

March 13, 2026
New York City Council Budget and Oversight Hearings on
The Preliminary Budget for Fiscal Year 2027
The Preliminary Capital Plan for FY 2027-2030 and
The Fiscal 2026 Preliminary Mayor’s Management Report

Testimony of the Equal Employment Practices Commission (EEPC)
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Good afternoon Chair Nurse and members of the Council’s Committee on Civil and Human Rights. My name is Jimmy Pan, Executive Director of the Equal Employment Practices Commission. Joining me today are Chair Aldrin Bonilla, Director of Audits Menelik Allsop, and Director of Research Russell Ferri. Thank you for the opportunity to testify and introduce ourselves to the esteemed Councilmembers. I would like to thank the previous Chair, Deputy Speaker Williams, who has been a great champion of the EEPC, as well as our previous Executive Director, Jeanne Victor, who left last June. I also thank the staff of the EEPC, who carried out our mandate for eight Director-less months, and our EEPC Commissioners for their support of the team.

Voters Created EEPC to Bring Government into the Modern Era

New York City voters established the EEPC to provide independent, non-mayoral, oversight over the City’s employment practices. The new Charter, approved in 1989, required all City agencies to establish "a fair and effective

affirmative employment plan." Voters approved the Equal Employment Practices Commission to review and monitor the effectiveness of the City's practices; to assist agencies; to make policy, legislative and budgetary recommendations, and to issue annual public reports on the state of equal opportunity. In short, the new Charter created the EEPC to exercise every accountability tool possible. It recognized that a government, even in a place like New York City, would not likely change on its own.

For decades, the EEPC has navigated shifting political climates, fiscal constraints, and evolving legal standards. We have maintained our constant charge: promoting accountability, transparency, and fairness in the largest municipal workforce in the United States. National and local challenges and opportunities today give our responsibility particular weight.

The Modern Era Context and the Importance of EEPC

New Yorkers swept several officials into office on an agenda of economic justice, including Mayor Zohran Mamdani. Record numbers of voters recognized that existing policies and practices have not led to economic security or the promise of a good life. Their reaction to widespread unaffordability and accelerating wealth inequality reminds us of the circumstances that led voters to create the EEPC. Those who drafted our mandate said that "a Charter that failed to address race relations ... would leave behind a ticking time bomb for the City."¹ They thus left us a broad mandate and a vision of a future inclusive City.

Unfortunately, the times of today present greater existential economic jeopardy than the 1980s. In 1989, the top 1/1000th of Americans already controlled an incommensurate 8 ½ percent of the nation's total wealth; by 2025, it had almost doubled to an unconscionable 14 ½ percent. The entire bottom half of Americans already went down from a meager 3 ½ percent of the nation's wealth to an impossible 2 ½ percent of its wealth.² We have worse wealth inequality than any similar democracies, and inequality is worsening faster here than in those countries. It has for fifty years increasingly squeezed nearly everyone out of an affordable life, even those families who were once

¹ Frederick A.O. Schwarz Jr. and Eric Lane, *The policy and politics of Charter making: the story of New York City's 1989 Charter*, 42 N.Y.L. Sch. L. Rev. 723 (1998). https://scholarlycommons.law.hofstra.edu/faculty_scholarship/740

² *Distribution of Household Wealth in the U.S. since 1989*. Board of Governors of the Federal Reserve System. <https://www.federalreserve.gov/releases/z1/dataviz/dfa/distribute/table/>.

solidly middle class. Our national choices of law and policy have put housing, health, and education in the concentrated hands of a few, which enables them to charge higher prices for the rest. This economic squeeze also allows employers to offer lower salaries for those hung out to dry. Today, our city reckons not just with an impoverishment of people of color, women, or other historically oppressed groups. We face an epidemic of impoverishment of the people. As we learned in the 1930s, “[p]eople who are hungry, people who are out of a job are the stuff of which dictatorships are made.”³

As the tide of economic injustice rolls forward, the EEPC has a small but valuable role to play in reversing the tide. Workforce equity leads directly to affordability and security. For hundreds of thousands of municipal employees and their families, access to equitable hiring, promotion, and retention practices shapes their economic security and intergenerational opportunity. We want more than simply to get marginalized groups into City positions. City government must become a place where people of all backgrounds can make a dignified living serving their community. The EEPC plays a part in pushing government to be a place that counteracts the economic compression of families. As we humbly ask for budget to fulfill our mandate, it is so we can promote economic justice citywide.

As part of our broad Charter mandate to review the City’s policy and its effectiveness, the EEPC must audit the employment practices of approximately 145 City entities at least once every four years. Charter §1151-a also requires auditing agencies to examine how the policies and programs we review have fulfilled the City’s foundational values in the Preamble to the Charter. We must audit all mayoral and non-mayoral agencies; the offices of elected officials, non-pedagogical employees of the Department of Education, NYCHA, and more. As part of the audit—or any other of the EEPC’s oversight functions—the Charter authorizes us to determine that the programs, policies, or procedures we reviewed do not provide equal employment opportunity. The EEPC can then require appropriate corrective action and monitor the entity’s implementation.

Yet the breadth of our Charter mandate extends far beyond audits alone. We must review and evaluate whether the City has succeeded overall in promoting equal employment. Our skilled research team analyzes municipal workforce data to identify trends in employment. It can use expansive City data

³ *State of the Union Message to Congress, January 11, 1944.* Franklin Delano Roosevelt.

to perform research into economic trends that we cannot perform elsewhere. Our independence allows us to provide credible research on whether the City has met its mark. The Charter also requires us to recommend reforms, monitor corrective actions, and foster interagency collaboration. To fully modernize data systems, deepen analytic capacity, and expand proactive policy engagement, the budget must fund the EEPC commensurate to its statutory charge.

The Charter puts EEPC and the City Council in the position to push in the court of public opinion to pay agency workers more, improve any poor conditions, or reduce unfairness in city hiring or promotion. On the other hand, the City's financial agencies face a tension. Improving worker pay and conditions would almost certainly improve the government's long-term efficiency, but would also run up against the structural role these agencies play in reducing personnel costs.

Recent Findings from the EEPC

Our recent findings from this past year shed light on the City's trajectory.

Local Law 13 of 2019 added tangibility our mandate. It requires us to analyze underutilization of racial and ethnic workers every year. We analyze when the City under-employs, under-promotes, or under-retains certain groups compared to what we would expect based on the existing labor market. Unsurprisingly, agencies continued to underutilize marginalized workers, and those workers continued to separate from the workforce at disproportionate rates.

We also know underutilization gives only a glimpse into much larger issues. The United States, including our city government, has concentrated women and people of color into lower-paying or less-prestigious job categories while underrepresenting them in higher-paying classifications. Occupational segregation leads to wage segregation. When we only examine underutilization, we ignore all the upstream root causes that divert people away from career paths. Thus, we will expand our research portfolio, especially if we are given the resources and stability to do so.

The EEPC's latest quadrennial audit cycle focused on employment practices related to underutilization. Our work reveals four main systemic gaps in agency practice: accessing and complying with necessary training, analyzing workforce composition, collecting applicant data, and filling mandated EEO

roles (e.g., the principal EEO professional or Career Counselor roles). Compared to the previous four-year cycle, agencies overall showed modest improvement complying with the EEPC's core audit standards.

Our upcoming audits focuses on EEO complaints and reasonable accommodation requests. We want to streamline our audits, out of consideration for our agency partners and for our own efficiency. However, our severe budget constraints make improvements slower.

Budget, Equity, and Independence for Oversight Agencies

The City has severely, chronically under-resourced the EEPC since its creation in 1989. According to Comptroller standards, the EEPC has only recently managed to audit all required entities within the statutory time period. Even still, that success in audits represents only one of our many Charter mandates.

We thank the Council and the Mayor's Office for recent staff additions, but our budgeted headcount remains a modest fifteen (15) full-time employees. We also have a Board of five (5) per diem Commissioners, who the Mayor and City Council appoint. The Commissioners appointed me to serve as Executive Director in February of this year. I have been honored to join the EEPC after several years of work in the world of structural racial justice.

Each year the EEPC must contest with the budget office for resources, despite the import of the EEPC's work for all current and potential City employees, and frankly for the local economy and government. The EEPC's staffing and funding levels remain modest and unsustainable relative to the scale of its responsibilities.

These budgeting dynamics threaten accountability to New Yorkers. Because of the EEPC's small size, all cuts represent potential existential threat to our ability to oversee the branches of government, especially the Executive Branch. We have no redundancy in our staffing. We have the opposite. We estimate that agencies need at least six full time administrative and operational staff as the absolute minimum to keep an agency surviving, but including myself we have only four. Our operational staff are overloaded, and if anyone leaves, we have no backup option or way to retain institutional knowledge. It puts our Charter mandates on hold. For example, the EEPC had no Executive

Director for eight months, without a deputy to step in. Nor do we have redundancy in non-operational staff, all of whom carry out Charter and Council-legislated responsibilities.

This year, like in many recent years, OMB has directed the EEPC to participate in blanket citywide cuts to vacancies and budget, notwithstanding that the EEPC is a non-mayoral agency and that therefore Executive Order 12, requiring such cuts, should not apply to the EEPC. Every year, we divert scarce resources from our Charter mandates to push back on such actions. Every year, these exercises introduce unnecessary risk and instability to our infrastructure, even if we do not end up losing staff. At our size, any fragility makes it hard to carry out the oversight tasks that voters democratically willed.

From fiscal year 2018 to now, the EEPC’s headcount has seen a net increase of only one (1), despite the Council charging our agency to do more with our Charter mandate than ever before, including new local law mandates that make our monitoring more concrete. In fact, if OMB goes through with its vacancy reduction exercise, we would return to the same headcount that we had in FY 2018.

While we would not purport that OMB’s actions intend to threaten or to limit the EEPC’s oversight capacity, we respectfully point out that including small oversight bodies in broad-based cuts presents a structural risk to holding a Mayor accountable.

Fiscal Year (FY)	EEPC Headcount
2018	14
2019	14 (-1) → 13
2020	13 (+1) → 14
2021	14
2022	14 (+1) → 15
2023	15 (-1) → 14
2024	14 (-2) → 12
2025	12 (+3) → 15
2026	15 (-1) → 14 (OMB proposed cuts)
2027	14 (as proposed)

Specific Budget Asks to Fulfill Charter Mandates

The EEPC has five major staffing shortfalls that make it impossible to effectuate our full Charter mandate.

First, for our work to actually improve the lives of New Yorkers, we must communicate our findings and recommendations with clarity. The EEPC has no funding for a communications professional. We need to translate dense research findings and audit investigations into practical lessons for policymakers. More important, having a communications professional at the EEPC would allow us to reach those who we ultimately aim to serve: the New Yorkers who provide public service for their neighbors and those wishing to do so. Our oversight powers only help New Yorkers if we can make findings both widespread and digestible. To push for a better city, New Yorkers must know about existing issues and potential fixes.

Outside of our mandated activities, a robust communications capacity also helps us contribute to a better and more unified New York. We want to show our fellow workers that an independent government agency champions their behalf, especially when many public servants feel that their work is going unseen or even villainized. We have the distant hope that our efforts can bring City workers together in support of a better and fairer economic future.

Second, to execute our mandate with precision, we must increase our legal and policy capacities. Many outside our agency expect that a New York City Equal Employment Practices Commission would be filled with lawyers. In fact, we have few on our staff. To monitor local and federal developments in employment and labor law, we must add more employment and labor law capacity. To ensure that the preliminary determinations we issue to entities or the Mayoralty meet legal muster, we must be able to incorporate attorney review back into our audit process. For us to make effective employment policy recommendations to the City, we need additional capacity in analyzing the City's law and structure. And while we do not need to embed all of these responsibilities in the same person, it may make sense at our size to do so.

Third, we need intergovernmental capacity because our independent agency has limited ability to foster working relationships. Although we may belong to both branches of city government, we need concrete partnerships to exert policy influence and help agencies improve. The Charter contemplates an

especially close relationship with the Department of Citywide Administrative Services (DCAS), both as a partner and as a subject of our monitoring. Without closer relationships to the Mayor's Office, City Council, the Budget Office, Law Department, Labor Relations, unions, and others, we face uphill challenges in improving the government employee experience. We also wish to partner better with our peer investigative agencies, such as City Commission on Human Rights (CCHR) or Department of Investigation (DOI), increasing the effectiveness of and reducing redundancies in oversight.

Fourth, as mentioned earlier, we have so few staff to administer the functions of the agency that we remain perpetually at risk of institutional catastrophe. As the Committee can appreciate, sometimes it is more costly to be poor, especially when misfortune strikes. Long-term economic prudence would mean funding backup staff to train in our HR, Finance, and Software needs. While these positions would not directly work on Charter mandates, they shore up our ability to operate at all. We can establish these as part-time roles or combine them with other needed functions.

Fifth, the EEPC's low salaries jeopardize its Charter Mandates. These salary levels impair our retention, hiring, and institutional knowledge. Because of the structural reasons mentioned earlier, many oversight agencies probably have lower salaries than the agencies they oversee. We would argue for Council to generally raise the salaries of all oversight agencies and backstop accountability for the people. Nevertheless, the EEPC still has the lowest salary per person of all comparable oversight agencies, besides also having the lowest PS budget. We analyzed a panel of eight other agencies having similar oversight roles: on a per agency level, they average an extra \$15K per staff compared to the EEPC.⁴ If we took a more conservative estimate by combining all staff at those comparator agencies together into a single pool, they would still earn on average more than \$11K compared to the mean individual salary at the EEPC. And among these agencies, the more directly the agency's mandate touches on racial issues, the lower the agency's mean salary, which should not surprise the Council.

⁴ Comparator agencies were COIB, IBO, BOC, DOI, CORE, CSC, CCHR, and CCRB. Not all are non-mayoral, but we consider them generally to have similar oversight roles. We include CSC for its size rather than an oversight role per se, and while we consider EEPC the smallest agency, we recognize others may consider CSC the smallest. Salaries were calculated using FY25 Payroll from NYC OpenData, excluding hourly-paid staff, which usually includes interns or Commissioners. For fairer comparison, we manually added the salary of the EEPC Executive Director, even though there was no ED at the time of the OpenData payroll data. Calculations available upon request. (Unabbreviated: Conflicts of Interest Board, Independent Budget Office, Board of Correction, Department of Investigation, Commission on Racial Equity, Civil Service Commission, Human Rights Commission, Civilian Complaint Review Bd). *Expense Budget*, OMB. NYC OpenData. <https://data.cityofnewyork.us/City-Government/Expense-Budget/mwzb-yiwb>

Common sense would tell us that the smaller the agency, the higher the mean salary should be, since individual staff would shoulder multiple baseline administrative roles. It defies common sense that the EEPC is both the smallest agency and the lowest paid oversight agency. Bringing the EEPC up to the agency average would cost \$230K, using FY25 salaries. We then add a small buffer room to provide room to account for slight raises since FY25 and provide headroom for staff growth. Just as the Council would recognize that the poorest families have the least power to advocate for their own resources, we ask that Council step in to rectify the EEPC’s fundamental salary challenges.

Finally, at \$86K, the EEPC’s OTPS budget remains the smallest of any freestanding agency.⁵ The next smallest OTPS budget is nearly double that. We request a modest \$100K additional OTPS to improve training for our staff, to host symposia as contemplated in our Charter, to run media campaigns for city workers, and to support limited operational contracts where we lack sufficient staff capacity. This request is so small it puts us just past the next lowest OTPS budget, and on similar footing with the Office of Administrative Tax Appeals.

Table: Summary of Budget Requests

(,000)	
<i>Charter Mandate Needs (PS)</i>	
\$ 150	Labor and Policy Attorney
\$ 130	Communications Lead
\$ 130	Intergovernmental Lead
<i>Core Operation & Sustainability Needs (PS)</i>	
\$ 275	Agency Retention & Hiring Salary Parity Increase
\$ 60	Software Trainee (part-time)
\$ 55	HR & Finance Trainee (part-time)
<i>OTPS</i>	
\$ 100	Training, Media, contracting core needs not funded through PS
<i><u>Total</u></i>	
\$ 900	

EEPC’s budget has been so low for so long that today’s budget requests comprise a sizeable fraction of our existing budget. We request an amount that pales in comparison to the cost of underfunding EEPC’s work: the cost of

⁵ *Expense Budget*, OMB. NYC OpenData. <https://data.cityofnewyork.us/City-Government/Expense-Budget/mwzb-yiwb>.

lawsuits, the cost of low morale, the cost of losing talented public servants and knowledge, and the ultimate cost of missing out on New Yorkers who want to serve.

Conclusion

The government performs best when it attracts the best talent possible. It cannot do so if workers perceive hiring and promotion as unfair. Nor can it do so if structural barriers discourage whole swaths of New Yorkers from working for the City. “An efficient government that is unjust is worth little,” said the Chair of the 1989 Charter Revision Commission that created the EEPC.⁶ At the EEPC, we also believe that building a just government is the best way to build an efficient one.

Thank you for the opportunity to testify on behalf of the EEPC at this Preliminary Budget Hearing. I will now take any questions you may have.

⁶ Frederick A.O. Schwarz JR. *Twenty-Five Years Later: Reflections on New York City's 1989 Charter Revision Commission and on Charter Commissions in General*, 58 N.Y.L. SCH. L. REV. (2012-2013).
https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1042&context=nyls_law_review

Appendix

Audit Info 2025:

In 2025, the EEPC completed the fourth and final year of its quadrennial audit cycle, an Employment Practices Audit with a Focus on Underutilization. We aimed to see if agencies had effectively recruited, developed, and retained a diverse and qualified workforce. Overall, the EEPC issued 724 corrective actions, 466 (64%) of which we monitored for agency compliance. Of the 143 city entities we audited this cycle, we completed 35 in 2025.

The 2025 audit year included nine (9) mayoral agencies and non-mayoral entities. In total, EEPC assigned 85 corrective actions, with 54 (64%) requiring compliance monitoring. All nine agencies/entities have since completed the monitoring period, with an average monitoring duration of 3 months.

Furthermore, in 2025 the EEPC conducted twenty-six (26) Community Board Employment Practices Audits (a shorter form audit) of the Manhattan and Queens Community Boards. The EEPC assigned 152 corrective actions to those Boards, with 105 (69%) requiring compliance monitoring. Seventeen (17) of the 26 boards have completed the monitoring period, with an average completion period of 4 months.

Underutilization in the City's Workforce, Fiscal Year 25

Below we highlight some areas of greatest shortfall due to underutilization, during FY25. In other words, these are the agencies and roles that have the greatest shortfall of people hired compared to their expected labor market availability, which takes into account demographics, civil service testing, and other factors.

Appendix (Continued)

Police (NYPD)

- Black Workers (3,730, 8%): Health Professionals, Social Workers, Police Officers, Craft

Fire (FDNY)

- Black Workers (764, 4%): Science Professionals, Health Professionals, Technicians, Craft
- Women Workers (700, 4%): Health Professionals, Technicians, Craft

Education (non-pedagogical DOE)

- Black Workers (873, 6%): Health Professionals, Social Workers, Craft

Environmental Protection (DEP)

- Black Workers (558, 10%): Managers, Police, Craft
- Women Workers (377, 6%): Managers, Police, Craft

Parks & Recreation (DPR)

- Asian Workers (279, 3%): Science Professionals, Laborers
- Black Workers (470, 5%): Science Professionals, Social Workers, Guards
- Women Workers (283, 3%): Social Workers, Craft

Housing Authority (NYCHA)

- Asian Workers (347, 3%): Technicians, Building Services, Laborers
- Hispanic Workers (538, 4%): Building Services

(Numbers in parentheses represent the shortfall of workers hired or retained compared to labor market estimates. Percentages represent the ratio of the shortfall compared to total agency workers included in our analysis. For example, the 3,730 additional Black staff that NYPD would have hired if hiring matched expected market availability would represent 8% of the NYPD personnel in the job groups we analyzed. These numbers underestimate total shortfall because they only include job groups above a certain size. Additionally, they use outdated labor market availability data.)

In Fiscal Year 2025, our research team found that agencies continued to place Asian, Black, Hispanic, and women employees below labor market availability estimates. Although agencies made modest improvements in some areas, the data shows persistent disparities in hiring, promotion, and retention—particularly for Black workers and women workers. They continue to separate from City employment at rates higher than their representation in the workforce. However, bear in mind that DCAS has not updated the labor market estimates for over ten years, and thus year-to-year comparisons do not capture the actual change in underutilization.