasions. The

1 survivor's boss witnessed Pearson's harassment and
2 directed other employees in the office to make sure
3 Pearson was never alone with female staffers. When
4 employees tried to transfer out of the office,
5 Pearson destroyed their careers.

6
7 How could the Law Department possibly make the
8 determination that defending his egregious conduct is
9 consistent with such a policy that he did not violate
10 rules and regulations? What do... well I'll just
11 leave it at... is there anything that you can shed on
12 this?

13 MR. EICHENHOLTZ: Again, I can't talk about
14 specific cases. I can say that, as I've mentioned, I
15 think when the Law Department makes representation
16 determinations, it often has access to different
17 information that's not necessarily in the public
18 domain. And, generally speaking, what the Law
19 Department is determining, again, this the statute
20 and the way representation is city employees are
21 entitled to representation, unless a determination-
22 an affirmative determination is made that they were
23 not in the scope of their employment or they were in
24 violation of rules and regulations.

1
2 CHAIRPERSON RESTLER: It's impossible to read the
3 widely reported conducts of harassment by Mr. Pearson
4 and not determine that he was in clear conduct (sic)
5 of the rules and regulations that he reportedly
6 sexually harassed one subordinate on dozens of
7 occasions. It seems obvious that his influence, his
8 status as one of the most powerful in people in city
9 government informed the determination to secure
10 taxpayer funded representation. It seems clear that
11 it's only because he's a buddy of the Mayor that he
12 was able to secure Law Department taxpayer-funded
13 representation.

14 Is it true that Judge Hinds-Radix pushed back
15 against this egregious decision as has been publicly
16 reported?

17 MR. EICHENHOLTZ: I obviously cannot comment on
18 any conversations that Judge Hinds-Radix had with her
19 clients, including the Mayor, including potentially
20 Pearson, that's not appropriate for me to do.

21 CHAIRPERSON RESTLER: Outside of the scope of the
22 investigation that's... or the litigation that's
23 happening now, what is Mr. Pearson's job status?

24 MR. EICHENHOLTZ: As far as I'm aware, he's still
25 on duty in his current role working for the Mayor.

2 CHAIRPERSON RESTLER: So, he's still running the
3 Mayor's Office of Municipal Services Assessment?

4 MR. EICHENHOLTZ: That's my understanding.

5 CHAIRPERSON RESTLER: He's accused of sexual
6 harassment and retaliation by a retired female
7 sergeant, as we've reported, is he still managing the
8 unit and supervising staff?

9 MR. EICHENHOLTZ: Again, I'm not involved in his
10 work duties, so I cannot give you an accurate
11 (INAUDIBLE)... (CROSS-TALK)

12 CHAIRPERSON RESTLER: But as far as you're
13 aware...

14 MR. EICHENHOLTZ: As far as I... (CROSS-TALK)

15 CHAIRPERSON RESTLER: There's no change in his
16 work status at this time? He is continuing to
17 supervise employees, presumably female staffers,
18 today despite his conduct of chronic harassment of
19 people under his supervision?

20 MR. EICHENHOLTZ: I have no specific information,
21 Council Member, that I could give you about whether
22 or not that's the case about whether there were any
23 changes or not... (CROSS-TALK)

24

25

1
2 CHAIRPERSON RESTLER: And can you confirm, is his
3 conduct currently being investigated by City Hall? Or
4 is that investigation concluded?

5 MR. EICHENHOLTZ: Well, any investigation, EO
6 would be confidential. I will say generally, I'll
7 talk a little generally about policy, that generally
8 when sexual harassment cases are going through the
9 litigation process, you know, where both sides have
10 the opportunity, we generally will address the
11 various allegations in court. But, as we go through
12 discovery process, we learn things, "we" meaning the
13 City and the Law Department, and we will continue
14 assessing and seeing what that information has. And
15 we are in constant communication in these cases with
16 client agencies. And if information, both positive or
17 negative, that might change someone's thought process
18 about whether disciplinary determinations should be
19 made, uh, come up in litigation, we endeavor to
20 communicate them as promptly as possible.

21 CHAIRPERSON RESTLER: I'd like to focus a couple
22 questions on the EO investigation that took place
23 relating to Mr. Pearson's harassment. In response to
24 allegations about Tim Pearson, City Hall said quote,
25 "The individual chose not to cooperate in any

1 investigation and, thus, none of her claims could be
2 substantiated." But, the survivor reportedly spoke to
3 the Mayor's Office of Equal Employment Opportunity
4 three different times and was interviewed by NYPD
5 Internal Affairs about her allegations for two hours.
6 The City was made aware of incidents on at least
7 three occasions. Her supervisor witnessed the
8 harassment and attempted to stand up for her. He then
9 got into a heated argument with Deputy Mayor Phil...
10 her supervisor got into a heated argument with Deputy
11 Mayor Phil Banks and NYPD Chief of Operations, Jeff
12 Maddrey, about Pearson's egregious behavior. Her
13 colleagues quit the Office in protest. The NYPD
14 Internal Affairs Bureau conducted interviews with
15 multiple people in the Office. How is it possible
16 that claims couldn't be substantiated? Can you
17 explain what actions the Mayor's Office of Equal
18 Employment Opportunity took in this case? Has the
19 Law Department conducted a review of whether the
20 Mayor's Office mishandled the investigation?

21 MR. EICHENHOLTZ: Again, Council Member, I cannot
22 discuss material that be privileged or covered by the
23 Law Department's attorney work product given the
24 pending litigation.
25

2 CHAIRPERSON RESTLER: Okay. So, maybe I'll try it
3 from a different angle.

4 Are there other ways to substantiate a complaint
5 when a survivor is afraid of retaliation?

6 CHAIRPERSON RESTLER: Absolutely. And in in many
7 cases ,you know, I think there's in... within my
8 experience handling sexual harassment cases as a
9 litigator working with DCAS and their staff on
10 internal investigations, there are many times, uh,
11 many times where a survivor will be fearful of coming
12 forward, will be fearful of retaliation. One of the
13 things that we do, both in the litigation context,
14 like I said, that's why we continue to assess what
15 information we receive in discovery if there's a
16 lawsuit, and the EEO policy provides generally that
17 if someone were to go to a... confide in a
18 supervisor, someone with a duty to report, and said,
19 "but please don't tell anyone", they will still go to
20 the EO Office. And the EO Office will attempt, as
21 best they can, to investigate and determine...
22 respectful of the fact that the survivor simply may
23 not be comfortable coming forward.

24 So, generally we make every effort, in the City
25 government, when we learn in information

3 collaterally, or perhaps from an individual who may
4 not be comfortable or ready to come forward, or go
5 through the process, to determine as much as we can,
6 uh, given that. And ,you know, and obviously we would
7 never force someone who's not comfortable or willing
8 to speak with us to speak with us, but we do make
9 every attempt to (INAUDIBLE)... (CROSS-TALK)

10 CHAIRPERSON RESTLER: But if the survivor is
11 concerned about retaliation and doesn't want to...
12 if the survivor is concerned about retaliation and
13 quote, the spokesperson for the Mayor said, The
14 individual chose not to cooperate in any
15 investigation and, thus, none of her claims could be
16 substantiated." That's what the Mayor's spokesperson
17 said about this case. So I'm just... we're on the
18 record about things that the Mayor's team has decided
19 to put out there for whatever reason. Uh, that's
20 different than what you just said. Right? If I
21 understood what you said, if the person is concerned
22 about retaliation, didn't want to cooperate with the
23 investigation as a result, because Mr. Pearson had
24 seen... had forced multiple people to see their job
25 status in the NYPD demoted because of his
retaliatory tactics, and his wid... in his power and

3 influence within that agency, the person was
4 unwilling to cooperate with the investigation,
5 understandably, but then why didn't the EO Office
6 engage with other people, get information from
7 witnesses, gather a comprehensive story of what
8 occurred here, when there are clearly so many other
9 people who knew what was going on and how problematic
10 his deeply, deeply egregious behavior was?

11 MR. EICHENHOLTZ: Again, Council Member, I cannot
12 discuss the facts of a specific case that is in
13 litigation that we are investigating (INAUDIBLE)...
14 (CROSS-TALK)

15 CHAIRPERSON RESTLER: I totally appreciate that,
16 Mr. Eichenholtz, but it seems apparent that what
17 you're saying should have happened, that there should
18 have been a thoughtful investigation where witnesses
19 were engaged, and other people who were aware of the
20 misconduct were contacted did not happen, because the
21 Mayor spokesperson said on the record, we put this to
22 bed, because the person was afraid of being
23 retaliated against. So, we didn't pursue the
24 investigation and looked after our buddy, Tim
25 Pearson.

1
2 I'd like to recognize my colleagues from the
3 Government Ops Committee, Council Member Paladino
4 and Council Member Vernikov, thank you for being with
5 us.

6 I'll just ask one more, and then pass it back to
7 Chair Louis. You know what, actually, let me just
8 pass it back to Chair Louis. You take it from here,
9 I'll take a break...

10 CHAIRPERSON LOUIS: So you can gather your
11 thoughts.

12 I know we you can't speak too much or comment too
13 much on facts on Pearson, but we will get back to the
14 Stop Act.

15 How has the Law Department engaged with City
16 entities to ensure that the Stop Act is followed?

17 MR. EICHENHOLTZ: So the Law Department, we... our
18 role, with regard to the Stop Act, is that we provide
19 legal advice and support to the agencies charged with
20 implementing it. And I believe our Legal Counsel
21 Division regularly provides that that legal advice,
22 uh, counsel whatever support that they need to make
23 sure that they're that it's being implemented
24 properly and lawfully.
25

1
2 CHAIRPERSON LOUIS: And how many cases did the Law
3 Department pursue prior to the passage of the Stop
4 Act?

5 MR. EICHENHOLTZ: When you say cases the Law
6 Department pursued, what do... What specifically,
7 what sort of cases?

8 CHAIRPERSON LOUIS: Cases that were sent to your
9 attention regarding sexual assault in the work
10 place... (CROSS-TALK)

11 MR. EICHENHOLTZ: So, we're not... we're not a
12 prosecuting agency, except in the juvenile justice
13 context, so we would... that's why I'm a little
14 confused by the question. Generally, if a case
15 involves sexual assault, it's handled by a
16 prosecuting attorney not the Law Department.

17 (PAUSE)

18 CHAIRPERSON LOUIS: The cases that did come to
19 your attention, as you represent the employees, how
20 many of those were pursued by your department?

21 MR. EICHENHOLTZ: So, you're saying cases that
22 were (INAUDIBLE)... (CROSS-TALK)

23 CHAIRPERSON LOUIS: Let me go to the next
24 question.

25 MR. EICHENHOLTZ: Okay.

1
2 CHAIRPERSON LOUIS: I know the first barrage of
3 questions were a lot for you.

4 In general, what obstacles did Law face when
5 investigating and pursuing these cases?

6 MR. EICHENHOLTZ: So, again, we are not charged...
7 and you're saying these cases, were not charged as
8 (INAUDIBLE) with investigating pursuing cases under
9 the Stop Act. That is the other agencies that are
10 here...

11 CHAIRPERSON LOUIS: If they would like to jump in?

12 MR. EICHENHOLTZ: Yeah.

13 MS. SCRIVANI: Could you repeat the question,
14 please?

15 CHAIRPERSON LOUIS: I'll ask you another question.
16 How have the number of reports of sexual harassment
17 changed since the stop Act?

18 MS. SCRIVANI: Thank you for your question. Uh, as
19 I mentioned previously, after the Stop Act there was
20 a surge in both inquiries of people contacting the
21 Commission regarding sexual harassment and then filed
22 claims from the, uh, claims that the Commission filed
23 following investigation. So, the Stop Act led to...
24 or rather following the Stop Act, we saw that
25 increase in people coming to us, and ,again, a large

1 part the Stop Act, a large part of our agency's
2 mandate is educating the public. We do this through
3 our campaigns. We do business corridor walks. We
4 create fact sheets and provide information. We offer
5 a variety of free trainings on our website. So,
6 coupled with that, that part of our education piece,
7 we saw that increase after the Stop Act.
8

9 CHAIRPERSON LOUIS: Thanks

10 This this is for the next agency. What
11 initiatives or programs does ENDGBV (Mayor's Office
12 to End Domestic and Gender-Based Violence) currently
13 have in place to address the issue of Street
14 harassment?

15 FIRST DEPUTY COMMISSIONER SETHI: Sure, thanks for
16 the question.

17 So, in street harassment... let me just find my
18 page, uh, we are the co-chair of... along with the
19 Commission on Gender Equity, of the Street Harassment
20 Prevention Advisory Board. And we've been running
21 that under a city like Local Law of 46, right? For
22 about a year. So, we work closely with our board
23 members and other City agencies to really understand
24 the issue of street harassment and develop responses
25 to what New Yorkers are experiencing.

1
2 CHAIRPERSON LOUIS: And what are the initiatives
3 and programs you have to address street harassment?

4 FIRST DEPUTY COMMISSIONER SETHI: So currently
5 ,you know, the board has really been focused on
6 launching a survey, the first goal was to launch a
7 survey to really understand what New Yorkers are
8 experiencing around street harassment. So, that's
9 what we did, uh, last fall. And we had ,you know,
10 quite an overwhelming response to that survey. So, we
11 are now kind of evaluating those results, and based
12 on that, we're going to work with our board members
13 to really develop recommendations.

14 CHAIRPERSON LOUIS: So, you don't have the data or
15 any results or outcomes (INAUDIBLE)... (CROSS-TALK)

16 FIRST DEPUTY COMMISSIONER SETHI: We can share
17 some preliminary results... (CROSS-TALK)

18 CHAIRPERSON LOUIS: That would be great...(CROSS-
19 TALK)

20 FIRST DEPUTY COMMISSIONER SETHI: (INAUDIBLE)
21 we're happy to do that.

22 CHAIRPERSON LOUIS: Thank you... (CROSS-TALK)

23 FIRST DEPUTY COMMISSIONER SETHI: So, some
24 highlights from the survey say that 72 percent of
25

1 survey respondents - and we had ,you know, about
2
3 3,700 responses overall... (CROSS-TALK)

4 CHAIRPERSON LOUIS: Okay... (CROSS-TALK)

5 FIRST DEPUTY COMMISSIONER SETHI: So, like I said,
6 it was... we got a large volume of responses. About
7 72 percent of survey respondents experienced street
8 harassment in New York City at some point in their
9 lifetime. And these are, again, preliminary, so they
10 ,you know, we will dig deeper. Most respondents,
11 actually about 57 percent, first experienced street
12 harassment when they were minors. And people reported
13 experiencing street harassment based on their sex 62
14 percent; physical appearance 53 percent; race 47
15 percent; age 33 percent; and gender identity or
16 expression was 24 percent.

17 And I will say, I think ,you know, we have worked
18 with our board -before I forget- to develop a Street
19 Harassment Prevention Resource Guide -that's another
20 big piece of what we worked on in ,like, the first
21 year of meeting. So, that guide really... it includes
22 resources for folks that have experienced Street
23 harassment, and also includes suggestions for
24 individuals on how to keep themselves safe, because I
25 Think (INAUDIBLE)... (CROSS-TALK)

1
2 CHAIRPERSON LOUIS: What did some of those
3 recommendations look like?

4 FIRST DEPUTY COMMISSIONER SETHI: Sure, so I think
5 ,you know, in the moment, we... some of the things
6 that we recommend to folks are ,you know, moving
7 somewhere safe. Right? Visibly setting a boundary of
8 some kind; asking bystanders for help; recording the
9 interaction; requesting emergency assistance; and
10 what we call the 5Ds - which is Distract, Delegate,
11 Document, Delay, and Direct.

12 But, we also really want to make sure that folks
13 know that all of these really need to be evaluated
14 with the regard for your own safety. Right? And
15 especially if you're in immediate in danger. We do
16 recommend that you call 911 to get immediate
17 assistance if something is happening, or if you're
18 being harassed in the way that makes you feel unsafe.
19 And then the other thing I'll sort of say that I
20 think the board is really, really ,you know, thinking
21 about and wants to make sure we keep as part of the
22 conversation, is that ,you know, while we can give
23 folks tips on how to access resources and keep
24 themselves safe, that's... really we want to make
25 sure we're putting the onus on the people that are

1
2 doing the harassing. So we are considering ,you know,
3 recommendations on what that might look like in terms
4 of really doing more prevention work. Because that's
5 really what we need to do, right? We need to shift
6 that conversation of what is okay and what's not okay
7 to do, and really have people recognize that,
8 gender-based harassment, that there's no excuse for
9 it, and it's not okay to do to do in public, and it's
10 not okay to do people you don't know.

11 CHAIRPERSON LOUIS: If you could share with us,
12 what do you think is the most major obstacle in
13 addressing Street harassment from an advisory board
14 perspective? And let me tell you why I asked you that
15 question. I see Council Member Vernikov with us. I
16 think it was a constituent in her district, she
17 texted the Women's Caucus to ask, hey, what kind of
18 support could we get? And I know that the board has
19 limitations, so what are those obstacles that you all
20 have that you would need further support for?

21 FIRST DEPUTY COMMISSIONER SETHI: Yeah, I mean I
22 think broadly the biggest obstacle in a lot of this
23 right it's like we're really talking about changing
24 cultural norms here, and that's a very, very broad-
25 based change. I think that that's a big change that

1 we're trying to make. And I think our board members
2 are great and very committed, and they represent
3 different City agencies, and represent different
4 boroughs and are people with lived experience
5 themselves. So, I think we'd always invite more
6 participation from other folks that are interested in
7 joining the work. I think the work gets stronger the
8 more voices we have. So, we'd love to sort share with
9 anybody any upcoming meetings that we have that might
10 be open to the public, any focus groups - we'd love
11 to talk to anybody about their ideas and engage them
12 in this work.

14 CHAIRPERSON LOUIS: What kind of support or
15 efforts is your board organizing to help women that
16 have recently been attacked on the street?

17 FIRST DEPUTY COMMISSIONER SETHI: So, that hasn't
18 necessarily come up in in the board meetings right
19 now, but I think in general obviously the Adams'
20 Administration is committed to Public Safety and
21 wants to make sure that people are safe when they're
22 walking around. I think you know ENDGBV I think...
23 and you mentioned this in your comments, too, a lot
24 of these things aren't reported. So I do think we
25 encourage folks to report these incidents as they're

1
2 happening and call 911 and make sure they accessing
3 resources and support. We also want folks to know
4 that they can always call the hotline, the 1-800-621-
5 HOPE number, 1-800-621-4673, to access supports in
6 the moment - including immediate crisis counseling,
7 de-escalation, safety planning. They can get that in
8 the moment from the hotline if they're not calling
9 911.

10 So, we just want to make sure that folks know
11 that those resources are out there, so we can
12 actually connect with the folks that are experiencing
13 this.

14 CHAIRPERSON LOUIS: Thank you.

15 Do any of my colleagues have any questions? No?
16 All right, Chair Restler?

17 CHAIRPERSON RESTLER: Always happy to keep going.
18 We've been joined by Council Member Jennifer
19 Gutiérrez! What a warm entrance.

20 Okay, these are questions that I think kind of
21 apply to law at DCAS, so I'll defer to you guys on
22 who wants to grab the baton.

23 What is the Mayor's Office of Equal Employment
24 Opportunities... when was the Mayor's Office of
25 Equal Employment Opportunity created and why?

2 DEPUTY COMMISSIONER MONTALBAN: Thank you, Chair
3 Restler.

4 So, I think you're referring to my office, which
5 is actually (INAUDIBLE)... (CROSS-TALK)

6 COUNCIL MEMBER RESTLER: No, no, no, the Office in
7 the... in the Mayor's Office... the Mayor's Office
8 of Equal Employment Opportunity, it created at the
9 beginning of this Administration?

10 DEPUTY COMMISSIONER MONTALBAN: Oh, pardon me, I'm
11 sorry, but I'm not sure which one you're talking
12 about, because... maybe the office that's run by
13 Commissioner Sherman...

14 CHAIRPERSON RESTLER: No, it's by Ms. Melody
15 Ruiz. She makes \$201,71... (CROSS-TALK)

16 DEPUTY COMMISSIONER MONTALBAN: Oh, pardon
17 me... (CROSS-TALK)

18 CHAIRPERSON RESTLER: She's the Chief EO Officer
19 of the Mayor's office... (CROSS-TALK)

20 DEPUTY COMMISSIONER MONTALBAN: Oh, okay...
21 (CROSS-TALK)

22 CHAIRPERSON RESTLER: Longtime former Borough Hall
23 staffer...

24 DEPUTY COMMISSIONER MONTALBAN: So, Chair Restler,
25 we know that to be the EO Office for the Mayor's

1 office entities - is how we at DCAS see it. So, we
2 just see it as another agency that has an EEO office,
3 uh, that handles matters that pertain to Mayor's
4 office entities and the staff there... (CROSS-TALK)

5 CHAIRPERSON RESTLER: Do you think it's
6 appropriate for a longtime employee of the Mayor,
7 dating back to his Borough Hall days, who worked for
8 him for many years, and got a large pay raise and
9 promotion when he became Mayor, to be charged with
10 investigating complaints against his closest allies?
11

12 DEPUTY COMMISSIONER MONTALBAN: Chair Restler, I
13 really can't comment on that, because I don't have
14 knowledge about that... (CROSS-TALK)

15 CHAIRPERSON RESTLER: Are there standards to
16 ensure that EO officers are impartial?

17 DEPUTY COMMISSIONER MONTALBAN: So... (CROSS-TALK)

18 CHAIRPERSON RESTLER: And what oversight does DCAS
19 provide... (CROSS-TALK)

20 DEPUTY COMMISSIONER MONTALBAN: Of course, yes...
21 (CROSS-TALK)

22 CHAIRPERSON RESTLER: Provide to ensure that
23 they're a well-functioning office?

24 DEPUTY COMMISSIONER MONTALBAN: Yes, generally
25 speaking, again, we, as I mentioned, provide

1 resources to the agencies and instruction on applying
2 the EEO policy. So, that includes the processes of
3 investigations, and we provide training on that,
4 developments in the industry about that, uh, proper
5 ways to conduct investigations. We have a training
6 portfolio for our EO professionals. All the agency EO
7 officers are told to take those trainings in order to
8 be able to conduct investigations.
9

10 CHAIRPERSON RESTLER: How would you determine if
11 there's a potential conflict of interest in the EO
12 Office, if the person in charge of the Office is more
13 concerned about the Mayor's protection than the
14 protection of employees against harassment?

15 DEPUTY COMMISSIONER MONTALBAN: So, Chair Restler,
16 I can only speak very generally about the fact that
17 EO Officers report to the agency head and have an
18 obligation to address all the complaints and needs
19 raised by the workforce in that agency or entity.
20 They obviously must execute their duties
21 objectively...

22 CHAIRPERSON RESTLER: Right. After the kind of
23 widely reported, egregious misconduct of Tim Pearson
24 and the mishandling of the investigation by City
25 Hall, does that lead DCAS to conduct any further

1 oversight to try to fix the EO operation at City
2 Hall.
3

4 DEPUTY COMMISSIONER MONTALBAN: No, Chair Restler,
5 again, we provide guidance in general about how to
6 apply the EO policy, but we have no ability to
7 intervene in those matters. Our jurisdiction is very
8 limited to investigations that pertain to complaints
9 raised against an agency head or an EEO Officer when
10 they have committed alleged behavior that could have
11 violated the EO policy... (CROSS-TALK)

12 CHAIRPERSON RESTLER: So, whose responsibility is
13 it to fix it if we have an EO operation that's not
14 working independently and effectively as it should
15 be?

16 DEPUTY COMMISSIONER MONTALBAN: So, again, we take
17 multi-pronged approaches in educating agencies and
18 agency heads about their obligations under the City
19 Charter, under the EEO policy, to carry out an
20 effective EEO program. Uh, that entails... and from
21 the top, all the way to the bottom, is an agency head
22 endorsing the operation of the EEO Office as an
23 independent objective resource for employees. EEO
24 Officers are instructed, uh, are guided by DCAS to
25 provide resources and transparency about the

1
2 complaint process, the fact that they are the
3 resource for employees to report their concerns or
4 complaints. They are supposed to also inform
5 employees that they can also file claims externally
6 at venues such as the City Commission on Human
7 Rights. So those are sort of the structure and the
8 tools that we provide to agencies, so that the
9 workforce is empowered and aware of their rights and
10 where to go to make complaints. The first point of
11 contact is always within the agency, and to actually
12 avail themselves of the opportunity to have their
13 concerns investigated through the EEO process.

14 CHAIRPERSON RESTLER: It's... I think we've seen
15 improvement in recent years, dating back to the de
16 Blasio Administration, of the team at DCAS doing more
17 to provide technical assistance and support to EO
18 operations at agencies around the City. I appreciate
19 that effort. I know it's not easy. I know that you
20 don't have direct oversight of those EO offices, but
21 rather provide guidance, support, technical
22 assistance to try to help them do their jobs, and
23 that you encourage City workers to know their rights
24 and come forward and file complaints.

1 But, at the end of the day, when we have an
2
3 ineffective EO operation here at in the Mayor's
4 office at City Hall, there's no ultimate
5 accountability, and that's why I think it's so
6 important that we consider the creation of an outside
7 independent entity that can conduct these
8 investigations and complaints, that are not
9 influenced by the politics of protecting the Mayor,
10 but are rather committed to protecting the
11 individuals who are subject to harassment.

12 As I mentioned in my opening remarks, the sexual
13 Harassment Working Group, a group of former staffers,
14 many from North Brooklyn who worked in the New York
15 State Legislature, who experienced, witnessed, and
16 reported harassment, conducted a really exceptional,
17 thorough, and comprehensive review of State policies,
18 and issued recommendations back in 2018. One of their
19 recommendations was a truly independent entity to
20 conduct investigations of harassment that is
21 independent of elected officials and appointees.

22 Would you be open or supportive to that kind of
23 model here in city government?

24 DEPUTY COMMISSIONER MONTALBAN: So, Chair Restler,
25 our jurisdiction, as I explained, is limited to when

1
2 EEO officers and agency heads are specifically
3 accused or alleged to have violated the EEO policy.
4 Any other type of misconduct, their behavior has to
5 be investigated by the discipline entities that
6 address misconduct of any kind of employee within
7 that agency. Uh, we.... (CROSS-TALK)

8 CHAIRPERSON RESTLER: No, I get that... (CROSS-
9 TALK)

10 DEPUTY COMMISSIONER MONTALBAN: (INAUDIBLE)...
11 (CROSS-TALK)

12 CHAIRPERSON RESTLER: I'm asking about...

13 DEPUTY COMMISSIONER MONTALBAN: We personally
14 are...

15 CHAIRPERSON RESTLER: Should there be a different
16 approach?

17 DEPUTY COMMISSIONER MONTALBAN: Uh... (CROSS-TALK)

18 CHAIRPERSON RESTLER: Because I'm concerned that
19 we're not as effective as we should be, that the
20 situation that we've all read about in the newspaper
21 day after day, involving Tim Pearson, should
22 embarrass us all, that this is happening right now
23 across the building right here at City Hall.

24

25

1
2 Do we need some sort of independent entity that
3 could in... that is independent from politics, that's
4 responsible for this?

5 I'd love to get CCHR and Law to weigh in. Could
6 you provide any perspective on that recommendation?

7 MR. EICHENHOLTZ: Council member, I would just...
8 I would add that we do have, uhm, and I want to honor
9 them, because I know they do this sort of work. In
10 the City, we do have the Equal Employment Practices
11 Commission. Their function in part is to audit the
12 EEO offices to make sure that our citywide EEO policy
13 is being complied with. So, I just wanted to mention
14 that with respect to when you talk about... the
15 Commission, I believe, is appointed in a certain way,
16 it's ,you know, it's not... it's not (INAUDIBLE)...
17 (CROSS-TALK)

18 CHAIRPERSON RESTLER: Joint mayoral/speaker
19 appointee, if I recall correctly... (CROSS-TALK)

20 MR. EICHENHOLTZ: Yes...

21 CHAIRPERSON RESTLER: in charge? We will... We
22 should follow up with that entity to determine if a
23 review needs to be conducted for how the Pearson case
24 has been so badly mishandled.

25 But, does CCHR, want to weigh in on this as well?

1
2 MS. SCRIVANI: The Commission is committed to
3 combating sexual harassment in all workplaces in New
4 York City, whether they maybe private businesses or
5 government offices, the laws protections apply
6 regardless of whether they're public or private
7 workplaces. And we encourage anyone who believes
8 they've experienced discrimination to come to the
9 Commission

10 CHAIRPERSON RESTLER: The federal EEOC found that
11 75 percent of employees who spoke out against
12 workplace mistreatment faced some sort of
13 retaliation. So, overwhelmingly when people speak out
14 against harassment and mistreatment in the workplace,
15 they face retaliation. It's clear that happened here
16 at City Hall. It's been widely reported without - any
17 accountability whatsoever.

18 How does the City ensure retaliation does not
19 occur?

20 DEPUTY COMMISSIONER MONTALBAN: So, again, as part
21 of the process where employees are encouraged, and
22 informed, and made aware of how to report an EEO
23 complaint, when they approach the EO Office, uh, the
24 EO Office has to make them aware of what the process
25 entails, which is to take all the information from

1 the complainant, uh, also interview any witnesses
2 that may have further information. If that
3 complainant is wary of being known, or they need to
4 stay anonymous, it is explained to them that, to the
5 extent possible, that confidentiality will be
6 maintained, and that they are protected against
7 retaliation, and that they should come forward and
8 feel comfortable in reporting any kind of behavior
9 that they think dissuades them from participating in
10 that EEO investigative process - And that if they
11 have allegations of retaliation, those will be
12 investigated as a separate complaint - independent
13 and apart from the underlying allegations.

14 In addition, they should be offered interim
15 protective measures while the investigation is
16 occurring. For example, if they work in close
17 proximity to the alleged harasser, their schedules
18 can be adjusted, work locations can be changed and
19 modified. There is a host of creative approaches that
20 can be taken to protect a complainant that may be
21 concerned about their safety or fear retaliation.
22 Every case is unique based on the facts and a case-
23 by case assessment, but those are some of the key
24
25

1 principles that EO Officers are trained to take into
2 consideration.
3

4 CHAIRPERSON RESTLER: Is it a violation of
5 confidentiality to publicly say that an employee did
6 not cooperate with an EO investigation? Eric could
7 you... Mr. Eichenholtz, would you mind?

8 MR. EICHENHOLTZ: I think that's dependent on the
9 circumstances. And I don't, quite frankly, know
10 enough about... I know what's been reported
11 obviously, I don't know enough about the underlying
12 facts of how that disclosure got into the press to be
13 able to weigh in on that.

14 CHAIRPERSON RESTLER: Well, we know how it got
15 into the press, because the Mayor's spokesperson
16 said, "The individual chose not to cooperate in any
17 investigation, and, thus, none of her claims could be
18 substantiated."

19 Is that not a violation of confidentiality to
20 have publicly said that this employee chose not to
21 cooperate with EO investigation?

22 MR. EICHENHOLTZ: Well, a disposition in an EEO
23 case, again, I'm talking generally, we will often
24 have to close cases if someone is not being
25 cooperative, and they can't... as a result of that,

1 they cannot pursue the investigation. The reason a
2 disposition is highlighted in that way, is so that we
3 understand that that case closure is not a decision
4 on the merits. So, I think that the nature of the
5 disposition of "complainant uncooperative" in of
6 itself would not necessarily be a violation. That's
7 why I say I need to understand the circumstances a
8 little better.

10 CHAIRPERSON RESTLER: But, it very well may be a
11 violation is what I think I've heard you say? (CROSS-
12 TALK)

13 MR. EICHENHOLTZ: Right, well there's a difference
14 between conveying what someone said and conveying the
15 disposition of an EEO investigation... (CROSS-TALK)

16 CHAIRPERSON RESTLER: Okay... (CROSS-TALK)

17 MR. EICHENHOLTZ: A closed investigation.

18 CHAIRPERSON RESTLER: So, is the recommendation...
19 am I hearing correctly that, if indeed, we'll speak
20 in hypotheticals here, okay? If indeed the Mayor's EO
21 Officer mishandled a complaint of serial sexual
22 harassment in the office, that the appropriate place
23 to file a complaint for oversight is to go to the
24 EEPC for them to conduct a review of how this
25 investigation was handled?

1
2 MR. EICHENHOLTZ: So, generally the way the policy
3 and process works is if someone's dissatisfied with
4 how a complaint is being handled internally. or the
5 EEO Office is not being responsive, they can go to
6 the City Commission on Human Rights, State division
7 of Human Rights, United States Equal Employment
8 Opportunity, the external agencies that would conduct
9 a similar sort of investigation, uh, is generally the
10 process. Now, the EEPC, they are more that... people
11 will go, from time to time, with individual
12 complaints - generally they'll refer it to DCAS or
13 Law or the agencies as the case may be. But,
14 generally, the EEPC is doing auditing with
15 compliance, making sure the EO Office is functioning
16 properly and in a on a macro level - not on an
17 individual case.

18 CHAIRPERSON RESTLER: Right. They're determining
19 if the Office is functioning properly, but,
20 unfortunately, CCHR or the Chair is appointed by the
21 Mayor. The EEPC, where the Mayor is one of two
22 appointees for the role, they're all still subject to
23 the influence of the Mayor.

24 So, is there a mechanism where we can have a
25 truly independent review of the ,you know, bungling

1
2 of this investigation of serial harassment by Tim
3 Pearson in the Mayor's Office? Is there any place for
4 a proper independent investigation to occur?

5 CHAIRPERSON RESTLER: Again, not talking about any
6 specific case, talking generally, uh, the United
7 States EEOC and the New York State Division of Human
8 Rights are not appointed to or accountable to any
9 elected political official in the City (INAUDIBLE)...
10 (CROSS-TALK)

11 CHAIRPERSON RESTLER: I'd like to just ask briefly
12 about Mayor Adams' case of alleged sexual harassment,
13 and then one other topic.

14 Does an incident that occurred 30 years ago - so
15 hypotheticals- hypotheticals, does an incident that
16 occurred 30 years ago at a different agency from
17 where the employee currently works, that occurred
18 outside the office, after work hours, fall within the
19 scope of employment and discharge of duties and how
20 so?

21 MR. EICHENHOLTZ: Again, I'm not going to answer a
22 hypothetical that basically implies an actual case
23 that's in active litigation. I will say as a general
24 matter, due to the Adult Survivors Act, there are
25 cases, and we've received, I believe, approximately

1
2 over 700 of them now, uh, that can date back decades-
3 including... (CROSS-TALK)

4 CHAIRPERSON RESTLER: You've received 700 cases
5 from the Adult Survivors Act that could date back
6 decades. Do you have any sense of out of that 700
7 approximately how many the Law Department or taxpayer
8 funded outside counsel is representing those alleged
9 harasser/former employees?

10 MR. EICHENHOLTZ: That that I know for certain
11 right now? That we have one case where there is
12 outside counsel. And we have, and we continue to
13 explore the potential of retaining outside counsel in
14 other cases... (CROSS-TALK)

15 CHAIRPERSON RESTLER: Sorry, I think I... Mr.
16 Eichenholtz, I apologize if I didn't ask that
17 question clearly.

18 I think you just said there were about 700 cases,
19 to your knowledge... (CROSS-TALK)

20 MR. EICHENHOLTZ: Yes.

21 CHAIRPERSON RESTLER: of incidents that occurred
22 through the Adult Survivors Act, of incidents of
23 harassment from decades ago. Do you know, of those
24 700 cases, the alleged harassment happened by City
25 employees, right?

1
2 MR. EICHENHOLTZ: Mm-hmm

3 CHAIRPERSON RESTLER: Of those 700, how many of
4 them are... is the City of New York - the Law
5 Department, or outside counsel representing those 700
6 alleged harassers?

7 MR. EICHENHOLTZ: Uh, the alleged harassers? I
8 don't know the exact number, but we are representing
9 employees named in ASA cases - in multiple ASA
10 cases... (CROSS-TALK)

11 CHAIRPERSON RESTLER: Would it be... is it a... I
12 don't want to kill you with paperwork, but it'd be
13 helpful to have some context here. Do you have any
14 sense of the scale, or is it possible to conduct a
15 review of how many of these cases the either the Law
16 Department or outside counsel are presenting the
17 alleged harassers?

18 MR. EICHENHOLTZ: Sure. I mean, we could take a
19 look at that. I'm not sure how intensive it would be,
20 if maybe that there's only a small number of cases
21 that name individuals, some seeking just liability
22 against the City. But, we can take a look. And I
23 don't know how fact intensive it would be. I do know,
24 like I said, the one thing I can tell you here
25

1
2 without giving you specific numbers, is it's multiple
3 cases.

4 CHAIRPERSON RESTLER: Okay. I mean, multiple out
5 of 700 could mean a lot of different things. So it
6 doesn't tell me very much but I appreciate your
7 willingness to look into it and get back to us.

8 Does the Law Department represent city employees
9 who are survivors of sexual harassment?

10 MR. EICHENHOLTZ: Yes. I mean, contextually, uh,
11 obviously our role by and large in sexual harassment
12 matters, for the most part, we do some affirmative
13 work with the City Commission on Human Rights. But,
14 by and large, our role in sexual harassment... two
15 roles, one is obviously to give advice in counsel, to
16 make sure that we are being compliant with the law.
17 Uh, the other role is defensive litigation where we
18 are defending the City of New York when it is being
19 sued. So, in that context, we are generally
20 representing the City and potentially employees
21 accused of sexual harassment. But, there are many
22 contexts in which people who have alleged sexual
23 harassment, survivors of sexual harassment, are being
24 sued. And obviously the Law Department would
25

1 represent those employees like they would anyone
2 else.

3
4 CHAIRPERSON RESTLER: How does an employee access
5 that defense, or that representation from the Law
6 Department, if they've been... if they have
7 experienced sexual harassment?

8 MR. EICHENHOLTZ: So again, it's... and that's
9 what I'm saying, it's not... we generally
10 wouldn't... It would be the same way, if they were
11 being sued for some reason, and it arose in their
12 City employment, they would come, they would make the
13 request, we would do the review, and if it was
14 appropriate, we'd represent them.

15 CHAIRPERSON RESTLER: So, just a broad question,
16 as noted, if you believe an employee is in violation
17 of a rule or regulation of their agency at the time
18 the alleged act or omission occurred, then you would
19 not represent them, right? If... that's the language
20 from § 50-k. Right... (CROSS-TALK)

21 MR. EICHENHOLTZ: Yes, it's basically the
22 exception to the rule, and if we determine that that
23 exception applies, then, yes we would decline...

24 (CROSS-TALK)

1
2 CHAIRPERSON RESTLER: So (INAUDIBLE)... (CROSS-
3 TALK)

4 MR. EICHENHOLTZ: And, Council Member, at any
5 point in the litigation that becomes the case, we
6 would do so.

7 CHAIRPERSON RESTLER: So, the... (CROSS-TALK)

8 MR. EICHENHOLTZ: Had to do it unfortunately
9 in.... (CROSS-TALK)

10 CHAIRPERSON RESTLER: the flip side of that is, in
11 these in highly public, political cases, does the Law
12 Department worry that there's a presumption of guilt
13 by choosing not to represent the alleged harasser?

14 MR. EICHENHOLTZ: The statute really is a
15 essentially a right. Like I said, the language is.
16 "shall", conveyed on employee, unless the Corporation
17 Counsel can affirmatively, and specifically, and
18 rationally, and factually make certain
19 determinations.

20 By and large, the ,you know, there are cases that
21 are there uh, sort of... we look at it one way,
22 there are cases where the information that we have
23 may... the information we have may point to the fact
24 the employee did nothing wrong; the information we
25 have may point to the fact that the employee did

1 something wrong, and there may be cases where there's
2 some in between. Right? So, what we're doing is we're
3 making the determination, again, uh, we're making the
4 determination just... we're trying to understand
5 whether or not the employee is entitled to
6 representation. The default rule is that the employee
7 is entitled to representation. The wording of the
8 statute is "shall". So, unless we have... we can
9 make, at that early stage, with the information we
10 have, a specific determination that the employee has
11 in fact violated a rule and regulation, we... we
12 would undertake the representation of the employee.
13 Generally speaking. I mean, again, the again, these
14 are... (CROSS-TALK)

15
16 CHAIRPERSON RESTLER: Regardless of the
17 perception... (CROSS-TALK)

18 MR. EICHENHOLTZ: These are very (INAUDIBLE)...
19 (CROSS-TALK)

20 CHAIRPERSON RESTLER: of a presumption of guilt on
21 how that case could be perceived in a highly
22 public.... (CROSS-TALK)

23 MR. EICHENHOLTZ: No, of the statute... yeah, the
24 statute wouldn't allow us on... to put a presumption
25 of guilt... and based on the case laws, I understand

1
2 it, we would not be able... that would need some sort
3 of change in the law to be able to have a presumption
4 of guilt in a sexual harassment case.

5 CHAIRPERSON RESTLER: Okay, I... it's very
6 challenging for me to understand how the Corporation
7 Counsel, appointed by the Mayor, is responsible for
8 making these final decisions, would not consider,
9 could... would not be influenced by how the
10 perception of guilt would be associated with the
11 decision not to represent the Mayor, Tim Pearson,
12 when the statute states very clearly that the only
13 reason... that the primary reason they wouldn't be
14 represented is because they violated a rule or
15 regulation. The Law Department is essentially saying,
16 we reviewed the facts, we reviewed the case, this
17 person messed up, we're not going to represent them,
18 because they clearly messed up. But, somehow I'm
19 going to tell my boss that I'm not representing him
20 in that case, or I'm going to tell my boss's bestie
21 that I'm not representing him in that case.

22 That doesn't make sense. Right? Like, there's no
23 possible way that that determination could be made in
24 an apolitical, by the book, manner. It's impossible.
25 So, that's, again, why I think there's a clear need

1 for an outside entity to be making these decisions.

2 Because, this is far too political a process, and
3 we've seen how... this is a perfect textbook example
4 of how it's wildly run amok.

5 I just want to go to DCAS for a moment.

6 I'm very concerned about the decline in
7 complaints. There were just 247 complaints of sexual
8 harassment for Fiscal Year 2023 - slight decrease
9 from 2022, significantly below pre-COVID levels.

10 Are you concerned... and really, frankly,
11 comparable to the height of COVID... are you
12 concerned that complaints for FY23 are equivalent to
13 the numbers we saw at the height of COVID when so
14 many City workers were remote?

15 What do you attribute this decline to? And, I
16 know you're going to say that there was more
17 training, and that we doing a great job. But, do you
18 think sexual harassment has actually decreased, or do
19 you think employees are just no longer reporting? The
20 Me Too movement, in 2018, 2019 brought a ton of
21 attention to these issues and encouraged folks to
22 come forward. Do you think that the climate has
23 shifted, and that is the real reason that we've seen
24

1
2 such a steep and stark decline in the number of
3 sexual harassment complaints in New York City?

4 DEPUTY COMMISSIONER MONTALBAN: Yes. Well thank
5 you, Chair Restler, I appreciate that important
6 question.

7 I do firmly believe that with the awareness that
8 has been raised within the City, that I've explained
9 our training efforts, our outreach efforts, including
10 the awareness efforts that there are in our external
11 and social climate, uh, the Me Too movement, et
12 cetera. People are more informed and more empowered
13 to know about reporting, uh, and feeling that they
14 are supported in reporting instances of sexual
15 harassment behavior. So, I do believe that, when the
16 numbers are declining, it is still due to awareness,
17 as well as the deterrent effect that training has on
18 potential offenders. Because they are also made aware
19 of what the consequences can be, whether it's
20 disciplinary action, whether it's personal liability
21 et cetera. So, all of those factors contribute to the
22 fact that there is a credible and overall downward
23 trend in our cases.

24 We go as far back as since 2019, uh, saw a
25 notable decrease from 46 percent, uhm, a 46 percent

1 decrease. And we understand that part of that is
2 attributable to the sudden shift due to the Covid-19
3 pandemic into the telework environment. However, we
4 continue to see that there is a downward trend as we
5 are very aggressive in educating the workforce
6 through the agencies, through our Local Law 92
7 requirement to issue sexual harassment prevention
8 training. Another complimentary training that
9 reinforces those principles as well, that I had
10 mentioned in our testimony. So, I do believe that
11 that has an effect, a positive effect in informing
12 and empowering employees to speak up and, uh, to
13 deter bad behavior.

14
15 CHAIRPERSON RESTLER: I understand individual
16 agencies are only required to report if there are
17 five or more complaints at that agency. Are you able
18 to provide the total number of complaints for all
19 agencies that includes the agencies with less than
20 five complaints?

21 DEPUTY COMMISSIONER MONTALBAN: So, the total
22 number of complaints that we report in the annual
23 report, pursuant to Local Law 97, in fact includes
24 those agencies that have less than five
25 (INAUDIBLE)... (CROSS-TALK)

1 CHAIRPERSON RESTLER: So, the 247 is all
2 inclusive... (CROSS-TALK)

3 DEPUTY COMMISSIONER MONTALBAN: Is very, yes, it's
4 (INAUDIBLE)... (CROSS-TALK)

5 CHAIRPERSON RESTLER: So, it's less than one-tenth
6 of one percent of people in City government? I think
7 0.7 percent... 0.07 percent of City workers
8 experienced a sexual harassment complaint, which
9 was... with a complaint.... filed a sexual
10 harassment complaint last... last fiscal year? Is
11 that correct?

12 DEPUTY COMMISSIONER MONTALBAN: Well, again, yes,
13 the 247 is the number that is all inclusive.

14 CHAIRPERSON RESTLER: Okay.

15 DEPUTY COMMISSIONER MONTALBAN: And to
16 (INAUDIBLE)... (CROSS-TALK)

17 CHAIRPERSON RESTLER: I just...

18 DEPUTY COMMISSIONER MONTALBAN: 10 percent less
19 than the last report.

20 CHAIRPERSON RESTLER: Right, which could be
21 interpreted a variety of ways.

22 In FY22, 44 percent of complaints were filed and
23 resolved the same fiscal year - 122 out of the 275.
24 In FY23, only 27 percent of complaints were filed...
25

1
2 that were filed were resolved in the same year - 67
3 out of 247.

4 Why are we resolving half as many complaints in
5 the same year that they were filed? Isn't it
6 critically important that there be swift
7 investigations and quick accountability that may
8 impact people's ,like, working dynamics with
9 supervisors or people that they're interacting with
10 on a daily basis?

11 DEPUTY COMMISSIONER MONTALBAN: It is important to
12 resolve cases efficiently, effectively, and
13 thoroughly within an efficient timeframe. There are
14 many variables in every case, however.

15 CHAIRPERSON RESTLER: Sure...

16 DEPUTY COMMISSIONER MONTALBAN: And, sometimes
17 that is impacted by the ability of an EEO office to
18 be able to reach witnesses, schedule witnesses. Our
19 EEO policy allows interviewees, the witnesses, uh,
20 parties to bring a representative that they choose.
21 And, sometimes those representatives, usually union
22 representatives, they don't have to be, but they may
23 not be available. And that has a huge impact on the
24 ability to proceed, gather information, and move to
25 another phase of meeting other witnesses, and getting

1
2 more information, and arriving at findings... (CROSS-
3 TALK)

4 CHAIRPERSON RESTLER: Can I ask on that ,you know,
5 it's been well reported, there have been seven rounds
6 of budget cuts and multiple distinct hiring freezes
7 under mayor Adams' tenure. And I've spoken with
8 Commissioner Pinnock, at length, about the challenges
9 of hiring and staffing up - not just at DCAS, but
10 across the City. Have staffing challenges impacted
11 the ability of agency EO operations to complete these
12 reports in a timely manner?

13 DEPUTY COMMISSIONER MONTALBAN: I can't speak for
14 individual agencies, but we do know that this is very
15 intensive work that requires a lot of attention to
16 facts. You cannot just breeze through this... through
17 a case. You have to pay special attention. The person
18 has to be well trained. So, the more cases are filed,
19 the more that EEO offices have to balance priorities
20 and work with the staffing resources they have...

21 (CROSS-TALK)

22 CHAIRPERSON RESTLER: Totally. But, half as many
23 complaints - we saw investigations completed in FY23
24 than FY22 - 122 were completed in FY22, and only 67
25 were completed in FY23. That's a big decline. So, I

1 appreciate that these cases need to be handled
2 thoroughly and properly. I'm not trying to rush
3 anything. But, if you've got a situation with your
4 supervisor, and you're waiting for an outcome of an
5 investigation, it is an extremely painful process to
6 be waiting, and waiting, and waiting. And to see such
7 a stark decline across City agencies, I have to think
8 that there are systemic factors that are at play. And
9 I... you are interacting with the agency HR
10 operations and EO offices every day all day. They're
11 not telling you that the staffing declines at their
12 agencies, and that the Mayor's repeated hiring
13 freezes are having an impact on their ability to do
14 their work effectively?
15

16 DEPUTY COMMISSIONER MONTALBAN: Uh, very generally
17 speaking, I do know that some agencies need
18 resources. They need to be able to have more support.
19 That decision to staff up and apply or allocate
20 budget to that, of course, lies with the agency head
21 and how they best determine to use the resources
22 within their agency.

23 CHAIRPERSON ARIOLA: Well, we're doing our best to
24 fight for restorations for each of the agencies right
25 now in the budget process - including each of the

1 agencies that are up here today , Law, DCAS, CCHR,
2 we're fighting for you all - know it, despite what
3 the Mayor and OMB have put forward.
4

5 Just wrapping up, do you think that leadership of
6 agencies and the City set the tone for whether or not
7 individuals feel comfortable reporting sexual
8 harassment?

9 DEPUTY COMMISSIONER MONTALBAN: I do feel that
10 that, again, based on the guidance and support, and
11 the structure and the tools that we provide in this
12 process to apply the EEO policy implemented in a
13 standardized and consistent way, includes encouraging
14 agencies to champion the work and the objectivity of
15 the EEO process. So, I do believe that agencies are
16 trying to convey that information to the workforce.
17 And that it is having the positive effect of people
18 coming forward so that their concerns are addressed.

19 CHAIRPERSON ARIOLA: Do you think the Adams'
20 Administration has made clear that they do not
21 tolerate sexual harassment and that claims will be
22 investigated thoroughly and fairly?

23 DEPUTY COMMISSIONER MONTALBAN: Well, I work under
24 that Administration now, and I'm still... and my
25 office, and DCAS, we all carry out our charge, and it

1 continues to be the same - to ensure that agencies
2 are able to raise the awareness within their
3 workforce, and carry out, and follow through on
4 addressing concerns and complaints of discrimination
5 and harassment.
6

7 CHAIRPERSON RESTLER: Are you concerned that the
8 Mayor's statements in defense of Tim Pearson have
9 undermined or discouraged people who are survivors of
10 sexual harassment at our City agencies today from
11 coming forward?

12 DEPUTY COMMISSIONER MONTALBAN: Chair Restler, I
13 really do not have an opinion about that.

14 CHAIRPERSON RESTLER: Would CCHR like to comment
15 on that? Are you concerned that the Mayor's
16 statements staunchly defending Tim Pearson undermine
17 and discourage people across the City of New York
18 from coming forward after they've been sexually
19 harassed?

20 MS. SCRIVANI: Thank you for your question, Chair
21 Restler. I... CCHR, you know, in our role as the
22 enforcement agency, we don't really have anything to
23 weigh in on that specific fact. But, we do reiterate
24 that we encourage anyone to come to us who believes
25 they've been discriminated against.

1
2 CHAIRPERSON RESTLER: Thank you very much for your
3 testimony today and for answering our questions. I
4 really appreciate it. I will pass it back to Chair
5 Louis.

6 CHAIRPERSON LOUIS: Thank you, Chair Restler.

7 Two quick questions, and we'll go to public
8 testimony.

9 This is for the Law Department. I asked this
10 question earlier, but I want to revise how I stated
11 it.

12 I wanted to know how many employees or
13 individuals has the Law Department represented before
14 the Stop Act? And how many are you representing after
15 the Stop Act?

16 MR. EICHENHOLTZ: Representing in in what context?
17 We represent employees on... like, in sexual
18 harassment cases you mean?

19 CHAIRPERSON LOUIS: Yes.

20 MR. EICHENHOLTZ: So, you're talking defensively.
21 like when the City is being sued for sexual
22 harassment? We don't have those sorts of numbers,
23 because we don't track in our system when we
24 represent a particular individual that's only in the
25 case file we'd have - And obviously the dockets of

1
2 each cases, we would enter an appearance representing
3 the individual.

4 CHAIRPERSON LOUIS: So, would you be able to share
5 that with us when you have it?

6 MR. EICHENHOLTZ: Sure, I... (CROSS-TALK)

7 CHAIRPERSON LOUIS: I thought I was going crazy
8 when I was asking you the question, but I'm asking
9 again, but now... (CROSS-TALK)

10 MR. EICHENHOLTZ: Yeah, no, no, no... (CROSS-TALK)

11 CHAIRPERSON LOUIS: Okay, so I'm not crazy...
12 (CROSS-TALK)

13 MR. EICHENHOLTZ: Now I understand the question...

14 (CROSS-TALK)

15 CHAIRPERSON LOUIS: Okay... (CROSS-TALK)

16 MR. EICHENHOLTZ: and we could ,you know, I could
17 see if we can get that information... (CROSS-TALK)

18 CHAIRPERSON LOUIS: So, it would be good if you
19 can share that information with us before the Stop
20 Act, after the Stop Act. And it would also be great
21 if you could share the levels of positions of those
22 employees with us as well - when you have that
23 available. We would truly appreciate it.

24 Uh, Chair Restler mentioned, uh, asked a
25 question... asked DCAS a question earlier, and what

1 was replied backed was that you all believe that
2 there was a decline in reporting of less sexual
3 harassment. But, I wanted to know from ENDGBV if you
4 could share with us, do you feel the same? Does your
5 agency feel the same? Do you feel that there's a
6 decline in in sexual harassment cases? Being that you
7 deal with the public...

9 FIRST DEPUTY COMMISSIONER SETHI: So, our agency
10 is obviously not involved directly... (CROSS-TALK)

11 CHAIRPERSON LOUIS: Right...

12 FIRST DEPUTY COMMISSIONER SETHI: in the workplace
13 sexual harassment piece. I think what we can say is
14 that we haven't seen a decline in the numbers of
15 clients that we see at our (INAUDIBLE)... (CROSS-
16 TALK)

17 CHAIRPERSON LOUIS: A decline in what?

18 FIRST DEPUTY COMMISSIONER SETHI: We haven't seen
19 a decline in the number of clients that we see at our
20 Family Justice Center... (CROSS-TALK)

21 CHAIRPERSON LOUIS: You haven't seen a
22 decline... (CROSS-TALK)

23 FIRST DEPUTY COMMISSIONER SETHI: that are seeking
24 services for all forms of domestic and gender-based
25 violence - which includes sexual violence. So, those

1 numbers have stayed fairly consistent in terms of how
2 many folks are reaching out for help and services.

3
4 CHAIRPERSON LOUIS: All right, thank you.

5 I now open to public testimony. Before we begin
6 that process, I remind members of the public that
7 this is a formal government proceeding, and that
8 decorum shall be observed at all times... hold on...

9 (PAUSE)

10 CHAIRPERSON LOUIS: Sorry, this panel is excused.
11 Thank you for making time to meet with us today.

12 I want to remind members of the public, I'll go
13 into public testimony.... I want to remind members
14 of the public that this is a formal government
15 proceeding, that the decorum shall be observed at all
16 times. As such, members of the public shall remain
17 silent in all times. The witness table is reserved
18 for people who wish to testify. No video recording or
19 photography is allowed from the witness table.

20 Further, members of the public may not present audio
21 or video recordings as testimony, but may submit
22 transcripts of such recordings to the Sergeant at
23 Arms for inclusion in the hearing record.

24 If you wish to speak at today's hearing, please
25 fill out an appearance card with the Sergeant at Arms

1
2 and wait for your name to be called. Once you have
3 been recognized, you will have two minutes to speak
4 on today's hearing topic: *Update on Sexual Harassment*
5 *Best Practices/Policies in New York City*. I will
6 repeat, the hearing topic today is *Update on Sexual*
7 *Harassment Best Practices/Policies in New York City*.

8 If you have a written statement or additional
9 written testimony that you wish to submit for the
10 record, please provide a copy of that testimony to
11 the Sergeant at Arms. You may also email written
12 testimony to testimony@council.nyc.gov up to 72 hours
13 after the close of this hearing. Audio and video
14 recordings will not be allowed.

15 I will now call the first panel, which will be a
16 hybrid panel. Eman Gad, and on Zoom, Gabriella
17 Mejia... Eman Gad and on Zoom, Gabriella Mejia.

18 (PAUSE)

19 CHAIRPERSON LOUIS: And, we'll start with Eman,
20 being that you're in person. You may begin.

21 MS. GAD: Good afternoon, Chair Louis, Chair
22 Restler, and Members of the joint committee.

23 My name is Eman Gad, and I am the Policy
24 Coordinator at Girls for Gender Equity (GGE).

1
2 GGE is a Brooklyn-based organization, which works
3 intergenerationally, through a Black feminist lens,
4 to center the leadership of Black girls and gender-
5 expansive young people of color in reshaping culture
6 and policy to achieve gender and racial justice.

7 GGE has been a leader in the conversation around
8 gender-based violence, including sexual harassment
9 and sexual abuse for close to two decades. We are
10 offering testimony today because education is
11 empowerment. That is why we are urging the members of
12 this committee to co-sponsor and pass Resolution
13 0094-2024. This resolution supports the Comprehensive
14 Sex Ed bill or A4604, which is a State bill that would
15 amend Education Law to require comprehensive Sex Ed
16 for students in grades K-12. This would be age
17 appropriate, medically accurate, and inclusive of all
18 students. For earlier grades, this curriculum would
19 look like lessons about friendship and communication,
20 which would provide students with the building blocks
21 they need to tackle issues of consent and personal
22 safety. As students develop, the curriculum would
23 evolve with them to educate on topics, such as
24 intimate partner relationships, intimate partner
25 violence, and sexual and reproductive health.

1 At all ages, comprehensive Sex Ed would seek to
2
3 dispel stigmas around sexuality and facilitate the
4 development of skills to communicate effectively and
5 make informed decisions. This would ultimately help
6 to combat discrimination, bullying, and harassment.

7 While it is common knowledge that the sexual
8 harassment of minors is prevalent because of young
9 people's lack of knowledge of what sexual harassment
10 is and what it looks like. While we can list
11 countless high profile cases of sexual abuse of young
12 people, such as those of R. Kelly and Jeffrey
13 Epstein, many cases of sexual harassment of minors go
14 undetected for years and many never come forward.

15 Just three days ago, a group of 154 people filed
16 lawsuits against New York City over sexual abuse they
17 experienced under the juvenile detention system as
18 minors (TIMER CHIMES) as far back as 1970. One of the
19 survivors in this case stated, "I was naive and
20 impressionable and was taken advantage of," a
21 sentiment that emphasizes why sex ed is imperative in
22 preventing sexual harassment for young folks. In
23 response to the case, Council Member Stevens said
24 that the system needs safeguards that could prevent
25 "a culture of secrecy," to which we remind her and

1
2 the rest of City Council that eradicating the overall
3 silence around sexual harassment means tackling the
4 culture of taboo and secrecy of sex ed.

5 Comprehensive sex ed is policy that accounts for
6 young people in the fight against sexual harassment.
7 This is especially crucial for young people on the
8 margins, such as Black girls and trans or gender non-
9 conforming folks who are not usually empowered to
10 speak about their experiences. Again, given the
11 insurmountable evidence of the benefits of teaching
12 comprehensive sex ed in schools, we call upon the
13 members of today's committees to co-sponsor and urge
14 their fellow colleagues to sign on to Resolution
15 0094-2024 in support of the Comprehensive Sex Ed
16 bill... (CROSS-TALK)

17 CHAIRPERSON LOUIS: Thank you. Thank you.

18 MS. GAD: Thank you for the opportunity to speak.

19 CHAIRPERSON LOUIS: Thank you.

20 Now we will hear from Gabriela Mejia.

21 MS MEJIA: good afternoon, my name is Gabriela
22 Mejia, I'm the Movement Building and Communications
23 Manager at Right to Be. Emily May, who is our
24 President and Co-Founder, and a member of the Street
25 Harassment Advisory Board, sends her regrets for not

1
2 being able to attend today. But, I want to thank you
3 for the opportunity to provide testimony.

4 Right to Be was founded in Brooklyn in 2005 and
5 our work addresses all forms of harassment including
6 in public spaces, in online spaces, and in the
7 workplace. We work to address harassment against all
8 protected classes including race, religion, gender,
9 and ability. Our work focuses on turning the care we
10 have for each other into simple, creative, and
11 effective actions. Every day we train hundreds of
12 people to respond to, intervene in, and heal from
13 harassment. We hold people who experience harassment
14 and who want to share their stories with affirmation
15 and support. And we prepare new leaders to create
16 workplaces, schools, and communities that are safer
17 around our city and around the world.

18 In 2018, we worked with legislators to pass to
19 Stop Sexual Harassment in New York City Act, and we
20 advise the Council to include the mandated training
21 for employees. Since then, through partnerships with
22 the New York City Commission on Gender Equity, we've
23 trained over 50,000 New Yorkers in bystanders
24 intervention strategies. And, with our partners
25

3 around the world, we've trained over 2 million
4 people worldwide in those same strategies.

5 Today I'm going to share with you and offer the
6 following recommendations to improve New York City's
7 mandated sexual harassment training - and it's going
8 to be three recommendations.

9 The first recommendation is to issue training
10 length requirements. So, we identified some gaps in
11 the current laws, and we think (TIMER CHIMES) that's
12 a big one... (CROSS-TALK)

13 SERGEANT AT ARMS: Your time is expired.

14 MS. MEJIA: (BACKGROUND NOISE) (INAUDIBLE) directly
15 contributes to the quality of learning (INAUDIBLE)...
16 (CROSS-TALK)

17 CHAIRPERSON LOUIS: If... If you could... If you
18 could try to do this in 30 seconds, thank you.

19 MS. MEJIA: Yes.

20 Second, is expanding harassment to address all
21 protected classes. Recently the EOC guidelines were
22 expanded - very, very recently, and they were
23 expanded to include intersectional harassment based
24 on multiple characteristics. So, we think all
25 protected classes should have mandated harassment
training.

1 Last is expanding the training to address
2 harassment on work commutes and online spaces. Those
3 are two specific public spaces that were also
4 included in those expanded EOC guidelines.
5

6 I will share more research... (CROSS-TALK)

7 CHAIRPERSON LOUIS: Thank you.

8 MS. MEJIA: and an addendum in your... (CROSS-
9 TALK)

10 CHAIRPERSON LOUIS: You can send it to
11 testimony@council.nyc.gov.

12 Thank you, Eman and Gabriella for your time. This
13 panel is excused.

14 The next panel is Christopher Leon Johnson.

15 And if there is anyone else in the room? All
16 right...

17 MR. JOHNSON: Hello, Chair Louis, Hello Chair
18 Restler. My name is Christopher Leon Johnson.

19 So, I want to make this about street harassment,
20 and there's a big issue in the City Council about
21 this, because we have a council member that's a chair
22 that's you, Lincoln, that you're protecting Kevin
23 LaCherra (phonetic) who is on record of being
24 litigated right now in the... in the court for street
25 harassment of seven women. Now the problem is that,

1 Council Member, like, you, Lincoln, you're not
2 condemning anything about this guy at all. And you're
3 taking photos with him, you're giving him
4 proclamations, you call him a community leader. And
5 the reason you're doing this is because of Kathy Park
6 Price, and Kathy Park Price runs Transportation
7 Alternatives. And you're scared of her. You, as a
8 man, need to condemn that man, Kevin LaCherra, for
9 harassing seven women. Now you can have this hearing
10 all you want about street harassment, sexual
11 harassment, but if you, Lincoln Restler, are not
12 condemning Kevin LaCherra for what he's did (sic)...
13 what he did to those seven women, then there's a big
14 issue here.

16 Now, we all know that you're not going to do
17 anything, because you're scared of the... you're
18 scared of Kathy, you want that street... you want
19 Emily Gallagher (phonetic) to get that street pack
20 endorsement, so you're going to be silent about this.
21 It's a shame that we have a council member that is
22 leading the Governmental Operations Committee and
23 having this hearing about sexual harassment, and
24 street harassment, while you have... while you,
25 Lincoln Restler, are silent. And you're standing, and

1 you're promoting, and you're championing Kevin
2
3 LaCherra. And I'll make this right now clear (sic)
4 that people in your district need to vote for Emily
5 Gallagher's opponent Athens Simpkins (sp?) for State
6 Assembly. Because, when that happens in 2024, and she
7 will be voted out, next year we're coming for your
8 job, Lincoln. You're going to be voted out, too, by
9 somebody else. Because once Athena's out, you're out,
10 too. You could keep on being silent by Kevin LaCherra
11 all you want, and I know you don't care, but next
12 year it's going to be your last year in the city
13 council (TIMER CHIMES). So, that's all I got to say.
14 Thank you, and enjoy your day.

15 CHAIRPERSON LOUIS: Is there anyone else that
16 would like to testify that's here or via Zoom?

17 Since there are no other members of the public
18 that wish to testify, we will conclude this hearing,
19 thank you.

20 (GAVEL SOUND) (GAVELING OUT)

21

22

23

24

25

C E R T I F I C A T E

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

and that there is interest in the outcome of this matter.



Date June 1, 2024