

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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March 7, 2024
Start: 9:18 a.m.
Recess: 10:13 a.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Eric Dinowitz, Acting Chairperson

COUNCIL MEMBERS:

Tiffany Cabán
Erik D. Bottcher
Oswald Feliz
Kamillah Hanks
Julie Menin
Yusef Salaam

A P P E A R A N C E S

Tori Newman Campbell, Legislative Coordinator for
New York at 1199 SEIU

Tara Klein, Deputy Director of Policy and
Advocacy for United Neighborhood Houses

Bryan O'Malley, Consumer Directed Action of New
York

Mbacke Thiam, Housing and Health Community
Organizer at Center for the Independence of the
Disabled New York

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Civil Service and Labor,
4 recorded in the Council Chambers on March 7, 2024, by
5 Layla Lynch.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to the Committee on Civil Service and Labor.

8 At this time, we ask that you please
9 place phones on vibrate or silent mode.

10 Thank you.

11 Chair, we are ready to begin.

12 ACTING CHAIRPERSON DINOWITZ: [GAVEL] Good
13 morning. I'm Council Member Eric Dinowitz, Chairing
14 today's Civil Service and Labor hearing, standing in
15 for Chair Carmen De La Rosa. Thank you for joining
16 today's hearing and vote on a Preconsidered
17 Resolution sponsored by Speaker Adams calling on the
18 New York State Legislature to pass and the Governor
19 to sign legislation to increase the wages and improve
20 the working conditions of homecare aides to support
21 these workers and ensure essential growth in New
22 York's vital homecare workforce. Today, the Committee
23 will hear public testimony from healthcare and
24 disability rights advocates.

2 Following public testimony, the Committee
3 will hold a vote on the resolution. This
4 Preconsidered Resolution calls on the State to take
5 holistic action to increase wages and improve working
6 conditions for homecare workers. New York State is
7 facing a dire homecare worker shortage. Between 2021
8 and 2040, New York State's population of adults age
9 65 and older is expected to grow by 25 percent, and
10 the number of adults over age 85 is expected to grow
11 by 75 percent. Projections have found that to meet
12 growing demand, the number of homecare aides would
13 need to reach 700,000 by 2028, up from 440,000 in
14 2018. Despite their important and demanding work, pay
15 for homecare aides is very low. As a result of
16 minimum wages and Medicaid reimbursement rates that
17 are fixed at the state level, typical wages for
18 homecare aides who serve city residents are 18.55 per
19 hour plus an additional 2.54 per hour, either in the
20 form of wages or a supplemental benefit. Homecare
21 shifts can be long, sometimes totaling 24 hours,
22 known as a live-in shift, only 13 of which are
23 compensable in most cases under regulations of the
24 State Department of Labor. The low pay of homecare
25 incentivizes some homecare aides to seek as many

2 shifts as possible, placing a significant burden on
3 their personal health and well-being. As a result of
4 low wages and the city's high cost of living, many
5 full-time homecare aides are forced to rely on
6 Medicaid and public assistance. Out of concern for
7 the low wages and difficult working conditions of
8 homecare aides, worker advocates have called for
9 compensation for every hour worked with commensurate
10 reimbursement through Medicaid. This resolution calls
11 on the Council to pass the Fair Pay for Homecare Act,
12 sponsored by State Senator Rachel May and State
13 Assembly Member Amy Paulin, as well as the Homecare
14 Savings and Reinvestment Act, sponsored by Senator
15 Rivera and State Assembly Member, Amy Paulin.
16 Together, these bills would increase wages for
17 homecare aides and repeal the partially capitated
18 Medicaid managed long-term care program and replace
19 it with a fee for service model to cut down on health
20 care administration costs as well as ensure
21 continuity of care for patients and adequate
22 reimbursement for providers. These critical bills
23 will strengthen and support the homecare workforce,
24 and we are urging our State partners to take swift
25 action to pass them now.

2 Now I will turn it over to Committee
3 Counsel who will call on today's public witnesses.

4 ACTING CHAIRPERSON DINOWITZ: Thank you,
5 Chair. We will now turn to public testimony. We will
6 be limiting testimony today to three minutes each.

7 For in-person panelists, please come up
8 to the table or remain seated once your name has been
9 called.

10 For virtual panelists, once your name is
11 called, a Member of our Staff will unmute you, and
12 the Sergeant-at-Arms will set the timer and give you
13 the go-ahead to begin. Please wait for the Sergeant
14 to announce that you may begin before delivering your
15 testimony.

16 First, we'll have Ms. Tara Klein, and
17 then after that we'll be followed by Tori Newman
18 Campbell. Thank you.

19 TARA KLEIN: Good morning. All right.
20 Thank you Chair Dinowitz for hosting today's hearing
21 and to Members of the Committee on Civil Service and
22 Labor for the opportunity to present testimony today
23 on this resolution by Speaker Adams on the Homecare
24 Workforce. My name is Tara Klein, I am the Deputy
25 Director of Policy and Advocacy for United

2 Neighborhood Houses. UNH is a policy and social
3 change organization that represents neighborhood
4 settlement houses in New York City. Three of our
5 settlement house members offer non-profit homecare
6 services to their communities as state licensed
7 homecare services agencies. A couple of years ago,
8 they joined together with a total of 10 organizations
9 that provide homecare services as a broader coalition
10 known as the Community Homecare Consortium, and this
11 group is working to develop new models of community-
12 based homecare that make financial sense for non-
13 profit organizations. A lot of my comments today draw
14 from policy conversations with that group.

15 Thank you to Speaker Adams for
16 introducing the resolution to the Committee and for
17 taking swift action today. Today's hearing and vote
18 demonstrates the Council's support for the homecare
19 workforce and recognizes the deep and urgent needs of
20 the sector. We appreciate that the Council recognizes
21 the State's outsized role in regulating this
22 industry. The resolution covers a lot, recognizing
23 that this is a complicated issue that requires a
24 great deal of intervention, and UNH supports the
25 resolution. We strongly support Fair Pay for

2 Homecare. Despite some actions by the State
3 Legislature to raise homecare wages in the last
4 couple of years, there have been some actions at the
5 State level through the budget that have made these
6 small raises effectively moot. Fair Pay for Homecare
7 is still urgently needed. It is the silver bullet to
8 address many of the challenges in the homecare
9 sector. We agree with the resolution's framing around
10 the challenge of 24-hour care, a nuanced issue that
11 boils down to paying workers for every hour worked
12 and ensuring no one is forced to work a 24-hour
13 shift. UNH has partnered with our provider network
14 for many years to reform the unjust State Department
15 of Labor regulation that only pays workers for 13
16 hours of a 24-hour shift in most cases. We point to
17 state legislation that we support that would address
18 this issue by Senator Persaud and Assemblymember
19 Epstein by using split shifts. UNH is still analyzing
20 the Homecare Savings and Reinvestment Act, which
21 would eliminate the use of managed long-term care
22 plans in the homecare system. This legislation was
23 born from provider concerns that MLTCs are not fully
24 passing through the value of any State-funded
25 homecare worker pay raises to them, thereby causing

2 financial distress as providers legally have to cover
3 worker raises without being fully paid for them. The
4 legislation is still relatively new and proposes deep
5 structural reforms to the system, and we're analyzing
6 the potential impact to services through its
7 implementation. There are some questions and
8 concerns, for example, around the time frame and
9 process to return to a fee for service model, how to
10 conduct assessments, and whether there's a mechanism
11 to ensure the savings from this bill are specifically
12 reinvested in homecare, but the concept shows a lot
13 of promise, and we believe the bill is drafted in a
14 way where many of those details and concerns could be
15 addressed with a careful implementation process.
16 Thank you again for the opportunity. We'll continue
17 to do our work at the state level. Thank you very
18 much.

19 ACTING CHAIRPERSON DINOWITZ: Thank you.

20 TORI NEWMAN CAMPBELL: Good morning, Chair
21 Dinowitz, and thank you to the Committee on Civil
22 Service and Labor for allowing us to testify here
23 today. My name is Tori Newman Campbell, and I am the
24 Legislative Coordinator for New York at 1199 SEIU.
25 Thank you for the opportunity to speak here today on

1 behalf of over 300,000 New York members of 1199 SEIU.
2 1199 members work in just about every healthcare
3 setting across the state. That includes hospitals,
4 nursing homes, community-based organizations, and
5 homecare. We appreciate the New York City Council's
6 resolution calling on the New York State Legislature
7 and Governor to increase wages and improve working
8 conditions of homecare workers and growing New York's
9 vital homecare workforce. Most homecare workers are
10 women of color, immigrants earning low wages. They do
11 important work supporting seniors and people with
12 disabilities with their activities of daily living.
13 They allow people to age in place instead of in
14 nursing homes, and they allow people with
15 disabilities to live with a degree of independence
16 and control over their lives. Policymakers have too
17 often undervalued this vital work, especially the
18 work of women and women of color. For example,
19 Medicaid only pays a worker for 13 hours, even when
20 they're required to remain in the consumer's home for
21 24 hours for an overnight shift. One result of these
22 poor working conditions is a severe shortage of
23 homecare workers at a time when New York's population
24 continues to age. If we are going to provide care to
25

2 those who need it, we must expand the homecare
3 workforce by making these good jobs with benefits
4 where people can support their families. This
5 resolution ensures that the collective voice of the
6 City Council is raised in support of policies that
7 would enact this vision. Fair Pay for Homecare would
8 ensure that homecare workers make at least 150
9 percent over the minimum wage. The Homecare Savings
10 and Reinvestment Act would produce savings which can
11 be reinvested in the homecare services and homecare
12 worker wages and benefits. For some background, in
13 2011, the State handed control of Medicaid homecare
14 to private insurance companies, arguing that
15 privatization would save money through improved care
16 management and care coordination. Instead, managed
17 long-term care has cost the State billions of dollars
18 and enriched the profits for for-profit insurance
19 companies. In the past four years alone, an analysis
20 commissioned by our union estimated that private
21 insurance companies have pocketed over 5.5 billion
22 dollars, billion with a B, in administrative fees and
23 profit that could have gone to services for consumers
24 and wages for workers. The Homecare Saving and
25 Reinvestment Act would have Medicaid pay directly for

2 homecare services rather than going through insurance
3 company middlemen. Care management would also be paid
4 for directly, and consumers who want to be in a fully
5 managed care plan would still be able to choose that
6 option. The savings would come from eliminating fees
7 and profit that currently flow to huge for-profit
8 companies such as Molina, Centene, and Anthem.

9 Recently, former New York State Budget Director Paul
10 Francis assessed the proposal and concluded it could
11 save nearly 1 billion each year. As you can imagine,
12 this bill has generated tremendous opposition from
13 the managed care companies who take their cut of
14 administrative fees and profit from our tax dollars,
15 which are intended for homecare services. You can
16 imagine how hard they're fighting to preserve this
17 golden egg. Worse, they are trying to divert
18 attention from their profits and blame homecare
19 workers and consumers for cost increases in these
20 programs, supporting proposed cuts to homecare worker
21 wages and hours of care for consumers. That's why the
22 City Council's resolution is so critical. We need to
23 ensure homecare workers are getting paid proper wages
24 and are being paid for every hour of work they put
25 in. The State has the ability to change this, and

2 they must before more seniors and people with
3 disabilities are forced into nursing homes. 1199 SEIU
4 and other homecare workers have been in this fight
5 for years and will not give up. We are pleased to
6 join the NYC Council, and I hope you will continue to
7 take action on behalf of homecare workers and the
8 consumers they care for. Thank you.

9 COMMITTEE COUNSEL OGASAWARA: Thank you.
10 We will now turn to remote testimony.

11 Bryan O'Malley, please begin once the
12 sergeant gives you the go ahead to begin. Thank you.

13 SERGEANT-AT-ARMS: Starting time.

14 BRYAN O'MALLEY: Good morning and thank
15 you for the opportunity to present and testify on
16 this important topic. I want to thank you for having
17 this conversation. You've given a number of different
18 statistics this morning, and I just wanted to
19 highlight a few more that were from the Center for an
20 Urban Future and AARP. 15 percent of New York City's
21 population is over 65, and that number is growing
22 rapidly. That's increased by 36 percent over the past
23 decade and grown by at least 32 percent in at least
24 every borough of the city. One in four older
25 residents of the Bronx live in poverty, one in five

2 older residents of Brooklyn live in poverty, and one
3 in six older residents in Manhattan live in poverty.

4 It is clear that not only are we going to have the
5 conversation of how we provide aging services, but
6 how we value those who provide those services to the
7 individuals who need them. This is a critical part of
8 that conversation. This resolution is one picture of
9 how we can have a future. This resolution focuses on
10 delivering the public monies that we have as close to
11 the end user as possible with the workers that are
12 providing services, making sure that they are fairly
13 compensated and respected for the services that they
14 provide. It makes sure that we can actually provide
15 the generous services that we are committed ethically
16 to offer to disabled and older New Yorkers.

17 Unfortunately, the other side is also currently part
18 of the conversation right now across New York State.

19 Everyone may have seen the New York Times piece
20 recently about cuts to self-direction in the state of
21 Indiana, but those cuts aren't just being proposed in
22 Indiana. Those cuts are being proposed here at home
23 in New York. Governor Hochul, as Miss Newman Campbell
24 said, is looking instead of cutting managed long-term
25 care plans that are not serving a valid purpose whose

2 experiment has failed. She is looking to cut wages
3 and benefits for workers in the State's Consumer
4 Directed Personal Assistance program by over 12
5 percent, simultaneously sending a message that they
6 are not as important or as valuable as other homecare
7 workers. She's looking to cut eligibility in the
8 program by 100,000. She's looking to take steps...

9 SERGEANT-AT-ARMS: Time expired.

10 BRYAN O'MALLEY: Sorry, all right, thank
11 you.

12 ACTING CHAIRPERSON DINOWITZ: You can
13 finish your last thought, yes.

14 BRYAN O'MALLEY: Thank you for the
15 opportunity. I was just going to say she is also
16 looking to take steps that would possibly end HRA's
17 ability to offer CDPA in the fee for service program,
18 and that's why this conversation is important because
19 this reflects the future that New York City and New
20 York State want and need so thank you.

21 ACTING CHAIRPERSON DINOWITZ: Thank you.
22 We've been joined by Council Member Bottcher. We will
23 take a brief recess before we reconvene for the vote.
24 Thank you all and thank you for your testimony.

2 Okay, we are reconvening for the hearing.
3 We've been joined by Council Member Julie Menin,
4 Council Member Hanks, Council Member Bottcher,
5 Council Member Salaam, and virtually been joined by
6 Council Member Cabán, and we will hear one more
7 public testimony over Zoom.

8 COMMITTEE COUNSEL OGASAWARA: Mr. Mbacke
9 Thiam, please proceed with your testimony once the
10 Sergeant gives you the go-ahead. Thank you.

11 SERGEANT-AT-ARMS: You may begin.

12 MBACKE THIAM: Hello, everyone. My name is
13 Mbacke Thiam. I'm the Housing and Health Community
14 Organizer at Center for the Independence of the
15 Disabled New York. We are a non-profit organization
16 that advocates for people with disabilities in the
17 five boroughs of New York City. We are the voice of
18 people with disabilities here in New York City. Our
19 office is located in Manhattan and Queens, but we
20 represent the five boroughs. I wanted to just shed
21 light on a couple of points about the healthcare
22 workers and workers who help the homecare workers. We
23 all know that Intro. 175 passed a couple of years
24 ago, and it was about trying to regularize the work
25 that people are doing, and they were given up to 12

2 to 13 hours per day and also 40 hours per week so I
3 think it was a way or another to try to control the
4 system in a way that they can know how to regularize
5 the job that people are doing, also the funding that
6 was coming from the government, but trying to do so
7 end up being very complicated for the patients but
8 also for the workers. It is very hard to understand
9 that people do this job in order to earn their
10 living. Because they're not getting paid well, they
11 have to work 50 hours or sometimes more in order to
12 provide to their families. Trying to reduce their
13 hours is detrimental. It has a detrimental impact on
14 them. It also has a detrimental impact on people with
15 disabilities who may need care at later hours maybe
16 in the middle of the night, maybe in a time when they
17 cannot see their family members to help them, and
18 these home workers can come and assist them and be
19 able to talk to them and be able to help them in a
20 way that maybe some family members wouldn't be able
21 to. I feel like the city is doing a good job in order
22 to help the communities, but we need to always try to
23 think about our consumers. We need to always try to
24 think about people who are struggling and how we can
25 try to get (INAUDIBLE). I will submit a written

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2 testimony with more detailed points about this issue.

3 Thank you.

4 ACTING CHAIRPERSON DINOWITZ: Thank you.

5 We will now turn it over to the Clerk to call roll.

6 COMMITTEE CLERK WILLIAM MARTIN: Good
7 morning. William Martin, Committee Clerk. Roll call
8 vote, Committee on Civil Service and Labor regarding
9 Preconsidered Resolution. Dinowitz.

10 ACTING CHAIRPERSON DINOWITZ: Yes.

11 COMMITTEE CLERK WILLIAM MARTIN: Moya.

12 Feliz. Cabán.

13 COUNCIL MEMBER CABÁN: Sorry. I don't know
14 if that was recorded or not.

15 COMMITTEE COUNSEL OGASAWARA: Sorry. We
16 weren't able to hear you.

17 COUNCIL MEMBER CABÁN: I vote aye. Thank
18 you.

19 COMMITTEE CLERK WILLIAM MARTIN: Thank
20 you, Council Member. Bottcher.

21 COUNCIL MEMBER BOTTCHEER: Aye.

22 COMMITTEE CLERK WILLIAM MARTIN: Hanks.

23 COUNCIL MEMBER HANKS: Aye.

24 COMMITTEE CLERK WILLIAM MARTIN: Menin.

25 COUNCIL MEMBER MENIN: Aye.

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2 COMMITTEE CLERK WILLIAM MARTIN: Salaam.

3 COUNCIL MEMBER SALAAM: I vote aye.

4 COMMITTEE CLERK WILLIAM MARTIN: With a
5 vote of six in the affirmative, zero in the negative,
6 and no abstentions, Resolution has been adopted by
7 the Committee, and roll will be held open at request
8 of the Chair.

9 Greetings. This is continuation roll call
10 Committee on Civil Service and Labor, Preconsidered
11 Resolution. Council Member Feliz.

12 COUNCIL MEMBER FELIZ: Aye on all.

13 COMMITTEE CLERK WILLIAM MARTIN: Final
14 vote is now seven in the affirmative, zero in the
15 negative, and no abstentions. Council Member Dinowitz
16 to close.

17 ACTING CHAIRPERSON DINOWITZ: Thank you.

18 The hearing is adjourned. [GAVEL]

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C E R T I F I C A T E

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



Date March 13, 2024