

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WOMEN JOINTLY WITH COMMITTEE ON
CIVIL AND HUMAN RIGHTS

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February 28, 2018
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HELD AT: Committee Room - City Hall

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

MATHIEU EUGENE
Chairperson

COUNCIL MEMBERS: Diana Ayala
Laurie A. Cumbo
Ben Kallos
Brad S. Lander
Daniel Dromm
Ben Kallos
Bill Perkins
Ydanis A. Rodriguez

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

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

Carmalyn P. Malalis, Chair and Commissioner
City Commission on Human Rights, CCHR

Elizabeth Holtzman, Former NYC Comptroller, CCHR

Elaine Reiss, Commissioner
Equal Employment Practices Commission, EEPC

Charise Terry, Executive Director
Equal Employment Practices Commission, EEPC

Patrick Boyle, Director
Research Initiatives and Public Hearings
Research Unit, Equal Employment Practices Commission

Emily May, Co-Founder & Executive Director, Hollaback

Meredith Maskara, Chief Executive Officer
Girl Scouts of Greater New York

Susan Scafidi, Founder and Director
Fashion Institute at Fordham University

Jeff Trexler, Associate Director & Teacher
Fashion Institute at Fordham University

Francesca Burack, President and CEO
Fearless Talent Development and National Women's NYC
Federation of Business & Professional Women

Blake Johnson, Supervising Social Worker
Safe Horizons Community Program Helpline

Sarah Brafman, Attorney, A Better Balance

Rachel Piazza, Teacher, Women's and Gender Studies
University of Lovell & Founder, Feminist Self-Defense

Jeran Arisa, Sexual Harassment Policy
City University of New York, CUNY

Paige Sanborn

Christina Chang, Vice President of Public Affairs,
Planned Parenthood, New York City

Zoe Ridolfi Starr, Co-Chair
Policy Sexuality Education Alliance of New York City

Emily Kadar, Government Affairs & Advocacy Manager
National Institute for Reproductive Health

Maneesha Srivatava, Program Manager
Peer Health Exchange

Ethan Derringer Samick, Public Policy & Program
Manager at Citizens Union

Becca Litwin, Girls for Gender Equity

Brittany Brathwaite, Organizing Innovation Manager
Girls for Gender Equity

Izzy (Isidora) Finkelstein, Program Coordinator
School and Community Violence Prevention
Center for Anti-Violence Education

Jacqueline Castro, Peer Educator, Center for Anti-
Violence Education, Sophomore, High School of
Telecommunications on Technology, Bay Ridge

Jubi Salai, Peer Educator, Center for Anti-Violence
Education and Freshman, Fort Hamilton High School

3 [sound check, pause]

4 CHAIRPERSON ROSENTHAL: Good afternoon.

5 My name is Helen Rosenthal and I chair the Committee
6 on Women. Chair Eugene of the Committee on Human
7 Rights will make a statement just as soon as I'm
8 finished here today, and I'm so glad we're doing this
9 hearing together. We are here today to commit
10 ourselves to ending sexual harassment in the city of
11 New York. For the more than 330,000 municipal
12 employees, and for all those who work in New York
13 City this hearing will be the first of many aimed at
14 making that commitment a reality. Today, we will
15 examine the city's existing policies both for its own
16 workforce and for the private sector. We know we
17 have strong sexual harassment protections on the
18 books under federal, state and local law. We know
19 that the City Charter lays out detailed procedures to
20 ensure a safe and respectful workplace, but we also
21 know that in far too many cases, reality has not
22 caught up with the law. Survivors of sexual
23 harassment are still too often unsure of their rights
24 let alone how to safely assert them. Bystanders
25 are still too often uncertain of their
responsibilities let alone how they can intervene.

1 Accordingly, harassers are still too often able to
2 operate with impunity. As recently as 2016, the
3 Federal Equal Employment Opportunity Commission
4 Report found that just 7 to 13% of survivors of
5 sexual harassment ever file a complaint, let alone
6 find justice. That legacy of underreporting gets us
7 to the reason our committees are holding this hearing
8 now. The reason we are approaching this issue with
9 such urgency can be summed up in three words:

10 #MeToo. Countless women and men have raised their
11 voices and built the #MeToo movement. The courage
12 grace of these survivors demand a reckoning not just
13 for the powerful individuals finally brought to
14 account, but for our society as a whole. We owe them
15 a great deal of gratitude and more to the point, we
16 owe them action. Today, the committees will consider
17 a package of legislation that represents the first
18 step toward comprehensively addressing sexual
19 harassment for those who work in New York City.

20 Twelve bills are being introduced and discussed that
21 expand protections, confront flawed processes, and
22 establish new mechanisms from accountability. I want
23 to personally thank Speaker Corey Johnson for his
24 leadership and partnership in pulling this package
25

1 together. Meeting the #MeToo moment means moving
2 past the temptation to quickly check a box. Instead,
3 we must commit ourselves to the long hard work of
4 confronting old attitudes and crafting new policy and
5 that starts with listening. The committees want to
6 hear the stories of workers in the public and private
7 sectors, and we want to hear from the city about the
8 number of complaints and the outcomes and the good
9 work that they are already doing. Women have raised
10 their voices and demanded action before the testimony
11 of Anita Hill in the Early '90s describing the
12 hostile work environment created by Supreme Court
13 nominee Clarence Thomas Introduced the term sexual
14 harassment tot the nation and sparked an
15 unprecedented public conversation. Here in New York
16 in 1993, Comptroller Elizabeth Holtzman audited the
17 city's Sexual Harassment Policy. The audit exposed
18 the city's policy as completely inadequate to protect
19 the rights of survivors. There was one agency that
20 was willing to even comply at that time for an audit.
21 The Department of Transportation and the audit
22 revealed not many complained, and those who were—who
23 complained were then harassed and forced or chose
24 forcibly to leave. Just as the work began then, the
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1 issue was allowed to fade away. Clarence Thomas was
2 confirmed to the Supreme Court. That would never
3 happen today. The Comptroller's audit touched only
4 on the Department of Transportation, but her work was
5 resisted by all city agencies, and her term of office
6 ended. The public conversation moved on. We cannot
7 allow it to fade away again. Instead, we must take
8 responsibility for crafting the most comprehensive,
9 most survivor centered and most holistic anti-sexual
10 harassment policy and procedures in the country. As
11 the largest employer in New York this starts with the
12 city getting its own house in order and leading the
13 way. Each and every one of our more than 330,000
14 employees is entitled to a safe and respectful
15 workplace, and we must do more to guarantee it.
16 Progress has certainly been made in the 25 years
17 since Elizabeth Holtzman's audit. The Equal
18 Employment Practices commissions multiple audits now
19 of Department of Transportation in the intervening
20 years for instance reveal significant changes to
21 their complain process. We will hear more today
22 about the steps that have been taken. We all
23 acknowledge, though that critical gaps still remain
24 in terms of training, employee, engagement and most
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1 importantly accountability. More must be done. As
2 has been reported in recent weeks, the city while it
3 has a centralized easily accessible database, may not
4 quite be ready yet to announce its—the accumulated
5 information of complaints and results and we know and
6 we'll hear from them today that they're taking
7 strides to move the ball forward with that. Better
8 practices do exist. California's Los Angeles County
9 seems to be ahead of the curve. Since the county
10 initiated its comprehensive plan in 2011, employee
11 litigation costs have been cut in half. L.A. County
12 has found success by emphasizing that complaints can
13 be submitted to an independent age entity rather than
14 an employee's own agency, and by ensuring that their
15 policy of mandatory reporting by supervisors of
16 sexual harassment incidents is enforced with
17 reprimands and fines. And the county is still
18 working to improve its process. Just this year,
19 legislators announced the creation of a new survey
20 that will go complainants to gauge satisfaction with
21 the process. As we move forward New York City must
22 explore taking additional steps like these and other,
23 and as we lead the way for our own workforce, we
24 must ensure that no one is left behind. This means
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1 adding protections and policies for those in the
2 private sector as well making sure that all workers
3 know their right, and know how to access the
4 resources that they need. As Morah Dunnigan wrote
5 recently, It is still explosive, radical and
6 productively dangerous for women to say what we
7 really mean. I think the #MeToo Movement has
8 demonstrated a power in making our voices heard. As
9 policy makers, it is time for us to listen. Today,
10 we will hear from the Department of Citywide
11 Administrative Services responsible for the city's
12 Equal Employment Opportunity policy as well as the
13 New York City Commission on Human Rights, responsible
14 for enforcing the city's Human Rights protections for
15 both the public and private sectors. We will also
16 hear from the Equal Employment Practices Commission,
17 the independent body tasked by the New York City
18 Charter with monitoring the city's compliance with
19 equal employment laws as well as many advocacy groups
20 and experts. I want to thank everyone here at the
21 Council who worked non-stop for making this hearing
22 possible including my Legislative Director Sean
23 Fitzpatrick, and my Women's Issues intern Amena
24 Shekupilwah (sp?) I also want to thank Terzah
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1 Nasser's entire team in the Council's Human Services
2 Division including Aminta Kilowan, Counsel to the
3 Committee on Women, Counsel Malcolm Butehorn, Bakit
4 Meurig, Counsel to the Committee on Civil and Human
5 Rights; Policy Analyst Chloe Rivera and Joan Povolny
6 Legal Fellow Ravia Kaseem, and Finance Analyst Sheila
7 Johnson and Daniel Kroop. I want to especially thank
8 the team for their work on the Committee Report,
9 which is an invaluable resource I urge everyone to go
10 online and read. So, I'd like to welcome Public
11 Advocate Tish James, Council Member Diana Ayala,
12 Council Member Mark Levine, Council Member Danny
13 Dromm, and I'd like ask Council Member Eugene first
14 to make his introduction. Thank you.

16 CHAIRPERSON EUGENE: Thank you vey much,
17 Co-Chair Rosenthal. Thank you. Good afternoon. My
18 name is Mathieu Eugene and I'm the Chair of the
19 Committee on Civil and Human Rights. I'd like to
20 thank my colleague Chair Rosenthal for taking the
21 lead on this very important topic: Sexual
22 Harassment: Best Practices and Polices in New York
23 City. This the first meeting for both of our
24 committees and decision, and I'm proud that we are
25 joining the important social conversation about

1 harassment and are sold as persecuted by—lead to
2 campaign. But we have started it in New York City.
3 The Commissioner on Human Rights reports that—that
4 their investigation into sexual harassment increases
5 by nearly 50% over the last two years with 109-109
6 claims filed during the 2015-2016 period as compared
7 to 73 during the 2013 and '14 period. As of December
8 2017, the CCHR was given 340 complaints of gender
9 discrimination of which 40% are claims of sexual and
10 gender based harassment and 85% of which are
11 workplace related. This year the divisiveness of
12 this issue has highlighted the need to re-examine and
13 inform civil industries including our policy and
14 government institution. At this hearing today, the
15 Council hopes to examine what New York City can do
16 better and gather input on this important package of
17 sexual harassment legislation. The city of New York
18 is the largest employer in the New York City. We
19 stand to lead by example, and such standards that we
20 serve as a benchmark citywide and perhaps even
21 nationwide. Currently, New Yorkers as a recourse to
22 civil agencies to report sexual harassment at the
23 federal, state and local levels. Civil entities
24 exist within the city that are just sexual harassment
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1 including two agencies which my Mike Kennedy
2 oversees, the City Commission on Human Rights and the
3 Equal Employment Practices Commission. New York City
4 has the most comprehensive (sic) of Human Right Code
5 in the country. An individual can make complaints to
6 CCHR for free. City employees can make a complaint
7 to the Equal Employment Opportunities Official or
8 contact the CCHR pursuant to the City Charter, the
9 Department of Citywide Administrative Services, DCAS,
10 and Department Equal Employment Opportunity Policy as
11 well as agendas and policies for city agencies to
12 implement DCAS and the city's legal obligation. The
13 Equal Employment Practices Commission is tasked with
14 monitoring compliance that of getting city agencies
15 to ensure that they are implementing city policies
16 and complying with federal, state and local laws. As
17 Chair of the Civil and Human Rights Committee, it is
18 my goal during this legislative session to work with
19 CCHR and the EEPC as well as other relevant New York
20 officials and city agencies to ensure that our city
21 is doing all that it can to rule out sexual
22 harassment and hold perpetrators accountable. I look
23 forward to hearing testimony today and collaborating
24 with litigant (sic) city agencies, advocacy groups,
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1
2 academics, and other stakeholders to ensure that New
3 York City adopts effective laws and policies to
4 combat sexual harassment and assault. And I would
5 like to take the opportunity also to thank you each
6 one and all of you here, and all the wonderful person
7 from there—that's hear from the City Council work
8 together to make this possible. And again, thank you
9 to all of you inkling my colleagues and the wonderful
10 Public Advocate. Thank you so very much. Thank you.
11 Now I will turn it over to my co-chair Council Member
12 Rosenthal.

13 CHAIRPERSON ROSENTHAL: Thank you so
14 much, Dr. Eugene. [coughs] Let's see. I'm going to
15 ask Council Member Levine actually to make some
16 remarks because I know you have another hearing to
17 attend.

18 COUNCIL MEMBER LEVINE: Well, thank you
19 to both our co-chairs. I'm pleased to be one of the
20 sponsors of the bill today. I have to say I can't
21 think of a moment where it was more important that we
22 had strong leadership from the Woman's Committee, and
23 we're very luck to have Chair Rosenthal in that role.
24 Council Member Dromm and I were just lamenting the
25 dearth of men in this chamber right now, and it is

1 important that—that men own this epidemic and that we
2 speak out about it, and not flinch from the ugly
3 truths that are emerging. I also think it's
4 important that we men not be overly verbose in this
5 debate as we tend to be, and I'm going to try and
6 model that behavior by being very brief myself and—
7 and just observing that at a time when we're seeing
8 the epidemic of sexual harassment playing out in
9 Hollywood and Congress, we would be dangerously naïve
10 to think that we were immune from it here in the city
11 of New York, a city government with 325,000
12 employees. It's remarkable how few cases have made
13 it into the headlines in this tabloid driven town,
14 but we know as painful as it is to acknowledge that
15 sexual harassment is a reality faced by far too many
16 victims in our city government, and we need to shine
17 a light on that. We need to get the facts, and the
18 bill that I'm introducing would help to do that by
19 requiring our city to report agency by agency every
20 year on the number of—number of sexual harassment
21 complaints filed with HR, the number of cases where a
22 discrimination process is commenced, the number of
23 cases in which a determination is made whether
24 they're substantiated, what sanctions that are
25

1 applied, how many cases are dropped because the
2 victim recants or refuses to go forward with the
3 case. This information we've never had as
4 policymakers. We've never had it as the public, with
5 not any personal identification, but it will give us
6 a chance to confront the scale of the problem in the
7 city to hold ourselves accountable for solving it,
8 and we believe to direct good policy going forward.
9 Thank you again Madam Chair to both our co-chairs.
10

11 CHAIRPERSON ROSENTHAL: Thank you. Also,
12 I'd like to ask the Public Advocate who is also
13 sponsor of one of the bills to give some more on this
14 now as well.

15 PUBLIC ADVOCATE JAMES: I want to thank
16 the co-Chairs for holding this hearing, Council
17 Member Rosenthal and Council Member Eugene. I am one
18 of the prime sponsors of T2018-1463. The bill would
19 mandate that all private employers with 15 or more
20 employees must conduct annual anti-sexual harassment
21 training. Supervisors and managerial employees of
22 such employer shall receive additional training
23 focusing on this specific responsibilities of those
24 employees in the prevention of sexual harassment and
25 retaliation and measures they may take to

1 appropriately address sexual harassment complaints.
2
3 The New York City Commission on Human Rights in order
4 to help employees meet this mandate would also be
5 responsible for creating a series of online
6 interactive training modules to be posted on their
7 website for access by employers. We will no longer
8 allow women to be diminished, to be objectified, to
9 be subjects of harassment, direct propositions for
10 sexual favors, to be touched, to be patted, to be
11 victims of sexual abuse. No, today my sisters, my
12 young sisters in particular no, today we war. Today
13 we demand respect, and we know that sexual assault is
14 often about power, and so today we flip the scrip,
15 and today we demonstrate our power by enacting into
16 legislation and by discussing an issue that
17 unfortunately for so often has gone unnoticed. Today
18 we do it with 11 powerful women of the City Council,
19 11 plus 1, me. [laughter] So, we are at a moment a
20 crossroads where real fundamental change seems
21 possible, but change is not inevitable. We must not
22 squander this moment. We must seize it. A #MeToo
23 moment has shown a light under a lot—a lot of dark
24 rocks, and many seem surprised by the vast scope of
25 this epidemic, but I am not surprised. Women are not

1 surprised. We all have a friend, a sister, a mother
2 who was forced to put away their dreams because of a
3 toxic culture of Misogyny and systematic harassment,
4 and yes, most of us have been victims and we cannot
5 know exactly how much promise was denied the world,
6 but we know that it is far too much that these—that
7 these stories are far too common. We can talk about
8 Fox News and we can talk about Harvey Weinstein all
9 that we want, but we all have our own individual and
10 personal Harvey Weinstein that we know. And so this
11 legislation will allow us to be more transparent in
12 the city, more responsive and provide better avenues
13 for reporting so that filing a complaint should not
14 be burdensome. It must be clear and independent, and
15 we can and we must ensure that every agency in the
16 city of New York properly trains its workers and its
17 managers and we can and we must report on the
18 incidents that do happen and take a hard look at
19 ourselves to determine how we can do better going
20 forward. We recognize that this is—we don't have all
21 of the answer, but this is just the beginning. We
22 can and we must ensure that everyone in and out of
23 city government knows their rights and the resources
24 available to them, and we can and we must use our
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1 power to legislate our power of the purse, our
2 taxpaying dollars to ensure that private businesses
3 within our city that do business with us do the right
4 thing, and we can and we must push companies to
5 disclose mandatory arbitration policies that keep
6 harassment in the shadows and out of the courts,
7 which is the firmest pillar of government, and we can
8 and we must create more transparency and oversight
9 over non-disclosure agreements, which are often used
10 to cover up sexual harassment and/or sexual
11 discrimination. We can and we must mandate the
12 training that too many companies currently ignore and
13 we can and we must extend the protection of the Human
14 Rights Law to every New Yorker no matter where they
15 work, and we can and we must find the funding from
16 the city or do—from the city or do business with the
17 city disclosure, which is mandatory, and we must have
18 a comprehensive policy in place. But more
19 importantly, we must—we must let women know that they
20 are not alone, and that we stand with them. As
21 Elinor Roosevelt once said: It's basically up to the
22 women. And so, for the 11 powerful women who I call
23 my sisters and my friends, I urge them to move the
24 bill and to turn a hashtag into a law. I thank the
25

1
2 Chair. I thank all of you, and I thank all of the
3 advocates and all of the young women who were here
4 today. This is leadership looks like.

5 CHAIRPERSON ROSENTHAL: I think that's a
6 new one, turn as hash tag into a law. That's
7 beautiful. I want to welcome Majority Leader Laurie
8 Cumbo, and see if she would like to say a few words
9 about her legislation.

10 MAJORITY LEADER CUMBO: Thank you, Chair
11 Rosenthal and thank you for all that are here today
12 especially those that were on the steps of City Hall
13 today saying it loud and proud. About 1 in 5
14 Americans have experienced sexual harassment at work.
15 About half of American women are sexually harassed at
16 least once after joining the workforce. One in three
17 women ages 18 to 34 have been sexually harassed at
18 work. Seventy-one percent of those women said they
19 did not report it. Gender harassment is the most
20 prevalent form of sexual harassment. Perhaps 15 to
21 20% of American women experience it annually.
22 Imagine that in our work places. So many women,
23 often young, often undocumented, many immigrant women
24 of color often are facing harassment that generally
25 goes unreported. Seventy-one percent of women in the

1 workplace said that they have not reported I, and
2 today is so important because we are saying you can o
3 longer say you didn't know. You can no longer say
4 we've always done it this way. You can no longer say
5 I just didn't understand. We are putting it out
6 through this package of legislation that now you will
7 have to know that this type of behavior will not be
8 tolerated in the workplace, and as our former-well,
9 excuse me, as our current president-hopefully it will
10 be former soon-has said, you can do whatever you
11 want. This is a pushback. You can't do whatever you
12 want. You can't do whatever you want and think that
13 everyone likes it. No one likes it. This is a
14 package of bills that's going to make sure that women
15 and men particularly those are that are immigrant
16 women and men have an opportunity to work in a safe
17 and comfortable environment, and to know that they
18 are there for their minds, their work ethic, their
19 creative and their talent abilities and not for the
20 bodies. I'm very proud of the bill that I am
21 supporting and introducing with Speaker-excuse me.
22 I'm also doing another one--Public Advocate Letitia
23 James mandating that private employers conduct anti-
24 sexual harassment training for their employees. The
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1 city of New York recognizes the importance of
2 requiring anti-sexual harassment training as part of
3 a holistic approach to combatting workplace sexual
4 harassment. I'm also working with Council Member
5 Robert Cornegy and requiring employers to post
6 written policies and procedures to prevent sexual
7 harassment. While anti-sexual harassment training is
8 vitally important, so, too, is a daily reminder to
9 employees and supervisors, managerial personnel of
10 what their rights and responsibilities are. A simple
11 and understandable poster outlining those rights and
12 responsibilities will ensure that employees know what
13 they can do to address sexual harassment in the
14 workplace, and this is going to be so incredible for
15 so many moving forward. I thank you, Chair Rosenthal
16 for conducting this very important hearing, and as
17 Public Advocate Letitia James said, we are taking a
18 hashtag and turning it into legislation. Thank you
19 so much.

20
21 CHAIRPERSON ROSENTHAL: I would now like
22 to turn it over to the Administration. Thank you.

23 LEGAL COUNSEL: Would you all please
24 raise your right hands? I just need to swear you in.
25 Do you affirm to tell the truth, the whole truth, and

3 nothing but the truth in your testimony before this
4 committee, and to respond honestly to Council Member
5 questions?

6 DEPUTY COMMISSIONER PINNOCK: Okay, I do.

7 LEGAL COUNSEL: Thank you.

8 DEPUTY COMMISSIONER PINNOCK: Thank you.

9 Good afternoon Chair Rosenthal, Chair Eugene, Public
10 Advocate James and members of the City Council
11 Committee on Women and the Committee on Civil and
12 Human Rights. I am Dawn Pinnock, and I proudly serve
13 as the Executive Deputy Commissioner for the
14 Department of Citywide Administrative Services also
15 known as DCAS. I am joined today by members of my
16 Citywide Diversity and Equal Employment Opportunity
17 team more commonly known as Citywide Diversity and
18 EEO, and I am pleased to have the opportunity to
19 testify today with Carmalyn P. Malalis, Chair and
20 Commissioner of the City Commission on Human Rights
21 to inform you about the work the city is doing to
22 prevent sexual harassment. One of the cornerstones of
23 our municipal workforce comprised of hardworking
24 women and men. It is a system based on merit,
25 fitness, fairness and equity. In a city as large and

1
2 as diverse as ours, it is important to recognize that
3 all employees--

4 CHAIRPERSON ROSENTHAL: [interposing]
5 Deputy Commissioner, I am so--so appreciate your
6 patients. I'm really embarrassed to have to do this.
7 I'm going to ask that we interrupt for one minute.
8 We had hoped that the former Comptroller was Holtzman
9 who is running out of town would have a minute just
10 to give some quick testimony. I thought she had left.
11 It turns out she's here. May I ask your patience?
12 It will be short and sweet, but it's so poignant--

13 DEPUTY COMMISSIONER PINNOCK: Of course.

14 CHAIRPERSON ROSENTHAL: --and it will help
15 us all understand why we're here today with absolute
16 gratitude to the work you're doing. Thank you.
17 [background conversation, pause] Again, thank you and
18 thank you, Commissioner. Comptroller Holtzman.

19 ELIZABETH HOLTZMAN: Thank you very much
20 Chair Rosenthal and Chair Eugene, and members of the
21 Committee, Public Advocate. First of all, let me
22 thank you for your graciousness and courtesy in
23 accommodating my schedule. I want to thank also the
24 witnesses who were kind enough and gracious enough to
25 allow me to go first. Normally, I wouldn't do this,

1 but I have to catch a train. [laughs] So, I—I just
2 will try to be very brief and summarize my remarks,
3 which I will submit to the Council. I want to thank
4 you Chair Rosenthal and you Chair Eugene for the
5 vision that you've had in holding this hearing and
6 thank also the Council Speaker for supporting this
7 effort. I want to congratulate you on your
8 leadership and tackling an issue that is vital to the
9 employees of New York City government and vital to
10 the employees of all work-of all entities in New York
11 City. It's vital for all New Yorkers and to the
12 whole country. You are at the forefront of showing
13 the way to change we sorely need and the solutions
14 you fashioned to the widespread and terrible problem
15 of sexual harassment can become a tool for making the
16 lives of city government employees better as well as
17 becoming a model for the entire nation. The Me—the
18 #MeToo Movement opened the eyes of America to the
19 continue horrific problems of sexual harassment on
20 the job. Too many women and even some men have been
21 victimized. It even happened to me when I was a
22 young summer law intern. An out-of-town conference
23 we were attending, the head of the organization I was
24 working for asked me to come to his hotel room to
25

1 discuss a legal issue, and when I entered, he
2 physically threw me on the bed. Luckily, before he
3 landed next to me, I was able to scramble off the bed
4 and run out of the room. I didn't need the job for
5 my future career. That was a fortunate thing, but
6 too many of use don't have that choice. New York
7 City government needs to be an example for the
8 country in terms of how it deals with sexual
9 harassment of its employees. We often tout our
10 progressive leadership, but we need to be able to
11 show that the reality of our city practices matches
12 the values we espouse. Twenty-four years ago when I
13 was New York City Comptroller, I undertook to
14 investigate how the city was handling the problem of
15 sexual harassment in its workforce. I prompted to do
16 this by a complaint from the victim about sexual
17 harassment in the Fire Department. Sexual harassment
18 was not high on the city's agenda at the time, and so
19 when my office sent out inquiries to every city
20 agency seeking information on agency policies and how
21 the agency handle victims' complaints, we hit a
22 brick wall. Agencies flatly resisted. They refused
23 to cooperate. The corporation counsel objected as
24 well. Finally, luckily one agency responded, the
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1 Department of Transportation. My office analyzed the
2 information we received from DOT including how the
3 complaints were handled and discovered to our dismay
4 that the agency was re-victimizing the victims when
5 they came forward to complain, and was failing to
6 take action against the perpetrators. Instead of
7 protecting its workforce, DOT just allowed sexual
8 harassment to persist and fester. On top of that the
9 city—the agency's failure to respond in a proper way
10 to sexual harassment opened the city up to major
11 liability. My office issued a report on what we
12 found. The report is entitled *Sexual Harassment at*
13 *the New York City Department of Transportation, A*
14 *Case Study*. It was issued in 1993. I provided a
15 copy of the report to Chair Rosenthal and I
16 respectfully requested it be inserted in the record
17 so that it can be made public for others to examine.
18 I'll be happy to give you a copy. It's worth looking
19 at. If I could just find that. You said I was going
20 to be a minute, but I just was re-reading it as I was
21 waiting, and you'll see for example there was no
22 punishment of any serious nature. People made
23 complaints, and you can imagine how difficult it was
24 to make the complaint to begin with because you don't
25

1 know what's to going to happen, and the complaint is
2 substantiated and all that happens is there's a
3 reprimand and something entered into the file, and by
4 the way, it's noted in one of these cases that no
5 record of this shall-complaint shall be kept outside
6 of the information contained in the EEO's file. So,
7 it's-it was a way just to protect and preserve a
8 system of ongoing harassment. That has to end, and
9 that's what I think is the wonderful thing about
10 today, and actually it's a great thing about this
11 country is that we didn't learn from the mistakes we
12 made, and change that and not make these mistakes
13 again. I want to say that it's critical given our
14 report and the absence of follow-up that New York
15 City government is doing the right thing. You have
16 to make sure the city's anti-harassment policies are
17 effective, comprehensive and fair. We need to make
18 sure that they incorporate the best practices and use
19 around the country even the world. We need to seek
20 out leading academic thinking and research on the
21 subject, and talk to advocacy groups working as
22 victims. In short, we need to ensure that the city's
23 policies for its workforce are the finest anywhere
24 providing protection for victims and holding
25

1 perpetrators accountable, and with the leadership of
2 the City Council and—and these two committees and the
3 support of the Mayor, I know this can happen, but
4 excellent policies are not enough. The City Council
5 and other independent entities such as the
6 Comptroller's Office or the Department of
7 Investigation should examine the actual practices of
8 city agencies. What is really happening? Are
9 victims still being victimized? Are protected—
10 perpetrators still being protected? Is it the same
11 old, same old or has things really changed and
12 changed enough? Finding out the reality is going to
13 be a tall order. In addition, the city needs to
14 extend its anti-harassment policies to businesses
15 with which it does business and to companies in which
16 the city's pension funds invest. Its procurement and
17 investment clout need to be put to work on this issue
18 as well. Now, that you have made such an important
19 start on this mission, you cannot and should not stop
20 until it is clear that justice is truly being done,
21 and I pledged to be of whatever assistance I can in
22 this endeavor. Thank you very much and thank you
23 again to members of the Administration.
24

1
2 CHAIRPERSON ROSENTHAL: Thank you. We
3 really appreciate your time. Thank you for staying
4 and I know how tight it is to get to your train, so
5 I'm going to let you go.

6 ELIZABETH HOLTZMAN: Thank you very much.

7 CHAIRPERSON ROSENTHAL: That's right, my
8 colleagues. I saw Council Member Reynoso was here
9 for a moment and I'd like to ask the administration
10 to come back and actually start from the beginning,
11 if that's alright with you. [background comments,
12 pause]

13 DEPUTY COMMISSIONER PINNOCK: Okay. Good
14 afternoon, Chair Rosenthal, Chair Eugene, Public
15 Advocate James and members of the City Council
16 Committee on Women and the Committee on Civil and
17 Human rights. I am Dawn Pinnock, and I proudly serve
18 as the Executive Deputy Commissioner for the
19 Department of Citywide Administrative Services also
20 known as DCAS. I'm joined today by members of my
21 Citywide Diversity and EEO Team more commonly known
22 as CDEEO. I am pleased to have the opportunity to
23 testify today with Carmelyn P. Malalis, Chair and
24 Commissioner of the City Commission on Human Rights
25 to inform you about the work the city is doing to

1 prevent sexual harassment. One of the cornerstones
2 of our municipal workforce comprised of hardworking
3 women and men is a system based on merit, fitness,
4 fairness and equity. In a city as large and as
5 diverse as ours, it is important to recognize that
6 all employees should be afforded the opportunity to
7 work in a safe environment that is free from
8 discrimination and harassment. Of particular concern
9 is the issue of sexual harassment and the dark cloud
10 it casts on the protections that our employees so
11 richly deserve. I'm here today to provide some
12 information on how DCAS and its Office of Citywide
13 Diversity and EEO partner with city agencies to
14 ensure that EEO claims in general and sexual
15 harassment claims in particular are addressed in a
16 professional, thoughtful and transparent manner.
17 Citywide Diversity and EEO's primary mission is to
18 enable city agencies to comply with the Citywide EEO
19 Policy, and the City Charter provisions and laws
20 governing equal employment opportunities. To this
21 end, we assist and collaborate with city agencies in
22 developing measures and initiatives to effectively
23 fulfill their EEO obligations and their commitment to
24 diversity and inclusion. Pursuant to Chapter 35,

1 Section 814 of the Charter, DCAS is responsible for
2 establishing uniform procedures and standards to
3 assist city agencies to effectively implement the
4 mandated responsibilities with respect with EEO and
5 equity. The city's EEO policy established pursuant
6 to this authority recognizes all the protections as
7 provided by city, state and federal law including the
8 prohibition on sexual harassment. The implementation
9 of the city's EEO Policy and its related procedures
10 are mandatory for city agencies and the Citywide
11 Diversity and EEO team monitor citywide compliance.
12 DCAS established these procedure-procedures to drive
13 uniformity and consistency across city agencies in
14 implementing the city's EEO policy. These procedures
15 include, but are not limited to, the EEO Complaint
16 Procedural Guidelines, Reasonable Accommodation
17 Procedural Guidelines, and the Work Place Gender
18 Transition Guidelines. DCAS has established
19 standardized training and reporting requirements to
20 further drive agency's compliance under the EEO
21 Policy and to ensure that all persons receive the
22 same information with respect to EEO and equity in
23 the workplace. DCAS also developed and delivered
24 Standardized EEO Diversity and Inclusion Training.
25

1
2 These courses are consistent with best practices and
3 guidance provided by civil rights—rights enforcement
4 agencies like the United States Equal Employment
5 Opportunity Commission, EEOC, New York State Division
6 of Human Rights and the New York City Commission on
7 Human Rights. EEO Diversity and Inclusion trainings
8 are offered year-round and are accessible to all city
9 employees. Section 815 of the Charter requires agency
10 heads to adopt measures and program to ensure equal
11 employment opportunity in accordance with the Uniform
12 Procedures and Standards established by DCAS. The
13 City's EEO Policy further requires agencies to
14 conduct a thorough review of all EEO complaints,
15 which include complaints of sexual harassment, and
16 requests for reasonable accommodations and to report
17 these complaints to DCAS on a quarterly basis. The
18 EEO Complaints Procedural Guidelines instruct agency
19 EEO officers, investigators and Counselors in their
20 investigation of EEO complaints in a fair, consistent
21 and timely manner. In addition to providing step-by-
22 step instructions to each phase of the complaint
23 intake and investigative processes, the guidelines
24 include sample questions for investigation, templates
25 for letters and specifies the timeframes within which

1 complaints can be submitted and when investigations
2 should be completed. DCAS also undertakes third-party
3 investigations when agencies have a conflict of
4 interest and investigating the complaint themselves.
5 It shares that function with the city's Law
6 Department in an effort to ensure that every internal
7 complaint will be fully and fairly investigated. The
8 City Charter requires each agency head to adopt and
9 implement an annual diversity and EEO plan that the
10 agency will undertake to ensure fair and effective
11 measures to provide equal employment opportunity.
12 The Citywide EEO Plan requires the agency to submit
13 to DCAS quarterly reports on their efforts to
14 implement the diversity and EEO plans. It also
15 requires the agencies to submit complaint data, and
16 data concerning reasonable accommodation requests for
17 the recorder to DCAS. The Citywide Diversity-excuse
18 me-the Citywide EEO plan requires agencies to submit
19 these reports to the Mayor's Office, DCAS, the City
20 Council and the Equal Employment Practices
21 Commission, EEPC. Citywide diversity and EEO uses
22 these reports to inform policy statements, training
23 and to provide ongoing guidance to agencies. In
24 addition to our Charter authority, DCAS' commitment
25

1 to fostering and informed equitable and inclusive
2 workplace is further demonstrated in its ongoing
3 provision of consultation, interpretive guidance of
4 policy and training that goes beyond what the Charter
5 requires. On a monthly basis the Citywide Diversity
6 and EEO team host best practices meetings with the
7 EEO officers from across the city to discuss relevant
8 topics including, but not limited to proposed
9 legislation, complaint trends, upcoming training,
10 quarterly plan submission, EEO and Diversity and
11 inclusion trends and benchmarking. The team also
12 utilizes engagement surveys to assess training
13 content, training needs and to identify other
14 opportunities for citywide information sharing. The
15 city's EEO community also has 24 access-24-hour
16 access to standardized procedures, templates and
17 other relevant resources via DCAS' EEO and diversity
18 website. Additionally, Citywide Diversity and EEO's
19 training portfolio have continued to expand with its
20 creation of courses covering unconscious bias,
21 structured interviewing, disability etiquette, and
22 LGBTQ awareness and inclusion. With regards to
23 sexual harassment, DCAS is taking a holistic approach
24 to equip agencies with the resources needed to
25

1 prevent sexual harassment and other inappropriate
2 workplace behaviors and to deal with and report
3 incidents when they arise. Since Fiscal Year 2009,
4 DCAS has offered EEO, e-Learning and instructor led
5 training, which covers sexual harassment and
6 complaint filing. This training is part of our
7 ongoing offering of courses, and is available to all
8 city employees with access to a computer or via
9 enrollment in a classroom course. The city's EEO
10 practitioners are further required to take a five-day
11 intensive diversity and EEO training program as part
12 of their onboarding process, or as a refresher course
13 based on material developments in the law or the
14 city's EEO requirements. Additionally, over the last
15 year, DCAS has worked to develop a specific e-
16 Learning modules on sexual harassment prevention
17 entitled *Sexual Harassment Prevention: What to Know*
18 *About Unlawful and Inappropriate Behavior in the*
19 *Workplace*. The creation of a citywide module on
20 sexual harassment is a first for the city, and serves
21 as another example of the city's commitment to its
22 workforce and the ongoing work being done to improve
23 workplace culture. The module was first piloted with
24 EEO professionals and attorneys across the city in
25

1 January. Feedback from these pilot sessions had been
2 incorporated, and it is my pleasure to announce that
3 the module is complete and ready for launch. This
4 interactive training will be rolled out to agencies
5 in phases starting with DCAS. Additionally, at the
6 second phase of this project, DCAS will develop
7 instructor led training for individuals without
8 direct access to computers, and will explore the
9 creation of bystander training as well as targeted
10 training for managers and supervisors. To supplement
11 resources currently provided to city agencies looking
12 to release communications regarding sexual
13 harassment, Citywide Diversity and EEO has also
14 prepared a template for a sexual harassment policy
15 statement for agency heads. Agencies will be able to
16 adopt the language or customize the statement to
17 incorporate to agency specific information prior to
18 disseminating the statement to their employees on an
19 annual basis. I'm pleased to share that the template
20 is also ready for distribution. Once issued, the
21 Policy Statement will be posted on the DCAS, EEO and
22 Diversity website to complement the release of the
23 e-Learning module. Consistent with public and
24 private practices, Citywide Diversity and EEO has
25

1 taken a holistic approach to fostering a citywide
2 workplace culture in which employment and advancement
3 decisions are made fairly, employees are treated
4 equitably, the inclusion of diverse experiences are
5 embraced and that harassment of any kind is not
6 tolerated. Our provision of standardized resources,
7 consultation and an expanded training portfolio to
8 EEO professionals and all public servants positions
9 the city to identify and effectively address
10 inappropriate workplace communications and behaviors.
11 Although sexual harassment is the topic of today's
12 hearing, it is incumbent upon all of us as members of
13 the Municipal workforce to confront harassment in all
14 of its forms as individuals and as a community. Our
15 individual and collective efforts will create a safe
16 space within every city agency to ensure that direct
17 and indirect increase and complaints of harassment
18 are handled appropriately and expeditiously. In the
19 coming months, my colleagues in Citywide Diversity
20 and EEO and I will continue to engage city agencies
21 to review our existing EEO policies and procedures,
22 and to strengthen them where necessary. We also look
23 forward to discussing with the committees the recent
24 bills introduced in the City Council on this topic
25

1
2 and to helping to further refine them as necessary to
3 fill any gaps in the already strong laws and policies
4 the city had implemented to address all forms of
5 employment discrimination. I thank you for the
6 opportunity to highlight the work performed by the
7 DCAS team. With respect to sexual harassment, EEO,
8 Equity and inclusion. We look forward to the
9 Council's continued partnership, and will gladly
10 answer any questions.

11 CHAIRPERSON ROSENTHAL: I want to welcome
12 Council Member Lander.

13 COMMISSIONER MALALIS: Good afternoon,
14 Chair Rosenthal, Chair Eugene, members of the
15 Committees on Women and Civil and Human Rights. I
16 want to say it's a pleasure to be here today with my
17 colleagues from DCAS, and I want to introduce one of
18 my colleagues from the Commission on Human Rights.
19 My Deputy Commissioner for Policy and IGA, Deana
20 Sussman who is here with me as well today. I'm
21 Carmalyn P. Malalis, and I'm Chair and Commissioner
22 for the New York City Commission Human Rights. For
23 those in the room that do not know, the Commission is
24 a city agency mandated by statutes to enforce New
25 York City's robust protections against discrimination

1 and harassment including sexual harassment. I want
2 to thank you for convening today's hearing on this
3 very critical topic. The commission has been the
4 leader in the fight against sexual harassment for
5 decades, and today we proudly continue that work by
6 aggressively enforcing the city Human Rights Law in
7 this area, which is more protective and more robust
8 than protections at the state and federal level. In
9 the 1970s, one of my predecessors now Congressperson
10 Eleanor Holmes Norton held the country's first ever
11 public hearings on gender discrimination when she
12 chaired this agency and, in fact, the first reported
13 usage of the term sexual harassment was at a
14 Commission on Human Rights hearing in 1977. While
15 sexual harassment in the workplace is not a new
16 phenomenon, we are nationally experiencing a reckon
17 with regards to this all too common human rights
18 abuse, and deeps thanks are owned to the women, men
19 and non-by married people who have been bravely
20 coming forward at much personal and profession
21 expense to share their stories of sexual harassment
22 and assault across different industries. The wave of
23 people breaking their silence has been studied and it
24 has been unrelenting, and it is our hope that this
25

1 collective work allows even more voices to be heard,
2 and even more stories to be surfaced. The power
3 structures that have existed for so long to allow
4 this behavior to persist for in some cases decades to
5 silence victims, to shame victims to make victims
6 that they are powerless, they are crumbling upon us,
7 and sexual harassment is being exposed for what it,
8 an abuse of power and privilege, and it is being
9 exposed in many of these instances with women leading
10 the way. Though abuse is in the entertainment
11 industry continued to dominate the headlines, we know
12 that low-wage workers, immigrant workers, domestic
13 workers, LGBTQ workers and workers of color
14 experience sexual harassment at extremely high rates,
15 and their unique and intersection vulnerabilities
16 make it even harder for them to assert their rights,
17 protect themselves and demand justice. And many of
18 these kinds of workers they file claims at the
19 Commission on Human Rights, and though their stories
20 of discrimination, harassment and retaliation are
21 known to the Commission staff, the people that
22 investigate and prosecute their claims as well as the
23 people who work to strengthen and educate their
24 communities' employers, we also know that their
25

1 stories were not given adequate public airing. And
2 so, with this recognition the Commission organized
3 and held a citywide public hearing on special
4 harassment in the workplace on December 6, 2017,
5 about three months after their renewed interest in
6 #Metoo. We heard testimony from the diversity of
7 industries from construction to domestic workers, to
8 the modeling and fashion industry, and we heard from
9 workers and advocates and government officials about
10 what New York City and the commission could do
11 differently or do better to combat sexual harassment.
12 It was a powerful night where over 100 people
13 converged from across the boroughs and some people
14 even came in from Washington, D.C. to listen to
15 people's experiences, enduring, fighting, challenging
16 and overcoming sexual harassment. We extended
17 invitations to the general public, community based
18 organizations, legal advocates, all of the City
19 Council members, other local and some state elected
20 officials and the Federal Equal Employment
21 Opportunity Commission among others, and right now I
22 want to take a moment to publicly thank all the
23 people some of whom are here today who submitted
24 testimony or testified in person or stayed throughout
25

1 that long night to listen to the testimony, including
2 Public Advocate Letitia James, State Assembly Member
3 Carmen De La Rosa, and the EEOC. The Commission will
4 be releasing a report this spring that will include
5 our findings and recommendations including policy
6 recommendations, best practices for specific types of
7 workplaces and other essential information from the
8 hearing. We will make sure that members of the two
9 committees here in this body receive copies of that
10 report, and we will be happy to review it with you.
11 Starting in early 2016 in response to the activism
12 surrounding the Women's Marc, the Commission has
13 worked with local and national media to contribute to
14 stories on gender discrimination and the unique
15 protections under the city's Human Rights Law. And
16 this work has garnered close to 100 press mentions on
17 gender discrimination and sexual harassment so far.
18 Last year the Commission published a first ever
19 public outreach brochure on city Human Rights Law
20 protections regarding issues that disproportionately
21 affect women including information on pregnancy,
22 caregiver and gender discrimination, along with a
23 fact sheet on sexual and street harassment, both of
24 which are available on our website in ten languages.
25

1
2 These materials were promoted in a digital and social
3 media ad campaign in March of last year during
4 women's history month obtaining over two million
5 views, and have been distributed at many commission
6 community events and community based organizations
7 across the five boroughs. Over the past few months
8 the Commission's web content on gender discrimination
9 and sexual harassment including video content from
10 our historic December hearing has garnered close to
11 300,000 views online. And this coming April we will
12 also be launching a citywide public awareness
13 campaign on workplace sexual harassment, protections
14 under city Human Rights law and how to access the
15 commission as a resources with ads in subway cars,
16 bus shelters and across community , ethnic, digital
17 and social media and, of course, in multiple
18 languages. As with our other campaigns over the last
19 three years, we will work with employee rights
20 advocates, advocates for employers and in the
21 management bar chambers of commerce and business
22 associations, community based organizations, legal
23 services, faith based organizations and other groups
24 to make sure that we get the word out. The
25 Commission has also revamped its sexual harassment in

1 the workplace training, which we provide free of
2 charge to community based organizations, non-profits,
3 business associations, and other entities consistent
4 with our capacity. We received significant interest
5 from different organizations and groups to provide
6 this training and we have been rolling it out this
7 month. Now, in the past few months, the Commission
8 has received quite a bit of retention for his work
9 combatting sexual harassment and strong legal
10 protections that exist within the city. So, you will
11 that in my written testimony I have included some of
12 the issue that is specific to the city's Human Rights
13 Law that for purposes of brevity at the hearing I'm
14 going to—I'm going to skip over. But there is
15 growing recognition that the federal standard, severe
16 or pervasive is insufficient and outdated, and that
17 broader standards like that we have here under the
18 New York City Human Rights Law could be a model
19 elsewhere and, in fact, lawmakers from other
20 jurisdictions including the California State Senate
21 and the U.S. Senate have sought our feedback and
22 expertise in exploring alternative standards and
23 crafting sexual harassment legislation. I want to
24 highlight a few other important aspects of our law
25

1 that I think are also relevant to some of the bills
2 in the package, and to some of the questions that
3 folks have been asking. Independent contractors,
4 interns, Volunteers, whether paid or unpaid are also
5 protected under the city Human Rights Law.
6 Specifically, independent contractors who may not
7 have workplace rights under state or federal statutes
8 are protected as employees under the city Human
9 Rights Law so long as they are not employers
10 themselves. We understand that there is proposed
11 legislation to further clarify and expand protections
12 for independent contractors and the Commission is
13 interested in working with the Council to move this
14 legislation forward. In addition, workers who have
15 signed arbitration agreements, may still bring claims
16 to the commission. The commission has authority to
17 bring claims against covered entities without an
18 individual being named, and acting as the
19 complainant, the Law Enforcement Bureau of the
20 Commission can require that the respondent pay
21 damages to the wrong party regardless of whether that
22 individual signed an arbitration agreement. In
23 addition to mandating policy changes, training and
24 the payment of civil penalties to the general fund of
25

1 the city of New York. We should all be proud of the
2 robust protections of the City Human Rights Law that
3 it provides to New Yorkers employed at both the
4 public and the private sectors, and I'm grateful to
5 the people, many of whom are in this room up there
6 and out here in the audience who have worked very
7 hard to strengthen these protections. There are,
8 however, certainly areas where we can expand
9 protections and improve access to information and
10 training, and tools to ensure that employers more
11 readily comply with the law. We are proud to be
12 working with the City Council on the package of bills
13 that have just been introduced, and we also look
14 forward to continuing that work together on our
15 shared goals of strengthening the City Human Rights
16 Law and expanding resources to New Yorkers. Over the
17 past three years under my leadership at the
18 Commission, we have been particularly aggressive on
19 sexual harassment cases. Gender based discrimination
20 is consistently one of the most common forms of
21 employment discrimination the commission
22 investigates, and in 2017, claims of gender-based
23 discrimination were the top discrimination area of
24 complaint in employment with 117 claims or 17% of all
25

1 employment related claims. In the last two years,
2 sexual harassment claims at the Commission increased
3 by 43% of the previous two years and since 2015, the
4 commission has secured over \$1.4 million in penalties
5 and damages for sexual harassment cases. In my first
6 year my office issued a final decision in order in a
7 case of egregious sexual harassment involving
8 multiple instances of unwanted touching, and constant
9 lewd comments about the complainant's body and sexual
10 availability over a three-year period. The
11 respondent admitted to the behavior and even claiming
12 that he was entitled to it and the Commission levied
13 the highest penalty ever in commission history,
14 \$250,000 in addition to over \$400,000 in damages to
15 the complainant. Three recent settlements also
16 illustrate both the work of the Commission enforcing
17 the law in this area, and also the importance of the
18 more generous City Human Rights Law Standard. The
19 Commission awarded an employee of a construction
20 company nearly \$60,000 in emotional distress damages
21 and back pay after her Supervisor sent her a lewd
22 text messages, and subjected her to unwanted
23 advances. When she was asked—and when she was asked
24 that her supervisor keep things professional, he
25

1 fired her. In another recent case an employee
2 alleged that a supervisor made unwanted comments of a
3 sexual nature towards her and grabbed her crotch.
4 While leering—grabs his crotch while leering at her,
5 and while they were alone in the office. Again, the
6 Commission found probable cause that sexual
7 harassment had occurred and settled the case for
8 \$50,000 in damages for emotional distress to the
9 complainant. And in a case involving a worker at a
10 national fast food chain the Commission found
11 probable cause for the worker's manager rubbed her
12 shoulders and spoke to her in sexually explicit
13 terms. The Commission found that the touching and
14 the comments were sufficient to demonstrate sexual
15 harassment under the New York City Human Rights Law,
16 and settled the case for \$10,000 in damages for
17 emotional distress to the complainant. From now
18 historic public hearing this past December and our
19 upcoming report on sexual harassment to our increased
20 enforcement and heightened damages and penalties to
21 our updated sexual harassment training and extensive
22 communications campaigns, I hope it is clear that the
23 Commission takes our mandate to enforce the broad
24 protections of the City Human Rights Law extremely
25

1 seriously. We will continue to act aggressively on
2 sexual harassment to ensure that New Yorkers feel
3 safe and respected and supported in the workplace. I
4 truly appreciate this opportunity to testify today,
5 and I'm happy to answer any questions.

7 CHAIRPERSON ROSENTHAL: Thank you. Thank
8 you so much. I want to welcome Council Member—Oh,
9 Council Member Rodriguez who was here for a nano
10 second, and let's see. I—I do just want to mention
11 very quickly that Council Member Lander has a bill
12 that would—that we should be talking about as well,
13 and it will come up in a future hearing that protects
14 freelancers. You had mentioned it and I'm looking
15 forward to hearing your comments about his
16 legislation as well. Council Member Eugene, do you
17 want to start with questions or would you like me to
18 jump in?

19 CHAIRPERSON EUGENE: You can start, but
20 I—I just—I just want to ask one or two questions,
21 I'll turn it over to you. We know that harassment is
22 a very tough situation, a very, very tough situation,
23 and that is, you know, the impact on the victim is
24 not only temporary, it's not only at the time of the
25 aggression, but they are going to be traumatized for

1 all their life, and some of the time they have a
2 situation they're afraid to raise their voices, and
3 to make complaint because of, you know, fear of
4 retaliation. They don't want to lose their job. So
5 what is--what is the--the process, or what the Human
6 Commission right has in place to protect those people
7 and to ensure they can be comfortable to make
8 complaint, and with the necessary changes that we are
9 looking for in the workplace?

11 COMMISSIONER MALALIS: Sure. So, thank
12 you for that question, Chair Eugene. You know, it
13 provides me an opportunity to make sure that everyone
14 here knows that the Commission's website has very
15 specific instructions on how folks can contact our
16 agency. We, of course, received complaints from the
17 public either from individuals who are victims of
18 discrimination or harassment themselves from other
19 elected officials from community-based organizations
20 or faith based groups or, you know, kind of the gamut
21 of different entities that are here in New York City
22 that provide us information from which the Law
23 Enforcement Bureau at the Commission on Human Rights
24 is able to investigate these claims, and one of the
25 most powerful provisions I think that we have under

1 our statute is our ability to initiate those
2 investigations even without having a complainant's
3 name on that complaint. It allows us as the
4 Commission on Human Rights to initiative
5 investigations on behalf of the Commission, which is
6 really on behalf of the city so that people who might
7 be, you know, vulnerable to other forms of
8 retaliation or discrimination, people who do not want
9 to have their names on a formal complaint, we can
10 still investigate their situation without themselves
11 putting their--their--their name or themselves out
12 there, and making themselves more vulnerable. It's a
13 very important provision of the law, and it's
14 something I always try to mention in public settings
15 so folks know that even if they are scared about
16 identifying themselves, that there are other ways
17 that our agency is able to assist them.

18
19 CHAIRPERSON EUGENE: I'm glad that you
20 mentioned the website because this is the era of
21 technology. Right now, you know, there is nothing we
22 can do without computers, without-- that technology,
23 but we have to admit also New York City is home to so
24 many people coming from all over the place especially
25 immigrant people, people who are not literate in the

1 computers, people who don't even speak English
2 properly, and people who are working hard,
3 hardworking people who are trying to strive and to-
4 to-to provide for their families and to pay the roof
5 over their head and bring the food on the table. Many
6 of them don't have time to-to-to go to the computer
7 and many of them they don't know really how to use
8 properly a computer. What do you have available to
9 reach out to them to ensure that them also they are
10 protected when they are afraid, when they don't want
11 to raise their voices? Where do they go to get the
12 information to know that to do to raise their
13 complaint, and to formulate their complaints, and to
14 make sure also them also they are protected?

16 COMMISSIONER MALALIS: Right.

17 Absolutely. You raise a great point Chair Eugene
18 and, you know, that is-people often times think of
19 the-the agency and think only about the Law
20 Enforcement Bureau or the law enforcement abilities
21 of the agency. We are, you know, our law is
22 structured in such a way that it also allows us to
23 have a Community Relations Bureau, and that's a
24 mandate of the agency as well, and without it that
25 means that we have community service centers in each

1 one of the five boroughs. Their mandate is to
2 working within communities meeting people where they
3 are, commuting-communicating with people the way that
4 best expresses the-the ideas to those specific
5 communities so that they know what their rights are
6 under the law, but they know what their resources are
7 at the agency. Since I've been here as Commission of
8 this agency, we have made language access a priority.
9 My staff now speak 36 languages across my agency.
10 When people contact us with language that one of-that
11 does not fall within one of those 36 languages, we,
12 of course, avail of language support services so that
13 we are able to communicate with people. I will also
14 tell you that 100% of our media ad buys are in ethnic
15 and community media. We are well aware that social
16 media and that website information is not the sole
17 way that people in New York City receive their
18 information, and so we do want to make sure that
19 people are receiving our information and information
20 about our resources in multiple ways.

21
22 CHAIRPERSON EUGENE: [coughs] And thank
23 you very much, but in term of immigrants, but we know
24 that they are facing several challenges, and among
25 the challenges we can mention the culture because,

1 you know, people coming from other countries they
2 don't—they don't even have a clue about sexual
3 harassment. They may be harassed, but they don't even
4 know that. As we know that, it could be the culture
5 or the way the motives of events in their countries.
6 So, I think that we have to not only use languages,
7 different languages, but educate them, and the way to
8 educate them in this stuff among this stuff, we have
9 to include also people who speak their languages, and
10 people who know their culture. What do the Human
11 Right Commission has been doing to ensure that
12 people—that, you know, this staff is diverse--

14 COMMISSIONER MALALIS: Uh-hm.

15 CHAIRPERSON EUGENE: --include people of
16 different ethnic background. Of course, we cannot
17 include everybody. Impossible, but to include as
18 many people as we can in order that we can do a
19 better job in serving not only New Yorkers but all of
20 the people, immigrant, regardless of where they come
21 from? What do you know, you have been doing or the
22 Human Right Commission has been doing to ensure that
23 we address the issues, and everybody can understand,
24 can have the information that they need to be
25 protected?

2 COMMISSIONER MALALIS: Right. I will
3 tell you that coming from an immigrant family myself,
4 reaching out to the city's different immigrant
5 communities is very important to me. I think I
6 mentioned six languages. That's somewhat indicative
7 of the diversity of the staff at the Commission on
8 Human Rights. We are a small agency, but we are an
9 agency filled with people who are strong believes in
10 human rights, and in the work that our agency does.
11 Thanks to the Administration and thanks to the City
12 Council, we've expanded quite a bit in the last three
13 years. We've gone through a staff of 55 to now a
14 staff of 156, and in that three-period—that three-
15 year period, I'd say the majority of the people who
16 have come to the Commission are people who have
17 persona lived experience working in many of the
18 vulnerable communities that call the Commission that
19 file claims here that reach out to our Community
20 Service Center staff. I think diversity is
21 incredibly important as is, of course, inclusion,
22 which is also why we do mandatory—we internally do
23 mandatory cultural competency trainings for all
24 commission staff. So, I-I 100% agree with you—the-I
25 don't know that anyone deserves, you know, a 100%

1 score card in diversity, but you can be sure that
2 it's something that we are always thinking about at
3 my agency, and striving to do better at.

4
5 CHAIRPERSON EUGENE: When your agency
6 receives a complaint, guide us, explain to us what is
7 the next step, you know, toward the investigation.
8 How do you determine which complaint you're going to
9 investigate and/or not? What--what are the different
10 steps you go through to investigate the complaint,
11 and when you get the result, what are the actions
12 that are being taken?

13 COMMISSIONER MALALIS: Sure. So, the
14 types of claims that come into our agency are by
15 their very nature very fact specific. So, if
16 somebody is calling the agency and is, you know,
17 either asking questions about whether or not we have
18 jurisdiction over their situation or is calling to
19 report a claim of discrimination or harassment, they
20 will speak to one of our Law Enforcement Bureau
21 staff. They will schedule an appointment to actually
22 speak in person with an attorney from our Law
23 Enforcement Bureau, and they'll go over the--the facts
24 and the circumstances that are underlying their
25 complaint. The Law Enforcement Bureau in the

1 beginning of this type of process has something of a-
2 a neutral poster in that they are just fact
3 gathering. They are receiving information from the
4 complainant. They are—they are gathering the
5 information or—or evidence perhaps from other
6 witnesses. They are reaching out to the bad actor or
7 bad actors or potential bad actors in those
8 situations. The entities that are being accused of
9 discrimination and harassment and conducting these
10 types of interviews, and then at some point in this
11 process, the Law Enforcement Bureau doesn't have to
12 make a decision as to whether or not they think that
13 there is probable cause under the Commission on Human
14 Rights Law to believe that the discriminatory act
15 occurred, and it is again based on these types of
16 interviews and evidence being presented. After that
17 determination is made, if there, in fact is a
18 determination that there is probable cause to-to-to
19 say that the discriminatory act occurred, that case
20 then could be referred to the Office of
21 Administrative Trials and Hearings for a full trial
22 on the matter. An administrative law judge con-con-
23 you know, convenes the parties for a full trial after
24 which the Administrative Law Judge would then provide
25

2 a report and recommendation on both liability and
3 damages. That report would come back to the
4 Commission on Human Rights and then the Commission on
5 Human Rights would issue a final decision and order
6 on both liability and damages.

7 CHAIRPERSON EUGENE: I'm going to ask the
8 last question because I know many other colleagues
9 are here to ask questions also, but can--what can you
10 tell us about the number of complaints reported to
11 your agencies. How many, you know, from the city
12 workplaces, and how many from non-city workplaces?

13 COMMISSIONER MALALIS: Uh-hm. All types
14 of claims or are we just looking at sexual
15 harassment? Just for clarification.

16 CHAIRPERSON EUGENE: Sexual harassment.

17 COMMISSIONER MALALIS: Sure. If you give
18 me a moment. [background comments, pause] So, we
19 are currently investigating 148 cases of sexual
20 harassment. If you look at all the claims of sexual
21 harassment that are currently under investigation,
22 right now at the Commission on Human Rights, of those
23 148 cases, 16 of those cases involve city agencies,
24 and of those 16 cases there are 10 cases. Oh, I'm

1
2 sorry, there are 10 city agencies that implicated in
3 those 16 cases.

4 CHAIRPERSON EUGENE: Well, thank you very
5 much. I will follow up later on. Thank you very
6 much. Pleas Chair Rosenthal.

7 CHAIRPERSON ROSENTHAL: Thank you. I'm
8 going to ask Chair Cumbo—sorry—Council Member Cumbo,
9 Majority Leader Cumbo to next—ask the next round of
10 questions.

11 MAJORITY LEADER CUMBO: Thank you, Chair
12 Rosenthal. Just have two basic questions. As far as
13 the legislation that I've introduced with Public
14 Advocate James, Intro 1463 mandating that private
15 employers conduct anti-sexual harassment training for
16 their employees, other than the amount of hours that
17 are required in order to qualify for that type of
18 training, other than that, do you have other issues
19 as it pertains to this legislation?

20 COMMISSIONER MALALIS: You know, I think—
21 for of all thank you for the—thank you for the—piece
22 of legislation and, in fact, it is something that had
23 come up during the December hearing that we had, but—
24 but that piece—what that bill covers is something
25 that had come up I think from a variety of different

2 people who testified at our December hearing. So, it
3 was nice to—to get validation for—for that need here.
4 You know, I think as with all the—the types of
5 legislation that come before us, we are always very
6 eager to be working with the City Council on
7 different ways that we could be, you know, tweaking
8 bills to make sure that they are, you know,
9 responsive to whatever the actual need is.

10 MAJORITY LEADER CUMBO: Uh-hm.

11 COMMISSIONER MALALIS: And I said earlier
12 that we were releasing our report from our December
13 hearing coming up in April and one of the reasons
14 we're doing that is because we want to kind of take
15 in all the information that we received not—not only
16 in person at the hearing, but we also allowed a
17 period where people were able to submit written
18 testimony afterwards. So, we've been reviewing all
19 of that testimony so that we could come up with what
20 we think would be the best practices and the best
21 ways of addressing some of the needs, and I suspect
22 that some of the—the things and recommendations that
23 we will be coming up with will be consistent with
24 some things that are in the package. So, I think
25 it's just looking though at the details.

1
2 MAJORITY LEADER CUMBO: I think. That
3 sound promising. When do you think that you will
4 have a thorough assessment of the information that
5 you're reviewing currently?

6 COMMISSIONER MALALIS: You mean from our
7 hearing?

8 MAJORITY LEADER CUMBO: Uh-hm.

9 COMMISSIONER MALALIS: So, we are set to
10 release our report in April.

11 MAJORITY LEADER CUMBO: And in April
12 you'll have a better understanding of how this
13 legislation fits with the feedback that you've gotten
14 over that period of time?

15 COMMISSIONER MALALIS: That is my
16 expectation.

17 MAJORITY LEADER CUMBO: Okay, and also is
18 the—for Intro 1462 with Council member Cornegy and
19 myself requiring employers to post written policies
20 and procedures to prevent sexual harassment, what are
21 your thoughts on that piece?

22 COMMISSIONER MALALIS: Again, you'll—
23 you'll be happy to hear that that was again a
24 consistent thread that we heard at the hearing. I
25 think you'll also be happy to hear that right now,

1 you know, when the commission conciliates or settles
2 matters with respondents, we're already requiring
3 this and I'm trying to think of—I'm challenged to
4 think of a case where we haven't required this. So,
5 we—we, you know, strong support this piece of
6 legislation and again would be working with you to
7 make sure that we have what we need to—to get at the
8 issue we're trying to address.

10 MAJORITY LEADER CUMBO: Happy to hear it
11 and I look forward to the feedback and how we can
12 strengthen this legislation. So that it fits the
13 needs of the advocates and the folks that are
14 unfortunately living with this dynamic everyday in
15 our work environment. Thank you very much.

16 COMMISSIONER MALALIS: Thank you.

17 MAJORITY LEADER CUMBO: Thank you. Chair
18 Rosenthal.

19 CHAIRPERSON ROSENTHAL: Sure. Council
20 Member Lander.

21 COUNCIL MEMBER LANDER: [pause] Thank you
22 to both chairs and—and thank you Chair Rosenthal in
23 particular for your leadership on this topic and
24 helping push the city and the Council forward and
25 thanks so much to our—our city partners and

3 especially to the Human Right Commission. You know,
4 you know, we now—that this is the first hearing of
5 these committees in this term.

6 CHAIRPERSON ROSENTHAL: Yep.

7 COUNCIL MEMBER LANDER: You think about
8 where we were in the first committee, the first
9 couple of hearing we had a term ago. We didn't yet
10 have your leadership. The Commission had really been
11 decimated and you're rebuilding it internally in
12 partnership with the Council, out collective ability
13 to triple basically the funding so that you could
14 grow the staff, and pursue all the things that you're
15 talking about. It's really significant. So, we have
16 a long way to go. I think strength—you know,
17 everything we can do to root out harassment is
18 necessary, and we're called to it. So, I appreciate
19 the work we're doing together, but I do think it's
20 worth noting we've come a long way from where we
21 were, and I'm grateful for your leadership and
22 partnership with the Council in—in doing it. I
23 appreciate it. You were mentioning the—the language
24 to clarify and strengthen the protections that
25 freelances and independent contractors have under the
law. I look forward to—I thank the—the Chair for her

1 reference to that, and hopefully we can work on-on
2 moving that forward here as well. One particular
3 category of-of contracted or independent workers that
4 we've heard a lot, and there was that articles in the
5 Times about the work Assemblywoman Nily Rozic is
6 doing around models and folks in the modeling
7 industry and particularly pervasive harassment that
8 takes place. I know we've also talked a little about
9 trying to do some other things like address the
10 exclusive contract problem that folks-that makes, you
11 now, workers even more vulnerable there. Was that,
12 you know, was something that you heard at the
13 hearing, and do you have thoughts on what we can do
14 to further strengthen our-our work there.

16 COMMISSIONER MALALIS: Absolutely.

17 DEPUTY COMMISSIONER PINNOCK: Absolutely.
18 I'm-I'm grateful that there were people-some of the
19 people are here today, in fact, who, you know, are
20 working with people from the Models Alliances, folks
21 from Fordham University and people who I think have
22 been working far beyond the time that has just, you
23 know, elucidated the problems that we have in New
24 York City and elsewhere that-that-and the challenges
25 that face folks in the modeling industry. So, we

1 had—we had several people actually testify during our
2 December 6th hearing specific to that industry, and
3 certainly we're going to have, you know, parts of our
4 report coming out in April that address that. I
5 think one of the other reasons that the hearing was
6 so helpful it helps also to provide some perspective
7 to folks at the Commission on areas that we obviously
8 can and should be doing more to put out there as our
9 areas of jurisdiction. You know, one of the things
10 that came out of the hearing there had been, I think
11 some—some confusion as to whether or not independent
12 contractors or—which I think is very specific to
13 this—to this industry whether they were covered for
14 purposes of being protected under a law. And one of
15 the things that we're obviously, you know, going to
16 be making clear going forward is that, of course, yes
17 they are. They are covered under the Commission on
18 Human Rights Law unless they are otherwise employers
19 themselves. We look forward to continuing to work
20 with the Council on, you know, this area as with
21 others, and we have been working, like I said with the
22 advocates for folks in this industry to make sure
23 that they have resources within the agency and they
24 know how to utilize our law.
25

3 COUNCIL MEMBER LANDER: Thank you. We'll
4 look forward to hearing that testimony, and—and Madam
5 Chairman, we should talk to Assemblywoman Rozic about
6 what she's looking at, and also, you know, this—the—
7 as—what we had heard that one—one particular problem
8 is this requirement that folks work under exclusive
9 contracts, which they can't even get outside of and—
10 and there might be some room there. My last question
11 I think just speaks to—to what extent we're looking
12 at strategies to change culture as well as regulation
13 and enforcement. Regulation enforcement is critical.
14 That is the charge of the Human Right Commission and
15 not to—but the—you know, we've got a moment right now
16 when we have a responsibility to do everything we can
17 in a much broader way. You know, in our schools and,
18 you know, and we've got a set of things we've long
19 done both on the administration and on the Council
20 side. We do intimate partner violence. The Council
21 funds a series of contracts to try to help do
22 education. There's a set of things taking place in
23 the school, but I guess I just wonder in addition to
24 what's already a lot of work here, are you out of
25 that hearing or elsewhere? To what extent is the
administration trying to develop an even broader

1
2 approach that says, you know, how we think about what
3 we're educating in our schools and what we're doing
4 through our-- You know, how do we in addition to
5 strengthening our laws and strengthening enforcement,
6 take this moment to just change culture how men and
7 boys are--are brought up and live in this city in a
8 way that makes us, you know, better, respectful, more
9 equal citizens? That's a big task, but it seems like
10 a moment when we should be pushing ourselves to do
11 everything we can.

12 DEPUTY COMMISSIONER PINNOCK: Absolutely,
13 and that, you know, certainly the--the contents of our
14 report coming out in April will not be confined
15 solely to just like legal recommendations and best
16 practices of that nature, but I think broadly
17 speaking other ways in which we as a city should be
18 looking to--to make sure we're fostering dignity and
19 respect in this situation and--and in other
20 situations. You know, we--like I said earlier, we
21 have the Community Relations Bureau partly because,
22 you know, we're also very much aware that the way
23 that we have impact throughout the city is not just
24 about enforcement. It's just--it not only about legal
25 enforcement. It needs to be coupled with the types

1 of discussions and workshops and relationship
2 building that takes place more on that community
3 relations side working with schools and working with
4 different communities and organizations to be
5 thinking through how we can best communicate the
6 challenges that women and girls, you know, face in
7 these situations. And to be working frankly with
8 employers and businesses so they have a better
9 understanding of what their obligations are under the
10 law, but also beyond the law what are best practices
11 n these situations? So, even if the law does not
12 require certain things, what can they do as caring
13 employers, people who want to be doing the right
14 thing at the right time? I think beyond the types of
15 trainings on the law that—that, you know, we are—
16 we've—we've—we've thought of and, you know, certainly
17 the Council has thought of in terms of training
18 people on what their obligations are or their rights
19 are under the law. This is also an area where I
20 think bystander intervention has been very important.
21 It's—it's great to see folks from Hollaback here. I
22 know that they have been a champion for that for a
23 very long time. The Commission had talked a lot
24 about having engaged in bystander training related
25

3 work, you know, in the past year and a half. In that
4 time it was very specific to the types of xenophobia
5 or Islamophobia that we or antisemitism that we had
6 seen reported at the agency and this is an area that
7 I think is, of course, very right for us to also be
8 thinking about bystander intervention and to be
9 working with other entities to make sure that people
10 are thinking outside of the box.

11 COUNCIL MEMBER LANDER: Thank you. I
12 guess I'll just end in that regard by saying I'm
13 proud that this is my first hearing now as a member
14 of the—the Women's Issues Committee. I was on the
15 Civil and Human Rights Committee already but I asked
16 to be added to this one and I think it—obviously it
17 is inspiring and critical that leadership is taken by
18 women in the city, and it's—it's, you know, having
19 you in that chair and having Chair Rosenthal in that
20 one is—is critical and, of course, it is also
21 important that we find ways to step and not just in
22 that like as a father and a husband way, but, you
23 know, like as a citizen of this city committed to
24 equality and justice we're going to find ways to push
25 the—the men of this city to take our responsibility
in the work place for this hearing, but more broadly

1
2 as well. So, if there are thoughts on ways we can
3 continue in addition to these laws to be pushing and
4 doing that better we look forward to—I look forward
5 to working as a member of this committee, and as
6 partner with you on that.

7 DEPUTY COMMISSIONER PINNOCK: Great.

8 CHAIRPERSON ROSENTHAL: Great. Thank
9 you.

10 DEPUTY COMMISSIONER PINNOCK: Oh, I
11 actually wanted to add something just on the city
12 side. So, there's a great deal of training that
13 we've specifically done around EEO regulations as
14 well as sexual harassment, and when you talk about
15 culture, Commissioner Malalis is exactly right.
16 Having a space where there is an open dialogue is
17 key. And so one of the things, and we've actually
18 brought the slides back for you to review our Sexual
19 Harassment Training that we're seeking to launch, is
20 really how we try to hone in on the responsibility
21 and the accountability that managers and supervisors
22 have. So, not only are they mandatory reporters,
23 they also contribute directly to the culture of an
24 organization. So, if you know that you have a
25 manager and if you are afraid to come forward and

1 file a complaint, but if you know you share that
2 information with a trust manager or supervisor, and
3 then they in turn can then advocate on your behalf.
4 I—we just think that those things are also very
5 critical to having the kind of workplace culture we
6 want in the city. So, we've been actively working
7 with our EEO Officers to really talk about how we
8 empower not only bystanders, managers, supervisors,
9 HR counterparts, because sometimes they are the first
10 face someone sees when they come into an organization
11 to also own the fact that, you know, harassment
12 anywhere impacts all of us.

14 COUNCIL MEMBER LANDER: Thank you.

15 DEPUTY COMMISSIONER PINNOCK: Thank you.

16 CHAIRPERSON ROSENTHAL: You answered my
17 first question. So, it's really nice segue. I
18 appreciate it. Did you mention you had a sheet with
19 something written on it?

20 DEPUTY COMMISSIONER PINNOCK: We actually
21 brought gifts for you guys, but we didn't know when
22 it was the appropriate time to share it.

23 CHAIRPERSON ROSENTHAL: Now is the
24 appropriate time.

2 DEPUTY COMMISSIONER PINNOCK: We have the
3 [laughter] the--the slide back. Well, yes. It's
4 actually a screen shot--

5 CHAIRPERSON ROSENTHAL: [interposing] Oh,
6 great.

7 DEPUTY COMMISSIONER PINNOCK: --of our
8 sexual harassment training. As mentioned in our
9 testimony, it's completed. We did not want it--
10 actually, it was complete on February 27th,
11 coincidentally, but we wanted to make sure that we
12 shared that information with the Council so that you
13 would have a sneak peak before we launched citywide.
14 I think that you will find that the Training
15 Prevention Program that we've put in place really
16 aligns with some of your overarching goals with
17 respect to mandatory training and sexual-related to
18 sexual harassment.

19 CHAIRPERSON ROSENTHAL: Okay, and this
20 was just finished yesterday?

21 DEPUTY COMMISSIONER PINNOCK: It's fresh
22 off the press, this project.

23 CHAIRPERSON ROSENTHAL: Okay.

24 DEPUTY COMMISSIONER PINNOCK: We actually
25 started this project a year ago.

1
2 CHAIRPERSON ROSENTHAL: [interposing]
3 This hearing has already produced the results we
4 hoped for. [laughter] And the Commissioner of Human
5 Rights mentioned that they have a new training as-
6 that they created as well. Do those two—are they the
7 same? Do you two work together on that?

8 COMMISSIONER MALALIS: So, our training
9 is specific to the city—it is very much focused on
10 the City Human Rights Law, and our training is
11 generally made available to the public since, you
12 know, we have jurisdiction over both public and
13 private employers and employees and, you know, I
14 mentioned the DCAS training is much more geared
15 towards the city employment--

16 DEPUTY COMMISSIONER PINNOCK:
17 [interposing] Yes, it is.

18 COMMISSIONER MALALIS: -but DCAS and the
19 Commission on Human Rights do consult quite a bit on
20 things because DCAS is obviously very interested in
21 making sure that they are compliant with the City
22 Human Rights Law. They've been a great partner. In
23 doing these types of trainings.

24
25

CHAIRPERSON ROSENTHAL: Okay. So, we got
it hot off the presses, but you already reviewed it,
and you love it?

COMMISSIONER MALALIS: Um—

CHAIRPERSON ROSENTHAL: Oh, not?

COMMISSIONER MALALIS: I don't know--

CHAIRPERSON ROSENTHAL: [interposing]
It's okay. It doesn't matter.

COMMISSIONER MALALIS I don't exactly
know what you have in front of you right now. So, I-

-

DEPUTY COMMISSIONER PINNOCK: No, she's
fine.

CHAIRPERSON ROSENTHAL: Okay, I guess I
would just want to know I mean you were talking so in
such a proud way about the new Training Module that
you had just come up with, and I-I just wondered
maybe if you could just confirm that they're in sync.
They capture the same things. Of course, you're
talking to the privet sector as well.

COMMISSIONER MALALIS: We can certainly
make sure they're consistent on law. Uh-hm.

3 CHAIRPERSON ROSENTHAL: Great. Thank
4 you. So, let's see, Deputy Commissioner—I'm going to
5 get this right, Pinnock.

6 DEPUTY COMMISSIONER PINNOCK: Yes.

7 CHAIRPERSON ROSENTHAL: If we could start
8 with you. Tell me more about the EEO professionals--
9 and this is what you were just talking about--at each
10 of the agencies. Are they hired by the agency with
11 certain criteria of what--of their--what they need to
12 know or are they hired and vetted by DCAS? What
13 criteria is used for these professionals, and do some
14 of the agencies have maybe somebody who fills
15 multiple jobs, EEO being one of--of several, and do
16 you have a sense of how many agencies, you know, have
17 people who are singularly focused on EEO, and I'm
18 wondering if in each agency if they report to the
19 Commissioner themselves or if maybe they report
20 through HR?

21 DEPUTY COMMISSIONER PINNOCK: So, the EEO
22 Officers do report to the agency head. Each agency
23 is required under the Charter to have an appointed
24 EEO officer. In terms of the onboarding process,
25 specifically related to budget and all of that that,
the EEO Officer is hired by the agency

1 notwithstanding we are part of the vetting process
2 specifically for individuals who are coming on at the
3 most senior levels, Assistant Commissioner and above.
4 For other individuals who might be coming at a
5 different level within city government we are still
6 very much consulted with as it relates to the job
7 posting to ensure that there's consistency, if there
8 are any nuances or agency specific information that
9 should be included, and it's part of our vetting
10 process, when we sit down with a candidate, we
11 sometimes use the information that we know about a
12 particular agency to see how well we believe that
13 they would fair based on organizational culture.
14 Notwithstanding, we also provide an orientation with
15 the EEO Officers when they're brought on board. So,
16 our team--a team of seven--[laughs], they sit down
17 with the newly appointed EEO Officers and really
18 explain what the Charter requires, what their
19 obligations are under the law. It talks to them
20 about the level of resource that they could expect
21 from the Citywide Diversity and EEO Office. We
22 sometimes provide them with a bit of a tutorial with
23 respect to systems that we currently use, but we are
24 very hands-on.
25

3 CHAIRPERSON ROSENTHAL: Sorry. Just to
4 make it clear, I-I didn't quite hear you. They all
5 report directly to the Commissioner?

6 DEPUTY COMMISSIONER PINNOCK: Yes, they
7 do.

8 CHAIRPERSON ROSENTHAL: Okay.

9 DEPUTY COMMISSIONER PINNOCK: Yes, they
10 do. We also work directly with the EEO Officers in
11 terms of training. We provide a five-day intensive
12 course where we not only review EEO policy and
13 related employment laws and anti-discrimination laws,
14 we also take through the investigative process. We
15 provide them with guidelines with respect to the
16 investigative process, step-by-step instructions and
17 we do talk to them about matters relating to
18 reporting, because that is a significant portion of
19 their work handling complaints.

20 CHAIRPERSON ROSENTHAL: Sorry, and just
21 real quickly, will they all be given refresher
22 training with the new sexual harassment prevention
23 program that you've come up with?

24 DEPUTY COMMISSIONER PINNOCK: Yes, we
25 actually piloted this course withal the EEO Officers,
and the attorneys that we work with across the city.

3 The pilot was conducted in January, and then we had a
4 host of focus groups whereby we received comments.
5 You know, in some cases folks wanted something that
6 was a little more advanced. Some individuals thought
7 that it was spot on, and so we incorporated the
8 comments of our colleagues prior to finalizing on the
9 training.

10 CHAIRPERSON ROSENTHAL: Sorry, just real
11 quickly, how many agencies do not current-currently
12 have a vacancy in the EEO position?

13 DEPUTY COMMISSIONER PINNOCK: I don't
14 know off hand. I can certainly provide that
15 information, but also to your question relating to
16 are there some cases where an EEO officer may have
17 another hat? Yes. There are some cases specifically
18 for some of our smaller agencies where the HR lead is
19 also the EEO lead, but I can certainly provide any
20 known vacancy information.

21 CHAIRPERSON ROSENTHAL: Yeah, I'd love to
22 know that information. So, specifically, how many
23 wear two hats, and how many vacancies there are, and
24 how many filled positions there are? And-and
25 similarly, if you have a sense of turnover, are these
people who are-I don't know if you keep that

1 information, but turnover would be interesting to
2 know as well.

3
4 DEPUTY COMMISSIONER PINNOCK: Yes,
5 another hat that I wear is I oversee Human Capital.
6 So, we do have turnover information. So I can
7 certainly provide that.

8 CHAIRPERSON ROSENTHAL: So, can you—okay,
9 So, do you ever currently and—and again and, you
10 know, we're all just waking up—do you currently
11 survey city employees to measure the extent to which
12 they are familiar with the policy and that they're
13 knowledgeable about how to report an incident?

14 DEPUTY COMMISSIONER PINNOCK: We conduct
15 engagement surveys. However, that specific content
16 has not been included, and I'm happy that you
17 mentioned that because when we saw the bill relating
18 to the climate survey, we certainly think that the
19 current engagement survey that we have potentially
20 serves as a springboard for expansion where we could
21 potentially include that information.

22 CHAIRPERSON ROSENTHAL: And so, you—so,
23 you do climate surveys now around other aspects--

24 DEPUTY COMMISSIONER PINNOCK: Yes.

2 CHAIRPERSON ROSENTHAL: --of EEO. What
3 is the response rate overall or do some agencies--how
4 often are they sent around, and if you could get us a
5 sense of response rate, that would be really
6 interesting.

7 DEPUTY COMMISSIONER PINNOCK: I will
8 definitely provide specific on the sponsor rate, but
9 I would say overall we send out climate surveys
10 relating to engagement, which is the one that I just
11 talked to you about, but also relating to how
12 effective our training programs have been.

13 CHAIRPERSON ROSENTHAL: Yes.

14 DEPUTY COMMISSIONER PINNOCK: And so
15 generally the response rate loom over 50% so, the EEO
16 community tends to be very, very committed. This
17 work is not for the faint of heart, and so I-I can
18 certainly you with the phone number as well.

19 CHAIRPERSON ROSENTHAL: For the employees
20 are there certain titles that are required to get
21 sexual harassment prevention training or do all
22 employees get sexual harassment prevention training?

23 DEPUTY COMMISSIONER PINNOCK: Yes, at the
24 time that any employee with New York City is on-
25 boarded, part of your Onboarding Annual Employee

1
2 Orientation consists of training specifically on the
3 EEO Policy, and there's a specific section that
4 covers sexual harassment. Within that particular
5 training module we talk about what it means to be a
6 mandatory reporter. We outline the various ways in
7 which you could file a complaint. Whether you do
8 that anonymously, whether you do it in writing. We
9 also inform employees of their rights to submit a
10 complaint external to their agency if they feel a
11 need to do that. So, yes upon hire, every employee
12 receives it and every two years, the EEO training is
13 required across the city.

14 CHAIRPERSON ROSENTHAL: And how often is
15 the Climate Survey sent out?

16 DEPUTY COMMISSIONER PINNOCK: The Climate
17 Surveys really are tied. They more so project based.
18 We—we have not had a special schedule relating to
19 that.

20 CHAIRPERSON ROSENTHAL: Okay, great, and
21 is the—does the policy include separate reporting
22 requirements for managers or supervisors who should
23 be reporting on the incidents?

24 DEPUTY COMMISSIONER PINNOCK: Yes, the
25 EEO Policy there's an accountability Standard section

2 and specifically we talk about the role of managers,
3 supervisors and HR staff as mandatory reporters, and
4 so essentially it informs them of the fact that when
5 someone submits a complaint, or if they learn or
6 witness anything that they believe relates to
7 discrimination or harassment in the workplace,
8 they're required to share that information with and
9 EEO Officer. In turn, when that information goes to
10 and EEO Officer, the investigative process would be
11 initiated.

12 CHAIRPERSON ROSENTHAL: Has anyone ever
13 been reprimanded for not reporting?

14 DEPUTY COMMISSIONER PINNOCK: I'm not
15 aware of any cases where that has happened.

16 CHAIRPERSON ROSENTHAL: Okay. If they
17 were found not to report, what are the consequences?

18 DEPUTY COMMISSIONER PINNOCK: If it is
19 determined that they—and it's—it's found that they
20 have not reported, then correction action would
21 ensue. That could be something as—it could run the
22 gamut between a reprimand up into including
23 termination. It would really depend on the nature of
24 the complaint.

CHAIRPERSON ROSENTHAL: Okay, Great. No case. Sorry, I'm just making sure I'm hearing you. Tell me more about the third-party investigation process that the Law Department and DCAS does. When are there times when that process is not invoked, and what are the circumstances in which it is invoked?

DEPUTY COMMISSIONER PINNOCK: The circumstances within which the process is invoked is when there is a conflict of interest. Excuse me. Essentially, in an exceptional case whereby an agency head could be named as responding or they could be named as a witness or the EEO Officer themselves named as the respondent or witness, those matters would be referred to DCAS. As-as stated, we also work with our internal General Counsel's Office and the Law Department in working through the case, and then conducting the appropriate investigation. At the time that we have rendered a determination to share-excuse me-when we've made a determination we're ready to share, we then send that information to the referring agency's General Counsel's office for review and it is up to that's General Counsel's Office then to proceed with the corrective action. And so, I'm not aware of any cases in which that-that

1 process had not been invoked. I thin that our EEO
2 officers as well as their General Counsel's officers
3 at the various agencies they tend to be pretty
4 diligent about referring those cases that they
5 believe that there--that there's--there's a conflict of
6 interest that exists.
7

8 CHAIRPERSON ROSENTHAL: So, how many
9 times has it gone out of the agency in the last year.
10 Just even a sense of numbers, and how do you know
11 once it goes, the finding goes back to the General
12 Counsel whether or not the--the con--there are
13 consequences?

14 DEPUTY COMMISSIONER PINNOCK: Well, it's--

15 CHAIRPERSON ROSENTHAL: [interposing]
16 It's substantiated and what the consequences are?

17 DEPUTY COMMISSIONER PINNOCK: There
18 certainly is follow up with the agency with respect
19 to how the determination what, in fact, is adopted,
20 our General Counsel's Office along with the support
21 of the Law Department follow-up with the agency
22 directly to ensure that the corrective action has
23 been implemented. In terms of an actual number to
24 what you mentioned at the beginning of the hearing
25 we're still in a very intense and thoughtful process

3 with reviewing all of our complaint data, and
4 unfortunately, I don't have that number to share with
5 you today.

6 CHAIRPERSON ROSENTHAL: Do you find that—
7 I know the Equal Employment Practices Commission also
8 does audits and identifies corrective actions. Have
9 you ever collaborated with them or find-found, you
10 know, validating work that you do for each other?

11 DEPUTY COMMISSIONER PINNOCK: Certainly
12 we consider the EEPD as a partner. They audit us as
13 well, our HR function and our EEO function.

14 CHAIRPERSON ROSENTHAL: Okay.

15 DEPUTY COMMISSIONER PINNOCK: But we do
16 view them as a thought partner. So, there are times
17 when we do share information. There are times with
18 the EPC has called on us if there was information
19 they needed in the past.

20 CHAIRPERSON ROSENTHAL: Have they ever
21 called on you to work with the agencies to comply
22 with their recommendations?

23 DEPUTY COMMISSIONER PINNOCK: I'm unaware
24 of any cases.

25 CHAIRPERSON ROSENTHAL: Okay. Could you
talk a little bit about filing a complaint

1
2 anonymously? How would an employee know that they
3 could do that and how to do that?

4 DEPUTY COMMISSIONER PINNOCK: In the EEO
5 training that they receive at the time that they're
6 on-boarded, they are also informed of their rights to
7 submit an anonymous complaint. Additionally, as a
8 complement to the EEO policy, we've created a
9 handbook. It's called *All About EEO: What You May*
10 *Not Know*. It's written in a way that is very, very
11 simple, but it's still very impactful, and it-it
12 really emphasizes the appropriate ways to submit a
13 complaint. There's actually a list of steps for a
14 complainant if they're seeking to file where we
15 advise them, you know, on how to ensure that they
16 have dates, names, places, you know adding some
17 specificity to their complaints. That is laid out
18 for them. We also touch upon anonymous complaints,
19 and so we receive those complaints sometimes via
20 telephone or in writing, and once we review that
21 case, we then start our investigative process similar
22 to how we would even if someone were to come in
23 person.

24

25

3 CHAIRPERSON ROSENTHAL: Do you have
4 posters like that are posted around at an agency for,
5 you know, filing a complaint.

6 DEPUTY COMMISSIONER PINNOCK: No. I know
7 that we have the resources on every agency's Internet
8 site through the handbook, but certainly posters
9 could be something we could explore.

10 CHAIRPERSON ROSENTHAL: Okay, great.
11 Council Member Lander has a quick question.

12 COUNCIL MEMBER LANDER: Thank you, Chair.
13 I'm sorry. Yes, I have to—I have to run. So this—
14 this comes back to the Human Rights Law, and I
15 appreciate all this line of questioning and I'm eager
16 to follow up on what we—what we can do in city
17 agencies, but I—thank you guys for calling out some
18 of the—the really good advocates and supporters in
19 the crowd like our friends at Hollaback. Seeing our
20 friends from Planned Parenthood reminds me of a
21 question that I wanted to ask. A friend of my in the
22 St. Louis City Council passed a law specifically
23 prohibiting discrimination or harassment based on—on
24 reproductive choice and status, which then the
25 Missouri State Legislature preempted and killed, but
that's unfortunately Missouri. I wonder, you know,

1 is that covered—are we—are we covered? Is that
2 something you've heard anything about and we should
3 consider having covered? You know, this was a more
4 specific employment discrimination concern that women
5 who had had abortions or may reproductive choices
6 would face employer discrimination. Hopefully that's
7 not happening, but you could imagine a variety of
8 different ways in which both harassment and
9 discrimination might take place there, and I just
10 wonder do we consider that covered by gender
11 discrimination in the law currently? Is this
12 something you've heard anything about? Is this
13 something we need to pay more attention to in this
14 context?
15

16 COMMISSIONER MALALIS: We've heard about
17 the bill, and kind of conceptually and subject matter
18 wise there are many ways in which I think some of the
19 situations in which that type of discrimination would
20 manifest itself would currently be covered under our
21 law when you think of broadly gender-based
22 protections, but also specifically. You know, our
23 pregnancy accommodations provision speaks broadly to
24 pregnancy and to [background comments] pregnancy,
25 child birth, and related medical conditions, and

1
2 certainly it's one where we would take a look at the
3 legal enforcement guidance that we had released now
4 what? 2016. There are some of the situations I
5 think that would fall under, you know, some of the
6 circumstances you mentioned that we mention in our
7 Legal Enforcement Guidance.

8 COUNCIL MEMBER LANDER: Okay, and Council
9 Member Williams whispers in my other ear that he has
10 that he has that bill here in the New York City
11 Council. So, we don't have to look at Megan Green in
12 St. Louis for it. Okay, I'm glad that it's--that it's
13 introduced that we're looking at it together, and I
14 appreciate again all the--

15 DEPUTY COMMISSIONER PINNOCK:
16 [interposing] And child birth and related conditions--
17 -

18 COUNCIL MEMBER LANDER: --work you're
19 doing here. (sic)

20 DEPUTY COMMISSIONER PINNOCK: --are also
21 covered in the City's EEO Policy.

22 COUNCIL MEMBER LANDER: Great. Thank
23 you.

24 CHAIRPERSON ROSENTHAL: Thank you. You
25 know, in my--I want to welcome Council Member Jumaane

1 Williams to our hearing. In my first year in the
2 Council we were looking at gender discrimination in
3 the Fire Department, which—which seems to have its
4 challenges. Could you talk about the varying
5 organizational cultures across city agencies, you
6 know, Department of Sanitation, the Fire Department,
7 ACS, and is there consideration of those cultural
8 differences when you're providing information or
9 collecting information from the different agencies?
10

11 DEPUTY COMMISSIONER PINNOCK: Yes, we do
12 take that into consideration, and that's the reason
13 why our relationship with the EEO Officers is so
14 important. There have been times where in our best
15 practices meetings we've had discussions relating to
16 the impact that culture has on system harassment and
17 discrimination. As a result, we have worked directly
18 with some of our agency partners in terms of
19 developing webinars. We've also worked with them and
20 in some cases some of our larger agencies have
21 greater resources to do this where they also created
22 what they believe is agency specific training to
23 speak to some of those cultural differences. So,
24 while they use our EEO Policy or sexual harassment
25 information as a framework, they build upon that in

1
2 order to provide scenarios that are very specific to
3 their organizational culture.

4 CHAIRPERSON ROSENTHAL: Do you have
5 enough staff to spot check, to go to a fire station
6 and look at a locker room for example?

7 DEPUTY COMMISSIONER PINNOCK: As it
8 relates to our particular staff I would say no.
9 However, we do use our EEO officers, and also by
10 extension they had EEO liaisons that are sometimes
11 unit based or office based to ensure that we broaden
12 our network.

13 CHAIRPERSON ROSENTHAL: Do you know of-of
14 situations where they are spot checking in the Fire
15 Department. I use them as an example only because
16 they're an obvious one. Perhaps there are others as
17 well, but, you know, the information that I hear from
18 the female firefighters how, you know, the, you know,
19 the nude female calendars or, you know, inappropriate
20 language on the walls is horrific, and I'm just
21 wondering, you know, who's—who-how often that's look
22 at, whether it's looked at.

23 DEPUTY COMMISSIONER PINNOCK: I'm unaware
24 of any specific spot checks. However, I will tell
25 you that we've been working very closely with the

1
2 Fire Department in terms of enhancing the training
3 offering.

4 CHAIRPERSON ROSENTHAL: Okay, great. I
5 actually am going to ask Council Member Williams if
6 he's ready to ask questions, and I have a last
7 question for you, but I'd like to let him do his
8 thing.

9 COUNCIL MEMBER WILLIAMS: Thank you very
10 much, Madam Chair. Mine is more of a comment. I
11 just am sad that I have to be here and grateful for
12 the leadership particularly the women in the Council
13 for—for pushing this issue. Of course, Council
14 Member Rosenthal. You know, I myself just as a male,
15 I wanted to speak about being able to check my male
16 privilege to be able to listen to what was going on
17 particularly in this hearing, and this past hearing,
18 an #MeToo. I remember when we had a hearing around
19 street hails or street whistling I think it's called.
20 What's it called? Street harassment, yes. It was
21 eye-opening to me just again the privilege of males
22 sometimes you don't understand what the impact is. I
23 mean to hear a woman speaking about the impact and
24 from the time I guess maybe you were hitting puberty
25 to just go get some milk because a big hassle, and

1 then again hearing these stories as they came out,
2 they were doing two things that helped. One was
3 again my male privilege. Sometimes we have an
4 immediate reaction. That not be the best, and then I
5 also remember my experience as a black person and
6 taking about things that I had and the ways that you
7 have to survive as a black person at work, at school
8 going through society made me pause. And then
9 listening to young-to women I cared about around me
10 start describing what they had to go through, through
11 work and the things that just were appalling as I
12 heard it, and they spoke of it as-as something that
13 bothered them, but something they had to endure in
14 order to continue employing and moving up the ladder.
15 And, those things were just appalling to hear
16 repeated over and over and over as systemic thing
17 that is being accepted. So, I am, you know, proud to
18 be co-sponsoring one of these bills. I'm proud that
19 all of these things are now getting the light they
20 deserve. I think one of the big problems is that we
21 allowed it to hid in plains sight for way too long,
22 and so I-I'm glad to see that hopefully this might
23 provide some relief that people have experienced, but
24 more importantly hopefully and prevent people from
25

1 experiencing it even further, and so as I said in
2 the—in the press conference, there's just really—
3 there was no excuse before. There definitely is no
4 excuse now, and hopefully it's well to help push that
5 back. I want to highlight one thing that I read here
6 from Tyler Evens. I'm not sure if she's here. I
7 just happened to read it. She's 15 years old. She
8 goes to Brooklyn Tech, which is my alma mater. So,
9 it just struck me of not even have a thought through
10 high school just reviewing things that many people
11 may have thought was okay that wasn't, and so these
12 young people are bringing this up now. Just horrible
13 examples and of a teacher saying, Baby, turn me on to
14 her favorite male students. One teacher who is
15 better to give who is known to give better grades to
16 certain female students and touch their shoulders.
17 She had a great idea and she that they bring speakers
18 about bullying to the schools, that the students
19 really listen to, but none around sexual harassment,
20 and so maybe that's something that can also be put in
21 to schools as well. So, I just wanted to highlight
22 her experience here, but thank you, Madam Chair, and
23 I'm very excited that we're—we're doing this. I'm
24

1 sad that we have to, but I want to thank you for your
2 leadership and others in the Council.
3

4 CHAIRPERSON ROSENTHAL: Thank you,
5 Council Member Williams. Okay, I have to say this.
6 Council Member Williams, what I really appreciate
7 about you is you are currently the only Council
8 member who has pledged to support a woman following
9 you in the Council ensuring that a woman would get
10 elected, and given that there are only 11 of 51
11 Council Members who are women, we need more of our
12 colleagues to step up in the way that you have. So,
13 you've—you—you have cred with me.

14 COUNCIL MEMBER WILLIAMS: Well, thank
15 you. [laughter] I hope I—I hope I just didn't piss
16 off my other colleagues, but I'm excited we have
17 [laughter] a slew of candidates--

18 CHAIRPERSON ROSENTHAL: [interposing] I
19 don't care. Yes.

20 COUNCIL MEMBER WILLIAMS: --who are women.
21 So, I'm very excited and also I wanted to make sure I
22 wasn't equating my experience as a black person with
23 the experience of a woman. I just wanted to make
24 sure I put that out there but it was--
25

3 CHAIRPERSON ROSENTHAL: [interposing] I'm
4 walking the same tight rope.

5 COUNCIL MEMBER WILLIAMS: Thank you.

6 CHAIRPERSON ROSENTHAL: Thank you. Just
7 one more quick question for you Deputy Commissioner.
8 Could you describe how each agency or give us a sense
9 of the variety and how agencies keep track of
10 complaints, and I know you're working on it, but
11 could you just confirm for the record that you're
12 working on a central database where you would be
13 collecting the same information from every agency and
14 does this require new software or how does this work?

15 DEPUTY COMMISSIONER PINNOCK: So, prior
16 to Fiscal Year 2014, each agency really followed a
17 paper based complaint filing system. In Fiscal Year
18 2014, there was more an automated process put in
19 place. That being said, we are at a point where we
20 are trying to confirm that there's been consistency
21 with the youth, you know, of the system as well as a
22 consistency with the understanding of the various
23 categories within the system. So, that's part of our
24 overall review, and I'm sorry---I think that I forgot
25 your last question you asked.

3 CHAIRPERSON ROSENTHAL: That is the
4 change, what you already described.

5 DEPUTY COMMISSIONER PINNOCK: Okay, and
6 so we actually have created what could be a really
7 solid central or repository of information.

8 CHAIRPERSON ROSENTHAL: Yes.

9 DEPUTY COMMISSIONER PINNOCK: That is the
10 reason why we just need to go through this very
11 thorough review to ensure that there's a clear
12 interpretation of the policy that got use of the
13 system as well as the usage of the system.

14 CHAIRPERSON ROSENTHAL: Okay. Thank you
15 very much.

16 DEPUTY COMMISSIONER PINNOCK: Thank you.

17 CHAIRPERSON ROSENTHAL: Commissioner, if
18 I could just ask you very few questions because we've
19 already--

20 COMMISSIONER MALALIS: [interposing]
21 Sure.

22 CHAIRPERSON ROSENTHAL: --talked so much
23 together and you've already answered so much. You
24 mentioned that 117--there were 117 claims in 2017 and
25 that that that is an increase, and I know so much
work goes into addressing each complaint, but we also

1 know that it's probably a drop in the bucket compared
2 to what's out there. I'm wondering if you have the
3 resources that you need first to do a public educate-
4 education campaign, which I'm really excited about
5 and excited to learn more about and help with in any
6 way we can, but then, you know, should there be 500
7 complaints or a thousand complaints do you have the
8 resources that you need?
9

10 COMMISSIONER MALALIS: You know, there's
11 a few things I would say to that. One, you know, my-
12 in my previous life, so to speak, before heading the
13 agency, I was a lawyer who did employment law for a
14 living. I did employee related employment law
15 including, of course, sexual harassment related
16 claims, and having that experience I also know that
17 there are many reasons that people don't necessarily
18 come forward and file as an agency. Everyone's
19 experience I think is very unique--

20 CHAIRPERSON ROSENTHAL: [interposing]
21 Yep.

22 COMMISSIONER MALALIS: --and people's
23 situations and the vulnerabilities that people have,
24 the priorities that people have in their personal
25 lives are very distinct, and there are certainly many

1 situations in which rather than choosing to file at
2 an agency, which could be considered something of an
3 escalation, there are many times where employees will
4 with or without counsel speak directly to their
5 employer's HR Department or real (sic) officers or,
6 you know, take other methods or utilize other methods
7 in order to resolve other situations. For that
8 number also specifically as the Commissioner I would
9 say that there are many instances in which depending
10 on, you know, the needs of the complainants coming
11 forward, the Commission also tries to expedite some
12 types of cases, and in some situations that means not
13 even filing a complaint, but reaching out to the
14 employer, reaching out to the business and trying to
15 resolve that claim more expeditiously because the
16 circumstances demand it, frankly. So, I wouldn't-I-I
17 want to just be clear on what that metric may or may
18 not also be including. I think, of course, any
19 agency head would be happy to have resources. That's
20 all a wonderful thing to-to think about. Like I said
21 earlier, we are already planning a, you know, a
22 modest campaign on sexual harassment, on the City
23 Human Rights Law, and what it covers and on the-the

1 resources available at our agency that will be coming
2 out this spring.

3
4 CHAIRPERSON ROSENTHAL: Okay. By the way
5 does your office offer mediation services?

6 COMMISSIONER MALALIS: We do that. Yes.

7 CHAIRPERSON ROSENTHAL: Okay, apart from
8 those complaints filed with the--with your Commission
9 on Human Rights, do you have an idea of how many
10 sexual harassment complaints are filed in New York
11 City?

12 COMMISSIONER MALALIS: In New York City
13 in State Court?

14 CHAIRPERSON ROSENTHAL: No, the city.
15 Um, oh--

16 COMMISSIONER MALALIS: [interposing] So,
17 I'm--I'm--I'm just--so apart from the ones that are
18 filed at our agency, when you say complaints filed do
19 you mean in court, in Federal Court or State Court?
20 I'm just trying to clarify the question.

21 CHAIRPERSON ROSENTHAL: No, I appreciate
22 it, and I'm thinking of what the answer is.
23 Certainly yes for cases that may have gone that far
24 or that route, but perhaps there are other places
25 that collect this information that we're not thinking

1 about right now. The district on the--the Federal EEO
2 for example.
3

4 COMMISSIONER MALALIS: I'm not aware of
5 that--of that number.

6 CHAIRPERSON ROSENTHAL: Okay, so--

7 COMMISSIONER MALALIS: [interposing] I
8 think there--there is probably, you know, many
9 different ways of kind of slicing that--that--that cake
10 so to speak and depending on which, you know, which
11 units or which communities you're looking at. So,
12 I'm not aware of numbers beyond the stats that we
13 keep for complaints filed at the agency. I mean we
14 could also get back to you--

15 CHAIRPERSON ROSENTHAL: [interposing] I
16 mean is it in the--

17 COMMISSIONER MALALIS: We could--I'm happy
18 to get back to you on this.

19 CHAIRPERSON ROSENTHAL: Of course, of
20 course. It's just sort of an interesting thought
21 that there are other places out there that might be
22 collecting this information that we could tap into
23 and know about to make sure that we're--yeah, to know
24 for example, you know, the impact of your education
25 program. Perhaps if there were some other place

1 that's collecting this information we would want to
2 see the numbers go up, or go down or we would just
3 want to see what direction they go in.
4

5 COMMISSIONER MALALIS: So, there's--there
6 are a few different venues that might be available to
7 people including the New York State Division on Human
8 Rights, and then the Federal EEOC, which has offices
9 in New York City. One question, though, that--that--
10 that I don't know, and we can get back to you on is
11 whether they actually publish data specific to the
12 five boroughs, or if they--

13 CHAIRPERSON ROSENTHAL: [interposing]

14 Yes.

15 COMMISSIONER MALALIS: --as--as the
16 Commissioner said, sort of slice it in different
17 ways, but we can look into that and also State Court
18 and Federal Court that might be litigating under our
19 law and using our broad standard, but we would not
20 see that at the Commission.

21 CHAIRPERSON ROSENTHAL: I really
22 appreciate it. You totally answered my question
23 because I think their number was 7,000 Federal EEOC,
24 and I had no context of what that was. So, thank
25 you. I really appreciate your expertise, and looking

1
2 at that. I think that's it for me. Do you have any
3 other questions?

4 CHAIRPERSON EUGENE: Probably one or two
5 questions because I remember that you mentioned that
6 they are training available for the staff. Is that
7 correct in the training? [background comments,
8 pause] Commissioner--

9 COMMISSIONER MALALIS: Trainings for the
10 staff?

11 CHAIRPERSON EUGENE: What are the
12 trainings--yeah, training available--

13 COMMISSIONER MALALIS: [interposing] So
14 there are a few different types of trainings--

15 CHAIRPERSON EUGENE: What type training--

16 COMMISSIONER MALALIS: Sure.

17 CHAIRPERSON EUGENE: --available for the
18 staff for the supervisors in the Human Right
19 Commission in order for them to be able and prepared
20 to address the harassment issues?

21 COMMISSIONER MALALIS: Right, so--so agency
22 heads have the discretion to mandate trainings for
23 their staff. We currently have several trainings
24 internally that are mandated for all of my staff,
25 which include Human Rights 101 Training that's for

1
2 all employees so that everyone since we are the
3 Commission on Human Rights have a good understanding
4 as to what the law covers. We have language access
5 training, Transgender 101 working with Transgender
6 People in their communities, working with people with
7 disabilities, working with victims of domestic
8 violence, sexual harassment in the workplace,
9 conflict of interest training, computer based EEO
10 training, Diversity and Inclusion, Everybody Matters,
11 the DCAS training as well as the Unconscious DCAS
12 Training.

13 CHAIRPERSON EUGENE: In term of training,
14 you know, to address the sexual harassment, how many
15 times that take place? How often they take place?
16 Is that the monthly, annually? [background comments]

17 DEPUTY COMMISSIONER PINNOCK: Well,
18 sexual harassment training is covered in the City's
19 EEO Policy.

20 CHAIRPERSON EUGENE: Uh-hm.

21 DEPUTY COMMISSIONER PINNOCK: So, every
22 employee receives that training upon hire, and then
23 every two years thereafter as a refresher.

24 COMMISSIONER MALALIS: And within my
25 agency it's annually every year.

1
2 CHAIRPERSON EUGENE: But how do you
3 measure? Because every time that we are doing
4 something with that—in this area, we ought to take a
5 moment to evaluate, to quantify, you know, the
6 effects of the benefit of the success of what we are
7 doing. How do you evaluate the effectiveness of
8 those trainings?

9 COMMISSIONER MALALIS: Well, one I think,
10 you know, we—so every year we are re-examining our
11 EEO plan, and we're re-releasing an EEO Plan to
12 agency staff, and the REO Plan has a statement of
13 diversity principles. It has a statement of, you
14 know, what we want in terms of our aspiration for
15 diversity and inclusion within the agency, the
16 statement as to who are the different EEO officers
17 are within the agency, in my agency, the head EEO
18 Officer is also my Chief of Staff, and that is meant
19 to communicate the importance to which we put on this
20 issue, and so part of the—the process of doing that
21 annually is to receive feedback from staff members.
22 Everyone knows when [coughing] I would send it out
23 that they are able to approach me or any number of
24 the other people that are identified as EEO members
25 within my staff so that they can talk to them about

1 any interests or concerns or—or additions that they
2 would want to make to anything in our Diversity Plan.

3
4 CHAIRPERSON EUGENE: Thank you.

5 DEPUTY COMMISSIONER PINNOCK: And there
6 are also quarterly updates made to those annual plans
7 of the Commissioner.

8 CHAIRPERSON EUGENE: Thank you very much.
9 Let me ask my last question very quick. First—first
10 of all, let me thank you, you know, all the members
11 of the panel for the effort that you have been doing
12 to address this very, very important issue we are all
13 concerned about. But if you have to do something
14 more than what you are doing right now to better
15 address the issues of sexual harassment, like what it
16 would be? Or, let me put it in another way because
17 my father usually said that my son, there's no
18 perfection. There is no perfection. We—every time we
19 got to re-evaluate what we are doing in improving and
20 do more to reach our goal, what do you believe that
21 should be done from your institution and together
22 with the City Council what can we do as a city, as a
23 society to ensure that we can decrease. Because one
24 of the things also we observe the—there—there was an
25 increase of the complaint for sexual harassment. So,

1 I don't know how we interpret that. What is--what is
2 the take on that, but what can we do to decrease the
3 number sexual harassment or what is the biggest
4 challenge for you in your effort to address the
5 sexual harassment?
6

7 COMMISSIONER MALALIS: I think, you know,
8 the reality is in a city of more than 8.5 million
9 there's not a one-size-fits-all approach. It's
10 roughly one of the reasons we held our hearing on
11 December 6 and we wanted diversity of different
12 industries and workers and workers' advocates
13 represented because we wanted to hear, you know,
14 there are certain industries in which people are very
15 isolated, and so the challenges they face are
16 specific to that type of isolation. There are
17 certain industries that are considered non-
18 traditional professions for women, and there are
19 certain challenges that they face. There are certain
20 challenges faced by domestic workers, by immigrant
21 workers, by LGBTQ workers, and so, you know, I keep
22 mentioning this report that we're putting out in
23 April. It is really meant to think through the
24 diversity of different industries and work places
25 that we have in New York City. It certainly would

1 not be able to cover every single industry, every
2 single workplace because we are New York City, but it
3 is meant to cover many of the—of the different types
4 of experiences at least that were raised earlier in
5 testimony at that hearing. And I think, you know, I
6 think, too, working with all of the different city
7 partners, whether it's business or schools or houses
8 of faith or the City Council, and helping folks be
9 introspective about, you know, how they can be
10 including best practices in their own places of
11 employment is a very important thing, And that's
12 something that we try to do daily, you with the work
13 we do especially with the Community Service Centers
14 we have in each one of the boroughs and in the policy
15 work that we do at the agency. So, I think there are
16 a variety of ways in which we are still, you know,
17 hearing experiences, thinking through what are the
18 best ways of—of recognizing and addressing the
19 situations, and I imagine—my—my great hope as Chair
20 Rosenthal had said earlier in the hearing was that,
21 you know, what—what the city is doing right now is a
22 beginning, and that there will be more conversations
23 to be had. There will be more conversations and
24

3 experiences to be aired, and I'll leave it to my
4 colleague to--

5 DEPUTY COMMISSIONER PINNOCK: Thank you.

6 There are a few things that we are actually
7 considering now, and one of the first is really to
8 create better synergy between our EEO and our HR
9 Leads. There are often times when there are
10 complains that come into an EEO officer that are more
11 appropriate for our HR Lead to handle. Also, there's
12 data that the two can really share to really drill
13 down to see where you're receiving the most
14 complaints. Is it indicative of the culture of this
15 particular department? Has there been a shift in
16 leadership? Has there been some kind of
17 organizational change that's contributed to some of
18 the data we're seeing. So, I definitely think
19 creating that synergy, which is something we're
20 actively working to do, having the EEO team and the
21 Human Capital team work together at DCAS is a model
22 that we really want to share and a model for the
23 entire city of New York. Also, we would like to
24 explore streamlining some of our reporting
25 requirements. Currently, the Charter requires that
individual agencies send their data to the EEOC, the

1 Council and the Mayor's Office. We believe that
2 since we provide a citywide function, it's—it's a far
3 better service if we're able to provide all of that
4 information for our city partners where there would
5 just be one file. So, we're all speaking from the
6 same place as it relates to any complaint data that
7 we receive. And lastly, you know, and this is really
8 my pitch for the EEO Officers, they work extremely
9 hard, and so, we're trying to think about ways I
10 which to better support them at the time that they
11 are on-boarded providing them with more information
12 about the agency, really holding their hands a little
13 bit as they get acclimated to their respective agency
14 to ensure that we're increasing the tension within
15 that group, but also that they know that every step
16 of the way since they serve as the eyes and ears that
17 we are here to support them.

19 CHAIRPERSON EUGENE: Thank you very much
20 to all of you, and thank you also for the wonderful
21 job that your institutions are doing to address the
22 sexual harassment issue, and we in the City Council
23 we are dedicated to work together with you because we
24 are part of the same team. We are all in this
25 together.

2 COMMISSIONER MALALIS: Thank you.

3 CHAIRPERSON EUGENE: Thank you so very
4 much. Thank you, Madam Chair.

5 CHAIRPERSON ROSENTHAL: Thank you. I'm
6 not sure I agree with you about the—curtailing the
7 data reporting. So, it's going to be really
8 interesting to talk about and follow up with, and
9 we're going to hear next from the EEPC. So, I'll be
10 curious to know their thoughts about that, but I very
11 much appreciate what you're saying in terms of there
12 being so much data and sort of, you know, who's
13 looking at, who's analyzing it? Is it consistent
14 across the city.

15 DEPUTY COMMISSIONER PINNOCK: I think
16 we'd love to work with you on that.

17 CHAIRPERSON ROSENTHAL: Great. So,
18 Deputy Commissioner Pinnock, really appreciate your
19 time.

20 DEPUTY COMMISSIONER PINNOCK: Thank you.

21 CHAIRPERSON ROSENTHAL: Commissioner
22 Malalis, Deputy Commissioner Sussman, thank you so
23 much for coming. We really appreciate your time.

24 COMMISSIONER MALALIS: Thank you.

1
2 CHAIRPERSON ROSENTHAL: Next, we are
3 going to call up the Equal Employment Practices
4 Commission. So Charise Terry, Elaine Reiss, J.
5 Patrick Boyle, and Alicia as well, and I apologize if
6 I just butchered your name. [pause] So, if the
7 reporters could take it out in the hall, and if we
8 could--so if the reporters could take it out in the
9 hall, and we could hear now from the EEPC, and I'm
10 hoping that someone from City Hall stays back, and
11 will hear the rest of today's--will be here for the
12 rest of today's hearing. Alright. Okay.

13 ELAINE REISS: Is it on? I think it is.

14 CHAIRPERSON ROSENTHAL: So, yes. Could
15 you please introduce yourselves and start, and if
16 it's alright only because of the lateness of the day,
17 I'm going to put everyone on the clock. I'm sorry.
18 We're going to start with--and this is generous. I
19 know you're not going to feel that way, but we're
20 going to start with three minutes each, and then a
21 little later we're going to switch down to two, and I
22 apologize for that, but just so everyone gets ready,
23 and I know that the questioning from Council members
24 will be less. So, don't--thank you everyone for your
25 time. If you could start Commissioner Reiss.

1
2 COMMISSIONER REISS: [interposing] I want
3 to start by thanking Council Member Rosenthal and
4 Council Member Eugene for the invitation to come and
5 talk to you today. I want to thank you, Council
6 Member Rosenthal for bringing your staff over and
7 trying to learn about what the EEPC does. I want to
8 thank you as well for sharing the legislation with
9 you, and having read it, and after our explanation
10 today, you will discover why I for one think we need
11 to work with you on the legislation because we do
12 think some of it is duplicative and redundant on what
13 we already do and what we already have been doing for
14 a while. And I do want to for the record to once
15 more make the offer that we did the other day, which
16 is to say we would like to meet with all of the new
17 Council Members to explain what the EEPC does, and
18 with—I'm—I am finished now. I am a Commissioner of
19 the EEPC. I am a Mayoral appointee. You will
20 understand better what that means in about half a
21 second. [laughter]

22 CHARISE TERRY: [off mic] Good afternoon,
23 Chair. [background comments, pause] There you go.
24 [on mic] Good afternoon, Chair Rosenthal and Chair
25 Eugene. My name is Charise Terry. I am the

1 Executive Director of the Equal Employment Practices
2 Commission, and I'll just jump right into my
3 testimony. You can introduce yourself when you
4 present testimony. The Commission--this Commission
5 represented by Elaine Reiss appears before you today
6 to present testimony on its role in instituting best
7 practices and policies for the prevention of sexual
8 harassment in city government. Created by the New
9 York City Charter, the Equal Employment Practices
10 Commission is an independent non-mayoral agency
11 empowered to monitor and evaluate city agencies to
12 ensure that they maintain effective Equal Employment
13 Opportunity or EEO for employees and applicants from
14 protected groups. Agencies which fall under this
15 commission's jurisdiction are those that are funded
16 in whole or in part by the city Treasury, those which
17 the majority of the Board members are appointed by
18 the Mayor, or those which the majority of the board
19 members serve by virtue of being city officers. In
20 order to promote Equal employment opportunities,
21 Chapter 36 of the City Charter authorizes the EEPC to
22 monitor the coordination of Affirmative Employment--
23 Employment Program established by the city; monitor
24 the employment policies, programs, practices of city
25

1 agencies; ensure compliance with the city's Human
2 Rights Law, State and Federal Anti-Discrimination
3 Laws and the EEPIC standards and propose polity-policy
4 legislative and/or regulatory recommendations to the
5 Mayor, New York City Council and the Department of
6 Citywide Administrative Services. Chapters 35 and 36
7 of the New York City Charter assigns to the EEPIC
8 powers and duties geared towards the maintenance of
9 Equal Employment Opportunity programs, which include,
10 but are not limited to reviewing and providing
11 suggestions on the Uniformed Standards, procedures
12 and programs with DCAS as well as the plans adopted
13 by the city agencies, auditing and evaluating the
14 programs, policies and procedures of city agencies
15 and their efforts to ensure fair and effective equal
16 employment opportunity at least once every four
17 years. I'll go forward a bit. Making policy and
18 legislative and budget-budgetary recommendations to
19 the Mayor, City Council, DCAS and city agencies as-as
20 deemed necessary to ensure equal employment
21 opportunity within the city of New York, and
22 requesting and receiving from any city agency
23 information and such assistance as my be necessary to
24 carry out the provisions of this charter. To
25

2 effectuate the aforementioned provisions, the City
3 Charter assigns the board of five per diem Commission
4 members. The board is comprised of two appointees
5 from the Mayor, two from the City Council and the
6 chair is jointly appointed by the Mayor and the
7 Speaker of the Council who all serve in staggered
8 four-year terms. This arrangement is intended to
9 ensure balance [bell]

10 CHAIRPERSON ROSENTHAL: Even with that,
11 we're going to go off the clock. That's alright.
12 Keep going because I see now that you've split it up.
13 So--

14 CHARISE TERRY: Right. Oh, yeah.

15 CHAIRPERSON ROSENTHAL: If you could put
16 it--look at your testimony. If you could sum it up in
17 some way.

18 CHARISE TERRY: Right.

19 CHAIRPERSON ROSENTHAL: Thank you.

20 CHARISE TERRY: This arrangement is
21 intended to ensure balance in installation from
22 political influence and facilitate exercise of
23 jurisdiction over the employment practices of mayoral
24 and non-mayoral agencies as well as the Offices of
25 elected officials and political appointees. Sexual

1 harassment impacts employment decisions and
2 unreasonable interferes with the work performance
3 thereby creating a barrier to equal employment
4 opportunities. The City Charter authorizes the EEPC
5 to audit and evaluate the employment practices and
6 procedures of city agencies and their efforts to
7 ensure fair and effective equal employment
8 opportunity for females and minority group members.
9 Thus, the EEPC has developed audit protocols that
10 focus on the prevention of and protection from sexual
11 harassment. I am going to skip forward just to save
12 time. Today, we have personnel from the EEPC's
13 Research Unit and Audit Units to describe the role
14 that EEPC has and will assume in addressing the
15 prevention of sexual harassment in New York City
16 government via its audit mandates. [background
17 comments, pause]

19 PATRICK BOYLE: Good afternoon. My name
20 is Patrick Boyle, Director of Research Initiatives
21 and Public Hearings of the EEPC's Research Unit. In
22 2018, the Equal Employment Practices Commission
23 commenced its audit plan using Sexual Harassment.
24 Prevention Audit, SHPA. In preparation for this type
25 of audit, the EEPC has requested citywide complaint

3 information from the Department of Citywide
4 Administrative Services, Office of Citywide Diversity
5 and Equal Employment Opportunity. The EEPC also
6 request from an agency during its audit a breakdown
7 of the number of and types of discrimination
8 complaints filed internally and externally. This
9 audit is intended to prepare agencies to address
10 potential issues involving sexual harassment.
11 Failure to carefully strap--carefully cap--craft
12 strategies preventing the occurrence of sexual
13 harassment or the inability to manage complaints that
14 may be filed as a result of an incident are costly
15 not only in terms of financial resources, but also
16 the detrimental effects resulting in a hostile
17 workplace, cultural discord and negative public
18 image. The SHPA will assist agencies with
19 implementing corrective actions intended to ensure
20 compliance with federal, state and local laws. They
21 have the standard EEPC Audit process. In addition,
22 the audit can provide agencies with insight
23 identified by the EEPC and guidelines proposed by
24 authorities such as the EEOC and State Division of
25 Human Rights. The SHPA framework examines a series
of equal employment intertwined components. As

1 sexual harassment prevention initiatives must remedy—
2 must remedy a systemic disruption of the workplace.
3 These components span the entirety of the workforce
4 structure. Senior leadership, human resources
5 departments, equal employment offices, learning and
6 development functions, managers and most importantly
7 the individual employees all play vital roles in the
8 prevention and protection initiative. The initial
9 component focuses on the former sexual harassment.
10 Policy that is set forth by the organization. The
11 policy must contain certain elements that define the
12 issues and procedures while clarifying roles and
13 responsibilities of every employee. This policy
14 should include the obligation to report incidents,
15 how to file complaints and, transparent investigatory
16 processes as well as potential disciplinary actions.
17 The next component focuses on the importance of
18 leadership action. For successful sexual harassment
19 prevention initiatives, leadership must commit to
20 assigning the required resources e.g. time, budget
21 and labor resources, et cetera. This includes
22 effective communications to management and other key
23 stakeholders about the value of leadership
24 accountability and constant vigilance to identify
25

1 potential risk. This vigilance requires cultural
2 awareness and a commitment to workforce data
3 analysis. Another component examines the available
4 sexual harassment reporting and tracking system. The
5 ideal process has guidelines in place that assist
6 complainants and investigators through the process in
7 a timely well documented and efficient manner. Given
8 the sensitive nature of reporting these events, a
9 procedure that guarantees expedience,
10 confidentiality, and anonymity when requested for the
11 complainant or whistleblower might be just--

12
13 CHAIRPERSON ROSENTHAL: [interposing] If
14 I could ask you to wrap up. We have your testimony
15 and--and you should know this as well, we have it for
16 the file. If you'd just hit the--the main punchlines,
17 we'd appreciate it.

18 ALICIA: [off mic] Good afternoon. Good
19 afternoon. My name Alicia Duel (sic), the Manager of
20 EEO Analysis in the EEPC Audit Unit. I didn't turn
21 on my mic. Can you hear me, in the EECP Audit Unit
22 and I will be concluding the testimony. The EEPC's
23 Audit Unit consists of one manager myself and four to
24 five EEO Program analysts. The EEO Program Analysts
25 administer audits and serve as a resource to the EEPC

1
2 Executive Director and board members for any audit
3 findings and conclusions. This section is about our
4 powers. So, I'll just skip down to during that SHPA
5 and EEO, program analysts will review and examine
6 the complaint and investigation component of an
7 agency's EEO program to ascertain whether the agency
8 has established meaningful and responsive procedures
9 for receiving and investigating sexual harassment
10 complaints. The agency's complaint tracking and
11 monitoring system, the number and types of sexual
12 harassment complaints. The agency's—the agency has
13 received the ability to—of personnel to—I'm sorry.
14 The ability of personnel dedicated to complaint
15 intake and investigation, redacted complaint files
16 and supporting documentation that demonstrates
17 complaints are—were investigated and determination
18 was made and remedial action was documented and the
19 roles and responsibilities of the EEO personnel, the
20 agency counsel and the agency head in complaint
21 investigation procedures. [background comments]

22 CHAIRPERSON ROSENTHAL: Okay, this is
23 amazing, just amazing. I mean and what you were just
24 talking about could you—so, and I know you collect
25 this information for reports that are sent around,

1 but would you be a source of information to know how
2 many complaints were filed, sexual harassment
3 complaints were filed last year or the year before--
4 the year with most--

6 COMMISSIONER REISS: I suspect where the
7 response will be after we've continued, we complete
8 the analysis of all of the agencies, and I think as
9 we have stated to you privately, we do a quarter of
10 them annually. We are beginning the sexual
11 harassment, and if you will, analysis, and so four
12 years from today we can tell you that what we hope we
13 can tell you next year as we look at it is what the
14 report is for a good third of the workforce within
15 the city, which is what we're trying to do with
16 putting together our--what agencies we're going to
17 look at next year. Am I correct?

18 CHAIRPERSON ROSENTHAL: Right. I
19 appreciate that. Help me understand why it--what it--
20 the--the depth of what you're doing so that it will
21 take four years to answer the question.

22 COMMISSIONER REISS: Because we go
23 through each--we do it by going through--we do 35
24 agencies a year. So, our numbers would only be, and
25 remember it is what has happened as opposed to what

1 might happen. It's not current. It's just historic.
2 We, therefore, will be able to tell you as to last
3 year what happened in the 35 agencies we looked at,
4 and therefore, what—for the term we look at it. So,
5 we look at it for I guess—is it a two-year term or a
6 three-year term?
7

8 CHARISE TERRY: I'll answer that. I'll
9 try to answer it a little

10 CHAIRPERSON ROSENTHAL: Look, I know this
11 is a kind of—what I like is I know you're thinking
12 hard about it—

13 CHARISE TERRY: Right.

14 CHAIRPERSON ROSENTHAL: --and that you
15 understand that it's multi-faceted. Okay.

16 CHARISE TERRY: So, in 2014 and 2015 as
17 we discussed, the EEPD conducted discriminate—an
18 audit called the Discrimination Complaint and
19 Investigation Procedures Audit. Back then we
20 received aggregate data from the Department of
21 Citywide Administrative Services, which you spoke to
22 day. Since they are currently mining the data and I
23 guess maybe speaking with agencies on how their—the
24 data is being reported as Dawn Pinnock testified to,
25 the information that we received—we've received since

2 then because we don't receive the information in
3 aggregate from DCAS any more has been from individual
4 agencies doing an audit. So, that's why Commissioner
5 Reiss got it saying that--

6 CHAIRPERSON ROSENTHAL: The last time you
7 got an annual summary, was to-for-was for

8 CHARISE TERRY: [interposing] Was 2014.

9 CHAIRPERSON ROSENTHAL: 2014, and is that
10 calendar year or a fiscal year?

11 CHARISE TERRY: A fiscal year.

12 CHAIRPERSON ROSENTHAL: Okay, do you
13 happen to remember what the number of sexual
14 harassment complaints were citywide, and-and while
15 Patrick is looking that up, do you-do you think that
16 data systems are in place with the city agencies in
17 between the agencies and DCAS or the agencies and you
18 to report this information almost, you know, in a-as
19 it's happening fashion or do those data systems not
20 exist yet?

21 CHARISE TERRY: Usually what-what we
22 found back then was that every city agency well
23 mayoral agency I should say--

24 CHAIRPERSON ROSENTHAL: [interposing]
25 Right.

3 CHARISE TERRY: --reported to--to DCAS
4 like through a quarterly system of reporting.

5 CHAIRPERSON ROSENTHAL: And that
6 quarterly system was everyone is using the same type
7 of spreadsheet that can talk to each other or--?

8 CHARISE TERRY: First it was done by a
9 spreadsheet, and then there was an electronic--
10 electronic system that was developed that allowed
11 agencies to log on and--and log in the information.
12 However, that is the system that is currently being
13 checked.

14 CHAIRPERSON ROSENTHAL: Got it so the
15 most recent system is one where every agency can log
16 in, submit their numbers?

17 CHARISE TERRY: Right.

18 CHAIRPERSON ROSENTHAL: And when was the
19 last year that they were doing spreadsheets. Do you
20 remember? You don't have to remember.

21 CHARISE TERRY: 2015. Right.

22 CHAIRPERSON ROSENTHAL: Okay. [background
23 comments] Okay.

24 CHARISE TERRY: Right that's when we
25 received the last spreadsheet.

2 CHAIRPERSON ROSENTHAL: Got it, right for
3 2014.

4 CHARISE TERRY: Okay, and so do you wan
5 to--

6 CHAIRPERSON ROSENTHAL: [interposing] Do
7 you have access to that data portal where they are
8 entering--agencies are entering the information?

9 CHARISE TERRY: The EEPC has requested
10 access.

11 CHAIRPERSON ROSENTHAL: You have. That
12 was going to be my next question. So you think you
13 should have access to that portal?

14 CHARISE TERRY: Absolutely. Yes.

15 CHAIRPERSON ROSENTHAL: Right.

16 CHARISE TERRY: We've requested access,
17 and so we are waiting on the access.

18 CHAIRPERSON ROSENTHAL: Could you submit--
19 has--was that request made orally or in writing?

20 CHARISE TERRY: In writing.

21 CHAIRPERSON ROSENTHAL: In writing.
22 Could you submit for--for our records--

23 CHARISE TERRY: [interposing] Sure.

24 CHAIRPERSON ROSENTHAL: --that request?

25 CHARISE TERRY: Sure.

3 CHAIRPERSON ROSENTHAL: Okay, thank you
4 very much.

5 CHARISE TERRY: Because I think that we
6 have the number that you asked for.

7 CHAIRPERSON ROSENTHAL: Oh, thank you.

8 CHARISE TERRY: Patrick.

9 PATRICK BOYLE: So, the last reports that
10 we received were quarterly reports, and we received
11 three of them. So, the best we could do was pull
12 together the three-quarters and give you the summary,
13 and a three-quarter total for Q2-2015 to Q4-2015, was
14 78 total sexual harassment complaints filed.

15 CHAIRPERSON ROSENTHAL: So, I'm sorry.
16 Could you just repeat that one more time?

17 PATRICK BOYLE: Sure.

18 CHAIRPERSON ROSENTHAL: I heard up to
19 CUNY.

20 PATRICK BOYLE: So, Q2 to Q4 of Fiscal
21 Year 2015 is the data that we have. During that
22 three-quarter period there were 78 sexual harassment
23 complaints filed.

24 CHAIRPERSON ROSENTHAL: For what
25 agencies?

PATRICK BOYLE: For all agencies.

2 CHARISE TERRY: That's an aggregate.

3 PATRICK BOYLE: That's an aggregate.

4 CHAIRPERSON ROSENTHAL: An aggregate all
5 mayoral.

6 CHARISE TERRY: According to the
7 information and-and-and right. This is-this mayoral
8 agency specifically.

9 PATRICK BOYLE: Uh-hm.

10 CHAIRPERSON ROSENTHAL: Right, so we're
11 not including NYCHA. We're not including H&H. Does
12 it include SCA?

13 CHAIRPERSON ROSENTHAL: Including the
14 DOE.

15 CHAIRPERSON ROSENTHAL: I was just going
16 to ask are the DOE and SCA not included. Okay, so,
17 is it-do you-how-how-would the EEPC have a sense of
18 whether or not the systems in place at agencies are
19 conducive to employees making a complaint? Does that
20 wait for an audit for that to happen or do you have
21 other mechanisms for looking at that?

22 CHARISE TERRY: So the City Charter Chap-
23 Chapter 35-

24 CHAIRPERSON ROSENTHAL: Uh-hm.

25

3 CHARISE TERRY: --dictates that city
4 agencies should submit an agency specific plan on
5 their efforts to implementing Equal Employment
6 Opportunity as well as quarterly reports on their
7 quarterly efforts to implementing the plan.

8 CHAIRPERSON ROSENTHAL: Efforts meaning
9 like a qualitative report?

10 CHARISE TERRY: It's qualitative and
11 quantitative. So, that report would have data that
12 indicates whether or not employees were trained. It
13 would have whether or not they hired any EEO staff.
14 All of the efforts that they've taken to implement
15 whatever the EEO plan was for that year.

16 CHAIRPERSON ROSENTHAL: Do any--

17 CHARISE TERRY: [interposing] That's also
18 the data--excuse me--that's also the--the report that
19 would include the complaint information.

20 COMMISSIONER REISS: Councilwoman
21 Rosenthal, I think you're asking a rather difficult
22 question, and I don't think we can really respond to
23 it, and that is that while we will audit what the
24 rules require, I don't think we can really audit
25 culture and the cultural change that this hearing is
trying to bring about.

1

CHAIRPERSON ROSENTHAL: Uh-hm.

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COMMISSIONER REISS: And so, we can tell you what we will discover with the data. We can tell you what—what standards are in place. We can tell you the number of people who complained. We cannot tell you the number of people who did not complain. We cannot tell you the number of people who felt that if they came forward to complain, that no one would listen. We can't—what we do is really assess the data, and even though we look at it, qualitatively, what we can't tell you about is what's not there.

CHAIRPERSON ROSENTHAL: And do you think that your commission should have the responsibility to do that? In other words, to do a climate survey?

COMMISSIONER REISS: I'm—this Commission has conducted surveys in the past not specifically on sexual harassment. However, a part of the survey was concerning whether or not sexual harassment training was done? It was under the—the question about EEO training in general.

CHARISE TERRY: Okay, it's very difficult for us. Why? Because we have 14 people.

CHAIRPERSON ROSENTHAL: Because you have 14 people?

1
2 CHARISE TERRY: And we—and right and our
3 headcount was recently—with the last let's say five
4 years we increased it—we increased to 14. The
5 Manager of the Audit Unit, as she just said, it's her
6 and about 4 to 5 analysts. So, it's much more
7 difficult for us to do a survey because we need
8 cooperation from the agency and, you know, agencies
9 don't always like to cooperate during an audit.

10 CHAIRPERSON ROSENTHAL: But according to
11 the Charter, they have to, is that right?

12 CHARISE TERRY: Correct. We try to make
13 them—with the cooperation.

14 COMMISSIONER REISS: [interposing] That's
15 right, but they have--

16 CHAIRPERSON ROSENTHAL: [interposing]
17 Just wanted that for the record.

18 COMMISSIONER REISS: --but they have
19 their own problems. For example, the Parks
20 Department, just use it as an example. How are you
21 going to survey them? They don't have computers. As
22 much as we would like to believe everybody does.
23 There isn't really the central location. We've
24 looked at it as being—I mean there—there's several
25 different problems differing with who the employees

1
2 are and how you—how you would get the response. So,
3 I—I'm not making excuses--

4 CHAIRPERSON ROSENTHAL: [interposing]

5 Well, and another problem with part—

6 COMMISSIONER REISS: [interposing] I'm
7 not making excuses for anybody. I'm just indicating
8 that we could undertake to do it. That doesn't mean
9 our response rate will be depending on the—on a
10 particular agency we might have trouble with it, and
11 we could do it now. I mean we could—we have the
12 authority. It isn't—I don't think that's the issue.

13 CHAIRPERSON ROSENTHAL: Yep.

14 COMMISSIONER REISS: And we are auditing.
15 We have created because—we, too, know about the
16 #MeToo movement. We have created a sexual harassment
17 survey, if you will, or a mechanism to look at
18 throughout the agencies. It's just based on the way
19 we function will take us four years to know the
20 entire city's employment base.

21 CHAIRPERSON ROSENTHAL: You know, it's
22 interesting that you bring up parks. Many of their
23 workers are contracted workers, which adds another
24 layer.

3 CHARISE TERRY: so I must put for the
4 record Commissioner, I must say that we audit about
5 35 agencies per year, sometimes more. I anticipate
6 that with the new abbreviated sexual harassment audit
7 we would be able to do that audit faster because it's
8 more specific than looking at all of the complaints
9 that agencies may have and that will be—we will be
10 implementing that audit for our 2018 to 2020 Audit
11 Protocol or Audit Plan and Protocol.

12 CHAIRPERSON ROSENTHAL: Have you—I'm
13 pretty sure that this is in your purview—have you
14 looked at the ne training modules that CCHR and DCAS
15 were talking about.

16 CHARISE TERRY: We looked at the new DCAS
17 Training Module yes.

18 CHAIRPERSON ROSENTHAL: I guess it was
19 just issued yesterday. So, I think we had like--

20 CHARISE TERRY: [interposing] We had at
21 the point when we received it, it was a pilot.

22 CHAIRPERSON ROSENTHAL: Okay. Did you
23 have input on—into their final program policy.

24 CHARISE TERRY: I wouldn't want to—I'm—
25 I'm not sure which one that one is.

2 CHAIRPERSON ROSENTHAL: Okay. That's
3 alright. This is an online training, Sexual
4 Harassment Prevention: What to Know About Unlawful
5 and Inappropriate Behaviors in the Workplace. It's
6 the—the training that they came out with yesterday as
7 a result of that pilot.

8 CHARISE TERRY: That one seemed the—I
9 don't think we received that on.

10 CHAIRPERSON ROSENTHAL: This is just a
11 Xerox of the website. Okay, I'd be interested in
12 your opinion on that later. Let's see. Have been
13 asked by the administration to do an audit on any
14 specific agency as it has to do with sexual
15 harassment?

16 CHARISE TERRY: No.

17 CHAIRPERSON ROSENTHAL: Okay, and have you
18 made recommendations or monitored and agency as a
19 result of that agency's sexual harassment policies or
20 practices?

21 CHARISE TERRY: In the course of doing a
22 general EEO program audit, we have recommended during
23 that audit that sexual harassment is added to maybe
24 the training curriculum because we do review training
25

1 curriculum or we may recommend that sexual harassment
2 is added to a policy or a policy statement.
3

4 CHAIRPERSON ROSENTHAL: Yep, and in that
5 audit, do you have the sense, which I understand you
6 have limited not on the staff, but a limited number
7 of agencies that you can audit, but do you have a
8 sense of how many agencies maybe did not have a
9 thorough sexual harassment training program?

10 CHARISE TERRY: Most agencies either
11 follow the Mayor's EEO Policy, which includes a
12 sexual harassment statement and a description and
13 directions on who to contact if there is sexual
14 harassment, and those are the mayoral agencies. The
15 non-mayoral agencies quite a few of them modeled
16 their policies off of the Mayor's policy.

17 CHAIRPERSON ROSENTHAL: Is anyone looking
18 at the non-mayoral?

19 CHARISE TERRY: We are. We audit 141
20 agencies.

21 CHAIRPERSON ROSENTHAL: Including the
22 non-mayoral?

23 CHARISE TERRY: Right. We have agencies
24 that are under our jurisdiction that are non-mayor
25

1
2 like the community colleges, the district attorneys,
3 the borough presidents.

4 CHAIRPERSON ROSENTHAL: And the DAs may
5 or may not respond, comply. Not everyone--

6 CHARISE TERRY: Everybody responds.

7 CHAIRPERSON ROSENTHAL: I'm not going to
8 throw rocks. Okay.

9 CHARISE TERRY: Everybody responds.

10 CHAIRPERSON ROSENTHAL: Okay, great. I
11 want to thank you so much for coming today. We heard
12 you. We're going to be meeting with you a lot more.
13 We really appreciate your time. Thank you, and if
14 you could as a follow up, and you mentioned this,
15 Commissioner Reiss, to the extent to which the pieces
16 of legislation that we're talking about today
17 duplicate effort, if you could write us a memo or
18 your thoughts about that, that would be very much
19 appreciated quickly. Okay.

20 COMMISSIONER REISS: Yes, thank you.

21 CHAIRPERSON ROSENTHAL: Thank care.
22 Thank you. I'm next going to call up the first round
23 of advocates--of non-city people. [laughter] If
24 you're an assignment for Kathryn Wylde or the
25 Partnership for New York, Emily May from Hollaback;

1 Meredith, Maskara, if I'm pronouncing that wrong from
2 Girl Scouts of the Greater New York; and Allegra L.
3 Fisher from Gender Equality Law Center. [pause] You
4 know, I'm going to try very hard although you can
5 tell it's not in my nature to hold you to a timeline.
6 But if you could work very, very hard not to read
7 your testimony, most everyone's testimony we have,
8 and to summarize it, that would be very much
9 appreciated. I'm going to ask the partnership to go
10 first.
11

12 FEMALE SPEAKER: Thank you. I'm reading
13 the testimony as you said of Katherine Wylde,
14 President and CEO. She wanted to be here in person,
15 but she had a conflict this afternoon.

16 CHAIRPERSON ROSENTHAL: Right, but I give
17 you the authority to summarize.

18 FEMALE SPEAKER: Okay. [laughs] So, a
19 number of New York firms are global leaders in
20 establishing policies and training programs to
21 prevent or address sexual harassment, and long before
22 the #MeToo movement, most employers understood the
23 importance of creating corporate cultures in which
24 employees treat each other with respect. In response
25 to heightened awareness of the workplace sexual

1 harassment, most employers are taking the opportunity
2 to assess our current practice and make improvements.
3 We would respectfully suggest that many employers
4 have more knowledge and experience than the City
5 Council regarding best practices for prevention,
6 training and respond to sexual harassment. The
7 partnership would be pleased to identify some of
8 these employers and facilitate meetings with Council
9 members and staff to inform your consideration of
10 proposed law. We believe this input would be critical
11 to achieve their objective of a harassment free
12 workplace. The bill under consideration today has
13 only been available for a few days and, therefore,
14 have not been reviewed by employers. We are sure
15 that the Council wants to enact legislation that
16 encourage employers to act in the best interest of
17 their employees without placing an undue
18 administrative burden on those who are already doing
19 the right thing. We hope the Council will be
20 deliberative about its response to this important
21 issue, and take the time for consultation. We are
22 most willing to help in this process.

24 CHAIRPERSON ROSENTHAL: Got it and sure
25 we'd be—we'd welcome that absolutely. My scheduler

3 can be reached at nparris@council.nyc.gov. We really
4 await meeting with you.

5 FEMALE SPEAKER: Great. Thanks.

6 EMILY MAY: Great. [pause] Is that
7 better?

8 CHAIRPERSON ROSENTHAL: Yes. [off mic]

9 EMILY MAY: Sure. Hi, everyone. I'm
10 real excited to be here. My name is Emily May. I'm
11 the Co-Founder and Executive Director of Hollaback.
12 I'm going to go ahead and give you some quick notes
13 since you have a copy of my testimony. As you
14 probably already know, Hollaback addresses harassment
15 in all of its forms. What I want to do today is
16 underscore a little bit for you some of the forms of
17 harassment that employees are facing that we don't
18 always think about when we think about workplace
19 harassment particularly harassment that happens on
20 the street especially during people's commutes, and
21 harassments that's happening online while people are
22 at work, and then I want to highlight a couple of
23 recommendations that we have in response to the
24 amazing amount of legislation that you guys have put
25 forward. So, in terms of the commute, what we see
putting consistently happening is when people are

1 harassed on their commute to work they show up to
2 work distracted. It's hard to work, right. They'll
3 try to take a longer route to work to even—we've even
4 heard people leaving jobs to avoid harassment, and
5 so, we've partnered with Cornell to do research on
6 this issues and—and have noted that, you know, the
7 same effects that happen with any kind of sexual
8 harassment in the workplace, anxiety, depression,
9 Post-Traumatic Stress Disorder are also showing up
10 related to street harassment when people are just
11 trying get to work. And the same employee—employer
12 impacts are showing up impacting punctuality,
13 attendance, productivity, healthcare costs, morale,
14 et cetera. And I bring this to your attention because
15 one of the things that learned from the amazing work
16 done on workplace harassment in the '80s and '90s is
17 that it wasn't really until we had an assessment of
18 the financial cost to employers that sexual
19 harassment was—was taking on them like a very, very
20 numeric money cost for employers that employers
21 really showed up and took leadership on this. And so
22 I think gathering research on this issues is really
23 key. Also, oh, my goodness. Three—three minutes was
24 quick. Online harassment.

FEMALE SPEAKER: And extra one. [laughs]

EMILY MAY: Just quickly. Online

harassment is another key issue particularly if it's like journalists and anybody who is required to hold a personal social media account for their work. So, a recent poll of Time writers, for example, showed that 80% of people avoided topics to avoid harassment. We work significantly with the BuzzFeed to address this issue and we have a guide as well that we've done with the Mozilla Foundation and the Kairos Fellowship on how to address this. So, jumping ahead to quick recommendations, I love the fact that you guys are looking at training from employers on harassment. I want to encourage you to also look at how street harassment and online harassment are impacting their employees, and also I want to push you to move beyond looking at what's in the legislation as the Importance of bystander intervention, and also looking tactically at teaching employees what bystander intervention looks like in the workplace. What we know is just knowing it's important isn't enough. People need options. As you look at research on street-on-and -and that side of the equation and the climate surveys that you've put

1 together, Council member, again wonderful. Let's
2 also look at how street harassment and online
3 harassment are impacting employees. Most employees
4 have no idea how these two issues are impacting them,
5 and are going to see the same effects in their—in
6 their workforce as other folks. Lastly, we'd love to
7 see training of 311 and 911 operators on all forms of
8 harassment, and we'd love to see reasonable
9 accommodations for—for harassment. Some—some
10 different cities around the country have things
11 called Sick and Safe Leave policies that allow people
12 to use sick leave to—to secure their own safety and
13 include certain accommodations like working from home
14 or, you know, changing the hours of their commute, et
15 cetera, et cetera, and we have a whole guidebook on
16 how employers can do that as well. So, sorry to run
17 over.
18

19 CHAIRPERSON ROSENTHAL: Looking forward
20 to seeing the guidebook.

21 EMILY MAY: Yes.

22 CHAIRPERSON ROSENTHAL: If you could
23 submit that as part of your testimony, and also I'm
24 very interested in what you came up with in your work
25 with BuzzFeed. To the extent that can be submitted as

part of your testimony as well, we would welcome. We
have a lot to learn.

EMILY MAY: Thank you.

CHAIRPERSON ROSENTHAL: Thank you.

ALLEGRA L. FISHEL: Is this working?

CHAIRPERSON ROSENTHAL: Yeah.

ALLEGRA L. FISHEL: Sounds good. [coughs]

Hello. My name is Allegra L. Fishel. I'm the
Executive Director of the Gender Equality Law Center.
We're a non-profit legal and advocacy center that
works to combat gender-based discrimination in all
its forms through a variety of different types of
initiatives. As I think most people in this room
would agree, sexual harassment is one of the most
pernicious forms of gender-based discrimination and
is not only emotionally devastating to its victims,
but often causes them to be pushed out of the job and
to lose their benefits earning a living. Just very
quickly, to try to summarize our written testimony.
I want to comment very briefly on some of the
proposed bills. First, I want to applaud Council
Member Powers' proposed legislation to expand the
scope of coverage for sexual harassment victims,
which would bring the law in line with the state

1
2 carve-out, which provides that even employee—even
3 employers who has a sole employee would be able to
4 bring a claim for sexual harassment. We do a lot of
5 work with domestic workers and sexual harassment
6 assault is a huge problem. We also really want to
7 focus—to weigh in on how important some of the
8 preventative measures are. They are set forth in
9 these bills because as a long time litigator who
10 litigates sexual harassment cases, it is much better
11 to prevent the harassment than to be working to try
12 to remedy the damage that it causes after the fact.
13 We appreciate the notice requirement that was
14 proposed by Council Member Cumbo. We do, and we set
15 forth more in our written testimony, have concerns
16 that notices alone are probably not terribly
17 effective. In our experience, they're not posted.
18 They're hidden, and it would be very awkward
19 sometimes to be reading about your rights in front of
20 your harasser, and so we propose that sexual
21 harassment policies be mandated for all private
22 employers [bell] and I'm going to quickly, quickly
23 go through a couple of other points. We think the
24 mandatory sexual harassment training—I'm not going to
25 really talk about city agencies. For private

1 employers, it is absolutely key and we would suggest
2 that all employers with four or more employees rather
3 that 15 be required under the law to provide these
4 trainings to their employees that the penalties be
5 significantly strengthened, \$2,000 for a second
6 offense for other than the tiniest of employers to us
7 does not seem very meaningful, and I can tell you,
8 and I think most people who have litigated these
9 cases will share my opinion that it is really the
10 threat of some serious financial repercussions that
11 often does the trick to bring employers into line.
12 And then I'll just add one other point, because I've
13 run out of time, which is that we strongly suggest
14 that City Council and this committee form some type
15 of ad hoc committee that can reach out to a lot of
16 different people to help inform this legislation. We
17 would include community members that could inform the
18 City Council about language barriers about cultural
19 differences. We would include victims who actually
20 had to tackle what are the barriers in the workplace
21 from coming forward. Legal advocates that have
22 litigated these cases and even people like therapists
23 that understand the emotional ramification and we
24 have a lot more detail in our written testimony.
25

3 CHAIRPERSON ROSENTHAL: Thank you. That's
4 exactly what we'd like to do. So, I'm eager for your
5 help.

6 ALLEGRA L. FISHEL: Thank you. We'd
7 like to offer it.

8 MEREDITH MASKARA: Thank you. My name is
9 Meredith Maskara. I'm am the CEO of the Girl Scouts
10 of Greater New York, and if you don't know, the Girl
11 Scouts of Greater New York serves 29,000 girls
12 between the ages of 5 and 17 in the five boroughs of
13 youth count, and our program is mostly delivered by
14 8,000 volunteers, most of them all women, who are not
15 just volunteers, but are also part of the workforce
16 here in the city as well. So, we have launched this
17 year as an advocacy—a year of advocacy for our girls.
18 We teach our girls civic engagements, and for them to
19 be able to speak up and use their voice when it comes
20 to issues of their concern, and I can tell you that
21 girls as young as the age of 9 have raised sexual
22 harassment as one of their major concerns with us
23 throughout our programming. This means that they
24 have either experienced it themselves or that they
25 know that one of their loved ones has or one of their
volunteers who was a mentor near and dear to their

1 heart. So it is our—it is our duty as an
2 organization to be able to speak on their behalf and
3 on their future to make sure that we provide a safe
4 space for them as an organization, and they now
5 expect that to be translated into their work
6 experience when they enter the workforce. So on
7 behalf of the girls, and the volunteers here in New
8 York City we thank you for all that you're doing, but
9 let's make sure that—that we pass these—these
10 initiatives so that we can protect our girls' space
11 and they become young women in our workforce.

13 CHAIRPERSON ROSENTHAL: Okay, that's
14 great.

15 MEREDITH MASKARA: [off mic] On behalf
16 [on mic] of the Girl Scouts, thank you. [laughter]

17 CHAIRPERSON ROSENTHAL: It must have
18 been. That's great, and that's great to be able to
19 know we can think about you as an advocate for this
20 and education.

21 MEREDITH MASKARA: [interposing] And, of
22 course, any time if you need—if you need to discuss
23 this with girls we have girls who are ready, willing
24 and able to—to come here and speak about their
25 concerns as well.

2 CHAIRPERSON ROSENTHAL: Let's follow up.

3 MEREDITH MASKARA: Thank you.

4 CHAIRPERSON ROSENTHAL: Okay, thank you
5 all. Really appreciate it.

6 MEREDITH MASKARA: Yes.

7 CHAIRPERSON ROSENTHAL: Now moving onto
8 our next panel from Self Horizons Blake Johns-Safe
9 Horizons? Is that what I said? What did I say? Who
10 knows? Okay, Safe Horizons, Blake Johnson,
11 Francesca.

12 FRANCESCA: [off mic] I'm here.

13 CHAIRPERSON ROSENTHAL: Thank you and
14 you'll introduce yourself, and Susan Scafidi from the
15 Fashion Institute, and Jeff Trexler also from the
16 Fashion-I want to saw Law Institute.

17 JEFF TREXLER: [off mic] The Law
18 Institute.

19 CHAIRPERSON ROSENTHAL: Awesome. Come and
20 join us. Look forward to your testimony. We're
21 going to keep to the two-minute clock with apologies.
22 Thank you and especially if you're submitting
23 testimony know that we will all read it. So, if you
24 could summarize, we'd appreciate that. The Fashion
25 Law Institute you want to get us started? [pause]

1
2 SUSAN SCAFIDI: Hi, Susan Scafidi,
3 founder and Director of Fashion Institute. We're a
4 non-profit. We're—but we're also based at Fordham
5 University where we actually both teach, and so just
6 to tell you briefly what we do is a range of things,
7 academic research, analysis including those 12 bills.
8 We read them all, advocacy can increase distance to
9 individuals including a clinic and education of the
10 industry as a whole. We work with everybody from
11 enormous multi-national companies to trade
12 associations to emerging designers. Fashion is
13 actually the second largest industry in New York.
14 So, I was delighted that Council Member Lander
15 mentioned it and, of course, Commissioner Malalis as
16 well. It's also a complex industry of design,
17 manufacturing, retail, runway, the whole range. It's
18 also a majority female industry actually except in
19 certain job categories, but at the same time the
20 creative outsider industry, which celebrates
21 traditional rules, it celebrates rule breaking and
22 also is—very oriented to physical appearance of
23 course. So, we—it's a little bit schizophrenic in
24 some ways. We have issues with harassment of both
25 women and men, but also very proactive even pre-

1 Weinstein efforts to form within the industry and
2 from in companies and organizations within the
3 industry changed these things. We should hope that
4 and as we expressed in our testimony, some of the
5 thing that we've come up with experienced shared can
6 be universalized. We've heard quite a bit about
7 models recently, and that's something we've worked on
8 for the past eight years. We helped launch the Model
9 Alliance and so forth, and that's certainly an
10 important area to think about, but I think we really
11 need to go, if you'll pardon the pun, behind the
12 scenes a little bit to think about individuals
13 throughout the industry that experience harassment,
14 and I just want to share with you two examples very
15 quickly from the—from people that we've—we've
16 encountered and experienced work from the dozens if
17 not hundreds of stories that we've heard. Because it
18 gives a sense of the range of issues [bell] we're
19 dealing with. An attorney, who's also an immigrant,
20 who was in a fashion company experienced such
21 pervasive environmental harassment that—that that
22 individual was eventually pushed out of the company
23 and left the industry altogether all the way down to
24 an individual who was working as an independent
25

1 contractor and he had not the kind of education that
2 an attorney had. He had a ticket to New York and a
3 dream, and was so ashamed at the themed sex
4 harassment that he encountered in the industry that
5 when he came to our clinic his first question was
6 will anyone see me or know that I'm here? And so,
7 we can't continue to lose that kind of talent as
8 people like those---those folks leave the industry.
9 And so I'd like to sort of throw the hearing, the
10 time over to my colleague Jeff Trexler who is the
11 Associate Director of the--of the Institute and
12 teaches our Fashion Ethic Course to just quickly
13 summarize our specific recommendations.
14

15 JEFF TREXLER: And thank you again. This
16 is a very quick summary of a much longer document,
17 and we'd love to keep working with you in the future.
18 We have four recommendations largely centered around
19 the problem of stigma. I know we've--we've been
20 talking about how to reduce it, and how there can be
21 an interplay between law and culture. One way you
22 can do it is through transparency, and specifically
23 requiring disclosure by all private employers in New
24 York City, and not just whether they've received
25 internal complaints, but also have there multiple

1
2 complaints directed at one individual or—and whoever
3 the individual might be, and as a—and in the process
4 of settlement are they giving money—monetary
5 settlements or are they requiring departure. And I
6 believe that you'll be able to data mount that, and
7 see some very interesting patterns over time. We
8 also make recommendation about non-disclosure
9 agreements. We do not recommend banning them because
10 a number of people do not want their stories to go
11 public because of the stigma, but if you would remove
12 liability for complainants who breach that who decide
13 to tell their stories, that would be a good—a good
14 move to make. We also heartily agree with expanding
15 protection with independent contractors. We're an
16 industry where you will often have an independent
17 contractor working with an independent contractor so
18 they fall outside the scope of current New York law,
19 and—and—and/or they'll also or there will be small
20 employers under force who want to close those
21 loopholes. Stopping stigma is a—is a major, major
22 part of our concern. We want you to—it would be
23 great if there was some ways to encourage people to
24 hire troublemakers, and also to create incentives not
25 to fire people who bring—to bring these complaints

1 particularly through surreptitiously through
2 settlements. And finally, I want to second the
3 recommendation for a working group. We strongly
4 believe that this conversation should not end here.
5 It should not end with the current proposals. New
6 York brought this sexual harassment law to the fore
7 of the nation's consciousness 40 years ago, and now
8 we're in a position to be the innovators and redesign
9 sexual harassment law for the 21st Century, and I
10 think it would be great for New York City to start
11 that conversation right there.

12
13 CHAIRPERSON ROSENTHAL: Did I mention my
14 scheduler's name and email address?

15 JEFF TREXLER: If you could give that
16 gain, please, that would be fantastic.

17 CHAIRPERSON ROSENTHAL: Sure. His name
18 is Ned Terrace and the email address is nterrace t-e-
19 r-r-a-c-e @council.nyc.gov and you'll see our counsel
20 will be at the meeting as well. We're eager to learn
21 from you.

22 JEFF TREXLER: Wonderful and I'd be
23 delighted to be part of that conversation.

24 CHAIRPERSON ROSENTHAL: [off mic] Is the
25 red light off? No, [on mic] Now, it is.

1
2 FRANCESCA BURACK: Good afternoon. I'm
3 Francesca Burack and I'm President and CEO of
4 Fearless Talent Development and I'm also President of
5 the National Women's Federation of Business and
6 Professional Women in New York City. We're and
7 affiliate of the International Business and
8 Professional Women and we are in 110 countries. We
9 work very hard on advocacy issues for women not just
10 here in New York but around the world, and in my firm
11 we are primarily focused on women and helping women
12 step into their power and take fearless action like
13 this Council is doing with this—with this whole issue
14 of sexual harassment, and I thank you so much for
15 doing this. I'm going to focus on the training
16 because our expertise as a business and as this
17 women's organization is to really help create culture
18 where women and other individuals feel respected and
19 can come forth and present complaints and ideas in a
20 meaningful way. So, I wanted to focus primarily
21 first on the managers and supervisors because they
22 are the ones that are creating the culture in their
23 department or agency, and I think it's really
24 important that whatever experience, training
25 experience any worker is—is receiving, that the

1 supervisors and managers go through that exact
2 training so that they understand what's being said,
3 and what employees are going to expect from them, and
4 then there also, of course has to be a section on
5 supervisors and managers and how to set culture and
6 most important is not only the responsibility and
7 accountability, but really their communication skills
8 because everything starts and ends with
9 communication, and how effectively we can communicate
10 and that, of course, sets the whole cultural
11 environment, and who is going to feel free enough to
12 come by and talk to us [bell] and for us to treat
13 them with dignity and respect so that they can feel
14 like they're being heard. So, that's from me, and
15 this can't be done online. This has to be done face-
16 to-face with practice, practice, practice, and that's
17 one recommendation, and the second is following this
18 experience this training that all supervisors and
19 managers should go through, this should be publicized
20 so that employees realize that supervisors and
21 managers are now trained. They can listen and hear
22 what's being said, and they expect you to come forth
23 if there is something going on in the workplace. So,
24 that's really, really important, and the third is I
25

1 wasn't quite sure I saw that in the training that
2 there were going to be two trainings per year, and I
3 wasn't sure if it was the same training for different
4 groups or if it's two different trainings that are
5 going to be going on. One is the basics and the
6 other is more advanced, but if there is going to be
7 two for the same—for a—for the same population, there
8 should be different titles so that people don't
9 immediately think they're going through the same
10 thing, and the training should be different. It
11 should be more advanced one versus the other, and as
12 for a question, I was a little surprised earlier.
13 First of all, I think everyone is really trying their
14 best in city agencies to make things happen, and I
15 applaud them, but something as simple as a question
16 put to people: Do you feel that the administration
17 of your department could listen to you—would listen
18 to you if you went to them with a complaint about
19 sexual harassment? Yes or no, and if it's no, why
20 not? And it could be anonymously done. I mean this
21 is like a really simple thing that can be, you know,
22 done, and I'm only too happy to lend my advice and
23 counsel and my experience to anything that we're
24 doing, and it's great to see you. The last time I
25

3 saw you in this situation was in 2015 with Martha
4 Burk, and we were working on the vendor transparency
5 on board diversity.

6 CHAIRPERSON ROSENTHAL: [off mic] Thank
7 you.

8 FRANCESCA BURACK: Thank you.

9 BLAKE JOHNSON: Here we do. I believe
10 it's on. Okay. So, good afternoon, everyone. I'm
11 Blake Johnson. I'm the Supervising Social Worker for
12 Safe Horizons Community Program Helpline. At Safe
13 Horizon we are the nation's leading victim assistance
14 organization, and New York's largest provider of
15 services to victims of crime. We are also the
16 country's largest and domestic provider—domestic
17 violence provider et al. Our mission is, of course,
18 to provide support, prevent violence and promote
19 justice for victims of crime and abuse and with
20 families and communities. So, to just jump right
21 into our—how it is that we view sexual violence. So
22 we view sexual harassment and sexual assault as part
23 of the same continuum arising from the same cultural
24 and political factors. As has previously been
25 mentioned here, we do view that these are all
behaviors that are stemming ultimately from power and

1 control. In the same way that we address these
2 within the lives of the people who reach out to us,
3 we also think it is very important to address these
4 within workplaces. Since a lot of statistics has
5 already been mentioned here in the room, to summarize
6 the ones that are apart of the testimony, in addition
7 to all of what other folks have contributed here, I
8 think a huge point of the—what we have in—well what
9 is in this testimony it's specifically about how
10 sexual violence strongly impacts people or minority
11 identity. So, specifically trans folks, gay men,
12 bisexual and bisexual men and women, lesbians and
13 also folks of many different immigration and racial
14 groups are all strongly impacted by sexual violence
15 both in the community and in the workplace. In terms
16 of recommendations, regarding best practices and
17 preventing sexual harassment, certainly be absolutely
18 recommend stronger policies in which to address
19 sexual [bell] harassment in the workplace. And we
20 also want to note that though a strong policy can be
21 in place, the strong policy is absolutely meaningless
22 if it is not, if it is not accompanied by
23 exceptionally strong culture within an organization
24 that is also willing to enforce the policy and work
25

1 with it. Without this, the policy does not mean
2 anything. We also want to—we also want to give light
3 to a lot of other factors that are involved within
4 victimization and things that should be thought about
5 within policy. And, specifically, this is related to
6 trauma that victims of sexual violence might
7 experience and how policies should also be formed in
8 a way that responds to the fact that people who have
9 been through sexual violence might need different
10 types of accommodations to deal with the trauma that
11 they're going through in order to be able to, you
12 know, file or engage in any type of policy or process
13 that an organization implements.

14
15 CHAIRPERSON ROSENTHAL: Thank you. Thank
16 you all very much. Appreciate your expertise in your
17 testimony. The next panel we're bringing up is Sarah
18 Brafman from a Better Balance; Jeran Arisa, Rachel
19 Piazza and Paige Sanborn, and I just want to thank
20 you all for your patience. I know it's getting late,
21 and we have couple of more panels, but we really
22 appreciate your being here. Great. If we could—
23 Sarah, if you start, start us off that would be
24 great. Just introduce yourself and try to give the
25 highlights. Thank you.

1
2 SARAH BRAFMAN: Is that better? Okay,
3 thank you Council Member Rosenthal. I so appreciate
4 your leading this effort and a Better Balance
5 appreciates—appreciates your leading this effort.
6 So, I'm Sarah Brafman. I'm an attorney with a Better
7 Balance we work to combat many forms of
8 discrimination in the workplace, but obviously gender
9 based discrimination is one of them especially
10 discrimination faced by women of color in—in New York
11 City and low-wage workers. We very much applaud the
12 very strong, very robust package of bills. I'm going
13 to take us through a few recommendations that we have
14 to strengthen both the legislation to have the
15 sentence reduced, and some recommendations that we
16 have for additional legislation that we'd like to see
17 come out of the Council. So, the—the three points
18 that I want to raise in terms of the introduced
19 legislation is—the first one relates to the reporter
20 contracting. Right now the bill really just talks
21 about reporting on policies. We think that it's very
22 important to have much stronger enforcement over city
23 contractors who violate the Human Rights Law, and in
24 our testimony suggest multiple ways to do that. So,
25 really a two-prongs of it. First addressing

1 reporting requirements that they have, and the state
2 is taking this on as well to really hold state
3 contractors accountable for reporting complaints,
4 violations, et cetera, and then the second piece is
5 really, you know, not providing state contractor city
6 contracts rather to contractors who are violating the
7 Human Rights Law. And another piece of this is a lot
8 of contractors and a lot of private employers we see
9 put mandatory arbitration clauses into their
10 contracts, and something that the city can do is to
11 say, you know, we won't contract with you if you're
12 going to put in those types of clauses. The second
13 piece I wanted to address in terms of the introduced
14 legislation is on the training. Wow, that time
15 really does go by fast. So, the—in terms of the
16 training, we think there should be qualification
17 standards for the trainer both for city and private
18 employers, and the third piece of it is that the
19 current definition of sexual harassment, which has
20 been defined in the case law, is very broad, and we
21 wouldn't want the legislation to, for instance the
22 legislation around extending the statute of
23 limitations to unwittingly narrow the definition that
24 has been set forth in the case law. And then in
25

1 terms of the proposals that aren't here, but that
2 we'd like to see, the first one is around pre-
3 employment non-disclosure agreements that private
4 employers should not muzzle employees signing an
5 employment contract, and the second one that I really
6 want to flag is also industry specific legislation.
7 So, we've heard from people in different industries,
8 but there are especially in low-wage industries very
9 targeted legislation that can help combat sexual
10 harassment. So, for instance in Chicago, they just
11 passed an ordinance—ordinance around hotel workers.
12 In L.A., there was a movement around janitors and
13 California passed legislation around janitors, and
14 so, really to look at specific industry legislation
15 that can help combat sexual harassment for vulnerable
16 low-wage workers and workers in male dominated
17 industries. The other piece I want to echo is
18 strengthening protections for independent
19 contractors. That includes changing the definition
20 of independent contractors, changing the liability
21 standard and do very strong public education for
22 independent contractors, and I'll leave it there
23 because the—the rest of it is outline in the rest of
24 our testimony.
25

1
2 CHAIRPERSON ROSENTHAL: [off mic] We have
3 it, and in the follow-up.

4 SARAH BRAFMAN: Yean, and we look forward
5 to working with you.

6 CHAIRPERSON ROSENTHAL: [on mic] We have
7 it in the follow-up. Thank you very much.

8 RACHEL PIAZZA: Hi. Thank you so much for
9 the opportunity to speak today. My name is Rachel
10 Piazza. I teach women's and gender-- Am I in there?

11 CHAIRPERSON ROSENTHAL: Yeah, just speak
12 into the mic a little bit closer.

13 RACHEL PIAZZA: Sure. So, my name is
14 Rachel Piazza. I teach women's and gender studies at
15 the University of Lovell. I have written for numerous
16 publications about the spectrum of gender based
17 discrimination, and I'm the founder of Feminist Self-
18 Defense. It's a program that uses an evidence based
19 model that has been shown to decrease incidents of
20 sexual harassment and violence. I know from my work
21 that women thrive when they're empowered with tools
22 and strategies to confront sexual violence, and I
23 teach women not only to defend themselves physically,
24 but to interrupt incremental boundary violations as
25 they occur. And research shows that women who

1
2 complete this type of self-defense training are 50 to
3 60% less likely to encounter any type of sexual
4 harassment or assault, and so while it's important
5 that we don't hold women responsible for these types
6 of actions against them for sexual harassment, it's
7 also super important to that we empower women with
8 the tools that they need to respond and address them
9 front on. So, I would hope that this type of
10 training could be considered in the future. Thank
11 you.

12 CHAIRPERSON ROSENTHAL: [off mic] Thank
13 you.

14 JERAN ARISA: Council Member Rosenthal,
15 thank you so much for your leadership on this topic,
16 for holding this hearing, and allowing me to submit
17 testimony. My name is Jeran Arisa. I spearheaded
18 sexual harassment policy for all of CUNY while
19 undocumented. Before our work there was no uniform
20 policy for all of CUNY, for the half of million
21 students and staff. When we worked on the CUNY
22 Policy, and we looked at the spectrum of violence,
23 and discrimination that incorporated sexual
24 harassment, assault, domestic violence and stalking,
25 because as many of the speakers said, sexual

1 harassment is the most violent, it's like the most
2 extreme forms of sex discrimination. Now, as a proud
3 American citizen, I have continued my work in ending
4 discrimination. I have designed, led and evaluated
5 trainings for hundreds on ending sexual harassment.
6 A recent New York Times article confirmed what I know
7 from my own experience in both the non-profit and
8 corporate sector, most sexual harassment trainings
9 are not effective. They can actually make things
10 worse because they're most often led by HR staff who
11 don't understand the nuanced dynamics of this form of
12 sex discrimination. The Times article explained what
13 does work, which is bystander intervention training
14 in person. Online training is not effective in this
15 context. In closing, I hope you'll create a citywide
16 policy that looks at the spectrum of gender-based
17 discrimination that goes beyond sexual harassment,
18 and I hope you'll spell you mandatory in-person
19 training led by experts and not necessarily HR
20 advocates that all three agencies must provide.
21 [bell] Thank you.

22
23 PAIGE SANBORN: Hi. Good afternoon. I'd
24 like to thank you for this groundbreaking and
25 essential hearing and for your proposed legislation

1 regarding sexual harassment. My name is Paige
2 Sanborn. I'm a daughter, a sister, a mother of two
3 and job that I call this. (sic) I am grateful to be
4 here today in all of my roles as we are living in a
5 daunting era of escalating violence some going into
6 assault. Last year I identified and joined a New
7 York based technology organization a data and
8 technology organization called Bridget It. Bridge it
9 has created an extraordinary digital platform that
10 allows for easy reporting, icon-based in 60 seconds
11 only, but not behavioral data in real time. The
12 secure and confidential platform was created for K
13 through 12 schools, but it is-they worked for two
14 summers with students in Steps to End Violence.
15 Steps to end Family Violence and Relationship Abuse
16 Program, RAP, the Brooklyn Middle School that we
17 pilot in over the past four years has seen 50%
18 decrease in bullying incidents, and an increase in
19 cognitive school culture and climate. Bridge. Its
20 platform technology can now be used in settings at
21 college campuses, private organizations, and
22 government agencies. We've developed apps and
23 websites and changed up the platform to be able to
24 accommodate other needs. The platform is web enabled
25

1 from any device, and it is an app both for an android
2 and an Apple. The platform features 24/7 reporting
3 application in which all at-risk behaviors are
4 featured including 25 forms of sexual harassment from
5 cat calling to unwanted intimacy, inappropriate
6 sexual displays, misconduct to operate a risk. (sic)
7 The notification is immediate and the reports are
8 confidential. They can be anonymous, but the ones
9 that are within the system are confidential and sent
10 to whomever the governing body or staff members or
11 agencies would like to select. The platform also
12 addresses general harassment and hostile work
13 environments [bell] and can be customized for any
14 entity to track additional behaviors in order to have
15 a clear understanding. The only other thing I wanted
16 to add, the most important thing is that we also have
17 a multi-lingual resource center. So, any—and it's an
18 artificial intelligence based platform. So, any time
19 anything is touched, any time the platform is
20 touched, it is gathered. And so, if I were to report
21 something I'm given information to help me. If I'm
22 raped, I'm given—I'm sent hotlines and sent
23 restorative techniques, books and legal definitions
24 of what happened, and I think that's a really
25

3 important piece of it. There's a ton more that goes
4 on with it, but in terms of time, you have the
5 testimony to read those.

6 CHAIRPERSON ROSENTHAL: That is just
7 great. Thank you. We're going to follow up with
8 you.

9 PAIGE SANBORN: Yeah, I hope so.

10 CHAIRPERSON ROSENTHAL: I really
11 appreciate that. Okay, the next panel we have
12 Christina Chang from Planned Parenthood of New York;
13 Emily Kadar from the National Institute for
14 Reproductive Health; Zoe Ridolfi Starr from the
15 Sexuality Education Alliance of New York City; and
16 Manisch Schreva—oh, I was so close. Schreva Tess and
17 Trevor. Okay, thank you from the Peer Health
18 Exchange. Thank you.

19 CHRISTINA CHANG: Good afternoon. My
20 name is Christina Chang and I'm Vice President of
21 Public Affairs of Planned Parenthood of New York City
22 and thank you to the committee chairs, Rosenthal and
23 Eugene and the Speaker for convening today's hearing.
24 PPNYC has been a leading health and education
25 provider in New York City for more than 100 years,
and reaches more than 25,000 New Yorkers annually

1 both youth and adults through our Youth and Education
2 Adult Education Programs. All of our health
3 curricula include a healthy relation and consent
4 component and seeks to create an affirming space for
5 all members of our community to thrive. In this
6 political moment, public conversations on sexual
7 harassment are more important than ever. The #MeToo
8 Movement has brought to light the extent to which
9 sexual harassment, assault and the devaluing of women
10 pervades our society. Now work place or institution
11 is free from these realities, and we're just
12 beginning to take a hard look at the societal systems
13 in place that enable such continued abuse. We
14 applaud the Council for taking an important step in
15 convening this hearing to examine the gaps that
16 persist in work places across New York City and to
17 begin to act on opportunities for change. In order
18 for employees to be able to do their jobs
19 effectively, they need to feel safe, and they need to
20 feel their employer stands with them and values their
21 wellbeing. As leading health educator, PPNYC knows
22 first hand how important education and prevention is
23 to addressing sexual harassment. Our staff provides
24 workshops and training to adults, caregivers, parents
25

1 and professionals because people of all ages require
2 learning around healthy relationships, consent and
3 respectful communication. PPYNC supports a call to
4 require anti-sexual harassment training in our
5 workplaces so employees know their rights when it
6 comes to sexual harassment and assault and are
7 equipped with the tools and knowledge to identify and
8 report harassment. Conversely, managers and
9 employers need training to understand their
10 responsibilities in preventing sexual harassment and
11 the measures they can take to respond to and address
12 complaints. As we see more individuals come forward,
13 we need to ensure employers have the support and
14 resources to be able to report without being
15 subjected to undue retaliation or retribution.
16 However, these resources should not be limited to
17 places of employment. New Yorkers particularly women
18 and transgender and gender non-conforming individual
19 experience [bell] sexual harassment—I'll be quick—
20 long before they enter the workforce. We need to
21 address the extent of sexual harassments we
22 experience in our daily lives and take steps to
23 created environments to help prevent harassment from
24 occurring in the first place, and the way to do this
25

1 is and a core component of prevention requires an
2 increased commitment to comprehensive sexual reality
3 education. Research has consistently shown that
4 comprehensive sex ed works. Position youth
5 development education that focus on the physical
6 mental, emotional and social dimensions of sexuality
7 is critical in helping young people make health
8 promoting decisions that can help shift broader
9 cultural ideas about gender, power and sexuality
10 challenging the deeply embedded culture of sexual
11 harassment unearthed by the #MeToo Movement. Reports
12 of harassment and assault are not new, but with this
13 renewed awareness and call for action we have an
14 unprecedented opportunity to move forward large scale
15 changes. These efforts must include workplace
16 education resources and support services, but it
17 needs to start well before individuals enter the
18 workforce. We applaud the Council's commitment to
19 addressing sexual harassment in the workplace, and
20 urge the city to advance comprehensive sexuality
21 education citywide as a powerful tool to shift the
22 prevailing culture that enables sexual harassment and
23 abuse to one that build caring communities and
24 institutions that build caring communities and
25

1 institutions that respects the identities and rights
2 of all of us. Thank you.

3
4 ZOE RIDOLFI: Good afternoon. My name is
5 Zoe Ridolfi Starr and I serve as the Co-Chair of
6 Policy for the Sexuality Education Alliance of New
7 York City. Thank you for convening this hearing and
8 for supporting the bills being discussed this
9 afternoon. The Sexuality Education Alliance or
10 SEANYC advocates for comprehensive K-12 sex education
11 that meets the National Sexuality Education Standards
12 for all New York City youth. Our coalition includes
13 high school students and parents, educators, direct
14 service providers and advocacy organizations. We
15 commend the efforts of the City Council to strengthen
16 our city's response to sexual harassment in the
17 workplace. As many have articulated today,
18 harassment in the workplace is a pervasive and urgent
19 issue in New York, and it's no wonder because each
20 year our city allows another generation of young
21 people to enter the workforce without providing the
22 sexuality education they need to make healthy
23 responsible choices in the workplace and beyond.
24 While this package of bills offers some promising
25 solutions, there is a glaring gap: How do we

1 effectively change the culture and prevent sexual
2 harassment in the first place? Children begin to
3 learn about bodies, consent and boundaries at a very
4 young age. With early and ongoing educational
5 intervention, young people can learn how to
6 responsibly navigate their own sexuality and to
7 respect that of others. They can learn skills like
8 how to responsibly navigate their own sexuality and
9 respect others. When these students leave school,
10 they are better equipped to navigate the workplace,
11 more likely to identify and feel comfortable
12 reporting unacceptable behavior, and less likely to
13 engage in harmful behaviors themselves. Without
14 comprehensive sexuality education, young people are
15 often left to absorb their information from damaging
16 representations in the media, ill-informed peers or
17 teachers who are inadequately prepared. These young
18 people will eventually enter the workforce, too, and
19 the one-hour training video will not be sufficient to
20 help them unlearn discriminatory or inappropriate
21 attitudes. In order to truly eradicate sexual
22 harassment, New York City must begin to prioritize
23 comprehensive K through 12 sexuality education.
24 Currently, the Department of Education requires only
25

1 one semester of health education [bell] in middle
2 school, and another in high school, and the Office of
3 School Wellness Program calls for a portion of each
4 of these semesters to cover sexuality education.
5

6 This is the extent of our city's sexuality education
7 requirement, and it is wholly insufficient. Research
8 demonstrates that early and ongoing education is far
9 more effective in changing norms, attitudes and
10 behaviors than one-off lessons. Additionally, the
11 dearth of qualified health teachers and the DOE's
12 utter failure to effectively enforce even the
13 existing mandate means that many schools are not
14 completing—complying with the minimal requirement.

15 According to DOE's own data, almost half of 8th
16 graders who graduated in 2016 did not receive a
17 single semester of health during middle school, and
18 only 7.6 of all health education instructors have
19 attended any training on sexuality education in the
20 last two years. The prevalence of sexual harassment
21 in our city's workplaces is a consequence of our
22 failure to educate generations of New Yorkers about
23 boundaries, consent and respect. While we do believe
24 the measures being discussed today have the potential
25 to address sexual harassment, it will only be

1 effective if coupled with a robust plan to expand
2 comprehensive sexuality education across the city.
3 In order to effectively prevent sexual harassment,
4 New York City must achieve compliance with and
5 strengthen our sexuality education policy. In
6 pursuit of this goal, SEANYC has had developed a set
7 of recommendations in collaboration with teachers,
8 students, school principals, and other stakeholders.
9 This recommendation--

10
11 CHAIRPERSON ROSENTHAL: [interposing] Can
12 you--all of that is in here--

13 ZOE RIDOLFI: [interposing] Yes.

14 CHAIRPERSON ROSENTHAL: --right? If you
15 could just wrap up.

16 ZOE RIDOLFI: Yes.

17 CHAIRPERSON ROSENTHAL: Thank you.

18 ZOE RIDOLFI: Once again, we appreciate
19 your leadership and look forward to the opportunity
20 to work with you in the future.

21 EMILY KADAR: Thank you, Chairwoman and
22 the rest of the Council members for holding this
23 important hearing today and giving us the opioids
24 opportunity to speak. My name is Emily Kadar, and
25 I'm here today representing the National Institute

1 for Reproductive Health. I'm also here as a member
2 of the Sexuality Education Alliance in New York City,
3 which all of my colleagues at the table are as well.
4 The #MeToo Movement has illuminated the sad fact that
5 sexual harassment and gender inequity are pervasive
6 in all industries and environments including schools.
7 New York City must be a leader in addressing this
8 insidious problem. The bills before you today, which
9 include initiatives like sexual harassment assessment
10 and the anti-harassment trainings at city agencies
11 and private employers, greater transparency reporting
12 and public information about sexual harassment makes
13 expansions in strengthening our city's Human Rights
14 Law are all steps in the right direction and
15 demonstrate how seriously the Council is taking this
16 issue, but we also urge the Council to confront
17 sexual harassment at its earliest stages and consider
18 how we are educating our young people on healthy
19 relationships, consent, respect and communication.
20 Since 2011, the New York City Department of Education
21 has had the requirement, which you just heard Zoey
22 describe and as we all know, comprehensive sexuality
23 education includes vital information about the
24 prevention of unintended pregnancy, HIV-AIDS and
25

3 STIs, but it also provides some foundational
4 understanding of the boundaries, bodily autonomy and
5 consent. This knowledge can help prevent child
6 sexual abuse, teen dating violence, bullying and
7 sexual harassment. We at NRH believe that the
8 current sexuality education policy does not go far
9 enough. The DOE has the ability to mandate the
10 Chancellor's regulation and its own wellness policy,
11 a comprehensive age-appropriate sexuality education
12 policy that reflects the National Standards for all
13 student kindergarten through 12th Grade. I've
14 included the road map lays this out with my
15 testimony. We will only be able to combat these
16 issues if we seek the roots of the problem and
17 confront them early and often. NRH looks forward to
18 continuing to work with the Council [bell] to ensure
19 that all New Yorkers including women, LGBTQ
20 individuals and young people are safe, healthy and
21 protected from sexual harassment and violence. Thank
22 you for the opportunity to testify today.

23 MANEESHA SRIVATAVA: Thank you, Council
24 Member Rosenthal for the opportunity to speak and for
25 your leadership on this really important issue. My
name is Maneesha Srivatava. (sp?) I'm a Program

1
2 Manager with Peer Health Exchange, a non-profit that
3 trains college students to deliver a skills based and
4 culturally responsive health curriculum to
5 underserved and under resources high schools. So, we
6 really applaud the package of bills that have been
7 discussed here today to combat sexual harassment and
8 sexual assault, and education about sexual harassment
9 we believe must start before someone actually enters
10 the workplace. One in ten of New York City's public
11 high school students have experienced sexual dating
12 violence in the last 12 months. PHE believes the
13 ideal and best place to be in conversations about
14 respect, communication and consent is in our K
15 through 12 schools. A lack of quality health
16 education leads to a lack of understanding of the
17 ability—and the ability to navigate consensual
18 relationships. We partner with 53 high schools
19 across New York City and reached over 5,600 high
20 school students this year who would not otherwise be
21 receiving health education. In a recent evaluation,
22 we found that young people who received our
23 programming were 20% more likely than their peers to
24 have an accurate understanding of sexual consent. We
25 know that sexual harassment is an issue that

1 disproportionately affects women and it's an issue
2 that dis—that is disproportionately perpetrated by
3 men. And so, if we must critically engage with how
4 we are discussing sexuality education, we must also
5 critically engage with how we're specifically dealing
6 with sexual education with young men. In a culture
7 where toxic masculinity and the misunderstanding of
8 social empowered dynamics are ubiquitous, there's a
9 call to action for not just comprehensive sexuality
10 education, but also health education that covers an
11 addresses mental health stigmas for men, and the
12 impacts of substance use. We commend the City
13 Council's commitment to address the current rates of
14 sexual harassment in the workplace, and beyond and we
15 urge them to advance [bell] comprehensive K through
16 12 sexual health education for young people across
17 the city.

19 CHAIRPERSON ROSENTHAL: This is so
20 terrific, and I really appreciate the road map that
21 all of you stapled to your testimony. It's quite
22 clear.

23 FEMALE SPEAKER: Sure.

24 CHAIRPERSON ROSENTHAL: So, thank you for
25 that. Thank you for your time. Next we're going to

1 hear from Ethan Derringer Samick from Citizens Union;
2 Carrie Tracy from Community Service Society of New
3 York; Rebecca Litwin for—from the Girls for Gender
4 Equity; and Brittany Brathwaite from—also from the
5 Girls for Gender Equity. We really appreciate your
6 time and your testimony. Can I ask you to start?
7 Make sure the red button is on.

9 ETHAN DERRINGER SAMICK: Good morning,
10 Chair Rosenthal. My name is Ethan Derringer Samick,
11 and I'm the Public Policy and Program Manager at
12 Citizens Union and I thank you for the opportunity to
13 testify today. Citizens Union is an independent non-
14 partisan civic organization of New Yorkers that
15 promotes good government and advances in democratic
16 reform in our city and state. As part of our
17 mission, we work to ensure that public officials and
18 the staff meet their responsibilities to the people
19 and uphold the public trust. We feel strongly that
20 guaranteeing a safe, empowering and dignified
21 workplace for all New Yorkers especially women and
22 especially women of color and especially those
23 working in city government is at the basis of that
24 effort. The reason that we're testifying today is
25 because this is not only a labor rights issue, it's

1 not only a public safety issue, it's also a good
2 government issue when sexual harassment goes
3 unaddressed in city government. It's a matter of
4 democratic representation broadly speaking. How many
5 voices have been silent due to sexual harassment over
6 the many years that it's gone relatively, and I say
7 relatively not lightly unaddressed? So, at this
8 early stage in the review of the city's Sexual
9 Harassment Policy, we offer just three
10 recommendations. One, that the review is conducted
11 with transparency, that it takes the detailed public
12 reporting of sexual harassment metrics seriously, and
13 finally to that end, that reporting should include
14 other information on other factors like race and age
15 and level of employment so that we can take into
16 account that the experience of women are not always
17 the same, and that women who are at the intersections
18 of other axes of advantage and disadvantage are taken
19 into account. Thank you.

20
21 CHAIRPERSON ROSENTHAL: [off mic] Thank
22 you.

23 BECCA LITWIN: Good afternoon, Chair-
24 Chair Rosenthal. My name is Becca Litwin. I'm
25 currently pursuing my masters in social work and

1 working at Girls for Gender Equity, an organization
2 challenging structural forces that work to obstruct
3 the freedom, full expression and rights of girls
4 transgender and gender equity in communities of
5 color. We are also proud members of the Dignity in
6 Schools Campaign and SEANYC who just shared. Thank
7 you for the opportunity to speak today. Sexual
8 harassment in the workplace has long been an
9 oppressive truth as has the reality of sexual
10 violence in the workplace of our young people's
11 school. With the Participatory Action Research
12 Project we worked with over 100 girls and TDNC youth
13 of color throughout New York City to identify
14 barriers to education and envision the schools they
15 want, need and deserve. Through this process we
16 learned that 1 in 3 of the participants reported
17 experiencing some form of sexual harassment in
18 school. One young person described their experience
19 sharing, "In elementary school people would cat call
20 me in halls, make sexual comments, and I didn't
21 report it because I didn't want to make a fuss over
22 it." This quote highlights the way that some of our
23 prior participants not only experience sexual
24 harassment, but are also not reporting it or are
25

1
2 afraid to report it. Our schools recreate American
3 society culture in which sexual harassment is a
4 normalized and underreported part of the school
5 experience. As a city, we have a duty and
6 opportunity to change this story. To this end, we're
7 calling on City Council to enforce a stronger
8 implementation of Title IX of the Dignity Act with
9 respect for all to support the mental, emotional and
10 physical health of all young people. There are
11 existing local, state and federal laws that are
12 intersectional in nature. However, they're not given
13 the adequate physical and implementation resources
14 they require in order to be fully and successfully
15 implemented. While the DOE has hired a Gender Equity
16 Coordinator who has gotten near a thousand people
17 trained on topics related to sexual harassment, it's
18 not enough. Currently, New York City has 1.1 million
19 students and only one Title IX Coordinator. We
20 urgently need a Title IX Coordinator at every field
21 support office who can both address sexual harassment
22 and also work with schools on creating cultures of
23 consent. Additionally, we need to divest from NYPD
24 in schools and invest in creating the number-
25 increasing the number of trained and supervised

1
2 guidance counselors and social workers [bell] who are
3 equipped to connect students to the community-based,
4 culturally responsive survivor-led trauma informed
5 support. We need to make sure there's comprehensive
6 in-school support for students who are survivors of
7 sexual violence. Finally, we must recognize that
8 gender-based violence is a spectrum and sexual
9 harassment is only one piece of that. #MeToo is
10 movement to end all forms of gender-based violence,
11 and this is a movement of the GGS. It's been a part
12 for over 15 years. We can't afford to have—have this
13 conversation end at sexual harassment and workplace
14 policies alone. Thank you for your continued support
15 and the opportunity to testify today.

16 BRITTANY BRAITHWAITE: Good afternoon,
17 Council Member Rosenthal. Thank you so much for your
18 leadership and the opportunity to speak today. My
19 name is Brittany Brathwaite. I am the Organizing
20 Innovation Manager at Girls for Gender Equity, Becca
21 already said what that was, and so I want to echo
22 those points that sexual harassment in the workplace
23 is a pressing issue, but it is not limited to
24 workplace settings, and it has a significant impact
25 on youth attending schools everyday. Becca uplifted

1 a report that we recently did. We did a similar
2 study ten years ago and found the same thing, and so,
3 we are not releasing much of a change. We know that
4 the reports of sexual harassment are not novel and
5 many young people have had no education in New York
6 City public schools as to what sexual harassment or
7 assault is, and how they can prevent it from
8 occurring. In our recent report our young people
9 expressed an overwhelming desire to have
10 comprehensive sex education in grades K through 12 as
11 uplifted by folks from the SEANYC panel.
12 Comprehensive sex education is an extremely effective
13 way to ensure that young people have the information
14 to make self-determined decisions about their bodies
15 and their lives. The lessons—there's lessons ranging
16 from bodily autonomy respect, elements of healthy
17 relationships, anti-bullying measures, bystander
18 interventions, consent, safe sexual practices, et
19 cetera, and we also know that while education offers
20 us a powerful tool to transform how young people
21 learn about themselves and each other, we cannot
22 fully place the onus on young people for ending
23 sexual harassment and assault. When we asked young
24 people in our study to indicate whether they had ever
25

1 reported sexual harassment regardless of whether it
2 happened to them directly, 97% of youth said they had
3 not reported it. When participants were prompted to
4 elaborate on their responses, several things emerged,
5 the most common being that sexual harassment was
6 simply accepted as part of what is meant to be at
7 school. Sexual harassment and gender based violence
8 cannot be an acceptable threat in the fabric of our
9 education system. Young people have to attend
10 school. It is a law. They cannot—they cannot leave
11 or quit. Many workplaces have human resources
12 departments, a union or an outside agency that
13 employees can turn to report sexual harassment, and
14 while these practices have a long way to go, there
15 are often more clarity and process around reporting
16 for adults in the workplace. In New York City
17 students have one person, the Title IX Coordinator
18 who in our experience most students don't even know
19 who that is. One person to handle reports,
20 prevention and intervention of any issues related to
21 sexual harassment for 1.1 million students. We've
22 done the math. The ratio is off. It would appear
23 that if we're taking this issue seriously, would have
24 allotted more resources and people power to ensure
25

1 that schools are truly safe for all young people.
2 Our vision along with yours is to create safe and
3 supportive learning environments, and our efforts
4 must include education, knowing one's rights, support
5 resources and the full implementation of policies
6 created to protect young people in the school
7 environment. So, here act to advance comprehensive
8 sex education citywide [bell] and make a serious
9 investment in policies that protect and support
10 students for sexual harassment like Title IX in the
11 Dignity Act. Thank you.

12
13 CHAIRPERSON ROSENTHAL: I really
14 appreciate your bringing up those connections. So,
15 thank you very much. Thank you for taking the time
16 to come in and as all, we appreciate good government.
17 So, thank you for making it clear it's part of the
18 definition. Our next panel is Isadora Finkelstein
19 from the Center for Anti-Violence Education, Talia
20 Evans from the Center for Anti-Violence Education,
21 Jubasala Castro also from the Center. I see we have
22 a whole thing gong here. [laughter] This is good and
23 Jacqueline Castro also from the Center for Anti-
24 Violence Education. You're our last panel, women.

25 IZZY FINKELSTEIN: Great.

1
2 CHAIRPERSON ROSENTHAL: Thank you for
3 staying all the way to the end. If you have copies
4 of your testimony, terrific. You can hand it over to
5 the sergeant-at-arms. Alright, whoever wants to
6 start. Thank you.

7 IZZY FINKELSTEIN: Okay. Hi everyone.
8 My name is Izzy Finkelstein. I'm the Program
9 Coordinator for School and Community Violence
10 Prevention at the Center for Anti-Violence Education.
11 We're going to leave most of the talking to the
12 brilliant young people on either side of me, but a
13 little bit about CAE. So, the Center for Anti-
14 Violence Education builds strength to stop violence.
15 The organization was founded in 1974, and for 44
16 years has been working throughout New York City with
17 schools, non-profit organizations and other community
18 groups to prevent, interrupt and heal from violence.
19 We work primarily with girls, women, LGBTQ and trans
20 and very non-conforming people, and others who are at
21 risk of violence because of their identities. We are
22 based in Council District 38, and are very thankful
23 to the City Council for funding much of the work that
24 we do, and I'm going to turn it over to these two.

CHAIRPERSON ROSENTHAL: [off mic] Who is
your Council Member?

IZZY FINKELSTEIN: Lander. Uh-hm.

JACQUELINE CASTRO: Alright. Hello and
thank you for this opportunity to testify. My name
is Jacqueline and I'm 16 and I go to—I'm a sophomore
at High School of Telecommunications on Technology in
Bay Ridge, and I'm also a peer educator at the Center
for Anti-Violence Education, CAE and in CAE we learn
self-defense and we also learn how to be up-standers.
We get to teach others about these skills as well. We
also come together as a community to break all kinds
of cycles of violence, and when learning about and
teaching self-defense, we talk about how to prepare
yourself if you experience sexual harassment. We
teach people how to use their voices like how to say
no and create boundaries if someone approaches you in
a way you don't like. And, like from—like some
brief—brief background of myself is like—like nobody
likes to get harassed, and no matter how many times
you walk down a street whether you have on a dress or
pants, you still don't feel safe. I'm not saying
it's your fault for wearing what you wanted to wear
today, but because people who see think it is okay to

1 sexually harass you. Even if it's not physical
2 harassment, verbal harassment plays an even bigger
3 role and not much is being done. We learned a lot
4 how to be—how to defend ourselves, but what about
5 people who harass? I want to walk outside and not
6 change blocks because one block isn't safe enough. I
7 feel like schools should teach and have more
8 awareness about sexual harassment. I know that
9 people at my high school or any high school or even
10 middle school are aware of what sexual harassment is
11 and that it is wrong, but they aren't aware of how
12 badly sexual harassment could trigger someone because
13 either they're experiencing it at home with friends
14 or everyday. I know if schools like mine had more
15 policies about sexual harassment or posters like a
16 day with no sexual harassment, it would change the
17 point of view a lot of—of a lot of people. Thank
18 you. [background comments]

20 JUBI SALAI: Okay, good afternoon
21 everyone. Thank you for this opportunity to testify.
22 My name is Jubi Salai (sp?) I'm 14 years old, and I
23 am a freshman at Fort Hamilton High School. I'm also
24 a peer educator at the Center for Anti-Violence
25 Education, and part of my job as a peer educator is

1 to teach girls In the Rising Strong Program at MS88.
2 We teach girls some physical self-defense moves in
3 case they were in a situation in which they needed to
4 defend themselves, but we also mention things like
5 sex trafficking and sexual harassment for them to be
6 aware that stuff like this goes on. I feel this is
7 important because when I was in middle school I
8 didn't know much about sexual harassment and how to
9 defend myself and try to prevent it. From
10 experience, I know that sexual harassment is a
11 problem at schools. For example, at my old middle
12 school there was a boy who touched a girl
13 inappropriately and he just go suspended, but do they
14 really learn anything when they're suspended? He
15 should have to learn how something like that affects
16 the person who was harassed. I feel like school
17 should have programs like CAE to teach others about
18 what sexual harassment is, how to use your voice and
19 defend yourself, and how to care for themselves.
20 After experiencing sexual harassment, knowing that
21 girls like me are being informed about how to fight
22 back against sexual harassment makes me feel good
23 like we're doing something about it, and we won't
24 stay and do nothing. Thank you.
25

CHAIRPERSON ROSENTHAL: Wow. Thank you both so much for coming here to testify. We know today has been a little bit of a eye-opening experience for everyone who is here today to learn about what the city does and doesn't do, and the last three panels really have been talking about what we need to do in—in our schools, and after hearing you, I have to say I feel there's hope. So, this was just the perfect way to end today's hearing. I really want to thank you for coming, and thank everyone and folks who stuck around. Thank you very much, and especially to the Committee Counsels Aminta and Halmit. (sp?) [background comments] Maltese Maharlika. Maltese. [background comments] Okay. So, I'll get there and—and, of course Sean Fitzpatrick, thank you so much. Are you humiliated that I couldn't pronounce your name? Okay. I'll work on it. Okay, thank you all very much. Thank you for the preparation for this hearing. You guys did a great job. I really appreciate everyone's efforts, too. Today was a long day. Thank you. [background comments] [gavel] This hearing is closed.

COMMITTEE ON WOMEN JOINTLY WITH COMMITTEE ON
CIVIL AND HUMAN RIGHTS

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C E R T I F I C A T E

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



Date March 23, 2018