

Testimony of JoAnn Kamuf Ward
Deputy Commissioner, Policy and External Affairs
New York City Commission on Human Rights
Before the Committee on Civil and Human Rights on the Challenges Related to Post-Pandemic Return to Work.
June 22, 2022

Good afternoon Chair Williams and members of the Committee on Civil and Human Rights. I am JoAnn Kamuf Ward, Deputy Commissioner of Policy and External Affairs at the New York City Commission on Human Rights. It is my pleasure to join you today to testify regarding the Commission's work and the Human Rights Law protections that apply in the employment context. I am joined by Sapna Raj, Deputy Commissioner of the Law Enforcement Bureau at the Commission, and my colleagues at the Equal Employment Practices Commission.

The Commission is the local civil rights enforcement agency that enforces the New York City Human Rights Law, which is one of the broadest and most protective anti-discrimination and anti-harassment law in the country, covering nearly all aspects of city living, including housing, employment, and public accommodations. By statute, the Commission has two main functions. First, the Commission's Law Enforcement Bureau (LEB) enforces the City's Human Rights Law, by investigating complaints of discrimination, initiating its own investigations on behalf of the City, and utilizing its in-house testing program to identify entities that violate the Human Rights Law. Second, the Community Relations Bureau (CRB) fosters intergroup relations. Working in close collaboration with community partners, CRB provides free workshops and trainings on individuals' rights and the obligations of businesses, employers, housing providers, and leads bias response efforts, and restorative justice work.

COVID-19 and the Commission on Human Rights

Before turning to workplace protections under the Human Rights Law, I want to highlight some of the important work that the Commission has undertaken to address the uptick in discrimination and bias that have occurred since the onset of COVID-19. Throughout the pandemic the Commission's work continued uninterrupted.

For the duration of remote work, the Law Enforcement Bureau was able to conduct intakes and testing by telephone and online. The Commission adjusted to the pandemic to perform intakes remotely and filed 643 complaints in FY21 and 105 in the first quarter of FY22. Since the onset of COVID 19, the Community Relations Bureau has continued community engagement by partnering with stakeholders on trainings and events, establishing a first line of defense through education and outreach, providing techniques to safely de-escalate a bias incident, hosting community forums and townhalls, and educating communities of their rights and protections under the Human Rights Law. The Commission also held virtual town halls, in partnership with

sister agencies and City Hall, highlighting workplace rights related to COVID-19. The Commission conducted 1,683 trainings in FY21 and 390 in the first quarter of FY 22, reaching 125,757 New Yorkers. The Commission also developed and disseminated guidance on the roles and obligations of employers and public accommodations and the rights of all New Yorkers.

The Commission, like all city agencies, fully returned to the office in September of 2021, consistent with City policy and guidance developed by the Department of Citywide Administrative Services. Since then, the Commission has continued the use of some of the virtual tools we developed during the height of COVID-19, but in the past several months, the Commission has had the ability to re-engage in-person in communities, including through days of visibility in all five boroughs, resource fairs, business corridor outreach, and community forums, among other activities. Throughout the phases of the COVID 19 pandemic, the Commission has provided guidance to employers and employees on their workplace rights under the Human Rights Law, and it is those rights I will turn to now.

Employment Protections

New York City's Human Rights Law has extensive employment protections that prohibit discrimination against individuals on the basis of 21 protected classes, including age, national origin, disability, gender, race, sexual orientation, conviction record, caregiver status, and pregnancy, among others. The Law generally applies to employers with four or more employees and covers hiring, job postings and interviews; salary and benefits; and the terms and conditions of employment.

To comply with the Human Rights Law, employers must ensure that policies and practices, including those implemented in response to COVID-19, do not discriminate against workers based on their race, religion, national origin, citizenship, immigration status, and disability, or other protected status, or treat workers less well on the basis of a protected category.

Reasonable Accommodations

The Human Rights Law also requires employers to provide reasonable accommodations based on four categories: (1) disability, (2) pregnancy, childbirth, and related medical conditions; (3) religion; and (4) status as a victim of domestic violence, sexual assault, or stalking. Each of these are defined in our law.

Disability includes "physical, medical, mental or psychological impairment, or a history or record of such impairment." The obligation to provide a reasonable accommodation on the basis of disability extends to conditions directly related to COVID-19 and underlying conditions for which exposure to COVID-19 may pose a particular risk of complication. Under the Human Rights Law, accommodations related to religion include requests based on creed and religion, including, but not limited to, the observance of any particular day or days or any portion thereof as a sabbath or holy day or the observance of any religious custom or usage.

In the employment context, a reasonable accommodation is a change that meets an employee's specific needs and allows them to continue to fulfill the essential functions of their job. An accommodation can include many different things, such as a change in work schedule,

providing ergonomic equipment, telework, accessibility modifications to workspaces, allowing time to pray, and granting leave from work that is calibrated to meet an employee's individual needs. If any employee requests a reasonable accommodation on the basis of disability, pregnancy and related conditions, religion, experience with gender-based violence, or an employer knows that an individual may benefit from an accommodation on one of these bases, an employer must engage in cooperative dialogue and provide a reasonable accommodation unless doing so would create an undue hardship for the employer. The cooperative dialogue is a good faith effort to understand an individual's needs and limitations, how it relates to essential job functions, and the impact of a request on the employer. Under the City's Human Rights Law, an accommodation is considered reasonable unless an employer can show that the requested accommodation would cause an "undue hardship." The undue hardship analysis generally includes looking at the nature and cost of the accommodation, the number of employees, and the impact on business operations. An employer may decline an accommodation that presents an undue hardship. An employer may also decline an accommodation based on a disability if providing it would present a direct threat to workplace health or safety.

In order to protect health and safety of their businesses, employers can take reasonable steps to foster safe return to office for all employees. Measures should be consistent with guidance from public health authorities and up to date medical research and knowledge. Safety measures should also be equally applicable to all employees. In implementing safety measures, employers should provide reasonable accommodations consistent with the processes and protections I have discussed.

The Human Rights Law does not require employers to provide accommodations based on an employee's status as a caregiver or based on the needs of another. However, discrimination based on an employee's caregiver status is unlawful under the Human Rights Law, and employers must ensure that they are not discriminating against caregivers. Caregivers should be afforded the same benefits, privileges, and conditions of work as all other employees. In addition, other state and federal laws may govern parents' and caregivers' ability to stay home to care for children and may protect against retaliation for choosing to do so.

Bringing Reasonable Accommodation Claims to the Commission on Human Rights

Employers are the first stop for employees seeking reasonable accommodations in the workplace. If an accommodation is denied, an individual can contact the Commission to file a complaint or conduct a pre-complaint intervention. Individuals can also file claims with the State Division of Human Rights, and the Federal Equal Employment Opportunity Commission.

When the Commission staff assess that an aggrieved person has a claim under the City's Human Rights Law and a complaint is filed, an investigation is initiated. The Commission can also initiate its own investigation based on public information, tips, and referrals. When initiating its own investigations, the Law Enforcement Bureau often takes steps before filing a complaint, including sending the business a cease-and-desist letter, or requests for information on their policies and practices.

If a complaint is filed regarding an accommodation or another protection in the Human Rights Law, LEB investigates by gathering data and documents, and conducting interviews of witnesses, employees, or others with relevant information. Ultimately, LEB reaches a determination as to whether the evidence it has gathered supports the allegations in the complaint. If LEB finds probable cause, it prosecutes the respondent business in a hearing at NYC Office of Administrative Trials and Hearings (OATH). Before initiating the prosecution, LEB attempts to settle, or conciliate, the case. If the case does not settle, then OATH will hold a hearing, and issue a report and recommendation. Then the Commissioner of CCHR will issue a final decision dismissing the case or ordering relief for the complainant.

Through conciliation and decisions and orders, the Commission can award money damages for the complainant, including lost wages, emotional distress damages, and attorneys' fees; and issue monetary civil penalties that are paid to the general fund of the City of New York. The Commission also has the authority to order affirmative relief, including posting notices of rights, engaging in cooperative dialogue, creating, or revising policies, conducting trainings, and more.

Thank you for this opportunity to discuss the ways the Human Rights Law protects New York's workers. We look forward to continuing the Commission's work in collaboration with the Adam's Administration, sibling agencies, and the Council.



Headquarters
5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office
2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office
815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office
303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

**Oversight — New York City Commission on Human Rights and Equal Employment
Practices Commission: Challenges Related to Post-Pandemic Return to Work**

Testimony of Meghan Racklin, Staff Attorney

A Better Balance

Thank you to Chair Williams and the members of the Committee for Civil and Human Rights for the opportunity to testify today. My name is Meghan Racklin and I am a Staff Attorney at A Better Balance. A Better Balance is a legal nonprofit headquartered in New York City. A Better Balance was founded with the goal of ensuring that all workers have the ability to care for themselves and their families without compromising their economic security. Here in New York City, we are proud to have drafted and shepherded to passage groundbreaking legislation, the 2014 NYC Pregnant Workers Fairness Act, and helped to draft New York City’s caregiver discrimination law. The extension of both of these important laws to domestic workers, who are so often balancing the work of caring for their employers’ families with the need to care for themselves and their own families, is urgently needed. We were also at the forefront of drafting and advocating for the New York City Earned Sick Time Act as well as the expansion of the law to include safe time and to broaden the definition of family members, as well as the City’s Fair Workweek law.

Since the start of the pandemic, A Better Balance has heard from thousands of workers, especially in New York, on our free legal helpline, about the challenges they’re face navigating work and caregiving responsibilities. New York City has long been a national leader on work-family issues, but in the wake of the ongoing pandemic and care crisis, more action is urgently needed. Our recent report, co-authored with the Community Service Society (CSS), *Women in the Workforce: Advancing a Just Recovery in New York City*,ⁱ provides new data from CSS’s *Unheard Third* Survey—the longest-running poll of low-income people in the United States—



Headquarters
5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office
2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office
815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office
303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

demonstrating that more than a third of women reported that they had experienced temporary or permanent job loss in their household since the start of the pandemic, and that low-income women of color had higher rates of temporary or permanent job loss. Many of these workers are not opting out of the workforce, they are being pushed out by discriminatory and inflexible workplace policies.

New York City has some of the strongest worker-protective laws in the nation, yet workers—especially low-wage workers, who are disproportionately women of color—are still struggling. As more and more workers throughout the city begin to return to the office, it is important to remember that the flexibility provided by remote work was a key lifeline for many New Yorkers during the first two years of the pandemic. That flexibility was not equally accessible to all New Yorkers, however—our report with CSS demonstrates that, in 2021, 59 percent of mothers who needed to stop working cited childcare concerns as a reason. Low-income women were twice as likely to report that they needed to stop working compared to moderate- and higher-income women—perhaps because more than half of moderate- and higher-income women were able to transition to remote work, compared to just 35 percent of low-income women. Now, as many workers who have been working from home successfully during the pandemic are facing onerous return-to-office policies set by their employers, it is crucial that New York find solutions that work for all workers who are balancing the competing demands of work and care. I will discuss a few key changes the New York City must make to address the needs of workers that are of particular relevance to CCHR and EEPC in my testimony today.

1. Expand outreach, education, and enforcement

First, it is crucial that New York City work to expand outreach, education, and enforcement of existing laws so that all workers are informed of their rights and all employers are informed of their obligations. New York City's strong laws cannot help workers unless workers know about them and are able to put their protections into practice. Data in our Women in the Workforce report clearly indicates that low income working women are not aware and



Headquarters

5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office

2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office

815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office

303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

have not been able to fully access their rights, specifically the New York City Earned Safe and Sick Time Act (ESSTA), New York State’s paid sick time law, and New York State’s Paid Family Leave law. Nearly six in 10 women who are covered by the New York City Earned Safe and Sick Time Act (ESSTA)ⁱⁱ had heard little to nothing about the law, which provides covered workers with job-protected time off from work that can be used for a number of purposes, including prenatal appointments and other reproductive healthcare, caring for a sick child or other loved ones, and when the worker is a victim of domestic violence. And unfortunately, many workers throughout the state also have yet to learn about New York State’s paid sick time law, passed in 2020 and fully effective as of January 1, 2021.ⁱⁱⁱ The new state law basically follows the city law but adds time that workers are entitled to if they work for larger employers.

At the same time, in addition to overwhelming childcare concerns—due both to a lack of paid childcare options and to parents’ need to care for their own children in the face of illness and school closures—53 percent of low-income workers who needed to stop working cited health or disability as one of the reasons. At the same time, only 36 percent of low-income women and 46 percent of moderate- to high-income women working in New York City’s private sector reported having access to paid leave, despite the fact that New York State’s paid family leave program covers most private-sector workers, and many workers reported leaving the workforce during the pandemic due to the need to care for themselves or loved ones. Taken together, this suggests that workers are not adequately informed about their rights to paid family leave, paid sick time, anti-discrimination protections for caregivers, and reasonable accommodations for disability or pregnancy.

For these important rights to be meaningful, workers must be adequately informed of their rights. The City Commission on Human Rights must immediately prioritize strong outreach and education campaigns to ensure that workers are well-informed about their rights, alongside strong enforcement of worker-protective laws to ensure that workers are able to meaningfully benefit from these rights. Moreover, CCHR must work alongside other City agencies, like the



Headquarters
5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office
2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office
815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office
303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

Department of Consumer and Worker Protection, and in coordination with State agencies like the Department of Human Rights and the Workers' Compensation Board, and in collaboration with community partners, to ensure that New York workers understand the full range of protections available to them under city, state, and federal law.^{iv}

At the same time, the Commission on Human Rights should prioritize strong, proactive enforcement of existing workplace rights, including by fast-tracking pregnancy accommodations complaints which are, by their nature, time-sensitive and by paying careful attention to the employers—especially large companies—who use overly-rigid, punitive so-called “no fault” attendance policies,^v to penalize workers for absences that should be considered a reasonable accommodation under the City Human Rights Law.

2. Ensure that caregivers are not discriminated against in the workplace

Second, the City should ensure that caregivers are not discriminated against in the workplace. The pandemic's particularly pernicious effects on caregivers has been widely documented, but the data in our joint report with CSS makes this incredibly vivid, specifically data that shows that mothers and fathers were forced to stop working due to childcare responsibilities in enormous numbers. Beyond the need for increased access and resources for childcare, the pandemic brought to light the many different kinds of caregiving needs, from the need to care for children who were themselves sick with Covid-19 or isolating after a possible exposure in or closing of schools and childcare facilities. Solutions to the employment crisis facing parents and other caregivers as the pandemic continues and after must account for family caregiving needs.

The City Human Rights Law has strong anti-discrimination protections for caregivers, which must be strongly enforced. At the same time, the City Council should consider legislation to expressly provide caregivers with a limited right to reasonable accommodations absent undue hardship to the employer and protection from retaliation for requesting accommodations based on caregiving needs to better enable caregivers to manage the demands of caregiving while



Headquarters
5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office
2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office
815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office
303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

working in the paid labor force. The City Council should also ensure that refusing to engage in the interactive process when a caregiver requests a reasonable accommodation under existing City law, that refusal constitutes an independent violation of the City Human Rights Law.

3. Protect the rights of app-based gig workers

City agencies, including the Commission on Human Rights and the Department of Consumer and Worker Protection, should be proactive in ensuring that the rights of app-based gig workers are protected. Some of the most striking findings from our Women in the Workforce report related to the prevalence of app-based gig work among women workers. Across all income levels, participation in app-based gig work increased. In 2021, 28 percent of low-income women in the paid labor force said that they engaged in app-based gig work in the past year, nearly double from 15 percent in 2020; similarly, the share of moderate- to higher-income women who engaged in app-based gig work doubled from 2020 to 2021. Low-income women were twice as likely as their moderate- to higher-income counterparts to depend on app-based gig work as their primary source of income. Widespread job loss, coupled with increasing need for flexible schedules due to childcare concerns, may have pushed more women into nonstandard work arrangements.

With the rise in app-based gig work, many workers face difficulty accessing the workplace rights and protections they need. In New York, many app-based gig workers should be classified as legal employees in order to access all of the rights and benefits that employment entails, including paid sick time, reasonable accommodations for pregnancy and disability, protections from discrimination, paid family leave, and minimum wages. However, app-based gig companies largely misclassify them as independent contractors. The Department of Consumer and Worker Protection should proactively enforce the law to combat misclassification. At the same time, while misclassification is often used to skirt many of the protections afforded to traditional employees, independent contractors have broad anti-discrimination protections under the city's Human Rights Law^{vi} and the Commission on Human Rights should proactively



Headquarters
5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office
2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office
815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office
303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

enforce those protections to ensure that gig workers are able to work free from discrimination and are able to access the pregnancy and disability accommodations they need, whether or not they are misclassified.

4. Lead the way as a model employer

New York City should lead by example as a model employer. We know, both from the data presented in our report with CSS and from the first-hand experiences of the callers to our free legal helpline, that the economic upheaval that began at the start of the pandemic in 2020 has, like the pandemic itself, not abated. In this turbulent time for both workers and businesses, the City government is uniquely positioned to lead by example; businesses look to the City government for guidance and that guidance can be provided both through formal means and broadly-applicable policy decisions, and more informally, through the model the City government sets as the largest employer in New York City. The City has fallen far short of that goal to date.

A report by then-New York City Public Advocate Letitia James found that the gender wage gap for women in the municipal workforce is *three times* larger than that faced by women in the city's private sector,^{vii} indicating the City's failure to support women in its workforce. City workers are not covered by many important worker-protective laws, including ESSTA and the temporary schedule change law discussed above, and they are not automatically covered by the state's paid family leave and temporary disability insurance programs (public employers can, but do not have to, opt to cover their employees and public-sector unions can opt in to paid family leave as part of the collective bargaining process).

The City has not stepped up to provide the municipal workforce with comparably protective policies. Recently, for example, the City's overly rigid and confusing return-to-office policy has so far fallen short of the goal of serving as a model employer.^{viii} The City should also serve as a model employer by revising its return-to-office policy to meet the needs of workers with health concerns or caregiving responsibilities and proactively ensuring that all government



Headquarters
5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office
2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office
815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office
303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

employees have access to paid family and medical leave and reasonable caregiving accommodations.

Conclusion

As New York City considers the path forward, it is important to remember that the pre-pandemic status quo—including inflexible schedules and overly punitive workplace environments for low-income workers, inaccessible and unaffordable childcare, and workers increasingly unable to meaningfully access the workplace rights to which they are entitled and workplace benefits, many of which they have paid for—enabled the pandemic to create such widespread economic devastation. New York cannot afford a return to “normal.” If New York City is to support workers as the pandemic continues, and use the lessons of the pandemic to build towards a more just and equitable future, change is urgently needed.

ⁱ MEGHAN RACKLIN, DEBIPRIYA CHATTERJEE, SARAH BRAFMAN, EMERITA TORRES, DINA BAKST, SHERRY LEIWANT, A BETTER BALANCE & THE COMMUNITY SERVICE SOCIETY, WOMEN IN THE WORKFORCE: ADVANCING A JUST RECOVERY IN NEW YORK CITY (2022), <https://www.abetterbalance.org/women-in-the-workforce/>.

ⁱⁱ N.Y.C. Admin. Code § 20-911 et seq. For a model resource informing workers of their rights under this law, see Know Your Rights: New York City Paid Sick Time, A Better Balance (last visited May 24, 2022), <https://www.abetterbalance.org/resources/know-your-rights-new-york-city-paid-sick-time/>.

ⁱⁱⁱ N.Y. Lab. L. § 196-b. For a model resource informing workers of their rights under this law, see Know Your Rights: New York State Paid Sick Time, A Better Balance (last visited May 24, 2022), <https://www.abetterbalance.org/resources/know-your-rights-new-york-state-paid-sick-time/>.

^{iv} For a model of a resource that provides comprehensive information about local, state, and federal rights, see Know Your Rights: New York, A Better Balance (last visited May 23, 2022), <https://www.abetterbalance.org/states/new-york/>.

^v DINA BAKST, ELIZABETH GEDMARK, & CHRISTINE DINAN, A BETTER BALANCE, MISLED AND MISINFORMED: HOW SOME U.S. EMPLOYERS USE “NO FAULT” ATTENDANCE POLICIES TO TRAMPLE ON WORKERS’ RIGHTS (2020).

^{vi} See A BETTER BALANCE, *State Leadership on Anti-Discrimination Protections for Independent Contractors* (April 22, 2020), <https://www.abetterbalance.org/state-leadership-on-anti-discrimination-protections-for-independent-contractors/>.



Headquarters

5 Columbus Circle, 11th floor
New York, NY 10019
tel: 212.430.5982

Southern Office

2301 21st Ave. South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

DC Office

815 16th Street NW, Suite 4162
Washington, DC 20005

Colorado Office

303 E. 17th Ave., Suite 400
Denver, CO 80203

abetterbalance.org | info@abetterbalance.org

^{vii} LETITIA JAMES, N.Y.C. PUBLIC ADVOCATE’S OFFICE, POLICY REPORT: ADVANCING PAY EQUITY IN NEW YORK CITY 2 (2016) (on file with A Better Balance).

^{viii} Letter from A Better Balance to Mayor Bill de Blasio (Sept. 21, 2021), https://www.abetterbalance.org/wp-content/uploads/2021/09/Letter-to-NYC-Mayor-re-Return-to-Office_FINAL.pdf.

Testimony of Jeanne M. Victor, Executive Director
Equal Employment Practices Commission (EEPC)

Committee on Civil and Human Rights - Challenges Related to Post-Pandemic Return to Work

June 22, 2022

Good morning and thank you for the opportunity to testify before this Committee regarding the challenges we, in the EEPC, have encountered related to returning to the office, post-pandemic. My remarks will focus largely on our returning workforce and how the pandemic has impacted our ability to conduct our work. As you may be aware but by way of background, the Equal Employment Practices Commission was created by the 1989 amendments to the New York City Charter (City Charter). The EEPC is an independent, non-mayoral oversight entity tasked with auditing, reviewing, and monitoring the equal employment practices of the City of New York (City). In this capacity, the EEPC audits and evaluates the employment practices and procedures of approximately 143 municipal entities, agencies, and the offices of elected officials and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants seeking employment. Audits are conducted at least once every four (4) years and consist of several phases, including data collection, evaluation, and analysis, and monitoring the entity to ensure areas of non-compliance are rectified. Just to be clear, our audits look back in time, which means the audit the EEPC initiated this year will review a period of time when COVID was rampant. As such, because the impact of the pandemic, from an audit perspective, won't be known for some time, today I am able to provide information specific to the EEPC but not the City workforce, as a whole.

In addition to our audit responsibilities, the EEPC is charged with conducting a decade long citywide analysis of racial and ethnic classification, pursuant to Local Law 13 of 2019. The EEPC must publish a report annually with policy, legislative, and budgetary recommendations to the Mayor and City Council for correcting chronic or systemic underutilization in the City's workforce, achieving citywide affirmative employment objectives, and increasing diversity in the recruitment, selection, retention, and promotion of City employees. The EEPC also periodically hosts educational events for City employees on EEO topics of relevance. On June 9th of this year, the EEPC hosted its Symposium 2022: Understanding and Addressing Underutilization of Women and Minority Group Members in New York City's Workforce, held remotely via WebEx Webinar. Three (3) speakers, from both City government and the private sector, provided different perspectives on underutilization, and a panel roundtable discussed recruitment and retention strategies used by City agencies. Attendance at this event was approximately 225 City employees and feedback has been overwhelmingly positive.

When the pandemic commenced in 2020 and non-essential City workers were ordered to work remotely, the EEPC consisted of approximately 14 employees, which remains our current headcount. It was initially thought that the duration of working remotely would be relatively short – a matter of weeks. But as the pandemic continued to rage on, the EEPC had to adjust its processes to ensure our audit mandate would still be met. The biggest challenge associated with working remotely was the EEPC's own lack of technology and resources. It became clear that matters integral to audit completion, such as data collection from audited agencies, the creation of and access to electronic documents, the ability to conduct meetings remotely, to scan, copy, and sign documents, and take telephone calls, all had to be dealt with. Processes that had been used for years were just not compatible with remote working.

Fortunately, the EEPC, despite its small size, did (and still does) have an Administrator of Computer Systems and Support who, working with then-Executive Director Charise Terry, developed protocols for accessing the EEPC's systems, and databases. Work arounds were implemented, such as accepting documentation during compliance monitoring via email, rather than asking agencies to upload their documents directly into the EEPC's TeamCentral tracking system. New employees hired before remote work began now had to be onboarded virtually. Concessions were also made. For example, because licenses needed to be purchased to use Microsoft Teams, and the EEPC had minimal budgetary resources, the decision was made to instead use WebEx to hold remote meetings. Nevertheless, the EEPC was able to continue to conduct business, complete audits, and assist agencies in reaching EEO compliance. But it must be noted that this success was only possible due to the assistance of all of our employees who were required to use their personal cell phones, laptops, printers, scanners, internet access, and supplies, without reimbursement or any additional compensation. This was done largely without any complaint, whatsoever. Lastly, Commission meetings were held remotely, and in accordance with the time requirements set forth in Charter Chapter 36.

In 2021, as staff were ordered back into the office, our employees expressed genuine concern about the safety of the EEPC's office. Over 75% of our staff sits in a single room with a row of 12 low-wall cubicles and little space for anything else. To ensure the safety of our employees, the EEPC undertook several measures such as scheduling staff to come into the office on a staggered basis to enable social distancing. We also outfitted the office space with sneeze guards, which served to extend the walls of the partitions, purchased several air purifiers, and provided our employees with PPE and rapid COVID tests. Additionally, although in-person Board meetings resumed in June, during the latter part of 2021, the EEPC began to "live-stream" its meetings on YouTube so that interested parties could watch the Board conduct business in real time without having to be physically present or wait a period of days for the video to be uploaded to the EEPC website.

Once our employees returned to the office full-time, we decided as a group to continue wearing our masks in the office and take safety precautions such as wiping down common areas after every use. Despite these actions, the EEPC has had 2 instances of having to request enhanced cleaning of the office by DCAS due to employees who contracted COVID and exposed their colleagues in the office. The first instance was relatively minor, but the second instance, which happened only five (5) weeks ago, was very alarming. Several of our employees tested positive within a day of each other, while other employees felt sick and stayed home at this very same time. Additionally, our Board of Commissioners had to be notified that they too had been exposed and should be tested for COVID or risk exposing their families to the virus. This incident served to heighten our staff's concerns about just how safe the office actually is. Unfortunately, the EEPC is without any other space or resources to make additional safety modifications to our office.

I'll summarize by saying that during the pandemic, the EEPC was able to fulfill its mandate despite the challenges of technology, the scarcity of resources, the retirement of the EEPC's Executive Director after more than 25 years of City service, the recruitment of her new replacement, and the addition of a new Chair and new Commissioner although the Board still lacks 2 Commission members. In fact, when the EEPC concluded its sexual harassment audit in 2021, I am proud to report that the EEPC had issued an unparalleled fifty (50) Determinations of Compliance to municipal entities that implemented corrective actions. In fact, the EEPC completed record numbers of audits in both 2020 and 2021. Additionally, feedback from a survey the EEPC conducted in 2021 indicated that many EEO and HR professionals involved in our 2020 audits found the EEPC's performance to be excellent, good, or satisfactory for all of

the surveyed categories. Moreover, the EEPC received its highest performance rating (92%) regarding the professionalism of the audit team's interactions with audited agencies. Also In 2021, the EEPC completed its first in the series of 10 reports, pursuant to Local Law 13. In 2022, the EEPC commenced a new audit and is currently completing its second report on underutilization. While the EEPC has a great team that has gone above and beyond, repeatedly exceeding expectations, I would be remiss if I did not mention that the EEPC is still without adequate staff and expertise needed to perform our mandated work and commensurate with the importance of our agency's mission. The pandemic forced us to think about how to work and accomplish our mission in a new way. I am happy to report that even during those days of extreme fear and uncertainty, the EEPC exceeded all goals and successfully completed its mandates and has returned to the office, not returning to the way work was executed prior to the pandemic but by incorporating those things that have made working remotely successful, into our processes today.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOANN KAMUF-WARD

Address: _____

I represent: CCHR

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/22/22

(PLEASE PRINT)

Name: JEANNE M. VICTOR

Address: 253 BROADWAY - SUITE 602

I represent: EQUAL EMPLOYMENT PRACTICES

Address: COMMISSION

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/22/22

(PLEASE PRINT)

Name: Jennifer Shaw

Address: 253 Broadway, NY, NY 10007

I represent: Equal Employment Practices Commission

Address: 253 Broadway, NY, NY 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mari Moss

Address: Unkn Ave N.W

I represent: Women / We Love Harlem Initiative

Address: 315 W. 125th St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 6/22/22

(PLEASE PRINT)

Name: SAPNA RAJ

Address: 22 Read St.

I represent: NYC Commission on Human

Address: Rights

Please complete this card and return to the Sergeant-at-Arms