

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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B E F O R E:
DANIEL DROMM
Chairperson

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[gavel]

CHAIRPERSON DROMM: Okay good afternoon everyone and welcome to the Education Committee's oversight hearing on indirect employment system for school building maintenance and its effect on workers. The New York City Department of Education is the largest system of public schools in the United States serving about 1.1 million students in over 1,800 schools located in more than 14 hundred buildings. In truth the city's school system is larger than many cities and the maintenance of its 1,400 buildings is a huge undertaking. The DOE's division for school facilities oversees school facilities and operations. The day to day operation, maintenance, and cleaning of school facilities falls primarily on custodial engineers and the cleaners, handymen, firemen, stationary engineers who work for them. In a small percentage of schools these services are provided by private contractors. The DOE employs approximately 900 custodian engineers, commonly known as custodians, to maintain schools. For the most part school cleaners, handymen, firemen, stationary engineers, and other maintenance workers are not employed by the DOE. Instead they are hired by and are

employees of the custodian engineers hence the term indirect system. By being employed through the indirect system has multiple ramifications [phonetic] for a worker. Generally custodial assistants earn less and do not receive the same benefits afforded to regular city employees. For instance they are not eligible for city pension benefits, are not covered by the family medical leave act, and do not receive paid training. Additionally because custodial assistants are not directly employed by the city they are not entitled to prevailing wage under state law. Further recent press reports point out another anomaly. Custodial workers employed by private contractors serving some schools earn more than those workers employed by custodian engineers through this indirect system. Custodial staff with private contractors and those who are part of the indirect system perform exactly the same work and are represented by the same union. We expect to hear more about this situation today. Custodian engineers are members of the New York City civil services and are represented by the operating engineers local 891. About 4,200 custodial assistants including school cleaners and handymen

on members of 32BJSEIU and an additional 900 stationary, stationary engineers and firemen are represented by local of 94. Today the committee expects to hear from representatives from these unions as well as representatives from the DOE in an effort to better understand the indirect employment system for school building maintenance and examine the issues confronted by workers in this unusual system. We know that these custodial workers have a difficult job maintaining our schools under, often under adverse conditions including insufficient resources and old, or overcrowded buildings and we thank them for their efforts. And having been a teacher for 25 years I want to really reiterate that, the great job that they do in keeping our schools clean. I'd like to remind everyone who wishes to testify today that you must be, you must have filled out a witness slip which is located on the desk of the Sergeant of Arms near the entrance to this room and to allow as many people as possible to testify testimony will be limited to three minutes per person of course after the administration. And please note that all witnesses will be sworn in before the,

1 before testifying. And I want to say we have been
2 joined by Councilman Mark Levine from Manhattan,
3 Council Member Margaret Chin from Manhattan,
4 Council Member Mark Weprin from Queens. And I'm
5 sure that the other members of the committee will
6 be joining us shortly. So I guess with that I'm
7 going to ask the administration. We've been joined
8 by Elizabeth Rose, John Shea in the Department of
9 Education, and Renee Campion from the Office of
10 Labor Relations to please raise your right hand so
11 I can swear you in. Do you solemnly swear or affirm
12 to tell the truth, the whole truth, and nothing but
13 the truth and to answer council member questions
14 honestly? Okay thank you. And Ms. Rose would you
15 like to start?

17 ELIZABETH ROSE: Yes please. Good
18 afternoon Chair Dromm and all members of the
19 Education Committee here today. My name is
20 Elizabeth Rose and I am the acting Deputy
21 Chancellor for operations at the New York City
22 Department of Education. I'm joined today by John
23 Shea, Chief Executive Officer of the Division of
24 School Facilities, hereafter DSF, and Renee
25 Campion, First Deputy Commissioner from the Office

of Labor Relations. Thank you for the opportunity to discuss the indirect employment system for school building maintenance and its effect on workers. The Division of School Facilities is dedicated to providing a safe, clean, and comfortable environment that is conducive to educating and neutering our children in an economical and efficient manner. The Department of Education operates the largest school facility system in the country with 130 million square feet across approximately 12 hundred main school buildings and an additional 200 annexes temporary buildings and so forth. This is about 40 percent of New York City's municipal square footage. Our 1.1 million students spend on average over 30 hours a week in our schools so it is critical that we provide a safe, clean, and comfortable environment that supports their learning. Division of School Facilities is primarily responsible for the maintenance, repair, and safe efficient operations of all facilities under the jurisdiction of the DOE. DSF provides expertise in every aspect of building management and maintenance. This is accomplished with a dedicated core of custodian

engineers, handy persons and cleaners assigned to each school and assisted by a group of skilled mobile skilled trades mechanics who tackle complex work beyond the scope of on-site staff. DSF employees approximately 800 custodian engineers, over 400 skilled trades mechanics, and over 250 other employees with administrative or technical expertise in the fields of facilities management, engineering, environmental health, administration, accounting, construction, planning, and project management. A portion of our maintenance budget is also allocated to carefully vetted private contractors. In addition DSF employs staff dedicated to sustainability, environmental health and safety, emergency management, facility management services, program management, finance administration, and field operations. We are particularly proud of DSF sustainability initiative. The sustainability initiative provides schools with tools and resources to improve energy efficiency, recycling, and green curricula. Schools have sustainability coordinators who organize and create sustainability activities at the individual school level. The Division of School Facilities

also plays a critical role in the city's emergency planning and response efforts. DSF works closely with other city agencies such as the office of emergency management and the Department of Homeless Services. This was particularly important during and after Hurricane Sandy. Hundreds of custodial employees and skilled trades workers operated, cleaned, and maintained shelter facilities around the clock for the duration of the storm. And staff spent thousands of hours working on cleanup of their buildings and other buildings in need following Sandy. Their nonstop efforts and work enabled us to quickly reopen school buildings in the aftermath of the storm. This year's DSF budget of over 660 million dollars goes to providing building maintenance repair and operations. Of the 660 million approximately 434 million is earmarked for custodial operations which includes the on-site cleaning and management of each building's mechanical and fire safety systems. 162 million is earmarked for work performed by our in house skilled trades workers and outside contractors. 4 million dollars is for administration. And 60 million dollars is for small capital repair

1 projects. Maintenance of DOE buildings is provided
2 in several ways. Some cleaning services are
3 outsourced to private companies. Most schools are
4 overseen by the approximately 800 custodian
5 engineers employed by the Division of School
6 Facilities. These custodian engineers who belong to
7 Local 891 International Union of Operating
8 Engineers, AFLCIO are civil service employees.
9 These custodian engineers are given a budgetary
10 allocation to manage their building. This
11 allocation is used to hire staff and buy supplies.
12 The contracted employees are entitled to the
13 prevailing wage as a result of statutory
14 requirements. While the employees obtained through
15 the indirect system continue to bargain for their
16 wages and have recently concluded agreements
17 providing for substantial increases. The staff that
18 these custodian engineers hire are known as
19 custodial employees. These custodial employees are
20 not civil service employees. Instead they work
21 under collective bargaining agreements between
22 their unions and Local 891. These custodial
23 employees have two unions who represent them.
24 Cleaners and handy persons are represented by 32BJ
25

and school fire persons and stationary engineers are represented by Local 94. This arrangement is what is known as the indirect system. In total in this indirect system there are approximately 5,000 full time equivalent school cleaners and handy persons represented by 32BJ and over 11 hundred school fire persons and stationary engineers represented by Local 94. These men and women work incredibly hard keeping New York City public school buildings safe and clean for our 1.1 million school children. Their day to day activities include cleaning garbage disposal, heating, air conditioning, plumbing, carpentry, painting, minor repairs, environmental health and safety of all aspects of the building maintenance and very importantly snow removal. I'm pleased to add that the New York City Department of Education recently reached an agreement with Local 891 and both 32BJ and Local 94 recently reached contract agreements with Local 891. Under the agreement with 891 32BJ members not, not including benefits, the cleaners are paid \$19.72 per hour and handy persons are paid \$22.11 per hour. The benefits amount to an additional \$8.01 per hour for both groups. To fill

in the picture of the history of the system
custodial services at New York City schools began
over 150 years ago before the civil war in what was
known as the ward system. The janitors then did not
take civil service examinations and they often
lived in school buildings with their families.
Friends and family often help the janitor maintain
the building and janitorial wages were determined
by the trustees of the building were not centrally
determined. As the city grew and larger and more
modern buildings were constructed a more fixed
compensation structure emerged where janitors were
given an allowance and hired their own help. Around
the turn of the last century some schools used an
indirect system while some maintained a direct
system. After the Board of Education was created
around the turn of the last century the direct
system existed in some schools on a trial basis.
The board however concluded at that time that the
direct system had higher costs and unsatisfactory
service. In the following decades the board
continued to evaluate the direct and indirect
systems and retained the indirect system. This
indirect system carries through to today. Under

1 this system employee representatives have
2 negotiated and collectively bargained the terms of
3 their employment with the custodians. Although
4 there is a lengthy and important history to the
5 indirect system, and although our buildings were
6 extremely well maintained under the current
7 indirect system having an indirect system is not
8 set in stone. And just as the Department of
9 education continuously evaluates all of its
10 operations and procedures. We continue to monitor
11 and discuss the most effective ways to service our
12 school buildings. We are always interested in
13 having the best system possible and will continue
14 working and moving in that direction. In that
15 context we recognize that there is a difference in
16 compensation between custodial employees employed
17 by private contractors and those working for local
18 891 members. We are therefore open to discussion
19 with the three unions involved regarding
20 efficiency, levels of service, quality, employment
21 structures, and compensation issues. As the largest
22 school system in the country we are proud of the
23 work that our staff performs and the improvement
24 projects they oversee to create enriching
25

1
2 instructional spaces. We are now happy to take your
3 questions.

4 CHAIR: Thank you very much. I guess
5 first off let me just start by asking when did the
6 contractual services begin and why?

7 JOHN SHEA: The out... John Shea, Division
8 of School Facilities, I, I'm actually not sure of
9 the year. I know that it's been in place, predates
10 May which is at least seven years and I know it
11 goes back much further than that. And, and it is an
12 option for principals to choose whether they have
13 outsourced custodial services in their buildings or
14 a Local 891 custodian in their buildings.

15 CHAIR: My understanding that it started
16 under the Julianne administration and that it was
17 viewed at that time as being a cheap alternative.
18 Is that your knowledge of that as well?

19 JOHN SHEA: That, just I'll, I'll say
20 that I, I don't agree that it's a cheaper
21 alternative. That's not how we view it. We view it
22 as an alternative and there's plusses and minuses
23 to both systems of course. Some have to do with
24 cost, levels of service that are provided under 891
25 versus the contracted services but at, at least in

my tenor I can't say that anyone is chosen to go to an outsourced firm because of cost.

CHAIR: So let me ask Ms. Rose why do we then retain the, the, the system the way that it is with the contracted services and with the direct hiring of the custodians, the system that allows for the indirect hiring of cleaners?

ELIZABETH ROSE: Well as we stated we are always looking to assess the procedures we have and the operations we have. It is always healthy to have alternatives and is continually assessed how is the service here comparing to the service in, under a different system. And that helps us move forward towards what can we do better.

CHAIR: So in your assessment of the, the two different ways of...

[background comments]

UNKNOWN MALE: I move to strike that from the minutes.

CHAIR: How appropriate it is, I feel like I'm back at school. By the way we have been joined by Council Member Allan Maisel from Brooklyn as well. So, so in terms of your evaluation of

those two ways of hiring cleaners what is your assessment of both of those ways?

ELIZABETH ROSE: Well I think they're both effective and we continually learn from having the two alternatives different things that we can be doing. You know currently the private contractors' buildings have expended, extended hours that buildings are open for principals and including some hours on weekends. And that is something that we are now currently discussing with Local 891 as something we would potentially see more of in buildings managed by 891.

CHAIR: But in buildings managed by 891 you can, they, they, they still do open them but for a fee, is that correct?

ELIZABETH ROSE: That is correct.

CHAIR: There's no fee involved for the, for the contracted services?

ELIZABETH ROSE: The additional hours are already included in the, the contracted fees.

CHAIR: I'm told that there's a similar system in place in Buffalo, New York but that's similar, that system was recently dismantled. Do you know anything about that?

ELIABETH ROSE: So our understanding is that Buffalo's indirect system was converted somewhere between five and 10 years ago, I'm not familiar with that.

CHAIR: Well it may be interesting to find out exactly why they dismantled that system and went back to the uh, the single system to know what the benefits were. And do you know if it's a contracted situation or if it's directly employed by the DOE for the custodians?

ELIZABETH ROSE: I don't know the answer to that but we can follow-up.

CHAIR: I think that would be an interesting thing to find out. So is there any reason why the workers who work for the contracted services couldn't be hired directly by the DOE? Why do we have to go... what portion of the contract goes to their, to the companies that we contract with? Is there a savings to be made there?

ELIZABETH ROSE: Two different, two different questions there. About 10 percent of our buildings are managed by outside contractors. So that's one part of the question. The other part was

about what, why couldn't we simply hire the maintenance workers directly.

CHAIR: Well what I'm trying to get at is why do we still continue to have this... system. You know it doesn't seem to me that it, there's a real savings there if we're paying private companies to essentially have people do the same work in the building.

RENEE CAMPION: So hi, Renee Campion, First Deputy Commissioner at OLR. So as, as Elizabeth had mentioned we recently settled in November of 2014, a contract for 32BJ and on December 30th with Local 94 for a collective bargaining agreement along we, the city sits alongside Local 891 in bargaining. And this is a nine year contract with wage increases that went, that amounted to over 18 percent. The, the contract that we settled with the 32BJ workers for are for employees who are not employed by contractors, school custodians are not considered contractors and so they are not considered prevailing wage. The employee, the workers who are employed by for example the contractors Temp Co for example are, since the Temp Co is a contractor they are

1 considered prevailing wage and that is the two
2 distinctions as to why the employee, the workers
3 are treated differently. So as part of our
4 discussions we are open to discussing other
5 alternatives to the indirect system, that we've
6 been very open about that and we've spoken with all
7 three of the unions about that. We're eager to
8 continue in the coming months, to continue talking
9 with the three unions to talk further about
10 alternatives. And as part of the discussion about
11 the alternatives we also are open to discussing
12 compensation as part of moving forward into, moving
13 forward to either the direct system or other
14 alternatives. So that is part of the conversations
15 that we expect to be having with all three of the
16 unions in the coming months.

18 CHAIR: Is part of your thinking on that,
19 let me go back.

20 RENEE CAMPION: Sure.

21 CHAIR: From my understanding and, and
22 correct me if I'm wrong on this, there have been
23 some major cuts to custodial budgets over the last
24 years, over the last few years. If you were to pay
25 them all the same you would need to have an

1
2 increase in the budget to Local 891 custodians to
3 be able to cover that cost for their cleaners in
4 their schools, wouldn't you?

5 RENE CAMPION: I could start, and then
6 I'll give it to John. We are very eager to start
7 looking at alternatives to the system. As part of,
8 it's very, it's obviously very complicated. We're
9 here talking about this and it's, it's, it's not,
10 it's, it's, it's, it's comprehensive for sure. So
11 there are so many areas that we need to look at and
12 think about and work with the unions and have
13 these, and have conversations about. I think until
14 we truthfully, until we move forward in those
15 conversations I think it's hard to make an
16 assessment as to what the cost will be until we
17 actually start engaging in what the options are.

18 CHAIR: But never the less these
19 custodian and engineers in the schools have had
20 their budgets cut. And ultimately I do believe
21 that... well I think we should be looking at their
22 budgets number one overall not just on this issue
23 but how we can increase the budget for custodians
24 in the schools just because of the cuts that they
25 had to absorb over the last few years. But in

1
2 addition to that I think that this will also be
3 something we're going to need to take under, into
4 consideration. Okay. Alright so Council Member
5 Levine has questions followed by Council Member
6 Maisel.

7 COUNCIL MEMBER LEVINE: Thank you. Thank
8 you Mr. Chair. Thanks to the administration for
9 testifying. Congrats on your new position. Having
10 been a teacher many years ago and now as a council
11 member spending a lot of time in schools I can say
12 that a well maintained school is, is so critical.
13 It's about more than just aesthetics. It actually I
14 believe contributes to the learning environment, to
15 the self-esteem of the kids, to safety, so this is
16 just critical critical work that's being done that
17 really, the school custodians were properly seen as
18 an integral part of the education team in my
19 opinion for all those reasons. I'm trying to
20 understand your take on the indirect system. You,
21 you don't describe the cost and/or savings as being
22 an argument for retaining the system. And we know
23 that from the perspective of the workers there's,
24 the indirect workers are getting less pay. They
25 don't have the pension benefits, family leave and

1
2 other things that are really important to them. So
3 there's a clear downside to the indirect model. And
4 the only upside I thought I heard you mentioned was
5 that they're more able to work weekends. And where
6 that doesn't seem like it, it balances out for all
7 the negatives. So what are, what are other if any
8 benefits you see to the indirect system?

9 RENE CAMPION: So I don't think I said
10 that the benefit was that they were more able to
11 work weekends. Not sure how that came in but John
12 would you...

13 JOHN SHEA: Sure I think, my own opinion
14 is being in charge of the system the biggest
15 benefit is the flexibility that... and first of all I
16 want to complement all of the bargaining units that
17 are represented here today, 32BJ, Local 94, and
18 Local, Local 891 for the work that they do on a
19 daily basis, it is very difficult and they are
20 incredibly responsive as you can see. I, I would
21 imagine that some of these folks here came right
22 from shoveling snow at their buildings to come to
23 this hearing. So I, I imagine that kind of
24 dedication. And I think the indirect system
25 promotes that kind of dedication, the relationship

1 between the indirect workforce and the custodians
2 and the, and the ability to move, working between
3 and among different custodians and, and the way
4 that that system is building centric. And that's
5 how everybody approaches their work. I think that's
6 the biggest benefit. There's a tremendous
7 dedication on the part of the staff under this
8 system.

10 COUNCIL MEMBER LEVINE: But you're not
11 seeing a difference in results, like I don't think
12 I could tell one school from another just by
13 looking right, they're generally, generally we have
14 well maintained buildings thankfully.

15 JOHN SHEA: I, I would like to thank so
16 and I think if there are differences between
17 buildings it's not necessarily related to the
18 system, it's related to the folks that are
19 performing the work. And it's my job as a manager
20 to make sure that that's done effectively in every
21 single school building.

22 COUNCIL MEMBER LEVINE: So what, what is
23 the, what's at stake here in the flexibility that
24 you're discussing if it's, if we're getting well
25 maintained buildings under the direct system what,

1
2 why are you so worried about the flexibility, maybe
3 you can be specific of... kind of flexibility you're
4 concerned with?

5 JOHN SHEA: I'm not sure that we can only
6 because not having gone to a direct system or had
7 any sort of a pilot of what that's going to look
8 like. I think that's all to be determined. I think
9 that there's a lot of leg work that has to be done
10 between labor and management to figure out what are
11 the positives that we want to maintain, what are
12 the negatives that we'd like to limit and see what
13 that system looks like going forward.

14 COUNCIL MEMBER LEVINE: You talked about
15 alternatives other than the direct or indirect
16 models, is that right? Do you, are you implying
17 there's a third way between those two, did I
18 understand that correctly?

19 ELIZABETH ROSE: We don't specifically
20 have a third model that is in discussion. But we
21 know that in discussion with the unions there may
22 be alternatives that could be raised and could be
23 imagined and we'd be open to discussing them in
24 that event.

CHAIR: Okay I want to let my colleagues ask questions. Just kind of want to close by saying that it seems like there is a real strong downside to the indirect model from the perspective workers. I haven't heard a compelling case that it's leading to, that the direct model has worse track record on the maintenance of schools and on the critical issue of, of money it seems like the picture is murky. I would even argue that it'd be worth the city investing a little bit more because we believe in jobs that pay fair salaries with enough benefits for people to live in dignity. So I would argue that even if there were an added cost to the city we should do this. But in light of the fact that it seems murky to me it makes the case only more stronger that we should bring these folks on board with all the benefits that needs. Thank you.

CHAIR: Thank you. Council Member Maisel.

COUNCIL MEMBER MAISEL: Thank you very much. Actually I don't have a question but I did want to confirm something that our chairman had mentioned back in the 80s I was Chairman of District 22 School Board. And we had a school, PS217 on Coney Island Avenue where we were forced

1 to accept a contracted custodian. And the
2 contracted custodian disappeared in about two years
3 because the jobs that were being done was terrible.
4 The school complained about it all the time because
5 you couldn't find a person who was actually in
6 charge. They left somebody there and they were
7 never responsive to the school. So that experiment
8 ended. So I'm deeply suspicious of any contracted
9 services so I should tell you... And I just want to
10 point out there is a third way. A couple years ago
11 we had a presidential candidate that said we should
12 get the kids to do the cleaning. So, so I'm not
13 sure if that's something that would be considered
14 but it certainly was mentioned and... we ought to
15 consider it.

17 ELIZABETH ROSE: We, we are certainly in
18 favor of engaging our students in things like
19 recycling and sustainability and organics
20 collection so many of the things that...

21 COUNCIL MEMBER MAISEL: But not cleaning
22 the bathrooms?

23 ELIZABETH ROSE: But not cleaning the
24 bathrooms yet.

25 COUNCIL MEMBER MAISEL: Oh okay.

1
2 JOHN SHEA: Although I will mention that
3 we do have a partnership with our career in
4 technical education folks on internships for
5 students that are working with our maintenance
6 folks in our school buildings after school for a
7 couple of hours. So we do try to engage the
8 students at that direct level.

9 CHAIR: Okay thank you. Council Member
10 Treyger followed by Council Member Chin.

11 COUNCIL MEMBER TREYGER: Thank you Chair
12 Dromm. I, I guess I've, I, I joined the former
13 teacher club here. There's a lot of former
14 educators here. I, I just I, I have a question
15 about the type of feedback that we collect from the
16 custodians and from the handymen and the cleaners
17 and, and the workers who do this day to day. As a
18 teacher I cannot thank the people who maintain that
19 school building day in and day out during days like
20 this particularly with the weather like this. They
21 were, they were there 4:00 5:00 in the morning and
22 the last ones to leave as well. So I can't thank
23 them enough. But I have a question about what the
24 DOE has data that shows for example the average age
25

of a school building broken up by like district. Do you have that data, does he, we have that data?

ELIZABETH ROSE: Well we, we certainly have the data of the age of all of our school buildings. I don't know that we've specifically looked at the relative age on a district by district basis. Clearly the, the districts that currently have growing populations are getting more new buildings built in order to accommodate the student demand that we have.

COUNCIL MEMBER TREYGER: Because I have to tell you that some of the schools in, in, in my district were built during the great depression era using money from the new deal.

ELIZABETH ROSE: Mm-hmm.

COUNCIL MEMBER TREYGER: And these are the schools that time in and time out are you know usually Reso A money from us goes towards a computer lab or other types of enhancements for technology. But I find myself being asked time and time again for electrical repairs, infrastructure repairs, major repairs. And the custodians and the, and the workers who work there day in and day out would know that better than anyone else. So I want

1
2 to know what type of feedback do you collect from
3 them and how does that feedback inform decisions by
4 the DOE to the school construction authority about
5 what type of upgrades these schools need.

6 ELIZABETH ROSE: Well in terms of the
7 assessing the needs of buildings for upgrades for
8 electrical or other things we also have an annual
9 building condition assessment survey where we send
10 professionals in to every single one of our
11 buildings every year to assess all of their major
12 building systems; the roofs, the boilers, the
13 heating systems, the electrical capacity. And from
14 there we identify what are the major infrastructure
15 repair or upgrades that need to be prioritized in
16 each of those buildings. So that is our primary
17 means of determining what are the important
18 improvements that we need to make to our buildings.
19 Also as part of our system wide initiatives towards
20 ensuring that schools have internet connectivity
21 and can support their children in 21st century
22 learning we have assessed the electrical capacities
23 of all of our buildings to ensure that they have
24 the electricity that they need in order to receive
25 the kinds of infrastructure upgrades and internet

access upgrades that we are performing for all of our schools.

COUNCIL MEMBER TREYGER: So I, I imagine in these surveys you're, you're getting back information that pretty much all the schools in Coney Island and I'm sure in the Rockaways are still running on temporary boilers that have not been replaced yet since Sandy, is that correct.

ELIZABETH ROSE: So I don't have the specific number of, of buildings with temporary boilers but we do have projects in place to make those permanent. I believe those have all been bid out. And I can get you information about the specifics for those.

COUNCIL MEMBER TREYGER: Right. My, my feeling is and, and Chair and my colleagues and to the panel is that based on the feedback that I get we have significant infrastructure needs in our schools.

ELIZABETH ROSE: Mm-hmm.

COUNCIL MEMBER TREYGER: Not minor, major. So when we're getting into this discussion about the indirect direct system the bottom line is I think, I'm pretty sure that we need more of these

workers in addition to certainly paying them a fair living sustainable wage. But we need more people working as the needs are significantly great. Yes there have been some new schools built but many of the schools remaining in our, in our building stock are very old and I cannot give any types of funding. Because if I want to get a computer lab you have to first get a new, new electrical system which costs millions of dollars which we don't have as individual council members. So there must be a priority made by the DOE to address the severe infrastructure needs of very antiquated old school buildings that time in and time out I, I keep hearing about bathrooms that are falling apart or were, were built in the 1940s or 50s when... So what is the DOE doing now to, to address this issue? And, and I would like to hear your thoughts about the need for more workers.

ELIZABETH ROSE: Mm-hmm. So what I'd say is that the two issues are somewhat separate because the kinds of infrastructure issues that you are raising are capital investment infrastructure issues which are handled through the school construction authority and come out of our capital,

1 city's capital budget whereas the custodial
2 employees that we're focusing on here today are
3 part of our expense budget and are part of the day
4 to day operations and maintenance of our buildings.
5 So the types of works that is required are fairly
6 different. And so those infrastructure projects
7 that you're asking about would be conducted by a
8 different group and, and skill set of workers than
9 the daily maintenance of our buildings.
10

11 COUNCIL MEMBER TREYGER: I'll close by
12 saying that I think that the issues to me actually
13 are intertwined because the more we delay and
14 ignore the major capital needs the more cosmetic
15 the work will be and more pressure we, we put on
16 the custodian and their workers and their schools
17 to come up with cosmetic fixes and changes when the
18 system needs a major overhaul. And that's how I see
19 these issues interplay. Thank you Chair.

20 CHAIR: Thank you Councilman Treyger. And
21 just on that note I want to say also, it's my
22 understanding that custodian's budgets are based on
23 the square footage of the buildings. And so square
24 footage seems to be somewhat objective if you just
25 look at it at that which I concur with Council

1 Member Treyger many buildings are older and have
2 other needs that are taken into consideration.
3 Sometimes there are large yards that are not taken
4 into consideration where they have to for example
5 today go around and shovel the snow, etcetera so
6 forth and so on. So you know I, I, I, I think that
7 in... [siren] in the overall discussion of, of what
8 looking at custodial budgets etcetera so forth and
9 so on I think we should look at that as well and
10 try to determine where those high need other than
11 capital expenses are so that there could be a
12 system to get that work accomplished in those
13 buildings. Alright Council Member Margaret chin.

14 COUNCIL MEMBER CHIN: Thank you Chair.
15 Congratulation... oh a new title. We work together
16 for many years. And also I wanted to, just to take
17 this opportunity to really thank the school
18 custodian engineers and, and all the, the staff
19 because like for example in my district in one of
20 the school, they stay you know overnight to
21 maintain the building during preparing for the
22 storm and because of that the school was, was okay.
23 And then we were able to start class right back
24 very soon. And they do very hard work. And so in
25

1
2 your testimony so how does the DOE justify that
3 employees or people working in our school system
4 taking care of our school, keeping our school clean
5 that some of the employees are not making the same
6 amount of money doing the same type of work. So is,
7 is DOE really looking at how to solve this
8 inequality so that people were doing the same job
9 in the same, you know in our school system are, are
10 getting compensated equally.

11 ELIZABETH ROSE: We acknowledge the
12 difference and we are absolutely open to and
13 anticipate beginning dialogue with the three unions
14 about how we can potentially address this.

15 RENEE CAMPION: Right and, and
16 specifically including, in addition to, as part of
17 discussing how to make the system more efficient
18 and levels of service we're also, we're also want
19 to talk, speak with the unions about compensation.
20 So very specifically about compensation also in the
21 context of discussing alternatives to the system.

22 COUNCIL MEMBER CHIN: Now in the system
23 right now I'm not sure I heard it in your
24 testimony.. [siren] Okay. So what is the percentage
25

of workers that is in the system now that are not getting the higher wage and benefits.

RENEE CAMPION: So it's easier to speak in the other direction. About 10 percent of our buildings are managed through contracted vendors.

COUNCIL MEMBER CHIN: So only 10 percent are contracted out?

RENEE CAMPION: That's correct.

COUNCIL MEMBER CHIN: That...

RENEE CAMPION: 90, 90 percent are in the indirect system.

COUNCIL MEMBER CHIN: Okay so it's not a huge huge number but has that percentage gone down from the past?

RENEE CAMPION: I think it's been stationary for the past several years.

COUNCIL MEMBER CHIN: That doesn't really make sense to, to fix it, I mean if it's only 10 percent. I mean how much money are you saving from 10 percent. So it really, it's important really for DOE to seriously look at how to really combine the whole system so every single worker is being treated fairly and equally. Especially I mean looking at you know all the costs in the past that

1
2 in my district for example we have a lot of schools
3 that are overcrowded because of co-location and I'm
4 not even sure if you can answer that whether they
5 are allocated for example more custodial staff
6 because there's a couple of schools within the same
7 building. I mean that would mean extra work. Are
8 that taking into consideration?

9 RENNEE CAMPION: So it's not the number
10 of school units in a building that determines how
11 much work there is, it's the total number of
12 students and the total number of the amount that
13 the classrooms are used. So if a building is used
14 by one organization or if it's used by three
15 organizations the total size of the building still
16 needs to be maintained in the same way.

17 CHAIR: But I think you also have to look
18 at in terms of, for example the lunch room is going
19 to be used three times or four times instead of one
20 time or you know there might be in terms of more
21 needs. I think that, we should really take a look
22 at that because we have so many schools that are
23 you know co-location. But I really urge the DOE to
24 really look at, to fix this inequality. It is only
25 10 percent... it shouldn't take you that long. So

1
2 what is, is there a time projection of how you are
3 going to meet with the unions and really come up
4 with a, a solution that will treat everyone
5 equally?

6 RENE CAMPION: So we're, we're looking
7 forward, we expect that over the coming months
8 we'll start to sit down and have these
9 conversations and that will take some time because
10 I mean it, it's such a complicated system and
11 there's so many issues to discuss there also can be
12 other issues as a result of having these
13 conversations about how to potentially... everything
14 including working on talking about issues of wages
15 and benefits and, and all sorts of things. It will
16 take some time. It will take some time but we're
17 looking, we're moving forward in the next, in the
18 next few months.

19 COUNCIL MEMBER CHIN: Okay. I mean we
20 just want to get insurance that you will be
21 focusing on it and, because this has been going on
22 for a long time.

23 RENE CAMPION: It has and, and we are,
24 absolutely.
25

COUNCIL MEMBER CHIN: Alright thank you
Chair.

CHAIR: Alright I also want to thank you
too. In terms of preparing for this hearing it took
me a long time to get this all wrapped around my
brain right you know, to understand the system.
Even though I was a teacher for 25 years we had 891
custodian in my school. Matter of fact he's working
for the DOE right now. But it's a very difficult
issue for people to understand. And I think that
they're right though to ask you know why would we
have workers doing the same job but receiving two
different scales of pay. I think that's a very
valid question. And ultimately though I do think
that we need to look at the custodial's budget to
ensure that they're getting enough funds to keep,
and to maintain our schools in the way that we
expect them to, to be maintained. And I think that
that is an issue as well moving forward. So I don't
think we have any other questions at this point. I
see we've been joined by Council Member Chaim
Deutsch and I keep forgetting to say that he's
here. But if that's it then I'm going to let you
off the hook at this point.

ELIZABETH ROSE: Thank you very much.

CHAIR: For this hearing. Thank you.

Alright and our next panel will be James Parrot in the Fiscal Policy Institute, Shirley Aldebal from 32BJ, Ronal St. John from 32BJ, and William Jennings from 32BJ, and Marie Mercier 32BJ. Okay I'm going to swear you all in if you'd raise your right hand please. Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth, and to answer council member questions honestly? Thank you. Mr. Parrot would you like to start? Just turn that mic on.

JAMES PARROT: Okay how's that. Great, thank you. Thank you for the opportunity to testify on this important issue this afternoon. James Parrot is my name. I'm the Deputy Director and Chief Economist of the Fiscal Policy Institute. This council's well informed about the challenges facing New York City. We've seen considerable growth in the last couple of decades but very little of that is trickled down to the average worker and their family in New York City. Wage standards are an important way to address that, minimum wage, living wage, prevailing wage.

Prevailing wage standards are particularly important though because they're the benefit standards that have the potential to allow workers to move into the middle class. Minimum wage and living wage establish a good wage floor for all workers in the case of minimum wage, living wage for a certain categories of workers like those who work under city contract or work for companies receiving economic development benefits from the city. But prevailing wage because it applies to skilled workers who have certain training and experience provides better wages with a good benefit package that really translates into an opportunity to move into the middle class. I'm not an expert on the school cleaner situation. You've heard from the department of education. You'll hear from the school cleaners themselves about that. What I'd like to share is, is my understanding of what the issue is here. There's a two tier system [coughs] excuse me there's a [coughs] a two tier system of approach to paying wages in the school system now, in the school system now. You've heard about these two tiers, one prevailing wage applies in the contracted sector and negotiated contracts

1
2 apply in the case of the indirect labor system. And
3 the negotiated contract wage levels are about four
4 dollars an hour less than the prevailing wage
5 standard. That's a two tier wage system. It's
6 unfair to everybody involved. It's not productive.
7 And I think there's a commitment, you heard that
8 there's a, there's serious interest on the part of
9 the city in trying to address that situation... to
10 bring up the workers who are paid less now to the
11 current prevailing wage. In effect to apply
12 prevailing wage or require prevailing wage apply to
13 the school cleaners who work in the indirect school
14 system. The city has had a lot on its plate under
15 this new administration, the office of, of, of
16 labor relations as dealing, has been dealing with a
17 lot of contracts across the city because they were
18 all unsettled and had been unsettled for years. But
19 this is a situation, a problem that's existed for a
20 long time and it cries out for a solution. So I
21 would suggest that the city be given time to try
22 and address that but that the council stand
23 prepared so that if it doesn't do what we're
24 talking about everybody agrees needs to be done
25

1
2 that the council consider legislation and that, in
3 order to require that. Thank you.

4 CHAIR: Thank you. And we'll go to the
5 other members of the panel and then we'll come back
6 for questions. You want to start next sir? Yes,
7 yep. Oh I'm sorry whatever, whatever... wanted to do.

8 SHIRLEY ALDEBAL: Good morning everyone
9 and thank you for the opportunity to testify today
10 on this very important issue. My name is Shirley
11 Aldebal and I'm Vice President of the Service
12 Employees International Union Local 32BJ. Local
13 32BJ represents more than 70 thousand service
14 workers in New York City including nearly 5,000
15 cleaners and handypersons who maintain the
16 thousands of New York City public schools where our
17 children spend their days learning and growing.
18 You've already very well laid out how the system
19 works or doesn't work. But I want to point out the
20 most glaring inequity in the system and it's been
21 already mention, that the custodian engineers
22 currently pay their cleaners \$19.72 per hour and
23 not the prevailing wage rate as other private
24 sector employees who work in the public's, in
25 public buildings and who work in, in public schools

employed by contractors earn. By contrast companies such as Temp Co and AMB are paying school cleaners a prevailing wage of \$23.85. That's 20, 20 percent more than what school cleaners employed by custodian engineers are earning. For years the DOE ignored prevailing wage laws and undermine private sector standards paid to cleaning and maintenance workers. The DOE did not recognize the right of schools workers employed by cleaning companies to, to the prevailing wage rate until a New York state supreme court judge ruled in June of 2013 that they must be paid the same prevailing wage rate as other city contracted workers. As a result of this court ruling the workers employed by Temp Co and ABM at the DOE will receive retroactive pay back to June 2011. Despite the step forward for the workers employed by cleaning companies the DOE failed to recognize that schools workers employed by custodian engineers are entitled to the, to the prevailing rate under the city's living wage law. Section 6-109 of the administrative code, the living wage law applies to all written agreements with the city or DOE to provide building services and we believe that the custodian engineers

contract with the DOE falls squarely within the law's broad scope. However the DOE has claimed that there is a loophole in the law that allows these, the custodian engineers, employees to basic, to be paid significantly less. In March of 2012 employees of the custodian engineers filed a complaint with the New York City Comptroller's Office under the living wage law asserting that they should be paid the prevailing wage. That complaint is still pending before the comptroller and it is, if it is upheld the workers may be entitled to three or more years of retroactive pay. This two tier system for schools workers is unfair and quite frankly irrational. Cleaners and handypersons employed by custodians engine, engineers and employed by cleaning companies prefer, perform identical work. Prevailing wage laws including the city's living wage law were enacted to prevent workers from being paid su8bstandard wages on government jobs. These laws ensure that government upholds the industry standards of wages and benefits that workers have already won and that our tax dollars are not driving a race to the bottom employment practices. There are a number of steps that should be and

could be taken to ensure that all schools workers earn the prevailing wage. The city can make sure and they've said in their testimony that prevailing wage for our schools custodial workers as part of the majors, mayor's larger plan to restructure the school custodial work is part of that. Schools workers should not have to wait for a longer term restructuring effort. The DOE can and should immediately apply the living wage law as it exists now to the custodian engineer employees. Further in light of the DOE's poor track record here we believe that legislative action by the city council to clarify the living wage law is necessary. The legislation would close the loophole to prevent litigation and ensure that cleaners and handy persons will receive the same wages as their peers.

CHAIR: Yes.

RONAL ST. JOHN: Hello. Good afternoon to the committee and everyone else. My name's Ronal St. John and for the past nine years I've been a school cleaner at Clara Barton High School until August 1st of 2014th I was employed by ABM. In August the contract changed and now I'm employed by a custodian engineer. My work didn't change at all.

1 I'm still at the same school. When my employer
2 changed my hopes of getting a prevailing wage
3 disappeared. It's not fair but cleaners working for
4 custodian engineers are doing the same work but
5 we're paid a lot less. I want equal pay for equal
6 work, truthfully I need equal pay for equal work.
7 The extra money in my paycheck that I get with the
8 prevailing wage will mean a lot to me. My fiancé
9 and I have two sons, 14 and four and we live in
10 Brownsville. As you all know it that's the tough
11 part of Brooklyn and we'd like to be able to buy
12 our first home and move to a better neighborhood
13 but on my current salary I can't afford it. Like
14 most people in New York I'm struggling. It seems
15 like the cost of everything go up but my paycheck
16 and my paycheck is not always enough to cover it.
17 Living paycheck to paycheck I can't always provide
18 the needs, the need that I need to provide for my
19 family. I like my job and I know I'm doing
20 important work. My mother taught me something to me
21 and my siblings, cleanliness is next to godliness.
22 Many of the kids that Clara Barton come from the
23 neighborhoods and the background I come from as
24 well. But I believe they deserve a clean
25

1
2 environment so they can learn. That's why I work so
3 hard. To close off I believe that all New York City
4 school cleaners deserve to be paid the prevailing
5 wage and it would mean a lot to me and all of my
6 co-workers. We deserve equal pay for equal work.
7 Thanks for hearing my testimony.

8 CHAIR: Thank you. Next please.

9 MARIE MERCIER: Good afternoon. My name
10 is Marie Mercier. For 20 years I been clean, a
11 cleaner at PSK1 in Brooklyn. I'm an employee by
12 Temp Co. I start working at the DOE contracted
13 workers we not getting the prevailing wage we
14 entitled to. But that change. I earn the same
15 prevailing wage so other cleaners on city
16 contracts. See the big difference on my paycheck
17 help a lot. I raise four kids, send them to
18 college, single mother. It was not easy some days
19 I have to go without food so my kids can eat. Now I
20 feel like... I want all my brother and sister school
21 cleaners to feel... too. Cleaners who0 work for the
22 custodian engineer do the same job I do. There is
23 no reason for them to get pay less. They deserve
24 equal pay and for equal work. I worried about my
25 school switching with a cleaner contract from Temp

Co to a custodian engineer. Under the current system I lose the prevailing wage, I can't afford that. My older three kids are gone but I still support my youngest daughter. She is a sophomore in college, study to, study to be a nursing practitioner. And now I have more money to, to help her for the text books and loans plus more from our needs like... and food. Cleaning a school is not easy but is important work. A clean school is part of good environment for kids to learn. I clean my school like I would clean for my own kids at home. I enjoy my work. I like the students and my coworkers who are part of my extended family. Getting the prevailing wage as already make a big different in my life. The first day I have my paycheck, I was crying, I was crying of tear joy. It will make a big different for the cleaners employed by custodial engineer. There just, they work just hard as I do. They deserve equal pay and equal work.

CHAIR: Okay I think we're ready.

WILLIAM JENNINGS: Chair Dromm, city council members good afternoon. My name is William Jennings and I am a cleaner and I worked at the

Bronx School for Law Government and Justice for 10 years. I am from the Bronx and I take a lot of pride in my borough and in my neighborhood, and my job. Most if not all of the 5,000 public school cleaners who live in the five boroughs of New York City we are a solid backbone that helps support our communities and helps support our city. I am employed by a custodian engineer so I don't make the prevailing wage. I'm here today because I want equal pay for equal work. Most cleaners consider their job not just a job but a vocation, a trade, a dedication okay. We are all committed to providing a safe sanitary environment in which our children can learn. The school buildings are not just... they are learning centers for the future of our city. Those of us who care for these buildings have worked very hard and deserve to earn the prevailing wage. Because of the lack in the prevailing wage I have had to put off retirement savings such as putting money in the 401K and putting savings aside for emergencies. Like many of my dedicated colleagues and brothers and sisters I manage paycheck to paycheck. Instead to supplement my income I need to take on extra jobs to help make

ends meet. They include taking on extra work at other schools when hours become available. In addition I have worked at my parish St. Margaret of Cortona parochial school in north Riverdale. And also I am a DJ. So which in the end all these factors help me meet paying my bills. I would like to be able to work one job and have more time to spend with my family. Last Monday when the snowstorm hit New York City my coworkers and I spent the night at our school so that we could get up early Tuesday morning and get right back to snow removal. It was hard work and a long day. But we knew that everyone was counting on us to ensure that our children had safe access to the school once the storm subsided. Presently my hard working colleagues and cleaners who work for Temp Co and ABM in our public schools are paid at the prevailing wage. It is a simple manner of equal pay for equal work. Supporting us, the cleaners in our hard work helps us support our families, our schools, and in turn helps us support the city. Thank you very much for your time and concern in this matter.

CHAIR: Well thank you all for coming in and thank you for your testimony. It's really important that we hear from the people who are most directly affected by this issue. And really can relate to what you said about your family. So thank god that they have someone like you to stand up and, and, and fight for their, for their wellbeing. So thank you for coming in. I have some questions and then we have a couple of council members I think that also want to ask some questions. For Mr. Parrot do you know how much the city pays for these contracted services right now overall? Like what lump sum of money... [cross-talk]

JAMES PARROT: I don't have that figure, sorry.

CHAIR: I, I should have asked the administration that before they left and I wanted to compare that and I will at some point with how much the custodians get as well. And to see an analysis of that I think would be important to determining the cost that would be related to all of these issues overall. I had another question which is that, do you predict any savings overall if we were to go to the root of providing the

prevailing wage, the savings or benefits to New York City.

JAMES PARROT: Well as, as you can hear from the school cleaners about the importance of prevailing wage you can imagine what it does to their moral when they're paid at that level. Their commitment to the job will only get better. I mean it's already pretty, pretty sincere and, and heartfelt and they're hardworking but it can only get better under a prevailing wage system. That will result I believe in turnover that's less and a more efficient and cost effective system. Probably the, the most important benefit, the quality of the services they're able to provide would certainly improve. And everybody here is committed to, to providing school children the, you know a very clean school facilities to enhance the learning environment. So, so that's, that's number one. Number two is because these workers tend to live in communities like Brownsville those additional earnings will be popped back into that community, raise the living standards, helps spur job creation in, in the communities in New York City that are most in need of that. So it really is a, a very

1
2 cost effective strategy. We're not sure at this
3 point if it would cost more budget dollars from the
4 city. It might. I think the city is looking at
5 that. But if it does cost a slight amount more the
6 benefit to the city in terms of the increased
7 economic power and the effect on the quality of
8 cleanliness in the schools I think would be well
9 worth it.

10 CHAIR: So from what I read in the Daily
11 News today actually on this issue it's about an
12 8,000 dollar a year difference.

13 JAMES PARROT: Right.

14 CHAIR: In what some workers make as
15 opposed to others.

16 JAMES PARROT: Doing the exact same work.

17 CHAIR: Right, doing the exact same work.
18 It would seem to me that there has to be an
19 increase in the custodial engineers budget in order
20 to, to accommodate that right?

21 JAMES PARROT: I think what's, what's,
22 what's going to be discussed is there's going to be
23 a look at the current system, maybe there are ways
24 to economize within that. But it might involve
25

1 additional budget dollars. I think that's what
2 needs to be discussed.
3

4 CHAIR: When you talk about ways to
5 economize can you just elaborate on that any, any
6 further?

7 JAMES PARROT: Well you, you know again
8 I'm not an expert on the, the, the custodial
9 system. They purchase supplies, they use equipment,
10 and so on it's possible that there are some ways to
11 economize in terms of the bulk purchasing of
12 equipment supplies. It could be that there's, there
13 would be opportunities to share the workforce
14 across the schools. Again I, I say this very
15 apprehensively because I don't know what the, what
16 the work rule situation is like and how the work is
17 organized. But, but you could tell that this is a
18 work force that is very committed and well trained,
19 they know their job and I'm sure if they're
20 consulted about how to better organize that they're
21 going to have a lot of suggestions to be made that
22 should be considered.

23 CHAIR: I know we're going to have the
24 custodial engineers union coming up shortly but
25 it's my understanding that the budget for a lot of

1 that stuff has been cut already. And in fact many
2 custodial engineers are taking it out of their
3 pocket often times to get supplies into the
4 schools. And actually from some of my own
5 experiences finding paper supplies and paper goods
6 was very difficult to do because the city I don't
7 think adequately funded the custodian's budgets to
8 begin with. So that's what I, I, I'm kind.. pushing
9 here a little bit.

11 JAMES PARROT: Yeah no, I mean I can
12 certainly comment on that. I mean I've, I've looked
13 closely at many areas of the city budget and how it
14 was handled under the, under the previous
15 administration. You know I've testified in this
16 very room on more than one occasion about the
17 school but worker situation and I know that there
18 were a lot of things that were done in the previous
19 administration that were penny wise and pound
20 foolish. So I could imagine that cutting the
21 custodian's budgets was something that you know
22 somebody in, in the mayor's office thought that
23 that was a good thing to do without a clue as to
24 what the real world implication of that is. So I
25 think those budgets need to be examined and the

1
2 cost effectiveness of the, of the resources the
3 city puts into that should be carefully looked at.

4 CHAIR: I would agree and then but past
5 budget hearings I can remember being here and
6 arguing with the administration to say that you
7 know as having been a teacher for 25 years you
8 can't teach in a school that's not well maintained
9 or well-kept or the ceiling's falling in or
10 whatever it may be as going on. And that's why I
11 think you know custodians are, is vitally important
12 as teachers are to the system. And so they did
13 suffer a number of unfair cuts in the last
14 administration but let me go to Council Member
15 Levine who has some questions as well.

16 COUNCIL MEMBER LEVINE: Thank you Chair
17 Dromm. Thanks to all of you for speaking
18 particularly Mr. St. John and Mr. Jennings and
19 Madam Mercier just for your bravery in being here.
20 Do, I wonder if you could tell me if, do all three
21 of you live in New York City, I think...

22 [cross-talk]

23 COUNCIL MEMBER LEVINE: The answer is
24 yes? Would it be fair to say that the majority of
25 the workers in this work force particularly of the

indirect workers live in New York City, would that be fair? So that's, that's a really critical point because you all are not only employees of, of the school system but you're residents of New York City so every dollar that you earn is an extra dollar that could be spent on local grocery store or clothing store or if you have enough money hopefully going out to dinner that's reinvested in, reinvested in the local economy which hopefully provides more jobs and more income. It's, it's a snowball effect ultimately and so that, that's a critical frame to look at this then. We're not only talking about people who are providing services to our kids which is critical but we're also talking about New Yorkers who live here and, and spend here. And that has a positive ripple effect. I want to ask and if it's okay if you're not comfortable with this detail but would, would any of the three of you be care, care to tell us exactly what the difference would be either on your current salary with, with Temp Co and what it used to be or what you're used to making now that you've moved lower or what you think it would be if you moved to the

temp... if, if you're comfortable with that just to hear those details would be helpful.

WILLIAM JENNINGS: Yeah the, the increase to get to prevailing wage as, as we've elaborated on has a big positive economic impact. Personally for me it would give me more discretionary monies okay to say go out to dinner, to buy, you know to buy whatever I need to buy, to support businesses in my neighborhood. It would also on a personal note... my stepson regionally, recently graduated from the University of Toledo and I promised him that I would help him, help him help himself pay back those student loans. He is struggling to pay back the student loans, which he is, he works four jobs to do that. And in order to meet my obligation to help him pay back student loans as I listed in my, in my intro I've, I take extra hours at another public, at public schools. Thank god I, I know the custodians. And I also work in my parish when they need to me St. Margaret of Cortona and because I love music I'm also a DJ. So when you put all those factors together that's how I supplement my income but yes it would have a great positive economic...

COUNCIL MEMBER LEVINE: Do you know exactly how many dollars more you would earn if, on an hour basis, an annual basis... if any of you care to share your understanding of that difference it would, a more precise way if you know it.

WILLIAM JENNINGS: It would probably be in the ballpark minimum more, 8,000 dollars a year, that's not including, that's not including night differential and it's also not including overtime. So I'd say conservatively 8,000 which is significant, that would greatly help.

COUNCIL MEMBER LEVINE: Is that, is that about the same for both of you? You think the difference is about 8,000 a year?

SHIRLEY ALDEBAL: Yes.

RONAL ST. JOHN: Well for me yes, yes, yes I...

MARIE MERCIER: For me, yes.

COUNCIL MEMBER LEVINE: Well that, that is a lot of money for any working family. And I, I could imagine the transformative life it would have on, on, effect it would have on your life, positive if you move up to the higher level and negative if you move down. So it's really not a trivial amount.

1
2 I, I don't think on the scale of the budget in the
3 city of New York it will break the bank. But on the
4 scale of one individual New Yorker this is really
5 really critical. And so I think hearing your
6 personal stories is been a very powerful testimony.
7 Thank you for sharing.

8 CHAIR: I, I have one more question and
9 then I'm going to go over to Council Member Treyger
10 as well. Would, if we were to expand the, the
11 program to the other employees would it result in
12 any layoffs? Maybe... Ms. Aldebal?

13 SHIRLEY ALDEBAL: Increasing, yeah,
14 increasing the, the, the workers' wages to the
15 prevailing wage rate is not, it's, layoffs is not a
16 necessary consequence of that. And as was mentioned
17 already before you know this is, this is life
18 changing for people to get an 8,000 dollar a year
19 increase in their salaries. It's life changing, it
20 lifts communities is... It allows parents... many of
21 these, many of our members kids go to the same
22 schools where they, where they clean. Or they go to
23 the, in the same school district because they live
24 in these neighborhoods. So you know it, it lifts
25 communities and it also allows them to be able to

participate more actively in their child's education which is as everyone you know who's an educator will, or has been an educator knows that that is very very important to the education of our children. So you know it, it's, in our view it's a drop in the bucket the amount of money this would cost the city without having to cut the budget. Which they have without prevailing wage. I'm sure Local 891 will attest to the fact that their budgets have been cut over and over and again because you know previous administrations felt that facilities, you know maintaining our schools was not, not important. Well it is. Schools are open today and schools were open last week because these folks were in the schools at 3:00 in the morning some of them to shovel snow to make sure that the kids could get into the school safely. And during Hurricane Sandy many of them slept in the schools to prepare them to be shelters, pumping out water so that's so that you know, you know it wouldn't be flooded the next day and many, many of these schools could have been out of commission for many many months. And if it weren't because of the work of the custodians the, the cleaners, the handy

1
2 persons, the engineers making sure that these
3 schools were running you know we'd have kids
4 probably still you know doubling up in schools
5 because they, they would not have been able to be
6 reopened. So you know again, once again the savings
7 that these folks generate to the city every day and
8 when there are you know blizzards and disasters and
9 hurricanes I think is, is immeasurable compared to,
10 compared to what they should be getting paid.

11 CHAIR: Okay thank you. Council Member
12 Treyger.

13 COUNCIL MEMBER TREYGER: Alright thank
14 you Chair and thank you all to, to the, to the
15 workers. And thank you for your commitment to our
16 children. And I could tell you we certainly
17 appreciated you when, when I worked in schools and
18 I, I can't thank you enough. Just have a question
19 to the Vice President first with regards... You, you
20 mentioned we have over 5,000 cleaners and handy
21 persons broken up between the, the two systems. Do
22 you have a, a breakdown of other, these are all
23 full time or part time positions, do you have that
24 information?

SHIRLEY ALDEBAL: I would say that about, about 40 percent of the workforce is part time and the rest is full time. How it breaks up between Temp Co ABM and the custodian engineers I don't have that information but I, I would venture to guess that it's about the same.

COUNCIL MEMBER TREYGER: Sure. Thank you. And the, the other information I'm curious about is opportunities for mobility. You start working in a school as, as a cleaner or handyman, are there opportunities for growth within, within this industry. And if you could speak to that and compare the opportunities whether it's under 891 or from these private contracting companies?

SHIRLEY ALDEBAL: I would say it depends on the size of the school and, and, and any of you guys could jump in. But you know they can, they can go from being a cleaner to a handyperson. You know they could take you know courses and learn. You know most of these folks learn the job on the job right. So we had folks who's, you know I, we have a member whose dad was a cleaner, became a handyperson, then became a 94 engineer, and they followed in those footsteps. They learn the, the

1
2 work as they went along and, and they were able to
3 move up. But again you know there's 5,000 cleaners
4 and there are you know about 1,000 engineers and
5 another probably 1,000 custodians. I mean Robert
6 Troller could probably tell you the exact numbers.
7 But you know there, there is opportunity to, to
8 grow within the system but again it's very, it's,
9 it's limited to the size of the school and the size
10 of the... [cross-talk]

11 COUNCIL MEMBER TREYGER: I, I just have
12 to tell you that I, I think that, and this is my
13 personal observations and opinion of working in the
14 school system I don't even believe 5,000 are enough
15 for our schools. And so, so... no question that we
16 need to address the situations financially for the
17 families, there's no question about that. But in,
18 in a school system where over 1.1 million children
19 and, and over 100 thousand or so more employees I
20 do not believe that number is adequate. So I
21 believe that the city will have to step up to the
22 plate to address the budgets of our schools for our
23 custodians and for maintenance staff. There's
24 absolutely no question in my mind that we do not
25 have adequate resources to, to adequately address

1 the, the day to day to maintenance of our school
2 system. And I mentioned before and you, you're at
3 the front lines of this. When I mentioned before to
4 the, to the DOE about the major issues in our
5 schools about electrical systems, molds, other
6 things, I'm sure those issues are real and you know
7 that. And they come up with cosmetic approaches to
8 those things but in reality we have major needs
9 that cannot be ignored and addressed and I, I just
10 can't thank you enough for your work day in and day
11 out. Thank you.

13 CHAIR: Well I want to thank you all for
14 coming in and I'm going to call the next panel.
15 Thank you very much. Okay we have Robert Troller
16 from Local 891 and Francis Burn from 891. Okay I'd
17 like to swear you in if you would just raise your
18 right hand. Do you solemnly swear to tell the
19 truth, the whole truth, and nothing but the truth
20 and to answer council member questions honestly.

21 ROBERT TROLLER: I do.

22 CHAIR: Okay thank you. And Mr. Troller
23 if you'd like to begin.

24 ROBERT TROLLER: Okay. Good afternoon I'm
25 Robert Troller the Business Manager and President

of IUE Local 891. I proudly represent New York City's school custodian engineers. It's the job of my members to ensure that the children and adults who use our school buildings have a clean and safe environment in which to learn and work. I thank the committee for allowing me the opportunity to testify today on the merits and issues of concern in the indirect system of delivering custodial services. I know my time's limited so I'll try to be brief. Recently the single largest concern facing the workforce in the indirect system of custodial care has been addressed. The members of my union and custodial workers represented by 32BJ and Local 94 have negotiate a new contract which covers their terms and conditions of employment through the end of 2016. I applaud Mayor de Blasio for coming to the table and negotiating agreements that are fair to the city's workers and affordable to the taxpayers. Collective bargaining should be fundal right, fundamental right in this county. With these negotiated wage and benefit increases the workers will be better able to provide for their family's needs. The indirect system of custodial care has been in use through the New York

1 City's public school system almost since the school
2 systems inception. Throughout the history of the
3 system the Board of Education has experimented with
4 both outsourcing and insources these services. This
5 reason this unique method of indirect operation
6 prevailed is that it delivers cleaner and safer
7 schools buildings at a much lower cost than other
8 methods. While the... qualifications required to
9 become a custodian engineer ensure that our schools
10 are safe the ownership and pride my members take
11 towards their building produce superior results.
12 Economically the buck stop here nature of the
13 system ensures cost effectiveness. Now the biggest
14 concern by far is dramatic reduction in funding of
15 custodial budgets that took place under the
16 previous administration. During his tenor Mayor
17 Bloomberg made over 58 million dollars in direct
18 reductions to the custodial budgets used to operate
19 the schools. Many of the cuts were made before the
20 financial crisis resulting in reduction of revenue
21 for the city. These cuts plus the deliberate 25
22 million dollar cut reduction in spending on
23 afterschool activities during the last three years
24 of the Bloomberg administration resulted in
25

equivalent loss of over 2,000 full time custodial workers throughout the system. For reference I have attached a chart to my testimony of those cuts. As this committee knows all too well the reduction of after school activities and use by... group or the cost savings measure implemented by the former chancellor's... Thankfully the current administration seems committed to... that policy. New dangers and laws regularly affect our schools such as asbestos, lead dust, lead caulking, swine flu, recycling, composting, and most recently PCBs from certain light fixtures. Each of these resulted in new protocol being issued by the... facilities with additional cleaning tasks, inspections, and reporting requirements of my members and their staff. Not one of these mandate came along with any additional funding. While on the subject of inadequate funding I'd be remised if I did not discuss the amount we receive for supplies. The custodial budgets my members receive are based entirely on a manpower allocation. Each building's custodial allocation is calculated according to the needs of the building. Additionally depending on the size of the building and type of building, the

broader type, they help determine the amount received. There's absolutely no funding provide to provide materials or supplies. Instead materials and supplies are supposed to delivered to a separate annual supply allocation in the form of a credit with a certain vendor. SEI is currently the vendor with that contract. The dollar amount allocated to each school had not increased in over 20 years. This... amount has not changed despite inflation, higher cost of environmentally safe cleaning chemicals, significantly more expensive energy saving light bulbs and other increases to the cost of the supplies schools need. A typical school building annual supply allocation will only the covered cost of six months of supplies. This... causes custodian engineers to supplement that allocation by spending a portion of their labor budget on these necessary items. The Department of Education must live up to its agreement with 891 and provide these needed supplies thereby allowing custodians to staff their building more adequately. The Department further hampers the most efficient use of the city's limited resources by not providing custodian engineers with approved vendors

1 who have bid on specific material costs. They must
2 allow custodian engineers to access the city and
3 state contracts. Instead DSF requires almost all
4 vendor purchases be made through the same... vendor
5 SDI, the price, materials, and supplies through SDI
6 are significantly higher than the price of
7 identical item on the open market. This practice is
8 a serious investigation in oversight. In 2004 the
9 New York City Council passed resolution 37-A with a
10 near unanimous vote. The resolution condemned the
11 wasteful and dangerous practice of outsourcing
12 custodial services to profit motive contractors.
13 The hearings and investigations which led to that
14 resolution proved that the private cleaning
15 companies were more costly than civil service
16 custodians and more prone to dangerous... due to
17 inexperience and unqualified supervisors. Despite
18 that to this day the Department of Education still
19 uses facility management company in over 100
20 schools. The cost differential has only grown due
21 to the budget cuts my members have received. It is
22 way past time this waste of taxpayer dollars comes
23 to an end. Additionally the Department continues to
24 misdirect valuable resources by increasing the size
25

1 of middle management staff. While numerous
2 custodial workers have lost their jobs due to
3 budget cuts DSF has increased the number of middle
4 level management. School buildings need their own
5 custodian engineer, more cleaners, and handy
6 persons in the classroom, not additional high paid
7 managers. The recently promulgated civil service
8 list of custodian engineers has not been utilized.
9 New custodians should be hired immediately to make
10 up for the current lack of a full time custodian in
11 each and every school. Thank you for allowing me to
12 testify. I'm certainly willing to take any
13 questions you may have.

14 CHAIR: Thank you. Thank you for coming
15 in and identifying these issues. I think you've
16 been here the whole time and you've heard me
17 advocate for additional resources for our
18 custodians and schools. I think myself and Council
19 Member Treyger who have both experienced this issue
20 first hand in the schools understand exactly what's
21 going on in terms of the costs that were made to
22 our school system through most of the, the
23 Bloomberg years. And I see you have a chart on the
24 back here as well identifying those cuts and how
25

1
2 they were made etcetera, so forth, and so on. So I
3 guess let me go to the question that I have about
4 the soul source vendor. How does that system work?

5 ROBERT TROLLER: There's a company called
6 SDI which if you see the contract from the Board of
7 Education to supply all the materials and supplies
8 that are in our supply allocation. And they also
9 have a contract to, that we can make purchases
10 through them, all purchases that basically... that
11 company. That company's supposed to guarantee the
12 city of New York the best price.

13 CHAIR: But you don't find it to be that
14 way... [cross-talk]

15 ROBERT TROLLER: Not at all. They, you
16 know they were talking, the previous... from the
17 fiscal policy institute talked about bulk
18 purchasing, that was a concept, it didn't work. We
19 can go out and find the same product on the open
20 market for sometimes 30 percent 40 percent less.

21 CHAIR: Kind of reminds me a little bit
22 of the discussion that we had around teacher's
23 choice where teachers were forced prior to
24 teacher's choice to purchase items through whatever
25 system it was that they had at that time and

1 teachers would go to the same store and be able to
2 find the same item for you know 20, 20 the... 20,
3 nine, 70 percent less than what they were paying
4 through the school system. So that may be an area
5 that the DOE could identify for some savings. Are
6 there other areas that you might suggest where they
7 could find some savings?

8
9 ROBERT TROLLER: I, I think we've gone
10 through all the savings that we can get...

11 CHAIR: Okay.

12 ROBERT TROLLER: ...cut to the bone.

13 CHAIR: so and I, I agree with you on
14 that. These cuts that have taken place the, the
15 last few years can you just tell me how devastating
16 that has been to you?

17 ROBERT TROLLER: Well again Local 32BJ
18 mentioned that they have what 4,000 to 5,000
19 workers depending on the time of year and, members
20 rather, and that number used to be six. So you know
21 there's not less schools than there used to be,
22 there's more schools. We need more people cleaning.
23 And to answer Councilman Treyger's question from
24 earlier the chance for promotion is a great in a
25 schools operated by my member but no, no cleaner or

handyman ever became Temp Co... They, they have a chance to move up and become custodian engineer but if you're... a contract system that doesn't happen.

CHAIR: Why do we go to that contract system?

ROBERT TROLLER: Originally the, Julianne did it as a method to wrangle concessions out of Local 891. Bloomberg started out by saying that he's going to save money when the council's hearings at the time showed through the mayor's office of budget management... only... that contractors cost substantially more, not less than custodians. He you know still kept going. And that's what I said today... should stop. There are no savings.

CHAIR: So Mr. Troller if I get it right you're saying to this committee that you have no objection to paying the cleaners in your school at the prevailing wage but you need to be provided with the funding to be able to do that.

ROBERT TROLLER: I have no objection to paying whatever they negotiate or what we're funded for. But if you simply took the existing budgets and told us we had to pay prevailing wage there'd

1
2 be a lot, a lot of 32 members on the street and no
3 one wants to see that.

4 CHAIR: There's a question I asked when
5 Mr. Parrot was here as well. Do you know the amount
6 of money that's being paid for these contracted
7 services?

8 ROBERT TROLLER: I don't have the exact
9 figure, no I do not.

10 CHAIR: Okay I really would like to get a
11 hold of that figure so we can know you know what
12 savings could be, could be made there in that
13 direction. Yep, Council Member Treyger.

14 COUNCIL MEMBER TREYGER: Thank you
15 President Troller. And like I said to the cleaners
16 and, and the maintenance workers and I extend the
17 same things to you and your members that during
18 last week's what was supposed to be the historic
19 blizzard when they had shut down the transportation
20 system I know that they were still students taking
21 regents exams up until 8:00 at night. And it was
22 custodians and maintenance workers staying in that
23 building until every kid came home safely. And I
24 want everyone to know that. And I was in touch with
25 those schools until they closed down. And as

1
2 mentioned your workers and the maintenance workers
3 are the first ones in the building, the last ones
4 to leave and we can't thank, thank them enough. I
5 think you've touched upon this but I think it's
6 just, I want it to be clear for the record. Do you
7 believe that you know with the numbers of your, of
8 your workers and 5,000 cleaners and handymen that
9 we have right now in New York City, is that
10 adequate... [cross-talk]

11 ROBERT TROLLER: No it's not... [cross-
12 talk]

13 COUNCIL MEMBER TREYGER: ...to address the
14 needs... [cross-talk]

15 ROBERT TROLLER: ...it's definitely not...
16 [cross-talk]

17 COUNCIL MEMBER TREYGER: ...of our schools?

18 ROBERT TROLLER: No.

19 COUNCIL MEMBER TREYGER: Do you have a,
20 a, a... I know it's like a wish list but where do you
21 think we should be as far as numbers... [cross-talk]

22 ROBERT TROLLER: I, I'd like to go back
23 to at least the 2,000 bodies that were cut by the
24 Bloomberg administration.

25

1
2 COUNCIL MEMBER TREYGER: Okay. Because I,
3 I really believe that this is an issue of fairness
4 and equity that also begins at the top. You know
5 this is an issue that you know, and, and I think
6 teachers can speak to this forcefully as well. We,
7 we certainly cannot teach in a building that's not
8 properly maintained.

9 ROBERT TROLLER: Right.

10 COUNCIL MEMBER TREYGER: It's, it's,
11 it's, it also, matter of fact and the chair will
12 agree the Chancellor in her publishing as well
13 mentions how the environment of the school impacts
14 instruction. And just as I'm sure you're aware I
15 still have schools in my district that have large
16 external temporary boilers making very loud noises
17 and you can't regulate the heat so it's piping hot
18 in these, in these school buildings. And that is an
19 impact upon instruction. So I believe that we have
20 to look at that as far as the budget that we
21 allocate to the schools and, and for the
22 maintenance and for the custodial budgets because
23 in reality if we do our fair share I think that we
24 resolve any tension between your, your, your, your
25 union and the maintenance. Because from, from what

1
2 I'm hearing from you you're willing, with adequate
3 funding, to pay the workers what is a fair
4 negotiated wage.

5 ROBERT TROLLER: Right.

6 COUNCIL MEMBER TREYGER: And I think that
7 now we have to bring that back to the
8 administration and say let's deliver that, that
9 fairness and equity to all workers in our system.
10 And I thank you, thank you chair.

11 CHAIR: Okay thank you very much and
12 we've been joined by other council members, Council
13 Member Barron, Council Member Reynoso, and Council
14 Member Andy King was here. But I think that's it
15 for the question for this panel and I thank you
16 very much for coming in.

17 ROBERT TROLLER: Thank you. Have a good
18 afternoon.

19 CHAIR: Okay our next panel is Ronald
20 Serna from Local 94, Joseph Modica from Local 94,
21 and Ray Macko I believe, Macco, from Local 94. May
22 I ask that you raise your right hand I'll swear you
23 in. Do you solemnly swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth
25 and to answer council member questions honestly.

UNIDENTIFIED MALE: I do.

CHAIR: Thank you. And you may begin.

RAY MACCO: Good afternoon Chairperson

Dromm and members of the committee. My name is Ray Macco. I am a business agent for the international union of operating engineers Local 94. Before I begin I would like to acknowledge IUOE Local 94 Business Manager Cooper Brown, as well as Jack Redden Local 94 Business Agent, Bill Caramico Local 94 Executive Board Member who like me represent 12 hundred Local 94 members who are currently indirect employees of the Department of Education. On behalf of those members of Local 94 I want to thank this committee for conducting today's hearing and for the opportunity to speak. I would also like to express my thanks to Council Member Daneek Miller and each of the 41 members of city council who signed onto sponsor Intro 386, legislation designed to correct the longstanding inequity within the current flawed and unjust system. Created more than a half century ago under the indirect system school custodians hire Local 94 members to work within the New York City Department of Education. It is somewhat ironic that the system exists in our

schools. So even as our children are being instructed on equity justice and fair play in the classroom the members of Local 94 are being compensated like second class citizens in the basements and engineering rooms. It is more like a little troubling that our members employed at the same title are doing the same work for others in municipal job titles do not enjoy the same wages and benefits. This inequity is not something new. This inequity has existed for more than a decade. Since 2008 this inequity existed not only between different city agencies but within the same agency the Department of Education where workers in the same union doing the same exact work. Each passing year the financial void is widened. Let's look at some numbers. When comparing municipal workers to these custodial workers at the most basic level under the 2015 agreement Local 94 firemen, some can hold up to as many as 50 license and certificates of fitness would be paid at a rate of \$22.50 per hour. A full \$8.85 per hour less than the \$31.35 rate paid to plant tenders, a title that requires no certificate or license and we haven't even looked at pension, welfare, and training...

contributions. Let's look at today's workers in the Department of Education in the same union. I will remind you these numbers reflect the new collective bargaining agreement reached and approved a little more than a month ago. As of January one the prevailing wage for firemen is \$29.46 per hour. A Local 94 firemen in New York City school under the indirect system is paid \$22.50 per hour, a difference of \$6.99, 96 cents per hour paid. In a course of a 40 hour work week that translates into more than 278 dollars or a difference of 14,456 dollars per year. This inequity doesn't stop there. For some Local 94 workers working in private contractors the city contributes \$5.15 more per hour towards their benefits and we clearly, and we can clearly see we're not talking about nickels and dimes here. We're talking about hundreds of dollars a week in wages alone, dollars that will go a long way to keeping the more than 73 percent of the Local 94 DOE employees who live in New York City to remain in our ever more expensive city. I'm not here to bombard this committee with numbers just as a reading of a box score will tell you how everybody performed in a ball game. It would

provide you with the drama and excitement in the creating of those numbers. So better help you understand we will be joined here by two local 94 members who will explain what they do and open a window into their lives and allow you to hear first-hand how the inequity has infected their lives and their family. The most glaring issue before us today is a difference in funding provided our members for medical benefits. Currently Local 94 does not receive enough contributions to support retiree benefits. With a financial discrepancies of a \$1.72 per hour it is not possible to support retiree coverage for these men and women who work tirelessly in our school each day. All over the city workers have retiree benefits. But before I finish I want to bring your attention to the discrepancy and the contribution to the training fund. We are familiar with the New York City's effort in sustainability and the importance of greening our city's schools. The recent ban on Styrofoam demonstrates the council's understanding and willingness to move the city in the right direction. While as many of you know Local 94 stands second to no one in the effort to create

green New York as a world premiere city. It is our obligation to show the world that sustainability and maximizing energy efficiencies can be realized through new technologies and proper training. We at Local 94 are train, are proud of our training fund and our state of the art training center. We invite you to come see our training center. Yet for all we have seen and heard about the city's commitment under the contract the city contributes a mere six cents per hour for our training. That's 15 cents less than the contribution made to other employees in the same agency. Proper funding of the training fund is an investment in the city, in the city's future. With the proper funding we can mandate the training of our workforce and operations of new equipment, retrofit existing equipment and understanding new and different ways to recycle and efficient reuse of our resources including wastewaters and fuels. We at Local 94 can provide and develop the training and skills to bring the city and the Department of Education to the next level in the green movement. We're doing it every day in the commercial office buildings across the city. We should not be leaving our schools behind.

1
2 Finally let me say that we at Local 94 believe by
3 addressing and resolving prevailing wage issues we
4 will put ourselves on a path for a greener New
5 York. It is our belief that if these goals are
6 realized the city will save more money for years to
7 come on efficiencies and operations in our schools
8 that it would cost to pay the inequity. Let's all
9 work together. We at Local 94 have never shied away
10 from sitting across the table to solve a problem.
11 As mentioned earlier we did just reach and approve
12 a new collective bargaining agreement with the
13 city. This agreement includes an important section.
14 The parties agree to form a labor management
15 committee consisting of representatives of Local
16 94, Local 891, The Department of Education, Office
17 of Management and Budget, and Officer Labor
18 Relations to discuss issues related to implementing
19 the terms of the agreement. Let me assure you while
20 Local 94 is looking forward to the first of the
21 committee, the first meeting of that committee and
22 will work diligently in seeking a fair, just, and
23 equitable resolution of the issues relating to this
24 agreement. We will continue to every, in every
25 forum to bring attention to and rectify

1
2 longstanding injustices of this existing indirect
3 system. Thank you.

4 JOSEPH MODICA: Good afternoon. I just
5 want to thank Council Member Dromm and members of
6 the Education Committee for conducting today's
7 hearing. My name is Joseph Modica, married, father
8 of three children. I have, we live in Sheepshead
9 Bay and Local 94 firemen and William E Grady
10 Vocational High School. My workday starts at 4:00
11 a.m. I start a little earlier than others. My
12 school was devastated by Hurricane Sandy. I now run
13 off a temporary boiler which resides on the outside
14 of my school. Once the boiler is going I have a new
15 computerized fire alarm system. I have to call up
16 in the morning, take it offline for 15 minutes,
17 conduct my tests, and call back up and go back
18 online. I currently hold fire safety inspection
19 certificate, air pollution certificate, boiler
20 certificate, sprinkler standpipe... Why should we
21 make less money than the people on the outside who
22 do not currently hold the same certificates and are
23 not fingerprinted by the Board of Education. It's
24 hard for me to support my family. I work seven days
25 a week. The job cost me my first marriage because I

1 was never home. And I do snow removal. I do bowers,
2 I do toilet bowls, all... we do floor tiles, doors,
3 etcetera. We do the same as other people on the
4 outside and we just want to get the respect and
5 money that we deserve. Every day I'm confronted
6 with a choice. I have different situations in my
7 school that I tend to. I take care of, we do
8 paperwork, we keep everything records, we have all
9 records. We will lose... As I see now we'll be losing
10 like 300 dollars a week without the contract which
11 is a lot of money and adds up to 500 dollars or
12 more a month. It is time for this injustice system..
13 I ask you today to please consider our votes to
14 help us. Thank you so much.

15
16 CHAIR: THANK YOU. Next please.

17 RONALD SERNA: Alright. My name is Ronald
18 Serna. I live in the Bronx. I also work in the
19 Bronx at Public School 11 in High Bridge. Pretty
20 much everything that he just explained I basically
21 do the same thing. I currently hold five licenses
22 aside from all certificates that I've earned you
23 know thanks to Local 94. They trained me extremely
24 well to the point where I've become a huge asset
25 not only to my school but also the Board of

Education because aside from just teaching me how to operate the equipment and... they've taught me how to basically how to create savings by learning how to, like take temperatures on steam traps, how boilers function. I have over, well actually right now I have over 200 dollars as far as training working towards my engineers ticket for refrigeration. I'm a licensed technician that I'm allowed to work with and also purchase refrigerants, like what you... this morning I also have a certificate for the pool stations, sprinkler systems, and I work really hard. I mean like really hard. And aside from working really hard I also encourage my workers because I work with 32 guys, I started with 74 but I was a cleaner at one time. Okay so I know exactly what these gentlemen go through. And right now I'm actually doing part of my job as well as theirs because, because when I first started there was a total of six of us and that got basically whittled down to two and a half guys. So it's me, another full timer, and apart timer to take care of an entire building. So aside from doing repairs, making sure that everything's functioning right because at the end of the day I

1 have over 400 students aside from faculty,
2 teachers, school aids, you name it, all these
3 people count on me. Okay so the things that, if a
4 room is too cold, it's, it's too hot, if the
5 plumbing's not working. That basically all comes
6 back to me. I also have to make sure that the
7 building's clean. So when I first walk in the
8 morning the first thing that I do besides opening
9 up all the gates because we lock up at night, I
10 have to test the fire alarms, what you experienced
11 this morning so in the middle of the day you're not
12 hearing that. So that gets done before the students
13 get inside the building because one of the worse
14 things that you could probably experience is god
15 forbid there's an emergency, a fire, anything you
16 pull that station and guess what, it doesn't work.
17 So I have to make sure before I open up that
18 building that I do a water flush, I check the fire
19 stations, I heat the building because nobody wants
20 to walk into a cold building. So it's a huge
21 responsibility and it's a big undertaking. It
22 really is because aside from like I said doing the
23 repairs and making sure that I got the right
24 temperatures inside the rooms that my principal is
25

1 happy because obviously she's going to be looking
2 after the people that she's, that she's in charge
3 of... she has basically overlook you know make sure
4 that everything's alright. I have to answer to her
5 an make sure that everyone is alright and she's
6 happy. So it's a huge responsibility aside from
7 doing the repairs I have to clean as well. And then
8 I often tell people what I'm making now if you take
9 into consideration all of the licenses I have, all
10 of the training thanks to Local 94 that they've
11 given me over the years because I went through a
12 three year program and they taught me how to
13 calibrate thermostats, how to work with boilers,
14 how to work with package units, soup to nuts. They
15 made me what I am today and I say thank you, truly
16 thank you. But at the end of the day if you take
17 all of the responsibility that I have aside from
18 paperwork, looking after my guys, making sure my
19 building is clean, making sure that there's no
20 rooms that are overheating or too cold, I make less
21 than minimum wage, I truly do yet I put in this
22 great effort but I see almost nothing back in
23 return. And then I look to my, you know look out
24 and there's somebody that is working that's not
25

1 under a contractor and he's making more than I am.
2 So at a certain point it could become disparaging
3 but the thing is that at the end of the day I have
4 a responsibility to the people in my building no
5 matter what I make because I feel that why should
6 someone else have to suffer because of an injustice
7 that was done to me. So that's the reason I'm up
8 here today and I thank you for your time and that's
9 basically all I have to say. Thank you.
10

11 CHAIR: Well thank you also for coming in
12 and for giving your testimony. As I said earlier
13 it's really these personal accounts, these first-
14 hand accounts that make an awfully big impact on
15 the members of this committee to hear... jobs.

16 Although Council Member Barron and I, she was also
17 an educator for 36 years in the system. She was a
18 teacher and a principal. And so she knows first-
19 hand these issues as well. Let me just ask how many
20 members are in Local 94 that work in the schools?

21 RAY MACCO: About 11 hundred.

22 CHAIR: And I was struck in your
23 testimony that your members don't get retirement
24 benefits, is that correct?

25 RAY MACCO: That's correct.

CHAIR: And they have a, an opportunity to join a 401K?

RAY MACCO: They have an annuity fund, yes.

CHAIR: That would be voluntary?

RAY MACCO: No, that's part of the package that they have but it's substantially less than the private contractor supplies for the annuity.

CHAIR: Do they have health benefits?

RAY MACCO: The health benefits, I'm sorry do, I'm confused but the, they have a pension but they don't have retiree benefits.

CHAIR: Okay.

RAY MACCO: There's enough, not enough funding that's provided by the city to pay for medical benefits so they simply, when they retire they have to either work until they're 65 or they have Medicare.

CHAIR: But during the school year when they're working, they have health benefits?

RAY MACCO: They do when they're actively working.

CHAIR: When they're actively working.
What about... and sick days?

RAY MACCO: They have sick days too yes.

CHAIR: Okay. No it's just not a good situation. And sometimes we, we talk amongst ourselves up here a little bit. We're not, it's not that we're not paying attention, we're trying to clarify for each other what it is exactly that you're saying... Ms. Aldebal also to come up if I can ask you to... I wanted to ask you the same questions about your members because I wasn't clear about that. Can you just describe the benefits... first state who you are and then describe the benefits that your members get.

SHIRLEY ALDEBAL: Shirley Aldebal, Vice President of SEIU Local 32BJ, represent the cleaners and handypersons in the public schools. Yes our members receive health benefits if they work up, up, full time they get full family health care. If they work less than a certain number of hours they only get single coverage. They all have pension benefit and they have, they, we, we have a training fund, like 94 we have a training fund and we have a legal services fund. And they also get,

1
2 have money put into their 401K. But they are unable
3 to make voluntary contributions to their 401K. I
4 don't know if it's the same situation with you
5 guys.

6 CHAIR: It just doesn't seem right that
7 the whole situation is so unequal for everybody
8 that's in the system doing the same job essentially
9 and everybody's getting a little bit something
10 different, you know for doing the same work. So
11 it's really amazing to hear this and that's kind of
12 I think the purpose of having this hearing today
13 was to begin to draw this all out so that I think
14 the public and members of this committee in
15 particular can you know determine what needs to be
16 done to change the situation. So I am glad that the
17 administration was here and does seem open to
18 trying to fix this situation but you know we can
19 act otherwise if we had to hear on this level to
20 try to fix that. And that's not something that's
21 been taken off the table. I did hear one of the
22 reps I believe from one of the Unions say that
23 they... oh I think it was James Parrot actually who
24 said he would like to see the situation taken care
25 of in negotiations. And I hope that that can be

1
2 done. But other ways to fix it I don't, I think... as
3 an option as well. Yes, Council Member Barron.

4 COUNCIL MEMBER BARRON: Thank you Mr.
5 Chair. I just want to say I didn't hear all of the
6 testimony but I do have it and I assure you that I
7 will read it. And I just want to thank you all for
8 coming. As the chairman has said I spent 36 years
9 with the Board of Education and did retire as a
10 principal. And it was then really as a principal
11 that I really got a full understanding of all the
12 work that goes on to get the school ready before
13 the school day starts and the maintenance that has
14 to be done during the day and late into the hour,
15 into the evening hours. I would get to my building
16 very early and it would be warm when I would get
17 there at 6:30 7:00 and it was maintained properly
18 until I would let, leave at 8:00 9:00 10:00 11:00.
19 I'd leave the custodian there at those late hours.
20 So I do appreciate the work. It has an important
21 impact as well on the population that's inside the
22 buildings, students and staff and the parents that
23 come in. And we do appreciate the work that you do.
24 And we'll look at this to see how we can get some
25 equity here. Thank you.

CHAIR: Okay. Thank you very much for coming in. We're almost ready to adjourn but I want to thank Asia Shawnburg [sp?] my Counsel, Jan Atwell Policy Analyst, Joan Povolni [sp?] Policy Analyst, Nora Yaya [sp?] Senior Finance Analyst, and Medina Mizametadine [sp?] who is our Finance Analyst as well. And Matt Carlen [sp?] and Gafar [sp?] for helping to prepare us for this somewhat complicated actually for somebody who doesn't necessarily know the ins and out of this system. It's still a lot for all of us to understand but for preparing us for this hearing. And I think all the, the people who came today for the hearing as well. Thank you very much. This meeting is adjourned at 3:05 p.m.

[gavel]

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 February 5, 2015