

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ECONOMIC DEVELOPMENT JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

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B E F O R E:

DANIEL R. GARODNICK
Chairperson

I. DANEEK MILLER
Co-Chairperson

COUNCIL MEMBERS:

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

Dawn Pinnock
Chief Human Capital Officer
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Deputy Counsel
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COMMITTEE ON CIVIL SERVICE AND LABOR

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[gavel]

CHAIRPERSON GARODNICK: Good afternoon everyone. Welcome to a joint hearing on New York City's paid parental leave policy. I, my name is Dan Garodnick and I have the privilege of co-chairing this hearing along with my fellow council member, Daneek Miller who is the Chair of the Civil Service and Labor committee. I chair the Economic Development Committee. Today's hearing is the first opportunity this council has to hear testimony from the administration regarding the city's paid parental leave program which went into effect just over nine months ago. When each of my sons was born I took two weeks off and I was and continued to be a very involved father and co-parent in my, and my children and family come first. But I didn't see any reason at the time to broadcast that and I wanted instead to make sure that my bosses, my constituents knew that I was always working for them so I didn't exactly shout my family leave from the rooftops. But as I sit here today I want to correct that because I want to make the point that taking family leave is important. It was good for me. It was, it's good for dads generally. It's good

1 for moms. It's good for all of us. The new paid
2 parental leave program we are discussing today was
3 created by a mayoral personnel order and provides
4 the roughly 20,000, it provides roughly 20,000 city
5 employees with six weeks of fully paid leave for
6 maternity, paternity, adoption, or foster care.
7 Employees can take up to a total of 12 paid weeks
8 if they choose to combine parental leave with
9 existing leave that they have accrued. This program
10 brings New York in line with progressive cities
11 like Austin and Pittsburgh who offer similarly
12 generous programs. However, New York City is not
13 alone in expanding family leave policies. Over the
14 past several years many large American companies
15 have taken steps to increase paid parental leave
16 for their employees and businesses such as Netflix,
17 eBay, and Google have lead the charge offering up
18 to a year of paid leave for new parents.
19 Additionally this year New York state passed one of
20 the nation's most comprehensive paid family leave
21 policies requiring most employers to offer up to 12
22 weeks of leave to care for a new child or a family
23 member when they fall ill. This program is being
24 phased in gradually over the next five years and
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the end result will require 12 weeks of paid family leave at two-thirds of the pay for the average of employees in the state. The growth in parental leave policies is due in part to numerous and international studies which have found a plethora of benefits where new parents have the option to take time off to be with their children. These benefits include improved health outcomes, higher employee moral, and more productive economies with lower unemployment rates. The city's new paid parental leave program is undoubtedly a step in the right direction. Hiring and training new employees can be expensive and time consuming for city agencies and this new paid parental leave grants city employees flexibility and peace of mind if they decide to start a family. I look forward to hearing testimony today on the impact and reception of the paid parental leave program thus far and what role the council can play in ensuring its success. I want to note that we are joined by council members Dromm and Borelli. And with that I want to turn the floor over to my co-chair Council Member I. Daneek Miller to say a few words to kick it off. Council Member Miller.

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CO-CHAIRPERSON MILLER: Thank you
Council Member. Good afternoon. My name is Council
Member I. Daneek Miller and I am the Chair of the
Committee on Civil Service and Labor. I'm pleased
to be here today with my colleagues and Chair
Garodnick, Chair of Economic Development, for this
important hearing on the performance of paid
parental leave policy, thank you, and what the
impact has been on the city's workforce. When Mayor
de Blasio signed the personnel order in January 216
creating parental leave for a public employee, city
employees, it immediately became a major
accomplishment for the administration and its shown
that the city continues to care and demonstrate
that we support working families. As Civil Service
committee has worked with the Department of
Citywide Administrative Services to reduce the
number of temporary employees ensuring that the
city's workforce can take care of their loved ones,
also give them the peace of mind in that they are
able to do their jobs with their best, to the best
of their abilities. Studies would shown [phonetic]
that by giving employees paid parental leave they
are more productive at work and have higher

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1 retention rates. Also reduce the effects of people
2 aging out of the workforce and women are more
3 likely to join in knowing that they have an
4 opportunity to take care of their child and family.
5 By allowing paid family leave the city's employees
6 will have a higher quality of life and residents in
7 all city five boroughs are better off as well.
8 Today we'll be hearing from those who have
9 benefitted from, from this program and I look
10 forward to hearing some of their stories. I'd like
11 to thank Committee Counsel Matt Carlen and the
12 members of the Civil Service and Labor Committee as
13 well as Council Member Dan Garodnick for
14 participating today. So better get started.

15
16 CHAIRPERSON GARODNICK: Terrific. Thank
17 you Chair Miller. We're now going to go to our
18 first panel from the administration of one, one
19 member of the panel who is kind of enough even to
20 bring his baby to the hearing which we love. That's
21 a great thing. Dawn Pinnock Department of Citywide
22 Administrative Services, Stella Xu of DCAS, Kenneth
23 Gardiner from OMB, Paul Rodriguez from Office of
24 the Mayor. Ladies and Gentleman whoever's going to
25 kick it off you can go right ahead.

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DAWN PINNOCK: Thank you.

CHAIRPERSON GARODNICK: Okay and we're
going to swear you in.

CC: Please raise your right hands. Do
you swear or affirm to tell the truth, the whole
truth, and nothing but the truth in your testimony
today?

DAWN PINNOCK: I do.

CC: Thank you.

DAWN PINNOCK: Thank you. Good afternoon
Chair Miller, Chair Garodnick, Council Members
Dromm, Borelli, and members of the Civil Service
and Labor and Economic Development Committees. I'm
Dawn Pinnock Deputy Commissioner for Human Capital
for the Department of Citywide Administration
Services. I am accompanied by my colleague Stella
Xu Executive Director of Strategic Planning, Paul
Rodriguez representing Office of the Mayor, and Ken
Gardner representing the Office of Management and
Budget. I'm here today to discuss the
implementation of the city's paid parental leave
program which was enacted by Mayor's personal order
2016/1 signed on January 7th, 2016. The order was
effective December 22nd, 2015 and entitles

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employees with qualifying events between November
9th of 20, 2015 and December 21st of 2015 to receive
a prorated benefit. The paid parental leave benefit
is available to managerial and original
jurisdiction employees and allows eligible
employees to be paid for a substantial portion of
their time off in order to care for and bond with
their child, or in some cases children. This new
benefit comes at no cost to New York City tax
payer. The personnel order repurposes an existing
managerial raise of .47 percent scheduled for July
2017 and caps vacation time at 25 days for the
targeted population covered by this benefit. DCAS
collaborated with the New York City Office of Labor
Relations, our partners at the Office of Management
and Budget, and the law department to implement
this new policy following the mayor's announcement.
Personal Services Bulletin or more commonly known
as PSB 420-5 was posted on January 11, 2016 to
provide agencies with guidance, definitions, and
procedures for the paid parental leave program. In
drafting this PSB with compared parental leave to
existing policies and regulations such as the
Federal Family and Medical Leave Act FMLA and the

City's Childcare Leave Policy, both of which are unpaid benefits. To provide notification of this benefit policy and the Mayor's personnel order a memorandum was sent to agency personnel officers across all city agencies. An announcement was also posted on DCAS' APO community portal, a valuable electronic resource where agency personnel officers can review policy information and ask for assistance with any questions they have. DCAS has been advising agencies on inquiries and policy interpretations regarding the paid parental leave program and will continue to assist agencies to ensure consistent implementation of this program across the city. To ensure standardized record keeping at the agency level a form entitled request for paid parental leave was created and attached to the PSB. Employees must submit this form along with timely documentation of the qualifying event to their HR department for approval. Once granted the paid parental leave can be used in full or intermittently. The leave may also be also be applied retroactively following receipt and verification of documentation. Eligible employees will be required to sign an acknowledgement that

1 indicates they are seeking to use paid parental
2 leave for the birth of a child or the placement of
3 the child with the eligible employee for adoption
4 or foster care. Where the qualifying event is the
5 placement of a child with the eligible employee for
6 adoption or foster care the eligible employee must
7 also, excuse me, will also have to certify that
8 should the adoption or foster care placement cease
9 during the paid parental leave period the employee
10 will immediately notify their employer. If a child
11 ceases to remain in the employee's care during the
12 paid parental leave period, the employee shall
13 notify the employer and either return to work or
14 apply to use other leave as appropriate. The six
15 weeks of paid parental leave at 100 percent of
16 salary can be combined with accrued eligible leave
17 if any. As per the mayor's personal order the six
18 weeks of leave must be taken within 24 weeks of the
19 qualifying event, a birth, an adoption, or a foster
20 care placement. Once the first day of paid parental
21 leave is taken the employee must use the remaining
22 paid parental leave within the following 12 weeks.
23 DCAS has been monitoring the usage of paid parental
24 leave across the city since its implementation and
25

1 will continue to do so on a quarterly basis. As a
2 means to track leave usage. DCAS coordinated with
3 the Office of Payroll Administration to create a
4 new leave code in the city's time keeping system,
5 city time. The creation of this code allows us to
6 track leave usage agency by agency and in the
7 aggregate. As of August 31st, 2016 164 employees
8 across 35 agencies have benefitted from paid
9 parental leave. Of this group 52 percent are female
10 and 48 percent are male. The median age of users is
11 36 years old and the average age is 37 years old.
12 ...years of service of those who have benefitted its
13 five years of service with an average of six years
14 of service. The median number of paid parental
15 leave workdays used by each employee is 30 and the
16 average day's use is 24. By our estimation the
17 total cost of paid parental leave as of August
18 31st, 2016 is approximately 1.6 million dollars.
19 Paid parental leave provide a comprehensive and
20 generous benefit for eligible city employees.
21 Employees are receiving the flexibility to create a
22 greater work/life balance while also keeping their
23 salary whole for an additional six weeks while
24 caring for their child. Given the usage within the
25

1 short timeframe after the order was issued it is
2 clear that the paid parental leave policy and
3 program have been well received by the eligible
4 population. DCAS will continue to provide our
5 agency partners and the municipal workforce with
6 guidance with respect to the policy and its
7 utilization. At this time, I would like to turn
8 things over to Paul Rodriguez who will share his
9 personal experience with the paid parental leave
10 program. Thank you.
11

12 PAUL RODRIGUEZ: [off mic] Good
13 afternoon Chair... [on mic] Thank you. Good afternoon
14 Chair Miller, Chair Garodnick, Council Members
15 Dromm and Borelli and the other members of the
16 civil service and labor and economic development
17 committees. I appreciate the opportunity to testify
18 here before you today. My name is Paul Rodriguez.
19 I'm Deputy Council to the mayor. I'm extremely
20 proud to work for a mayor who cares so strongly
21 about families and workers' wellbeing. As
22 demonstrated through his commitment to such
23 policies as universal pre-K, paid sick, and paid
24 parental leave. As demonstrated through his
25 commitment to such policies as Universal Pre-K,

1 paid sick, and paid parental leave. As the mayor
2 said when he first announced paid parental leave
3 too many new parents face an impossible choice;
4 taking care of their child or getting their
5 paycheck. This is a common sense policy that will
6 make for healthier and more financially stable
7 working families making it good for employees and
8 employers. Studies consistently show that the
9 positive impact of paid parental leave, not just
10 for employees but also for employers and the people
11 they serve helping to reduce turnover while
12 ensuring that employees are able to return to work
13 ready. Speaking as someone who has utilized
14 parental leave I cannot overstate what a difference
15 it has made to my family. When my son Sebastian is
16 sitting right over here with my wife Allison was
17 born over the summer I took the full six weeks to
18 care for him and my wife. Those six weeks were an
19 incredible opportunity for us to bond as a family.
20 My wife will attest that to this day I refuse to
21 put him down from the moment I get home until he
22 goes to bed at night. And when a neighbor saw us
23 this weekend carrying, with my cousin carrying the
24 baby my neighbor expressed surprise that the baby
25

1 actually detached from me. Paid parental leave was
2 also a god send from my wife. After, after a
3 difficult C-section my wife had a very limited
4 mobility for quite some time. The doctor ordered
5 her to not carry anything heavier than the baby
6 which included anything from a car seat to a
7 cooking pot to the baby bag. While her birth was
8 much easier than many stories we've heard she still
9 often says to me that she cannot imagine how she
10 would have been able to manage without someone to
11 help care for both her and the baby during those
12 difficult first few weeks. The mayor and the staff
13 have truly done an incredible job of creating a
14 supportive work environment for new families. Were
15 it, it is understood and expected that wen... men and
16 women alike will fully utilize this precious time.
17 Coming from the private sector I can attest from
18 conversations with colleagues and friends at
19 several firms throughout New York City. The
20 employees often express concern that taking time
21 off to care for their family will reflect poorly on
22 their commitment to the job reflecting what the
23 statements that Chair Garodnick mentioned as well.
24 Even absent evidence that taking parental leave
25

1 will affect their career mobility too many
2 employees in the private sector, particularly men,
3 do a great deal of anxiety about taking time off
4 during the birth of their child, their adoption, or
5 fostering and often take less time than they feel
6 is necessary or otherwise appropriate. After we
7 pass the first trimester and were ready to share
8 the news that my wife was pregnant I too was
9 embarrassed to ask for time when the baby came.
10 Before I even worked up the nerve to broach the
11 subject with my supervisor, council to the mayor
12 Mya Wiley. She interrupted me with delight that I
13 would now be able to enjoy paid parental leave.
14 Similarly, when I informed HR so that I could start
15 the process of filling out the insurance paperwork
16 they sent me the paid parental leave forms without
17 my asking for them making it clear that I was
18 welcome to take the full six weeks without jumping
19 through hoops and without having to make any
20 particularized justifications. It's a testament to
21 the supportive working environment that exists here
22 in the city that paid parental leave has been
23 utilized widely in almost equal numbers by both men
24 and women. I truly cannot be more grateful to the
25

1
2 mayor, the opportunity to spend these precious
3 [phonetic], precious few, first few weeks with my
4 family. I could not be prouder to serve in this
5 administration, working to support all working
6 families. Thank you very much.

7 CHAIRPERSON GARODNICK: Okay terrific.
8 Thank you very much. And thank you for sharing that
9 story and I certainly associate with it. So... let me
10 just start off with a few questions and then I know
11 we have questions from Chair Miller and other
12 panelists. The, the policy as announced is, it
13 covers 20,000 employees and of course there are
14 many more employees in New York City than 20,000.
15 Which employees are eligible for this?

16 DAWN PINNOCK: Specifically, managers
17 and original jurisdiction employees.

18 CHAIRPERSON GARODNICK: Sorry, say that
19 one more... managers and...

20 DAWN PINNOCK: Managers and original
21 jurisdiction employees. Original jurisdiction
22 employees are individuals who are not represented
23 by a union.

24 CHAIRPERSON GARODNICK: Okay. And for
25 people who are not managers and who are, I'm sorry

1
2 you said original jurisdiction employees are folks
3 who are not represented by...

4 DAWN PINNOCK: Yeah, they're not
5 represented by...

6 CHAIRPERSON GARODNICK: Okay, so... is
7 every, I guess what I'm trying to figure out is the
8 number of employees who have paid family leave
9 covered by say a union or through its negotiation
10 with the city and if there's anybody who is at this
11 point left out from that benefit as a result of not
12 being a manager, not being original jurisdiction,
13 and not being in that other category?

14 DAWN PINNOCK: Yes. Those who are
15 covered currently are a subset of the overall
16 workforce. The city's workforce is approximately
17 300,000. And so this particular group will probably
18 represent about four percent or so of the city's
19 workforce. And so if, at this juncture matters
20 relating to time, the granting of time and, and
21 frankly money that would be a subject of mandatory
22 bargaining and so that would be handle... and that
23 process if this pilot were to then include all the
24 workforce in the city.

CHAIRPERSON GARODNICK: Okay. Sorry so
of the 300,000 total, this one covers 20,000?

DAWN PINNOCK: Mm-hmm.

CHAIRPERSON GARODNICK: So the number of
folks who are without paid family leave and are
city employees today is, it's not 90, it's not 96
percent.

DAWN PINNOCK: It's, it's not a full 96
percent because we do have other individuals in the
city's workforce who are considered to be
unclassified positions, specifically elected
officials. They are considered to be unclassified
positions. However, the overwhelming majority of
our workforce are our represented workforce and
they are represented by a union and programs of
this nature would have to be bargained with that
particular union and with our partners at the
Office of Labor Relations.

CHAIRPERSON GARODNICK: Okay. So how
many of them have actually been bargained as part
of a collective bargaining agreement?

DAWN PINNOCK: At this juncture I don't
believe that there has been any bargaining
specifically with respect to this program.

CHAIRPERSON GARODNICK: Okay.

DAWN PINNOCK: This program is nine months old. And I think the intent initially was to roll this out as an initial pilot. But at this juncture I don't know if, if there are any plans to bargain this particular item.

KENNETH GARDINER: I mean this has come up. We end discussions with municipal unions but we have not reached any agreements.

CHAIRPERSON GARODNICK: I'm sorry can you just... can you speak into your microphone a little bit. I'm having...

KENNETH GARDINER: I'm sorry.

CHAIRPERSON GARODNICK: ...little trouble hearing both of you actually so...

KENNETH GARDINER: ...myself. There we go.

CHAIRPERSON GARODNICK: Forgive me.

KENNETH GARDINER: We... this has been a topic of discussion with the municipal unions. But we have not reached a collective bargaining agreement around this issue.

CHAIRPERSON GARODNICK: Okay. So then it's about... so then it's still approximately right to say this policy which is the policy for city

workers applies to about four percent of the total
number of city employees. Correct?

DAWN PINNOCK: Yes.

CHAIRPERSON GARODNICK: Okay. Now it's,
it's 12 weeks. 6 of it appears automatic and fully
paid. And then six of it is earned as I understand
it. Is that correct?

DAWN PINNOCK: Yes.

CHAIRPERSON GARODNICK: Now can you
share with us a little bit about how you earn those
days, I mean if you are a new employee on day 1 and
you're in this category, you're a manager or
original jurisdiction. And you show up and let's
say after your first month you or a spouse or a
partner gets pregnant and you want to take some
time let's say you know nine 10 months later,
whatever it is, what, how much time can you accrue
and how quickly?

STEALLA XU: So for the paid parental
leave program you get six weeks the minute you walk
in the door. So if you wanted to go out on paid
parental leave your first month, your second month,
that six weeks is immediately available to you.
Annual leave and sick leave is accrued at a rate

1
2 pursuant to that employee's collective bargaining
3 agreement and it varies if you enter the city
4 before a certain date I know, I, for myself I get
5 14 days of, 14 hours of annual leave per month and
6 one day of sick leave per month for employees..
7 after a certain date they get fewer hours, again
8 pursuant to their collective bargaining agreement.
9 So really would depend on the person's title and
10 when they came into this city.

11 CHAIRPERSON GARODNICK: Okay. So people
12 accrue those extra six days at varying rates
13 depending on if there...

14 PAULA: ...to the length of service.

15 DAWN PINNOCK: So the more senior you
16 are generally your accrual rate will increase.

17 CHAIRPERSON GARODNICK: Okay. Now you
18 said that there are 164 employees who've taken
19 advantage of this program so far. Is that correct?

20 DAWN PINNOCK: Yes, as of August 31st.

21 CHAIRPERSON GARODNICK: The number that
22 you cited in terms of the breakdown of men and
23 women was almost equal.

24 DAWN PINNOCK: Mm-hmm.

25 CHAIRPERSON GARODNICK: Is that unusual?

1
2 DAWN PINNOCK: I don't know if I think...
3 I don't know if it's unusual. I think it certainly,
4 from our perspective in working on the policy we're
5 very happy to see that because I think Paul's story
6 and the story that you shared is actually a very
7 common one but it's one that we generally don't
8 hear about. So in drafting the policy and looking
9 at ways to ensure that it was flexible in its
10 application and in its use. We're very happy to see
11 that result. Were you...

12 STEALLA XU: Yeah. I was happy to see
13 the balance. I remember when the policy was first
14 implemented. I got a call from one of the agencies
15 that said I have somebody who wants to use this
16 leave and I'm like okay great. Well he, he's a dad.
17 Okay. And, and his mom stays, and his wife stays at
18 home. Okay he's completely entitled to use the
19 leave and should use the leave. So I think when the
20 program first rolled out and I would get that kind
21 of question to you know nine months from now seeing
22 almost a 50/50 percent split is very encouraging
23 and I think shows that these policies really do
24 have a profound effect on families and whether men
25 or women choose to take parental leave.

1
2 CHAIRPERSON GARODNICK: I, I agree. I
3 think that is a very encouraging number. In fact, I
4 think it, it says a lot about the way that it, it
5 is being rolled out because obviously if people
6 feel like it will not be associated with any
7 challenge or stigma or negative consequence then,
8 then they're going to be much more likely to take
9 it. And I think that's obviously true of men and
10 women but certainly we like to see the, the, you
11 know the almost equal number of, of dads in that
12 mix. I think that's very encouraging. Were there...
13 of the 164 were there particular agencies that had
14 more employees using the program than others like
15 were they all coming out of DCAS or were they all
16 coming out of you know fill in the blank agency or
17 were they evenly split, can you give us a little
18 sense as to how that worked out?

19 DAWN PINNOCK: Definitely. I, I wrote
20 down the top six users in advance of the meeting so
21 the law department had a pretty significant number,
22 DCAS HRA, ACS, DoITT, those are some of our larger
23 agencies. I think what's tied to the high usage
24 potentially is also how some of their titles are
25 classified. Like let's say the law department. They

1 have you know mainly managers or original
2 jurisdiction employees that work there. So, so we
3 weren't necessarily surprised by that number. So
4 with the law department... I'm sorry? Right it, it's...
5 spread out and could provide that information. You
6 know we've had 35 agencies who've taken part in the
7 program which I think is wonderful given how short
8 term the program has been. But the high... law, HRA,
9 Department of Health, DoITT, DCAS, Office of the
10 Mayor, and ACS. Those are our top six users. They
11 are in double digits. The other agencies it ranges
12 between one to two events up to seven.
13

14 CHAIRPERSON GARODNICK: Were there any
15 agencies that did not have any, anybody taking
16 advantage of the program?

17 DAWN PINNOCK: There are a handful of
18 agencies, a handful of Mayoral agencies but once
19 again... and we reach out to those agencies to ensure
20 that marketing and any information and support that
21 they need was in place and it appears... [cross-talk]

22 CHAIRPERSON GARODNICK: Which, which
23 agencies were those?

24 DAWN PINNOCK: I'm not seeing that on my
25 list but there are over 40 mayoral agencies so...

1
2 follow up with the, the council to provide you with
3 those... zero. I only have a list of those who use
4 the program.

5 CHAIRPERSON GARODNICK: Okay. If you can
6 come back to us with that we would appreciate it.

7 DAWN PINNOCK: Yes, I will.

8 CHAIRPERSON GARODNICK: So you've had
9 conversations with those agencies that had zero
10 employees taking leave. Do you, do you have a sense
11 of why that was happening? Was it that people did
12 not have the same interaction with an employer like
13 Paul did where the information was so readily
14 provided? Can you give us a sense as to what was
15 going on there?

16 DAWN PINNOCK: To date we've not... I mean
17 and, and in addition to talking to agencies that
18 have had very low usage we've talked to other
19 agencies just to ensure that the application of the
20 program is going well and that there's
21 standardization. But to date we've really not
22 encountered you know any concerns about you know
23 lack of marketing or the fact that people don't
24 understand how much time would be granted to
25 someone. I think it may be a function of... this

1
2 particular policy is tied to either life choices or
3 where you are in your life, if you are someone
4 who's looking to be a parent, whether you're giving
5 birth or, or seeking to have a foster care or adopt
6 someone. So I think it may be tied to that more so
7 than lack of knowledge or, or fair to get the word
8 out about the program.

9 STEALLA XU: Or just the age of the
10 program. It's only nine month old. The, the mayor
11 announced in December if somebody were to make a
12 choice you know it, it takes a while.

13 CHAIRPERSON GARODNICK: We got it.
14 Alright let me know that we've been joined by
15 council members Wills, Koslowitz, and Barron and
16 I'm going to turn to my co-chair Council Member
17 Miller for questions.

18 CO-CHAIRPERSON MILLER: Thank you Chair
19 Garodnick. So the, I think you said it's about 90..
20 what is it, four percent of the city's workforce
21 that...

22 DAWN PINNOCK: Or managers or original
23 jurisdiction employees.

1
2 CO-CHAIRPERSON MILLER: Four percent of
3 total managers or four percent of the total
4 workforce... [cross-talk] qualified for this program.

5 DAWN PINNOCK: Of the total workforce?
6 Four percent is comprised of managers and original
7 jurisdiction employees.

8 CO-CHAIRPERSON MILLER: And what has
9 been the cost thus far into the program?

10 DAWN PINNOCK: I'm sorry.

11 CO-CHAIRPERSON MILLER: The, the total
12 cost of the program thus far.

13 DAWN PINNOCK: Approximately 1.6 million
14 dollars.

15 CO-CHAIRPERSON MILLER: And the, the .47
16 percent in, increase that they did not receive has
17 paid for that? Has it been fully funded to this
18 point?

19 KENNETH GARDINER: Yeah, our forecast
20 suggests that this will be fully funded by the .47
21 percent increase that was originally scheduled,
22 being rescinded and the reduction in the maximum
23 accruery [phonetic] for annual leave going down
24 from 27 to 25 days.
25

1
2 CO-CHAIRPERSON MILLER: So does, does
3 the .47 and the, the aforementioned reduction of
4 accruals is that applicable to the entire
5 represented hoop of managerialS and original
6 jurisdictional employees... did you make that up..
7 I've never heard that one and I've been around..

8 DAWN PINNOCK: No, I wish I was that
9 smart. No, that's actually the term. Original
10 jurisdiction, yes.

11 CO-CHAIRPERSON MILLER: That's new so..

12 DAWN PINNOCK: See...

13 CO-CHAIRPERSON MILLER: So are, are they
14 subject to the same .47 reduction and the reduction
15 in, in... and, and accruals? Was it applicable
16 throughout everyone?

17 DAWN PINNOCK: It was the entire group,
18 yes because there was a managerial increase that
19 also would cover the original jurisdiction
20 employees that was slated for implementation in
21 July of 2017. That money was then repurposed to
22 help fund this program.

23 CO-CHAIRPERSON MILLER: What percentage
24 of that group makes a, what percentage of people
25

1
2 who are taking advantage of the program belongs to
3 those two groups?

4 DAWN PINNOCK: Anyone who's taken
5 advantage of the program is either a manager or
6 they're an original jurisdiction employee.

7 CO-CHAIRPERSON MILLER: But what, what
8 percentage of that workforce is, is, is actually
9 qualifying. I mean everybody qualifies but who's
10 taking advantage?

11 DAWN PINNOCK: I would have to...

12 CO-CHAIRPERSON MILLER: ...numbers is it,
13 is it 10 percent, 5 percent...

14 DAWN PINNOCK: ...number of managers and
15 original jurisdiction employees. I'd have to get
16 back... raw number of employees...

17 CO-CHAIRPERSON MILLER: Okay. What,
18 what... what do the demograph... what are the
19 potentials, the child bearing years, folks that fit
20 into that, within that demographic?

21 DAWN PINNOCK: I'm sorry. I didn't...

22 CO-CHAIRPERSON MILLER: What, what are
23 the potential usage within the demographic of that,
24 those represented employees within those two uses?

1
2 DAWN PINNOCK: The potential usage in
3 terms of number of days of use?

4 CO-CHAIRPERSON MILLER: No, of those who
5 were going to take advantage of the program.

6 DAWN PINNOCK: I, I'm not understanding
7 your question?

8 CO-CHAIRPERSON MILLER: So how many, how
9 many folks is under 40 in that demographic?

10 DAWN PINNOCK: Oh we would have to go
11 back and do the analysis. In terms of the uses of
12 the program so far the meeting age has been 36
13 years old.

14 CO-CHAIRPERSON MILLER: Mm-hmm.

15 DAWN PINNOCK: And the average has been
16 37. But if you're looking for us to provide you
17 just with this average age of those individuals
18 serving as managers or original jurisdiction
19 employees I would have to return back to the
20 council and provide that as a follow-up.

21 CO-CHAIRPERSON MILLER: So have you
22 gotten any feedback from those? What was the
23 feedback from those employees who may not, may
24 choose to opt out of the program or not utilize the
25 program. Was this, was this a voluntary, was there

1
2 a vote on this? Did people kind of just say we want
3 to forego a raise so that we can have this program?

4 DAWN PINNOCK: The opting out would be
5 at the agency level. I mean, but once again mayoral
6 agencies that are covered under the mayor's
7 personal order they were immediately placed within
8 the program. If you are an agency that is not
9 covered by a mayor's personal order, let's say an
10 authority you actually had the option to opt out.

11 CO-CHAIRPERSON MILLER: So they didn't
12 have a choice in, in opting in?

13 DAWN PINNOCK: Mayoral agencies did not.

14 CO-CHAIRPERSON MILLER: So what would be
15 the difference in this, and, and FMLA?

16 DAWN PINNOCK: FMLA is an unpaid benefit
17 and with FMLA if you have time accrued you can burn
18 down your time. You can use your time for up to 12
19 weeks. This benefit is really over and above that.
20 So that means your salary remains whole, you
21 receive six weeks of paid leave, and if you decide
22 to then extend your time out using FMLA you can
23 continue to do that using your only balance or if
24 you decide to go on an unpaid leave status you can
25 do that as well. But those are the really the

1 distinct differences. FMLA is unpaid unless you
2 have leave accrued and you can use that but this
3 particular benefit you receive your full pay for a
4 period of six weeks.
5

6 CHAIRPERSON GARODNICK: Okay. Okay I'm
7 going to pass this over to Council Member Dromm and
8 I have some other questions as we move forward.
9 Thank you.

10 COUNCIL MEMBER DROMM: Okay thank you
11 very much. I wasn't sure, maybe I missed it but is
12 the Department of Education covered under this
13 agreement?

14 DAWN PINNOCK: They're not because you
15 said that...

16 STEALLA XU: Sorry the, this mayoral
17 personell order apply to managers and original
18 jurisdiction employees and teachers... [cross-talk]

19 DAWN PINNOCK: Teachers are not fall in
20 that category.

21 COUNCIL MEMBER DROMM: so no, no
22 employees...

23 KENNETH GARDINER: The, the, the DOE,
24 the DOE managers... would be covered however.

25 DAWN PINNOCK: Right.

COUNCIL MEMBER DROMM: I'm sorry, I
couldn't hear you.

KENNETH GARDINER: I'm sorry the, the
managers and the original jurisdiction employees at
DOE would be covered.

DAWN PINNOCK: But teachers would not.

KENNETH GARDINER: But teachers are
unionized as you well know.

COUNCIL MEMBER DROMM: Because the
teachers separate unionized, union agreement there.

DAWN PINNOCK: Right.

KENNETH GARDINER: Right. In, in all
cases it, you know this would be your mandatory...
bargaining... stressed earlier have not reached
collective bargaining agreements on this subject
with any of our unions.

COUNCIL MEMBER DROMM: Are the, I used
to be a teacher. I'm chair of the Education
Committee and I'm trying to recall what the, the
benefits were there. I believe it was 6 weeks paid
parental leave? Anybody that know... Are there... what
I'm trying to get at is are, is what's being
offered here in the mayor's package similar to what
teachers are getting in the UFT?

1
2 KENNETH GARDINER: I'm, I'm not getting
3 too specific about it but no I don't think the
4 answer is... the answer is yes. The... For teachers
5 who are medically unable to, to work the, they
6 could use sick leave... people say six weeks I think
7 that's actually just a rule of thumb... depend on
8 your doctors saying whether you're able to, to
9 return to work. But this benefit is different. It
10 will be in addition to any sort of sick time that
11 you would take in, and it also would apply to you
12 know presumably men who were not medically unable
13 to return to work.

14 COUNCIL MEMBER DROMM: So a concern that
15 I want to raise is a little bit is even though it's
16 under a separate agreement with a different
17 bargaining unit and, and with the unions. If I
18 recall correctly I don't know if you could use sick
19 days as a teacher for maternity leave. I think you
20 got paid six weeks and the rest if you wanted to
21 take extra time was on your own and I'm wondering
22 if we're not creating a system that's unequal to a
23 certain extent.

24 KENNETH GARDINER: Well the, a teacher
25 who's medically unable to come back to work because

1 of, of, of having had a trial would be able to
2 charge their... balance right there, their sick time
3 because they're medically unable to come to work.
4 In terms of taking time off just to, to be with a
5 child that's not an acceptable use of sick leave
6 other than the three days per year that we allow
7 people to use. So yes, this is a different benefit.
8 We, you know in order to create these type of
9 benefits we would have to engage... we would have to
10 reach a collective bargaining agreement with the
11 employee reps in order to, to make them happen.
12

13 COUNCIL MEMBER DROMM: And it would...
14 with teachers then also the car is only for sick
15 days, accumulated sick days, not for vacation days.
16 Right it... because vacation days are set... you don't...

17 KENNETH GARDINER: Teachers don't
18 receive annual leave days because of the time off
19 during the breaks.

20 COUNCIL MEMBER DROMM: So the, therefore
21 they would get less days unless they have a certain
22 number of days unless they have a certain number of
23 days accumulated in their sick days.

24 KENNETH GARDINER: The... we have not
25 changed the UFT contract. The, you know this, this

1
2 policy applies to managers and OJs in order to make
3 changes you know that requires a collective
4 bargaining agreement.

5 COUNCIL MEMBER DROMM: I, I think it
6 also, right it does require the bargaining, I think
7 that it also requires budget because if we, if we
8 do allow that... and in negotiations that happens
9 then you have to take into consideration the costs
10 of the two teachers as well and, and ultimately
11 that's where I'm getting, that's where I'm going on
12 this because I think, you know in the education
13 committee we will ask some of these questions at
14 some point. But there would be that additional
15 cost.

16 KENNETH GARDINER: Right well we
17 designed this benefit to be cost neutral. And we,
18 we repurposed a general wage increase that was
19 promised or expected. And in addition we reduced
20 the amount of annual leave that's accrued by
21 certain managers in order to offset the cost of
22 this benefit.

23 COUNCIL MEMBER DROMM: And what's that
24 reduced now to? 100 or 200?

25 KENNETH GARDINER: I'm sorry.

COUNCIL MEMBER DROMM: The, the amount
of time that you can accrue?

KENNETH GARDINER: No we'll... most, most...
the managers and OJs people who have more than I
believe it's 15 years of city service used to
recruit 27 days of annual leave per year. People
with... the, the next tier down I'm trying not to
remember all the different years of service bucket
but the next tier down was a maximum of 25. We
essentially eliminated that increase. So now no
matter how long you work the maximum number of days
you can accrue per year is 25 for our managers and
OJs and we used those saving to help offset the
cost of this benefit.

COUNCIL MEMBER DROMM: That's true of
the teachers too?

KENNETH GARDINER: Teachers don't accrue
annual leave at all.

COUNCIL MEMBER DROMM: They accrue sick
days.

KENNETH GARDINER: Sick days, right. We
didn't do anything with, with sick leave.

COUNCIL MEMBER DROMM: Okay. Okay, thank
you.

1
2 CHAIRPERSON GARODNICK: Thank you
3 Council Member Dromm. Let me just jump back in
4 because I really, I just want to make sure that we
5 have clarity on the, the point of who exactly is
6 covered because I think that is, that's obviously
7 relevant. It's, it's interesting and we want to
8 make sure that we have clarity and... policy makers
9 think about ways to advance that conversation. So
10 initially the, the number that you guys have put
11 out was that it covers about two... 20,000 employees
12 in a category of managers and original
13 jurisdiction. And you have with, but you also said
14 it was about four percent of the total number of
15 New York City employees. Is that correct?

16 DAWN PINNOCK: Of our workforce, of the
17 city's workforce, yes?

18 CHAIRPERSON GARODNICK: Of the what?

19 DAWN PINNOCK: Of the city's workforce.

20 CHAIRPERSON GARODNICK: Okay so if the
21 workforce has 300,000 people and it's about four
22 percent, four percent is that, it's about 12,000
23 people who would be covered. So it's more like
24 12,000 people.

25 DAWN PINNOCK: Mm-hmm.

COMMITTEE ON ECONOMIC DEVELOPMENT JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

40

CHAIRPERSON GARODNICK: Okay, got it. So
it's not 20,000, it's 12.

DAWN PINNOCK: Well they are... in the
original number that was presented it also includes
HHC which is not under the city's jurisdiction and
they are currently working to put their program in
place now. They're actually intending to mirror the
policy that we have in place here. So that higher
number includes HHC... [cross-talk]

CHAIRPERSON GARODNICK: Okay, so the New
York City...

DAWN PINNOCK: And NYCHA.

CHAIRPERSON GARODNICK: ...would be about
12,000. Okay, and then the HHC plus NYCHA is
another 8,000?

STEALLA XU: Plus the CUNYs.

CHAIRPERSON GARODNICK: Okay, hold on,
HHC, NYCHA... [cross-talk] and CUNY.

DAWN PINNOCK: New York City Housing
Authority and CUNY.

CHAIRPERSON GARODNICK: Sorry, HHC,
NYCHA...

DAWN PINNOCK: And CUNY.

CHAIRPERSON GARODNICK: CUNY.

1

2

DAWN PINNOCK: Yep.

3

4

CHAIRPERSON GARODNICK: Those three
together are, include another 8,000.

5

DAWN PINNOCK: Mm-hmm.

6

CHAIRPERSON GARODNICK: Okay. Okay.

7

DAWN PINNOCK: Roughly, yes.

8

9

CHAIRPERSON GARODNICK: Okay. And
there's nobody else that we know of who is employed
by the city of New York today other than the 12,000
who are managerial and original jurisdiction
employees directly to New York City, plus the HHC,
NYCHA, and CUNY, approximately 8,000 who are
eligible for paid family leave today. Is that
correct?

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11

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DAWN PINNOCK: Yes.

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19

20

21

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25

CHAIRPERSON GARODNICK: Okay great.
Okay, I got it now. Okay, now let's talk about the
cost for a second. I was interested in chair
Miller's questions to you about the offset in the
cost that the program was funded by repurposing a
scheduled... the salary increase of .47 percent in
order to prevent placing a funding burden on tax
payers, now you noted though that the total cost of
the program as of August 31st of this year is 1.6

1 million dollars. Is that 1.6 million dollars above
2 what was supposed to be the offset?
3

4 STEALLA XU: No the one point...

5 DAWN PINNOCK: No, sorry.

6 STEALLA XU: The 1.6 million was
7 calculated based on the number of hours... to a leave
8 that was used and we then took the person's salary,
9 multiply, you know divided by 365, we did our math,
10 and that's how we arrived at the 1.6 million. It's
11 not over and above the cost savings that we
12 realized from reducing the annual leave and taking
13 away the... [cross-talk]

14 DAWN PINNOCK: ...based on actual usage.

15 CHAIRPERSON GARODNICK: I'm sorry. Wait.
16 Hold on. Let's have everybody one at a time. Go
17 ahead.

18 DAWN PINNOCK: No, I just said it's
19 based on actual usage. So this particular number is
20 tied to the 164 employees who have currently
21 utilized the program.

22 KENNETH GARDINER: And that represents
23 the gross cost...

24 CHAIRPERSON GARODNICK: So we're, we're
25 just going to calculate 1.6 million divided by 164

1 employees. I think that's going to be pretty easy,
2 easy math here. So the savings then that were
3 achieved by the, by forgoing that salary increase
4 how much, how much is that?

6 KENNETH GARDINER: I'm sorry, what do
7 you mean by how much?

8 CHAIRPERSON GARODNICK: I mean how many
9 dollars were saved?

10 KENNETH GARDINER: Well the, the .47
11 percent wage increase wasn't scheduled to begin
12 until July of next year. Okay, the annual leave
13 days have, the accrual rates already been reduced.
14 So we've only started in this, in this, in, in this
15 beginning period to, to get the value of the
16 additional annual leave. The, the wage increase
17 savings won't start to occur until next July. We
18 haven't set out to measure you know how much annual
19 leave we've taken so far to date at this point. We
20 are going to wait to, to get a reasonable amount of
21 data in terms of utilization and to see how many
22 both days and the .47 how much we come back to. But
23 we estimate that the overall impact of both pieces
24 will be on an ongoing basis the equivalent of about
25 two-thirds of one percent of the salary of the

1
2 people that are covered by the plan and that that
3 should... you know our expectation is that should
4 cover the cost to provide the benefit.

5 CHAIRPERSON GARODNICK: Okay, thank you.
6 So if this, if, if the raise was not set to go into
7 place until July of 2017 and we have spent 1.6
8 million dollars so far on the 164 employees that's
9 money we have spent right? I mean that actually is
10 a cost to the city. And by the way this is... I don't
11 mean this as a critique. I just want to understand
12 what the numbers are so we have spent 1.6 million
13 dollars so far on paid family leave to date under
14 this program. Is that correct?

15 KENNETH GARDINER: Yes.

16 CHAIRPERSON GARODNICK: Okay. And we
17 will, we'll continue to pay until such time as that
18 raise is foregone which will be in July of 2017. Is
19 that correct?

20 KENNETH GARDINER: Right we were already
21 recovering a portion of that expense. Because
22 we're, we've already reduced the annual leave
23 accrual for the senior employees that went into
24 effect immediately and that's part of the offset.
25 That represents about 25 percent of the, of the

1
2 savings, the other 75 percent you're right won't,
3 won't come into affect until.

4 CHAIRPERSON GARODNICK: Okay, so how
5 much did you save by reducing the accrual of the
6 senior employees?

7 KENNETH GARDINER: I don't believe we
8 calculated that yet, something that's calculable
9 but, but...

10 CHAIRPERSON GARODNICK: I, I mean the
11 reason I, the only reason I'm asking here is that..
12 I mean it was, it was, it was presented as a, a
13 complete offset, no, no cost to tax payers. And by
14 the way even if it had had cost the tax payers I
15 think many of us would believe that it still
16 probably would be a worthy policy. I, I just am
17 challenging a little bit the, the, the crisp.. like
18 this is not, does not have any costs at point and
19 it seems like, at least from what you're saying, it
20 seems like it, it does have a cost.

21 KENNETH GARDINER: The way we...

22 CHAIRPERSON GARODNICK: An undetermined...

23 KENNETH GARDINER: Yeah.
24
25

CHAIRPERSON GARODNICK: ...an undetermined
cost which I'm trying to actually get my... get a
handle on...

KENNETH GARDINER: Right. The way we
look at this kind of creation of the benefit and
the offset savings is something similar to what we
would do if we were doing this for the collective
bargaining group. So we look, we, we understood
that there was a delay in that savings and if you
will we charged essentially, an extra cost for the
fact that we were fronting money during the, the,
the first 20 odd months of this program but that
you know on a, on a present value basis, same way
we do it in collective bargaining. This is expected
to be cost neutral.

CHAIRPERSON GARODNICK: I see. So... Okay
so you took into account... okay. So you took into
account the fact that there would be a period of
time in which the city was spending money before
the combination of reducing the accrual and
forgoing the raise would be effective and it's
still broke out to be even. Is that correct?

KENNETH GARDINER: That's right.

CHAIRPERSON GARODNICK: Okay good. That helps. Thank you. I'm going to go back to, to Chair Miller.

CO-CHAIRPERSON MILLER: I'm going to defer to Council Member Barron.

COUNCIL MEMBER BARRON: Thank you to the two chairs for calling this important hearing. Thank you to the panel. And I've got quite a few questions. I first wanted to say that I'm totally in favor of the paid family leave for those situations that we have identified. And I just want to be clear about the financing. So would it be clear, would it be accurate to say that we took from Peter to pay Paul when we reduce the annual leave accrual for senior employees by two days?

KENNETH GARDINER: The notion is that we took, we took two things, of those extra two days of accrual and the upcoming expected .47 wage increase, repurposed those, that we would be better off spending that money on, on this benefit rather than, than the wage increase for the...

COUNCIL MEMBER BARRON: So do the employees agree to that, did they ever give back their two days that they had gained?

1
2 KENNETH GARDINER: Well as some of them
3 gave back the two days I, I can empathize with
4 that, with that idea. But you know that's the
5 difference. These are employees who were not
6 represented by unions. They don't have a collective
7 bargaining engagement. The, you know ultimately the
8 decision was ours, whether we thought that was the
9 best way to provide benefits to our employees, that
10 mix...

11 COUNCIL MEMBER BARRON: I don't know
12 that that sounds right or fair that because they
13 don't have a union to represent them we're going to
14 penalize them and take back two days that they had
15 already earned or gained or had a history of
16 receiving.

17 KENNETH GARDINER: We make trades all
18 the time, and collective bargaining where people
19 you know give them one... on an item to get something
20 else is pretty much...

21 COUNCIL MEMBER BARRON: So what did they
22 get in exchange for giving up their two days?

23 KENNETH GARDINER: They received this
24 paid parental leave benefit.
25

1
2 COUNCIL MEMBER BARRON: But if it's
3 someone who can't benefit from that because they're
4 beyond the child bearing or child or adoption or
5 how are they benefitting?

6 KENNETH GARDINER: This is no different
7 than many benefits that we bargained with...

8 COUNCIL MEMBER BARRON: No different
9 than I'm sorry...

10 KENNETH GARDINER: Many benefits that we
11 bargained with unionized employees where not every
12 single person is going to be able to take advantage
13 of that. Money spent on one thing is not going to
14 be able to be spent on something else. You know we
15 wanted a cost mutual proposal. We felt this was a,
16 a good way of getting there. You know the, it's an
17 unusually large number of days, 27 per year. We
18 felt that as a, from a personnel standpoint that
19 this was a better mix of benefits and that was the
20 decision that was reached.

21 COUNCIL MEMBER BARRON: I think that the
22 employees who had 27 who are now going to be told
23 they have 25 might have a different opinion in that
24 regard. Perhaps those who are in the category of,
25 of adoption and child bear, childbearing and

1 maternity, and maternity might feel so but I think
2 that might an example of taking from one to give to
3 another and it might not be balanced out. And just
4 in terms of being clear this then applies to about
5 20,000 employees, four percent of the workforce is
6 12,000 and the other 8,000 is eight is H, NH,
7 NYCHA, and CUNY. Is that...

9 KENNETH GARDINER: Approximately.

10 COUNCIL MEMBER BARRON: Approximately.

11 And then my other question is how many days, how
12 much time have the people who've taken advantage of
13 this, how many actual days or weeks have they
14 taken... have they taken this full six or has it been
15 an average of something less than six? Have there
16 been people who've extended it beyond the six
17 because they have additional time that they can
18 borrow from?

19 DAWN PINNOCK: In most cases individuals
20 have taken approximately the 30, the 30 workdays
21 which is the full six weeks. But the average number
22 is 24. And so in terms of at... whether somebody has
23 extended time that's really a case by case basis.
24 Some individuals decide to extend their time in an
25 unpaid status. Some individuals decide to use other

1
2 accrued banks and decide to take additional time
3 via FMLA. But with this particular program we are
4 finding that most folks... because you could actually
5 use this time like hour by hour if you need to
6 depending if circumstances come up and so we're
7 finding that most use 30 but on average we're
8 seeing about 24 days.

9 COUNCIL MEMBER BARRON: Thank you. Thank
10 you Mr. Chair.

11 CHAIRPERSON GARODNICK: Council Member
12 Wills.

13 COUNCIL MEMBER WILLS: Thank you to both
14 chairs. Good evening, I mean good afternoon. I just
15 have a couple of quick questions. In the... well when
16 the, when chair Garodnick was asking about the
17 employees that were covered I got original
18 jurisdiction, CUNY, NYCHA, HHC, I thought someone
19 said ACS. Was that correct?

20 DAWN PINNOCK: ACS is a mayoral agency
21 so it's also covered. It's including the...

22 COUNCIL MEMBER WILLS: Okay. Alright. I
23 didn't hear that, repeat it again. I just wanted to
24 make sure. When you did the cost analysis of this
25 what is the total cost to the city if 100 percent

1
2 of the employees took this that were authorized to
3 take this. If 100 percent of the employees in a
4 given year took it what is the cost to the city?

5 KENNETH GARDINER: I don't have that
6 figure. I... don't think we ever considered the idea
7 that 100 percent of the people would take it every
8 year.

9 COUNCIL MEMBER WILLS: But what, what
10 percent of...

11 KENNETH GARDINER: So I mean what every
12 one of... [cross-talk]

13 COUNCIL MEMBER WILLS: What percentage...

14 KENNETH GARDINER: Everyone one of them...
15 adoption or foster...

16 COUNCIL MEMBER WILLS: Okay.

17 KENNETH GARDINER: Every year at this...

18 COUNCIL MEMBER WILLS: What, what
19 percentage did you consider them taking... the max...

20 KENNETH GARDINER: We looked, we looked
21 at, we looked at some statistics about child births
22 across the whole workforce and utilization we
23 expect is around five percent of the, of the
24 employees and that seems to be about what it's
25 running.

1
2 COUNCIL MEMBER WILLS: So because of the
3 statistics you gathered from that you ascertained
4 five percent would use it?

5 KENNETH GARDINER: Approximately I think
6 our number's actually a little bit lower than five
7 yeah.

8 COUNCIL MEMBER WILLS: And is that five
9 percent, what is 164 percent, 164 employees right
10 now. What is that... I know that the chair was
11 getting at how much 164 would go into the 1.6
12 million and 1.7 million but what is the percentage
13 does the 164 represent?

14 DAWN PINNOCK: You mean what percentage
15 of the overall population of managers and...

16 COUNCIL MEMBER WILLS: Yes ma'am, yes
17 ma'am.

18 DAWN PINNOCK: ...OJ Employees?

19 COUNCIL MEMBER WILLS: Yes.

20 STEALLA XU: It's a little over one
21 percent.

22 COUNCIL MEMBER WILLS: It's a little
23 over one percent?

24 STEALLA XU: Right. But again remember
25 the program is relatively new so we expect it, it

1 would be just my forecast not based on any
2 statistical analysis that as the years go on the
3 people would more and more people would take
4 advantage of this program.
5

6 COUNCIL MEMBER WILLS: Okay so as...

7 KENNETH GARDINER: We've looked at
8 monthly utilization and it has been going up.

9 DAWN PINNOCK: It has been going up
10 every month.

11 KENNETH GARDINER: A lot.

12 DAWN PINNOCK: When we first started the
13 program there were five people who took advantage.
14 This month there were 62 people who've...

15 COUNCIL MEMBER WILLS: So...

16 DAWN PINNOCK: ...taken advantage of the
17 program.

18 COUNCIL MEMBER WILLS: Thank you. I
19 needed that. So based on that projections that you
20 have gotten so far when will we reach the five
21 percent mark or have you done that yet? If you
22 haven't done it yet that's fine. We can get the
23 information...

24 KENNETH GARDINER: Yeah I mean we, we...
25 it's not a question of when we reach it. I think

1 the, the thing is in order to get a real feel for
2 how this is going to work out we probably need to
3 look at 12 months you know after a few months,
4 after implementations. We won't probably have a
5 great handle on the annual utilization until maybe
6 February coming up. So you get past that initial,
7 when there's only five people right, and then look
8 at a whole year's worth of data because there may
9 be some seasonality to it, I'm not sure why but,
10 but there, we want to get a, a full look at it. But
11 I, our expectation is that we'll be around the
12 numbers we projected.

14 COUNCIL MEMBER WILLS: Okay so the
15 reason why I'm asking is because the birth rates
16 retained based on other factors right, age, income
17 level of those inside the workforce, migration
18 patterns, home ownership, things like that would
19 change it. So if we just had a great run and we had
20 a certain amount of people in the workforce that
21 did that we could potentially go up beyond the five
22 percent rate right?

23 KENNETH GARDINER: Yeah, I mean we, we...
24 don't have any way of, of knowing what the actual
25 number of these events will be until they happen.

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2 CHAIRPERSON GARODNICK: Okay. And at,
3 once we have that do you have a projection that
4 says once we go past five percent is this really a
5 cost savings or is it five percent is your hard cap
6 that you're stuck at to say that this is effective?

7 KENNETH GARDINER: We, we made this, the
8 adjustments to make it cost neutral based on our
9 forecast which comes out to you know a certain
10 level of utilization. If, if the utilization is
11 higher and this is the savings mechanism we have
12 there'll be cost. If it's lower there would be
13 savings. But you know our expectation right now is
14 that our projections are going to be cracked.

15 CHAIRPERSON GARODNICK: No, I respect
16 that. But what I'm asking is if your forecast is
17 what is, is based on, the cost savings is based on
18 utilization what I'm asking is if the utilization
19 goes beyond the five percent then at what point
20 five, 5.1, 5.2, at what point does it no longer
21 become a cost savings and it starts to become a
22 cost? When is not, when does it not...

23 KENNETH GARDINER: If utilization is
24 higher than expect, than expected there'll be a
25 cost because we set this to be a zero not you know

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2 that we would have a savings. You know our best
3 estimate is that this will break even exactly. I
4 mean the likelihood of us being exactly right is,
5 is fairly low but are we going to be close, we
6 think we will but we're going to, only time will
7 tell.

8 COUNCIL MEMBER WILLIS: So the...

9 KENNETH GARDINER: ...any time if
10 utilization is lower yeah there'll be cost if
11 utilization... I mean a savings. And if utilization
12 is higher there'll be a, there'll be a cost because
13 the, the savings from the .47 and the two days
14 don't vary with utilization.

15 COUNCIL MEMBER WILLIS: So the five
16 percent is your breakeven point? I'm just... I'm just
17 not...

18 KENNETH GARDINER: Yeah I mean again the
19 five, five percent's not, not the exact number but,
20 but yes. Our, our forecast utilization is our
21 breakeven point, yes.

22 COUNCIL MEMBER WILLIS: Alright I, I'm
23 just not under... I'm just not grasping how you can
24 have a breakeven point at five percent or any
25 number and not know what the math would equal to it

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2 no longer becoming, it no longer being neutral or
3 being a savings, when it would start costing us.
4 Because in any business model you would want to
5 know that.

6 KENNETH GARDINER: No. There's no
7 question. I mean as soon as we go above our
8 forecast level of utilization there'll be a cost.

9 COUNCIL MEMBER WILLS: So what I'm
10 asking is... What is the cost...

11 KENNETH GARDINER: You're asking what
12 exactly is the forecast level of utilization...
13 [cross-talk]

14 COUNCIL MEMBER WILLS: Yes, what is the
15 forecast...

16 KENNETH GARDINER: Right, and I, I don't
17 have that number with me right now but we can
18 supply that.

19 COUNCIL MEMBER WILLS: Okay thank you
20 very much. Thank you panel. Thank you Chairs.

21 CHAIRPERSON GARODNICK: Thank you
22 Council Member Wills. Yeah, we were joined by
23 Council Member Cornegy and Council Member Crowley.
24 There was mention earlier about certain
25 circumstances that around implementation and, and,

1
2 and/or the program, I think it was about adoption,
3 and it was mentioned about qualifying events. What
4 are they, when do they kick in?

5 DAWN PINNOCK: The qualifying events are
6 an actual birth, or adoption, or foster care, if
7 someone decides to be a foster care parent.

8 CHAIRPERSON GARODNICK: So if in fact
9 there was prenatal problems would that qualify as
10 well or would that be a FMLA situation?

11 DAWN PINNOCK: That would be more of an
12 FMLA situation. The qualifying event is the actual
13 birth.

14 CHAIRPERSON GARODNICK: Okay. Talking..
15 going back to kind of what the Council Member Wills
16 was trying to drill down on and I don't think that
17 there was a definitive answer on that. I'm of a
18 different mindset. I, we all agree that this is a
19 valuable program, how we get to it and.. is, is a
20 little different and I think we would, that's where
21 we differ a little bit. But I'm of the mindset that
22 this program, given the numbers and I'm sure that
23 there was some actuarials involved here, will pay
24 for itself considering the minimal amount of
25 employees impacted by the program in comparison to

1 the amount of folks that ultimately contributing to
2 it. So my question would be more along the lines of
3 as stated being that there was no collective
4 bargaining and you stated that this was a benefit
5 that you wanted to give to the employee, Council
6 Member Barron asked of the democracy involved and
7 how many employees were actually involved in the
8 decision or if involved they, if in fact they were
9 involved in the decision at all to receive this
10 benefit. Based on those dynamics can we say that it
11 was a benefit to the city to implement this
12 program, that it is a more efficient use of the
13 workforce and the time of the workforce that we had
14 previously seen and that there was an impact to the
15 city's workforce and availability because of
16 childbirth?

18 DAWN PINNOCK: I definitely think that
19 we could say that it, that it serve as a benefit to
20 the city. Because it helps the city in terms of
21 recruitment, retention. Our workforce data shows
22 that there are quite a few individuals who leave
23 city service you know with having less than five
24 years in working with the city. Also I believe it
25 helps the city to become more competitive as we're

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2 looking for talent and looking for individuals who
3 are trying to strike more of a balance between you
4 know work and home. So from that perspective I
5 certainly think that it serves as a benefit to the
6 city in strengthening its workforce.

7 CHAIRPERSON GARODNICK: So in, in terms
8 of providing we, we love the fact that we are
9 providing certainly a progressive benefit that we
10 don't see in a lot of municipalities throughout the
11 country. But again based on actual availability
12 usage of time where the crude FMLA, sick or
13 whatever had this been considered as a means of
14 kind of control of that sick time or understanding
15 that, and then adding the fact that it is something
16 that is pretty much going to pay for itself. Was
17 this... is it... was this one of the tools in the
18 toolbox to address the, the workforce efficiencies,
19 not building out and attracting as you said but to
20 address the current workforce in terms of their
21 availability.

22 KENNETH GARDINER: ...thought was that
23 these... that providing this benefit is a more
24 efficient use of the resources than providing the
25

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2 benefits that we repurposed. I don't know if that
3 answers your question.

4 CHAIRPERSON GARODNICK: Yeah it does.
5 It, it, it definitely does. And, and I don't know
6 if my colleagues followed that but it absolutely
7 answers my question, yes. Thank you.

8 KENNETH GARDINER: Yep.

9 CHAIRPERSON GARODNICK: Council Member
10 Garodnick.

11 CHAIRPERSON GARODNICK: Thank you Mr.
12 Chair. And let me just follow-up with a couple of
13 final questions for you. We've been joined by
14 council Member Richards and after, after this I
15 believe unless there are other questions from the
16 panel then we will, we'll thank you today. There is
17 also a program coming into place from the state of
18 New York and the state will guarantee more weeks
19 but it actually caps the pay at two-thirds of the
20 state's average weekly wage whereas the city's
21 program is fully paid as you identified before.
22 Tell us how this will work for the 20,000 covered
23 employees as to what they, their options will be
24 once a state program goes into effect what happens,
25 also what happens to the other 280,000 city workers

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2 how, how does, how does the state law change play
3 into what we have going on within the New York City
4 workforce.

5 DAWN PINNOCK: I don't think that we've
6 had necessarily any discussions about how the
7 state's law is going to change the benefits that...
8 city workers. I can certainly circle back with my
9 partners to figure out where those discussions are.
10 In terms of moving into our represented ranks once
11 again a program of this nature would have to be the
12 subject of bargaining based on feedback received to
13 date. It's, it's not been a subject of bargaining
14 to date but it does not necessarily mean that it
15 won't be in the future.

16 CHAIRPERSON GARODNICK: The state's
17 program though for, put aside the, the 20,000 who
18 are entitled to the benefit that it's being offered
19 by the city for the, the managerial and original
20 jurisdiction for the other 280,000 they would have
21 the opportunity to take advantage of that state
22 program, correct?

23 DAWN PINNOCK: I didn't think that the
24 state's program applied to us. This is a program
25

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2 that's specifically covered under the mayor's
3 personnel order.

4 CHAIRPERSON GARODNICK: No, no, no I'm
5 not talking about the, the, the folks who are
6 covered by the New York City personnel order, the
7 20,000. I'm talking about the rest.

8 DAWN PINNOCK: You're saying whether or
9 not the other 200,000 employees would...

10 CHAIRPERSON GARODNICK: 280, yeah. Yes.

11 DAWN PINNOCK: ...to the state's program.

12 CHAIRPERSON GARODNICK: That's actually
13 not something that we've discussed to day in terms
14 of what their accessibility would be. Once again I
15 think that it would still be a subject of, of
16 bargaining because those folks, those over 200,000
17 employees, they are represented by a union. And
18 since this program involves pay and time anything
19 of that nature it is part of the collective
20 bargaining process. Okay we'll take a look at that.
21 I mean there, I think there's... there's certainly an
22 answer to the question. I just, I don't happen to
23 know it off hand. Okay. And the last thing I wanted
24 to, to ask and this relates to Council Member
25 Barron's questions about the managerial, actually

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2 the question's from a number of folks on the panel
3 about the, the tradeoff between accrual days for
4 going, salary increases etcetera in exchange for,
5 for paid leave. There was a lawsuit actually filed
6 against the city by managerial staff who will no
7 longer get that increase they filed the lawsuit in
8 May. Can you give us a sense as to you know where
9 that stands or what the, the city's arguments are
10 as to you know why it's okay to have, have done it.

11 KENNETH GARDINER: I'm not going to... you
12 know I'm not... I'm not here from the law department
13 but I do know I do... that the city has filed a
14 motion to dismiss, that the, that that's been fully
15 briefed, that they're waiting for a hearing date
16 and in terms of the arguments we're making we'll be
17 happy to share the, the city's papers that we filed
18 in support of that motion.

19 CHAIRPERSON GARODNICK: Council Member
20 Barron there may be more information in there. I
21 know that you're interested in the subject. Did,
22 did you... Lastly, so obviously we have a long way to
23 go to cover you know the vast majority of New York
24 City employees here. Can you tell us all about
25 your, your thinking the administration's thinking

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2 about how to move from where we are to where we
3 could be if there's any strategy, plan, concept to,
4 try to bring more employees into coverage. Tell us
5 how, how the administration is thinking about that.

6 KENNETH GARDINER: Well you know I, I
7 think the answer to that is that we're going to
8 partner with, with our, with our workforce and the
9 labor unions. As you know we came in this
10 administration, there were no contracts settled,
11 we're up to 99 percent. You know we, we have a very
12 good track record of working collaboratively in
13 being able to reach agreements with our workforce.
14 This is clearly an issue that I think has interest
15 on both sides of the table that, that definitely is
16 going to be the subject of discussion. And through
17 the collective bargaining process we will you know
18 likely work on these issues. You know we can't
19 guarantee agreement because we haven't, we haven't
20 reached the agreement. But that is what I expect.
21 We have had some preliminary discussions with
22 unions about the subject. Everyone's interested in
23 talking about it, you know getting to an agreement
24 is always a complicated process but we've had an
25

1
2 excellent track record of pursuing these issues
3 and, and...

4 CHAIRPERSON GARODNICK: Okay. Well thank
5 you. We look forward to having this continued
6 conversation. We know that we're in the early
7 stages of, of this process and, and I think we'll,
8 we'll forward to, to talking with you more about
9 the, the order that was implemented as well as that
10 broader strategy. Chair Miller is going to make a,
11 some concluding remarks and then I think we are
12 going to adjourn.

13 CO-CHAIRPERSON MILLER: I hope I, I'd
14 like to thank you for coming out today and really
15 discussing this very important benefit to our
16 city's workforce and to our city's workforce and to
17 our city. Quite frankly I think that certainly
18 there's always the concern about a more efficient
19 use of the workforce and, and, and is a
20 conversation that needs to be had on both sides of
21 the table. Proud to say that the, the union that I
22 once represented has one that has engaged and now
23 enjoys benefit of, of, of... enjoys this benefit. And
24 so how, as, as Chair Garodnick said how do we get
25 there and so that we impact the broader workforce.

1 It's certainly something that we look forward to.
2 We look forward to continuing to work with you as
3 we attempt to bring this to as many folks as
4 possible and, and, and provide and deliver the most
5 efficient services to, to the residents of the city
6 of New York is very important. And clearly we don't
7 want to leave out... You know that, that, as a motive
8 we want to put all our cards on the table and say
9 here's where we're trying to get to and what do we
10 need to accomplish that... and certainly the
11 workforce want to... We, we have proven time and time
12 again that the benefits... the paid sick leave and
13 all the other benefits that we've engaged in past
14 three years have really benefitted to the quality
15 of life... working men and women here in the city of
16 New York we want to remain consistent with that.
17 Appreciate your partnership on that and look
18 forward to working with you in the future. I want
19 to thank everybody, all the council members for
20 really coming out and, and being thoughtful and,
21 and participating here as well. And I think that
22 demonstrates our commitment to working families of
23 the city. So I thank you so much for coming out so..
24

25 DAWN PINNOCK: Thank you.

CHAIRPERSON GARODNICK: With a quick
thank you to Alex Polonoff [sp?], Malaka [sp?],
Javoli [sp?], Davis Winslow, Matt Carlin, Gaffer
Zeloff [sp?], and Howie Levine in their work in
preparation for this hearing. And also thank you to
my co-chair Daneek Miller. It's always a pleasure
to share this podium with him and my colleagues and
with that...

CO-CHAIRPERSON MILLER: But, but let me
just, just as a, as a point of information I don't
believe... you did say that the council... because we
are managerial right? So we fall into... Don't look
at me. But we have a, a new father over there who
did not take his six weeks. So, so I'm preparing
his grievances so y'all know that we're going back
and... this guy for his time.

CHAIRPERSON GARODNICK: Please help me.

CO-CHAIRPERSON MILLER: On the record.
Okay. And with that we're adjourned.

[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 October 15, 2016