

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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December 12, 2017

Start: 1:15 p.m.

Recess: 3:35 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: COSTA CONSTANTINIDES
Acting Chairperson

COUNCIL MEMBERS: Elizabeth S. Crowley
Daniel Dromm
Robert E. Cornegy, Jr.

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

Bob Master, Assistant to Vice President
CWA District 1, Local 1101

John Dempsey, Chair USIC Bargaining Committee
CWA District 1, Local 1101

Harold Perez, Former USIC Employee
CWA District 1, Local 1101

Keith Purce, President
CWA District 1, Local 1101

2 [sound check, pause, background comments]

3 [gavel]

4 CHAIRPERSON CONSTANTINIDES: Good

5 afternoon. My name is Costa Constantinides, and I am
6 her today chairing on behalf of I. Daneek Miller who
7 is ill, and he does send his good regards, and I'll
8 be reading this opening statement on behalf of
9 Chairman I. Daneek Miller. Today, we are discussing
10 the United States Infrastructure Corporation, USIC,
11 and the reported unfair pay, conditions and benefits
12 of its underground safety contractor workers. The
13 USIC is the largest underground utility locating and-
14 and damage prevention in North America, specializing
15 in underground utility damage prevention while also
16 providing a large range of utility services. The
17 company was founded in 1973, and has since then
18 expanded dramatically across the United States and in
19 Canada employing more than 7,500 workers. Throughout
20 the areas it serves, the USIC has performed about 73
21 million utility locating services annually with about
22 2.5 million of these services done within New York.
23 Services offered by USIC include maintaining the
24 integrity of gas distribution, vacuum estimation and
25 hands-on safety inspections of underground electric

transformer faults. In 2013, the USIC expanded its operation to the state of New York partnering with the—with Con Edison and National Grid. These utility companies contract millions of dollars of work to USIC annually to hire USIC workers to locate and mark utility lines preventing damage to infrastructure. Locating utility infrastructure is extremely important. Yet, many of these USIC workers are underpaid, overworked and forced to abide by bad company policy, a lack of paid days off, particularly in the first year. They only receive the five days mandated by the city's Paid Sick Leave Law, and such unfair practices as on-call practices and lack of job security. Since 2015, the Communication Workers of America, CWA Local 1101 has represented the USIC workers throughout New York City and Long Island. The US—the CWA represents approximately 180 USIC workers, and looks to secure a fair contract for their USIC workers, and looks to secure a fair contract for their USIC workers. Yet, an agreement has not yet secured. Spurred by a letter written by this Council, this hearing looks to understand the USIC workers and their wages, benefits and conditions. The letter cites that if an agreement is

2 not made to ensure a secure wage and good benefits,
3 the Council will act. Supportive legislation will be
4 enacted that would ban on-call scheduling practices,
5 add underground location, and utility damage
6 prevention workers to the city's prevailing wage, and
7 the Prevailing Wage Law, and require that utility
8 companies like Con Edison and National Grid ensure
9 that contractors such as USIC workers meet safety and
10 protection protocols. I look forward to hearing
11 about how the USIC has treated its workers, as well
12 as receive an update on how contract disputes are
13 coming along between CWA and USIC. I would also like
14 to acknowledge members of the committee that are here
15 today, Council Member Danny Dromm and though he's not
16 a member of the committee ex officio Brad Lander as
17 well. I'd also like to thank the Committee staff,
18 Matthew Carlin, our Counsel Kevin Kotowski; our
19 Policy Analyst Kendall Stephenson; our Financial
20 Analyst and Brendan Clark from the Office of Daneek
21 Miller and, of course, my Legislative Director Nick
22 Wazowski. The USIC has sent a letter to the Council,
23 which our counsel Matt Carlin will read into the
24 record.

2 LEGAL COUNSEL CARLIN: So, a letter from
3 Cynthia K. Springer from the Law Firm of Faegre,
4 Baker and Daniels addressed to Jonathan Ettricks,
5 Director of Legislative Documents Unit New York City
6 Council. Dear Mr. Ettricks, I am writing on behalf
7 of Monta Bolles Patrick Thompson, Julie Kirkpatrick,
8 and myself to inform you that we will be unable to
9 attend the Civil Service and Labor hearing tomorrow
10 afternoon due to other commitments. Moreover, your
11 letter references USIC Underground Safety Contractor
12 Workers unfair pay and benefits. The fact that
13 you've already determined USIC is unfair cannot help
14 us—help but lead us to determine that you have
15 reached a conclusion that our testimony would be
16 given little consideration. Despite what the CWA has
17 apparently communicated to you, I can assure you that
18 USIC has been negotiating with CWA in good faith for
19 the better part of two years. Communications from
20 Council Members reference several topics including
21 wages, sick time, vacation, and on-call, all of which
22 have been points of our extensive negotiations and
23 all of which USIC has offered several creative
24 solutions, which to date CWA has rejected. We
25 believe we have made significant progress towards

2 reaching a contract particularly over the last six
3 months, and our next bargaining session is scheduled
4 for January 16th and this session like the four
5 proceeding it will be conducted with the assistance
6 of an experienced federal mediator. We are hopeful
7 that the mediator will be able to help both sides
8 reach a fair-agreement on a fair and reasonable
9 contract, which allows USIC to remain competitive
10 while meeting the needs of its customers and its
11 locate technicians in the New York City, the New York
12 City and Long Island. Very truly yours, Cynthia K.
13 Springer, and it was dated December 11, 2017.

14 CHAIRPERSON CONSTANTINIDES: Thank you,
15 Matthew. I do find that letter lacking in substance,
16 and if they really wanted the opportunity to come and
17 be heard, there was nothing shared there. We would
18 happily have heard their testimony, and that's how we
19 get things done. We have open debates rather than
20 just sending a piece of paper. So, with that, we
21 will call the-the-our panel forward. Keith Purce,
22 CDA-CWA Local 1101; John Dempsey, Bob Master and
23 Harold Perez all from CWA 1101. Please do that.

24 [pause] [background comments]

2 BOB MASTER: So, I'm—I'm actually not
3 going to provide testimony. I'll be available to
4 answer questions. Our lead witness will—I guess it's
5 a witness—will be John Dempsey who is the Chair of
6 the USIC Bargaining Committee for the CWA, followed
7 by Harold Perez who's a former USIC employee who was
8 fired for union activity and Keith Purce, President
9 of CWA Local 1101 will conclude, and then obviously,
10 we'll be available to take questions.

11 CHAIRPERSON CONSTANTINIDES: Could you
12 identify yourself.

13 BOB MASTER: Bob Master, Assistant to the
14 Vice President CWA District 1.

15 CHAIRPERSON CONSTANTINIDES: Thank you.

16 JOHN DEMPSEY: Good afternoon Members of
17 the Committee. Thank you very much for convening
18 this very important hearing and for giving me the
19 opportunity to testify before you this afternoon. My
20 name is John Dempsey, and I am a CWA staff
21 representative in our office, our New York City
22 office. Since February 1, 2016, I have led the
23 Bargaining between CWA Local 1101 and USIC for our
24 first contract covering the company's 180 workers in
25 New York City and Long Island. Let me start by

1 giving you a brief overview of the situation. From
2 day one, USIC had made it clear that they don't
3 respect their employees, workers who provide a vital
4 service ensuring that New Yorkers are safe when
5 companies are digging their electrical lines and gain
6 mains. Since USIC workers voted to be represented by
7 CWA Local 1101 in December 2015, the company has
8 stonewalled our good faith effort to negotiate fair
9 wages, benefits and working conditions. In the year
10 following the NLRB vote, USIC refused to engage in
11 serious bargaining. During that time period, we had
12 reached only one tentative agreement, which was our
13 funeral leave, and it contained no improvement to
14 what USIC currently offers their employees. It took
15 14 months of negotiations for USIC to agree to agency
16 fee shop and a payroll deduction of dues provision,
17 which are basic articles in any union contract, and
18 they still have not agreed to a Recognition Article.
19 Throughout 2016 instead of good faith bargaining,
20 USIC preferred to pin their hopes on instigating a
21 decertification campaign aimed at getting ride of CWA
22 as the workers bargaining representative. But in
23 February 2017, the workers voted to keep CWA as their
24 union rejecting decertification Despite 11 bargaining
25

2 sessions since the decertification vote, and an
3 overall total of 25 bargaining sessions, the company
4 still refuses to budge on the critical issues, which
5 concern workers the most: Paid time off, on-call
6 scheduling, holidays and compensation. The only
7 conclusion we can draw is that because USIC is so
8 deeply anti-union with the Chairperson of USIC's
9 Committee, which the Chairperson of USIC Committee
10 has conceded and even touted their victories against
11 the union in Pennsylvania and North Carolina, they
12 obstinately refusing to grant any improvements in the
13 wages and working conditions of its New York Metro
14 workforce in order to preempt interest in
15 unionization among its 7,300 other workers across the
16 country. This is union busting pure and simple, and
17 it is unacceptable in our city. USIC workers perform
18 important tasks that are vital to the health and
19 safety of all New Yorkers. Before any company digs
20 up a street in New York City and Long Island, USIC
21 workers survey underground infrastructure like gas
22 mains and electrical lines. They then mark the
23 street so that digging doesn't cause electrical
24 outages or even worse, gas main explosions. If this
25 work is not performed correctly, residents are put in

1 great danger. Starting pay is \$15 an hour, and it's
2 \$15 an hour only because of an agreement we
3 negotiated with USIC right after the December vote.
4 When the workers joined CWA, the starting wage was
5 between \$12.50 and \$13.00 per hour. As of May 2017,
6 less than five percent of the low K technicians in
7 the locate technicians in the Bargaining Unit were
8 earning more than \$25 an hour with the top earner
9 making \$28.63 an hour. That means 95% of the
10 Bargaining Unit is earning less than \$25 an hour.
11 Hardly and adequate wage in this area. There is
12 tremendous turnover because wages and working
13 conditions are so substandard. We have asked for
14 guaranteed across the board increases for all workers
15 of less than 3% with an opportunity to earn more
16 based on USIC's metrics. While USIC insists that all
17 raises must be merit based, not guaranteed. The
18 second major issue is paid time off. In the first
19 year of service New York City and Long Island worker
20 receive a total of five paid days off, vacation, and
21 sick leave combined. They get those days only
22 because the company is subject to the New York City
23 Earned Sick Days Law, the provision of which the
24 company extended to the Long Island workforce.
25

2 Elsewhere in the country, unless it is required by
3 law, first year USIC workers receive zero days paid
4 time off. In Year 2, USIC workers receive a total of
5 six paid days off, and in years 3 through--to 9, they
6 receive a total of 12 days off. We have demanded
7 that workers with more than 12 months of service be
8 able to accrue up to three additional paid days off
9 each year, accrued in the same manner that PTO is
10 currently accrued. The company has countered
11 proposed that workers with 12 to 24 months of service
12 can accrue two hours of paid time off for every 100
13 hours of overtime they work. In other words, they
14 would get one additional paid day off for every 400
15 hours of overtime worked. That's 30 hours of
16 overtime every week for three months just to accrue
17 one additional paid day off, and there is no
18 guarantee that you will be offered overtime. The
19 lack of paid time off is compounded by the
20 requirement that workers spend 24 hours on call,
21 ready to report to work within 20--within two hours on
22 the weekends, and are also required to be on call
23 overnight during the week. USIC offers no additional
24 compensation for being on call. This requirement is
25 extremely unfair. It is disruptive to the workers

2 families' lives. It interferes with the workers'
3 ability to get a good night's sleep. It means that
4 when workers do report, they may not be at their best
5 and that poses a danger to the residents of New York
6 City. It appears that USIC does not care if workers
7 report to the job when they're sick or exhausted,
8 which shows a real disregard for the wellbeing—for
9 the wellbeing of our city. Finally, USIC workers
10 receive only six paid holidays. By way of contrast,
11 the New York City Municipal Workers negotiated their
12 very first citywide collective bargaining agreement
13 in 1969 nearly half a century ago. They received 11
14 paid holidays. We have asked for one additional
15 holiday, but USIC has flat refused, and has proposed
16 to give an additional holiday only to those employees
17 who have not had any at all damages in the prior 12
18 months. The truth is that not a great deal separates
19 us from reaching a settlement with USIC. We are not
20 looking for enormous changes. We simply want to
21 negotiate a measure of improved wages and working
22 conditions for a group of workers who perform
23 extremely important tasks in our city. We recently
24 became aware of one possible explanation for USIC's
25 determined anti-union behavior. It appears that

Partners Group, the private equity firm, which recently bought USIC may be working with a firm connected to Truck Education Secretary Betsy DeVos. The DeVos family's private equity firm recently set up two holding companies that appear to be associated with the acquisition of USIC. DeVos' firm has a history of working with the Partners Group and Betsy DeVos has reported substantial income from Partners' investments. We are very concerned that a Trump associated anti-union billionaire family appears to be part of this deal. The DeVos family is a conservative mega donor that gave more than \$44 million to the Michigan Republican Party, GOP legislative committees and Republican candidates between 1997 and 2014 largely with the goal of destroying unions. Betsy DeVos has been at the helm of the family's conservative crusade with her husband Dick. In one case, she contributed \$125,000 to a campaign to block union rights in Michigan in 2012, and left that detail off her disclosure forms when she was nominated for Education Secretary. We call on Partners to end any partnership with the DeVos Family and the ownership or management of this company. Even more important, Partners itself should

2 pay a—should play a constructive role in reaching a
3 positive resolution in the bargaining that addresses
4 workers key concerns. Not only Partners must be held
5 accountable for the anti-union behavior of USIC. The
6 primary companies that contract with USIC are two
7 giants of the utility sector here in New York and
8 nationally: Con Ed and National Grid. We urge you
9 to pressure these regulated entities to ensure that
10 they are only contracting with responsible employers
11 who treat their workers with the respect and dignity—
12 dignity those workers deserve. Con Ed and National
13 Grid should not be contracting out with companies
14 that pay substandard wages and which do not seem to
15 care at all about the health and safety of their
16 employees let alone the public. Members of the
17 Council, we need your help in protecting the wages
18 and working conditions of these workers. We deeply
19 appreciate your willingness to call this hearing
20 today to investigate what is happening in this
21 dispute, and we are grateful that you have indicated
22 to USIC management your willingness to consider
23 legislation that addresses some of the key issues
24 that I've discussed here today. We need to send a
25 message to USIC management today loud and clear that

2 their treatment of workers is unacceptable in New
3 York City. Management needs to understand that in
4 New York City we have a commitment to fair collective
5 bargaining and fair treatment of workers. This
6 Council with its enactment of earned sick days, and
7 fair work week legislation has signaled its clear
8 commitment to these values. We need you to do this
9 again in this instance. Thank you for your time, and
10 I can answer any questions you may have.

11 CHAIRPERSON CONSTANTINIDES: Thank you
12 for your testimony. Is there any—is there anyone
13 else who has testimony left on the panel? Great.

14 HAROLD PEREZ: Good afternoon members of
15 the committee. My name is Harold Perez, and I'm a
16 former USIC employee. I have been Locate Technician
17 for seven years, the last three as an employee of
18 USIC. However, on October 20, 2017, I was terminated
19 by USIC allegedly for violating (coughs) the
20 company's attendancy policy. I don't think it was a
21 coincidence that my termination took place only eight
22 days after I attended the press conference held on
23 City Hall steps about USIC's mistreatment of their
24 employees. The union has filed unfair labor practice
25 charges with National Labor Relations Board, and my

2 case is currently under investigation. We're quite
3 certain that USIC retaliated against me because of my
4 union activity. (coughs) Since being fired, I've
5 been unable to get another job despite having applied
6 at four different companies. I'm using up my
7 retirement savings to pay bills. I along with my co-
8 workers voted to join the union December of 2015 for
9 a variety of reasons. I would like to highlight the
10 main ones. The wages we receive are substandard for
11 the important work that we perform. I'd like to
12 take—I take responsibility of protecting USIC's
13 customs infrastructure, and the public safety very
14 seriously, and would like to be compensated
15 accordingly. We are the people who make sure when
16 our streets are dug up, you neighbors are protected
17 from gas main explosions, electrical or phone
18 outages. We care about the people of New York City
19 and Long Island. Unfortunately, it doesn't seem that
20 USIC shares our concerns. They certainly don't care
21 about their workforce. (coughs) I am sometimes
22 required to be on call for 24 hours straight on the
23 weekend, and also several times a month from the end
24 of my shift in the evening until the start of my next
25 shift in the morning. I receive no additional

2 compensation unless I respond to an emergency. Being
3 on call like this make it impossible to get a decent-
4 a decent night's sleep. It also totally interferes
5 with making plans with my family. When you're on
6 call, you don't relax. It's not like having a real
7 day off at all. There should be some type of
8 compensation for us being on call for the company
9 (coughs) all through our supposed time off. I only
10 get a total of 11 paid days off a year combined sick
11 time and vacation time. If I happen to get sick
12 during the year, it leaves me little or no time for
13 vacation. Additionally, the company strongly
14 encourages us to use PTO when there is inclement
15 weather that prevents us from working. This further
16 erodes the amount of time that I have to spend with
17 my family. This is New York City and 2017. We
18 deserve the right to take time off when we're sick,
19 and we deserve the right to have vacation with our
20 families. USIC's Paid Time Off Policies are like
21 going back in time before there was even a labor
22 movement. It's outrageous. Between the substandard
23 pay, the on-call requirements and the lack of paid
24 time off, it makes it very difficult to raise a
25 family in New York if you're an employer of USIC.

2 Unfortunately, it seems that USIC cares about its
3 executive paychecks and profits for their private
4 equity owners. We need a help in pushing back on
5 USIC to negotiate for a fair contract. Thank you for
6 your time today in showing interested in pressuring
7 USIC to treat their employees like me more fairly.
8 Thank you.

9 CHAIRPERSON CONSTANTINIDES: Thank you
10 for your testimony. Yeah, this is definitely a union
11 town, and we take protecting workers very seriously,
12 and this Council has taken it—protecting workers very
13 seriously. So, one of the first questions I have are
14 there are numbers UIC—USIC workers coming out with
15 how dangerous their work is. Can you describe some
16 of the conditions that the workers are put in?

17 HAROLD PEREZ: Day in and day out, there
18 are safety concerns that surround my job. It's
19 pretty much like walking into a pit full of sharp
20 objects: Cars, construction zones, people, and that's
21 being compounded by the time that we spend out there
22 working. It makes it more difficult to stay focused
23 on safety and, you know, you—you're more focused on
24 just being around than actually focused on your
25 safety, because they pressure you to work so much.

2 CHAIRPERSON CONSTANTINIDES: So, and—and
3 so what sort of training do you go through in order
4 to do this work?

5 HAROLD PEREZ: Usually the training is
6 due two weeks to a month with just someone in
7 corporate that teaches them the book knowledge, and
8 then they come out to the field and they spend time
9 with a field a technician, and they determine whether
10 they're ready based on that evaluation that the
11 employer gives of them.

12 CHAIRPERSON CONSTANTINIDES: Do you think
13 that there can be better training in safety
14 precautions to protect workers?

15 HAROLD PEREZ: Most definitely.

16 CHAIRPERSON CONSTANTINIDES: What sort of
17 things do you think that USIC should be doing to
18 protect the workers?

19 HAROLD PEREZ: Um, they should definitely
20 be doing a lot more hands-on training on the field
21 rather than giving a normal employee the
22 responsibility of finishing up the training. There
23 should be someone from management to fine tune these
24 employees in the end at least to get the safety down
25 pat.

2 CHAIRPERSON CONSTANTINIDES: And when
3 it's--when it's inclement weather, as you talked
4 about, they encourage to take time off or how-how--

5 HAROLD PEREZ: [interposing] You show up
6 for work?

7 CHAIRPERSON CONSTANTINIDES: Walk me
8 through that a little bit more.

9 HAROLD PEREZ: You show up for work at
10 7:00 in the morning, and it's snowing already, and I
11 was forecast to snow for the rest of the day. So,
12 they say today is going to be a slow day. Say
13 there's a group of eight. Six of the people get sent
14 home. Two of them stay to cover emergencies. The
15 six people that get sent home are--they're pushed to
16 take PTO. Don't forget to put in your PTO for the
17 day that you had off, you know, even though you were
18 sent home, not there.

19 CHAIRPERSON CONSTANTINIDES:
20 [interposing] So, you were--you're saying that if
21 you're sent home, they're requiring you to take off--
22 take your paid time off--

23 HAROLD PEREZ: [interposing] Yes.

24 CHAIRPERSON CONSTANTINIDES: --in order
25 to be sent home.

2 HAROLD PEREZ: They're definitely
3 suggested-suggested-suggestive of it, or they tell
4 you, you're not going to get paid-

5 CHAIRPERSON CONSTANTINIDES:
6 [interposing] Wow.

7 HAROLD PEREZ: --because of it.

8 CHAIRPERSON CONSTANTINIDES: Wow.

9 HAROLD PEREZ: Yeah.

10 CHAIRPERSON CONSTANTINIDES: It's
11 egregious.

12 JOHN DEMPSEY: Well, just one
13 clarification. So, they-they encourage you to use
14 the PTO so that you don't have any left. If you
15 don't use your PTO time, then you don't get paid.

16 CHAIRPERSON CONSTANTINIDES: So, you
17 don't get paid?

18 JOHN DEMPSEY: You don't get paid. No.

19 CHAIRPERSON CONSTANTINIDES: So, you-
20 [off mic] Could you say your name?

21 JOHN DEMPSEY: I'm sorry. John Dempsey,
22 CWA Staff Representative.

23 CHAIRPERSON CONSTANTINIDES: So-so the
24 choice is if you'd like to get paid, you have to take
25 a day off. If you have a paid day off. If you

2 don't-if-but if they're sending you home, if they
3 send you home, you're not getting-getting paid for
4 the day?

5 JOHN DEMPSEY: That's correct,
6 Councilman.

7 CHAIRPERSON CONSTANTINIDES: That's
8 beyond egregious, beyond egregious. I mean what are
9 the traditional-what are the other general labor
10 standards in the industry?

11 JOHN DEMPSEY: I can't-I-I-I can't answer
12 that question. I will tell you what USIC has been
13 doing is-is going around and buying up small located
14 companies, and then-and then enforcing their horrible
15 conditions on them. They did this to a company that
16 I believe was Eastern Locating Services in
17 Pennsylvania. They bought then up. They were CWA
18 representative locators. They came in, and destroyed
19 the contract to the point that CWA can never get
20 their contract ratified and we lost the unit. So, I-
21 I don't know if I answered your question in any way--

22 CHAIRPERSON CONSTANTINIDES: Uh-hm.

23 JOHN DEMPSEY: --but it's high turnover,
24 tremendous about the high turnover. We went from 130
25 employees to 180 just in the last six or seven

2 months. So, they got 50-50, 50 new employees out
3 there that don't have the experience protecting the
4 public because they keep losing. They--they keep
5 losing all their experienced locators.

6 CHAIRPERSON CONSTANTINIDES: Because
7 they're just not doing the right thing?

8 JOHN DEMPSEY: Well, because, yeah, yeah,
9 they're fed up. They--they--we've had a couple of them
10 actually apply for jobs in Verizon because Verizon
11 actually is hiring right now so--

12 CHAIRPERSON CONSTANTINIDES: And what
13 other companies in--in this line of work that not
14 owned by USIC?

15 We actually--my name is Keith Purce. I'm
16 the President of Local 1101, CWA.

17 CHAIRPERSON CONSTANTINIDES: Uh-hm.

18 KEITH PRUCE: (coughs) We actually
19 represent people that do this line of work also in
20 the Bronx and Manhattan--

21 CHAIRPERSON CONSTANTINIDES: Uh-hm.

22 KEITH PRUCE: --for--for Verizon
23 Telephone--

24 CHAIRPERSON CONSTANTINIDES: Right.

2 KEITH PRUCE: --and anybody else who
3 wants to use that like Spectrum or Cable Altice, any
4 of those in the Bronx and Manhattan only, though.
5 So, we represent them, and they have very good wage,
6 good benefits, pension, everything that you should
7 have when you work in New York City or anywhere else
8 in this country, and they all do very well, and they
9 do the same exact work, but they're rewarded for it,
10 and they get to work in a safe environment with a
11 good wage.

12 CHAIRPERSON CONSTANTINIDES: So, that's
13 where I was going. That was my next question is that
14 there is a--a huge disparity here between what is
15 being paid by other similarly situated workers

16 KEITH PRUCE: Empire City Subway is the
17 name of the--of it.

18 CHAIRPERSON CONSTANTINIDES: Empire and--
19 and--and USIC?

20 KEITH PRUCE: Uh-hm.

21 CHAIRPERSON CONSTANTINIDES: And then
22 how--how has traditional, non-traditional work being
23 addressed when it comes to pay equity?

24 JOHN DEMPSEY: Can you say that question
25 again, please?

2 CHAIRPERSON CONSTANTINIDES: How has pay
3 equity and non-traditional work being addressed?

4 JOHN DEMPSEY: I'm sorry. I don't
5 understand the question. [background comments]

6 CHAIRPERSON CONSTANTINIDES: Art there--
7 when it comes to gender, are men and women being paid
8 the same? Is there--is there an issue with gender
9 equity?

10 JOHN DEMPSEY: I have not noticed any
11 issue with gender equity. There are--

12 CHAIRPERSON CONSTANTINIDES:
13 [interposing] Okay.

14 JOHN DEMPSEY: --there are--there are very
15 few female employees that are--are there. So, I am
16 not--There, I have not seen any gender equity--

17 BOB MASTER: [interposing] I think it's
18 fair to say, Council Member, that both men and women
19 are treated equally unfairly.

20 CHAIRPERSON CONSTANTINIDES: Yeah,
21 they're--they're both--both genders are being treated
22 poorly. Okay, at this juncture, I will pass some of
23 these questions off to my colleagues. First--

2 BOB MASTER: [interposing] Council
3 Member, I think that President Purce was hoping to
4 make a statement.

5 CHAIRPERSON CONSTANTINIDES: Oh, okay, I—
6 I—I was unaware of that. Sure, absolutely.

7 JOHN DEMPSEY: Good afternoon, Committee.
8 My name is Keith Purce. I'm the President of CWA,
9 Local 1101. All of the—all that these USIC workers
10 are looking for is a fair and equitable contract, a
11 decent pay and a safe work environment. Democracy
12 should just be about the right to vote. It should
13 also give people the right to good paying jobs, safe
14 jobs so they can raise their families, buy a home and
15 send their kids to good schools and get a good
16 education and go further. But right now, we have a
17 President who would rather give corporations a 15%
18 tax cut, corporations like USIC that have no
19 intention to pass anything down to their workers
20 unless they are forced to. Unless they are forced to
21 give them good pay. Unless they are forced to give
22 them safe work environments, unless they are forced
23 stop keeping them on 24-hour calls for—for all
24 weekend when they can't get any sleep, and then they
25 go out there either sick or tired and put people in

2 danger, and that's not what we should be doing. Now,
3 I know the City Council has done a lot to help
4 workers in New York City, and I ask you, I urge to
5 help these USIC workers get their fair wage and be
6 able to work in the safe environment they deserve.
7 Thank you for your time.

8 CHAIRPERSON CONSTANTINIDES: Thank you,
9 President Purce. My apologies. I wasn't certain
10 that you wanted to testify. With that I will—I will
11 turn it over to Council Member Lander followed by
12 Council Member Dromm.

13 COUNCIL MEMBER LANDER: Super. Thank
14 you, and—and with permission, Chair, maybe I'll do
15 like a first ask some questions about the conditions
16 and about the bargaining and then some questions
17 about legislation. We might do them. Maybe I'll do
18 a first round and let Danny go and then come back and
19 do a second round. Thank you for being here. I'm so
20 sorry that you have to, and it's obviously appalling
21 that the company, you know, is so ashamed of its
22 record that they wouldn't even come and talk to us
23 about it. We've seen a lot of employers who we
24 thought were not treating their workers fairly. Most
25 of them had the decency to the City Council to come

2 and tell their side of the story. A company that
3 doesn't even come when called to the City Council to
4 tell their side of the story is—is really saying
5 something, and Mr. Perez, I want to especially thank
6 your for—for being here, and you know, I think we
7 feel implicated here. I—you know, we met you out on
8 the porch of this building when you came to tell your
9 story, an act of political free expression and
10 protected labor organizing, and the fact that it
11 seems that that cost you your job is an unfair labor
12 practice. But it's also an affront to this body and
13 this building, and I just want you to know that we
14 are angry about it, and we'll look to have your—your
15 back and the backs of your fellow co-workers. So,
16 thank you. I just want to make sure I understand
17 what the work is and why you guys are doing it rather
18 than Con Ed and National Grid? So, just walk me
19 through. I know you said a little bit of it in your
20 testimony, but just explain to me kind of what's
21 going on? What's the kind of work that's happening
22 above ground, and—and what you guys are going, and
23 why it's important?

24 JOHN DEMPSEY: So, the best way I could
25 describe it: Have you heard of 811 call before you

2 dig. So, this doesn't only apply to contractors who
3 may be laying new conduit through the streets. It
4 applies to a homeowner who may be putting a fence up
5 in his yard. You are required to call 811 before you
6 dig. There's a nationwide 811 system that would
7 generate a ticket, and then that ticket would be sent
8 to—to the companies that perform the locating
9 services. So, if you were a contractor that wanted
10 to lay pipe in the street to run another cable
11 through there, you would have to call 811 before you
12 dig. The 811 system would create a ticket and it
13 would go to USIC to identify existing underground
14 facilities whether they be electrical, gas or
15 cablevision or cable. Excuse me. Cable TV—cable TV
16 wires, and that way when they do—when the contractor
17 does come to lay the pipe or the conduit to run a
18 new—new line through day, you don't damage the old
19 stuff that's underneath there. Just, and, you know,
20 so Verizon workers do this work ourselves. We have
21 not—at CWA we have fought the contracting out of this
22 work to preserve our jobs with, you know, good union
23 jobs with Verizon. It seems to me Con-Ed and
24 National Grid have chose a different path that they

2 could get this work done a lot cheaper without their
3 own people, and that's why they contracted out.

4 COUNCIL MEMBER LANDER: I mean I assume
5 there was a point in time at which National Grid and
6 Con Ed did this work in-house like Verizon did. I
7 don't know if you know, but--

8 JOHN DEMPSEY: [interposing] I wouldn't
9 be able to—I wouldn't be able to speak on that. No.

10 COUNCIL MEMBER LANDER: Well, which I am
11 disappointed also that National Grid and Con Ed
12 aren't here. We also invited them, and we will
13 surely be following up with them because the
14 questions I wanted to ask were about this knowing
15 that Verizon does it, knowing that it's critical to
16 the safety of their workers as well as the security
17 of their lines. My hunch, we won't know because
18 they're not here today, is they used to do it in-
19 house that that meant they paid people according to
20 their pay and benefits package, and that they
21 realized that they could pay people less. They
22 could, you know, by-by sweating it to—to USIC.

23 JOHN DEMPSEY: To—to the best of my
24 knowledge, National Grid still does some of this in-

2 house. So, they do have locate—they do have, you
3 know, employees that do this type of work also.

4 COUNCIL MEMBER LANDER: Okay. Now, I
5 mean I was not familiar. I mean, you know, I'm not
6 with 811. To me it sounds like the kind of thing
7 that would be a public or municipal service. You
8 know, obviously, we both want to not have people's
9 cable cut off. This is both a convenience issue. We
10 don't want their cable to cut off, a public safety,
11 you know, a—you know, obviously we—we preserve
12 electricity, but if you hit a gas line, you could
13 have a—you could have an explosion here. So, it's—
14 it's critical public safety work, but it's not
15 handled by a city or a state from 8-3. 311 is a New
16 York City function. 911 is a New York City Function.
17 811 you're allowed to connect it to worker—to-to a
18 contractor that employs workers with essentially no
19 wage or safety or benefit standards at all.

20 JOHN DEMPSEY: But I can't tell you
21 exactly how it works, but I know it's—it's part of
22 the law that you have to call before you dig, you
23 know. So, then how many--

24 COUNCIL MEMBER LANDER: [interposing] I
25 mean it's good I guess. We made it part of the law

2 that you have to call before you dig. It seems like
3 we should have made it part of the law that the
4 workers that are coming to protect us when you call
5 before you dig are covered by some of the same
6 standards. I mean, yeah, we'll get to this in a
7 minute, but like we covered fast food workers to not
8 have on-call scheduling, which I want to ask a little
9 more about in a minute, but I--you know, so like I'm
10 angry at Con Ed and--and National Grid, and--and
11 obviously at USIC, but I--I do think there's sort of
12 like some public responsibility here. This is not a--
13 a private function, right? These--these--this is a--
14 this is a--to me a public necessity to perform this
15 work.

16 JOHN DEMPSEY: Correct.

17 HAROLD PEREZ: To give you some
18 perspective on why they outsource to contractors,
19 they use it as a way to play pass the buck. So, if
20 something goes wrong, the liability now gets split
21 into thirds instead of in half. Con Ed would have
22 half of the liability and the contractor bidding
23 would have the liability if they marked it, but now
24 that we marked it, if something is wrong with marks,

2 they can now blame us and charge our company rather
3 than paying for it themselves.

4 COUNCIL MEMBER LANDER: I'll bet they're
5 paying more for their insurance policy than they are
6 for their workers. Anyway, let me ask one just
7 question about the on-call and then I'll—I'll turn it
8 over to Danny and come back with a few questions
9 after that. So, you know, on-call is this thing that
10 exploded in—in recent years. Like it didn't used to
11 be, you know, obviously there are workers who are in
12 certain kinds of emergency situations. You know, if
13 there's going to be a big snow storm, then we have to
14 ask Sanitation workers to be ready to work more than
15 they work when there isn't just a snow storm. We
16 compensate them for the different ways that we ask
17 them to be on call or work shifts. So, you know, you
18 can sort of see where it began as a response to
19 certain kinds of emergencies. It then exploded in
20 retail and fast food to the point where the Attorney
21 General of the State of New York and then the City
22 Council and the State Wage Board have had to regulate
23 because- And actually, I ran into a store owner on
24 Fulton Mall who was upset we had ended it because he
25 said, You mean—I was trying to understand when he

2 used On-Call and he basically said, So, but what if
3 it's going to rain? So, that was a retail store
4 owner who knows he's going to get few customers on a
5 day it rains, and so he keeps workers on call so that
6 if it doesn't rain, he can have them in, and if it
7 does rain, he doesn't have to pay them. But
8 obviously, no worker could construct their life where
9 they don't get paid if it rains. But I just-it
10 sounds to me like most of the work here is-is
11 scheduled work. Even though this is public safety
12 work, it's-some of it might be performed in cases
13 where there is sort of an urgent call, but much of it
14 sounds like probably gets scheduled in advance and-
15 and the company could-could schedule the work.

16 JOHN DEMPSEY: Well, my understanding is
17 that their contracts with the utilities require them
18 to have somebody available to locate for emergencies
19 24/7. So, that's why the on-call piece is there.

20 COUNCIL MEMBER LANDER: Interesting. So-
21 so Con-Ed is contracting to demand on-call work, but
22 then not paying any attention to how it's-but Con-Ed
23 workers if they have to have on-call shifts are
24 compensated when they're not. So, let me just make
25 sure I understand. So, for 24 hours you wait on-

2 call. You get nothing for it. If they don't call
3 you, you don't get paid anything for having been
4 available those 24 hours, and if they do call you,
5 they just pay you straight time without any
6 additional bonus starting at \$15 an hour?

7 JOHN DEMPSEY: That's correct unless you
8 have--unless you have already reached your 40 hours
9 during that week.

10 CHAIRPERSON LEVINE: Right. I mean if
11 you--you wind up getting overtime, but no thanks to
12 the, you know, generosity of USIC, but to the laws of
13 the State of New York. Um, oh, God. Okay. Um, I'm
14 going to just pause there for a minute. I'm still
15 sitting with that. I'll yield to my colleagues, and
16 I'll come back and ask a few more questions if they
17 don't--if they don't cover it.

18 COUNCIL MEMBER DROMM: Well, thank you,
19 thank you, Brad and thank you to Costa, to the Chair
20 as well. For chairing this hearing. I know that
21 Daneek has not been feeling well, and you did a great
22 job in asking a lot of the questions that I was going
23 to ask as well, because I didn't exactly understand
24 the relationship. But one question that I do have is
25 when--the Parks Department is going to replace trees,

2 would they call---I mean they have to get an okay
3 from Con-Ed first before they can actually replace
4 trees. Would you be the people who would go out and
5 check tree pits to see if there are wires into that?

6 HAROLD PEREZ: Yes, sir.

7 COUNCIL MEMBER DROMM: So, you do that
8 work also?

9 HAROLD PEREZ: Everything. Any time any
10 one digs within the City of New York, we get called
11 out.

12 COUNCIL MEMBER DROMM: You get called out
13 on that?

14 HAROLD PEREZ: If they're digging
15 legally, and they called 811 like they were supposed
16 to.

17 COUNCIL MEMBER DROMM: So, that's
18 actually a pretty big deal because I mean any time
19 that we want to get stuff done here in terms of
20 trees, often times that's been an--an issue with us
21 and with Con Ed, but I--I just wanted to say actually
22 that I'm outraged by this letter from this Cynthia K.
23 Springer that she would write such a ridiculous
24 letter to the City Council on unfair practices. I
25 mean I have to wonder how much she's getting paid.

2 I'm sure she's not getting \$15 an hour, and I wonder
3 what her benefits are, and I'm pretty sure that she's
4 probably got fairly decent benefits, and—and time off
5 and sick days as needed. And—and I'd just like to
6 say, I think they're from Indiana and—and they just
7 probably don't know that New York City is a union
8 town, and here in New York City we respect our unions
9 and we support our unions because basically what
10 unions want is what everybody wants, which are fair
11 wages, compensation and to be treated fairly and
12 equitably on a job. And from the descriptions that
13 you provided in your testimony, it seems that—that's
14 the exact opposite of what's happening. I mean I
15 can't really believe that, you know, people still
16 treat people this way, treat employees this way. I
17 mean I don't see how one human being can treat
18 another human being in this fashion, to be honest
19 with you. You know, and then the fact that I—that
20 they wouldn't even come in and testify is just really
21 horrible. Of course, I'm the Chair of the Education
22 Committee, and I'm finding out that there are many
23 more Betsy DeVos connections in the world especially
24 under this—this Trump Administration but, you know,
25 it's the rich making the rich richer, and they're

2 forgetting about the average person on the job. And
3 so, while, you know, it is surprising, it's not
4 surprising to see some of the involvement there as
5 well. But we as a Council I believe will stand in
6 support and united against this type of mistreatment
7 of the workers especially here in New York City, and
8 I mean I'm just—I—I cannot believe that this is still
9 going on, and I just thank you for coming and
10 providing us with this testimony. Thank you.

11 CHAIRPERSON CONSTANTINIDES: Thank you
12 Council Member Dromm. I would like to acknowledge
13 that Council Member Crowley and—from Queens and
14 Council Member Cornegy from Brooklyn both members of
15 the committee were here as well. With that, I'll
16 turn it back to Council Member Lander for a second
17 round of questioning.

18 COUNCIL MEMBER LANDER: Thank you, Mr.
19 Chair. So, I'm going to—I guess I want to follow up
20 a little on where Council Member Dromm pushed in this
21 letter just because they do indicate that they have—
22 oh, I had it written down—offered several creative
23 solutions in the letter in their bargaining. So, I
24 just want to dig in a little more on the—on the
25 bargaining side. Some of the things you've said you

2 testimony were quite stunning, you know, that, you
3 know, that all they've given on a funeral leave
4 policy they already had, but they wouldn't negotiate
5 over one additional holiday and that they've shown no
6 flexibility on these just appalling on-call policies.
7 So, I'm—I'm puzzled to figure out what the creative—
8 several creative solutions they've offered. I'm
9 curious if you can shed any light on that.

10 JOHN DEMPSEY: I can. So, some of them—
11 some of it's in the testimony but, you know, we have
12 three issues that we want to address during this
13 bargaining: Wages, on-call and paid time off. Paid
14 time off you could look at it as two separate things,
15 your PTL and your holidays. To have only six
16 holidays a year I—I've—I haven't seen that in my
17 years of bargaining. Their creative solution to that
18 is that we'll give employees an extra floating
19 holiday if they had no damages in the prior 12 months
20 upon ratification of the agreement. That means you
21 had to be perfect, and they're only given six as it
22 was. In order to reach an agreement, you know, I
23 don't even like what I propose, but we're at—Listen,
24 if you had two or less in the prior 12 months, then
25 you get the floating holiday. Not—not that you had

2 to be perfect. The wages they are strictly merit
3 based on their proposals. We again in an attempt to
4 reach an agreement have proposed across the board—I
5 have the proposal here. So, I could get the exact
6 number, but I—I think across—across the board 2-1/2%
7 and then a possibility to earn another 2% based on,
8 you know, amount of damages, your safety
9 observations, and your productivity, which is what
10 they insisted on being in there. The one other
11 difference, too, is they are only proposing a one-
12 year contract. Again, so they could go right into
13 their decertification mode, and—and—and try to bust
14 this union here. We are—we are asking for a two-year
15 contract, and in the second year of the contract, our
16 wages again are a hybrid of across the board and
17 metrics. The paid time off they've been very clear
18 from day one of the negotiations that they were not
19 going to compensate people for paid time off. They
20 just think it's outlandish, that they would have to
21 compensate somebody because they only require them to
22 respond within two hours. So, they don't think it's
23 infringing on their day off, which is just false.
24 You know, if I wanted to go to the Poconnos, I can't.
25 I'm on call. If I wanted to have an adult beverage

2 at a barbecue, I can't. I'm on call. So, it does
3 infringe on them, and they will not see eye-to-eye
4 with that. To comment a little, if you don't mind,
5 about Cynthia K. Springer who wrote the letter from
6 Monta Bolles who's the VP General Counsel for USIC.
7 For the first year of bargaining, every one of my
8 proposals were rejected, and it wasn't counted. It
9 was a verbal rejection with anti-union rhetoric
10 intertwined with why she can't do what she had-what
11 we were proposing. There was no good faith
12 bargaining. Our last bargaining session on December
13 5th, I called the side bar with the Federal Mediator,
14 the Vice President of Local 1101, who sits on our
15 committee, myself, Monta Bolles, and-and Ms. Springer
16 just to make sure that they were clear that if they
17 addressed or concerns and-and obviously my proposals
18 on the table showed them that they didn't have to
19 come all the way to where I was that there was room.
20 But if they addressed our concerns on these three
21 issues that we could reach an agreement and we could-
22 we could talk to the Council about whether the
23 hearing was necessary or not. Monta Bolles' comment
24 back to me was: We are not afraid of your City
25 Council hearing. That was her-her comment back.

2 They actually made no comment. I said, Do you have
3 anything to say? And she goes, You don't think we're
4 afraid of your City Council hearing do you? So,
5 that's—that's the attitude I've been dealing with for
6 two years. They, you know, it's—it's a hard unit to
7 communicate with the members. They home garage so
8 it's tough to find a meeting place. Another little
9 story to talk to the members about this hearing
10 taking place we ran around to their meeting places.
11 They meet in a parking lot on Linden Boulevard behind
12 a movie theater for Brooklyn, and they meet in a New
13 York City public park parking lot in Queens. So, we
14 went there to talk to the guys to let them know that
15 this was going on, to tell them to hang, to tell them
16 we're working to get you a fair deal. They at our
17 next bargaining session pulled the Vice President out
18 of the room, and I wasn't there, and were trying to
19 make an argument that we had no right to talk to
20 those employees, our members, because we were calling
21 a union—union meeting and they would getting to the
22 union meeting by driving a company vehicle. And this
23 is us just trying to get there five, ten minutes
24 early to talk to the guys where they convene to get
25 their work. So, I'm sorry to go off.

2 COUNCIL MEMBER LANDER: No, thank you.
3 I'm sorry for your--

4 JOHN DEMPSEY: [interposing] But I don't--
5 I'm just trying to tell you the treatment or their
6 attitude towards the union, their attitude towards
7 their workers at the bargaining table, and they have
8 given us the last, best and final. They gave us a
9 proposal on August 28th that had movement to some of
10 these things that they call creative ideas. Since
11 then, they have not moved except for, you know, a
12 typo here and typo there, and now they're on their
13 last, best and final. Some of the other creative
14 things that they think are addressing our concerns is
15 the requirement of the--not requirement, but to accrue
16 extra paid time off by working hundreds of hours of
17 overtime. I mean I--it's outlandish.

18 COUNCIL MEMBER LANDER: It's crazy. So,
19 it sounds like, you know, the--the contempt they are
20 showing to, you know, to the workers and--and to the
21 union is--is also being shown to the City Council, and
22 I want to just talk a little bit about what I hope
23 we'll do about it. So, I'm-- [background comments]
24 So, you know, we're at the end of our term right now.
25 We just--we're going to have our final Council meeting

2 next money, as a result of which there wasn't a lot
3 of time to introduce new legislation and get it sort
4 of developed and through our lawyers and ready--

5 JOHN DEMPSEY: [interposing] Right.

6 COUNCIL MEMBER LANDER: --for this
7 hearing, and we'd like to have an oversight hearing
8 and understand-understand the situation better before
9 we legislate anyway, but we have talked about the
10 possibility of-of some legislation to address these
11 issues some of which it's clear to me the City
12 Council would have clear authority, some of which we
13 might need to work with our partners in the State
14 Legislature. But we-we've banned on-call scheduling
15 for fast food workers in New York City, which I'm
16 proud of. I, you know, we-I'm-I'm confident we have
17 the power to ban or-or require extra compensation
18 for. It's also really what we did in the case of-of
19 fast food workers. With retail workers we banned it.
20 With fast food workers we required some additional
21 compensation for late added hours. It seems to me
22 we-if we're going to do that for fast food and retail
23 workers doing it for workers who are protecting the
24 public and keeping us safe is a no-brainer. So,
25 would you work with us as we craft this legislation

2 just to make sure we kind of get it right and, you
3 know, make sure it works in a way that is, you know,
4 would work for you?

5 BOB MASTER: Well, obviously, we'd be
6 incredibly interested in working as closely as
7 possible with you to address these issues
8 legislatively if we cannot achieve any movement at
9 the bargaining table and, you know, the company, you
10 know, the company may not respect you, but we
11 certainly do, and would welcome your assistance.

12 COUNCIL MEMBER LANDER: I think when we
13 pass laws they, you know, they are generally--

14 BOB MASTER: [interposing] They may pay
15 closer attention--

16 COUNCIL MEMBER LANDER: [interposing]
17 They--they can--

18 BOB MASTER: --when we start having
19 hearings on--on legislation.

20 COUNCIL MEMBER LANDER: And likely, you
21 know, obviously there are workers much like your
22 workers who are covered in prevailing wage categories
23 some of those related to our Living Wage Law at the
24 City. Some related to the State Labor Laws. So, we
25 could talk to our--our partners at the state, but this

2 issue of safety protocols that really the Chair began
3 the hearing on seems to me like the idea that we
4 currently—there are streets, you know, there's city
5 streets, and we currently don't—are not concerned
6 that the folks who are mandated through this 811
7 system, to—to dig them up, there's no safety
8 protocols, protection standards. Obviously that
9 includes this on-call issue and rest, and but also
10 includes the Chair's point at the very beginning of
11 the hearing that there's no safety training required.
12 We just passed a bill that will make sure the
13 construction workers have a minimum level of safety
14 in order to prevent accidents. That's, you know, it
15 seems to me clearly we ought to consider doing
16 something similar for those workers who we're
17 authorizing to dig up the street. So, even though
18 today's hearing is not yet on those bills, certainly
19 coming out of this hearing, Mr. Chair, I'd love to
20 work with—with you and with Chair Miller, and Council
21 Members Dromm and Crowley, and anybody else whose
22 interested in developing these into legislation we
23 can introduce early in the new term. In the best of
24 worlds, the company will, you know, reconsider its
25 bargaining position, and work with you guys on a fair

2 contract, and we wouldn't have to move forward
3 legislatively. But it—it doesn't sound like that's
4 the direction it's heading, and given what we've
5 heard today, and I feel like the obligation we have
6 to you, Mr. Perez being fired exercise of your free
7 speech rights on our steps that I feel the Council
8 has a real obligation to move forward.

9 HAROLD PEREZ: Thank you.

10 COUNCIL MEMBER LANDER: Thank you.

11 CHAIRPERSON CONSTANTINIDES: Thank you,
12 Council Member Lander, and I would be interested in
13 working with you. So, just quickly, I have a few
14 more questions before we wrap up. What sort of, you
15 know, some of you have cited—I see workers have come
16 forward and stated there's a lack of job security,
17 and if, you know, a lot has to do with relating to
18 Con Edison and National Grid. If you mark the ground
19 and there's a dispute over the work that Con Edison
20 and—and National Grid workers do subsequent to you
21 marking the ground, what happens to it in relation
22 the USIC worker?

23 JOHN DEMPSEY: Can you—

24

25

2 CHAIRPERSON CONSTANTINIDES: Well, I mean
3 I think if-if, you know, if you mark the ground that
4 the utility pipe is here, and then the--

5 JOHN DEMPSEY: [interposing] You meant
6 the-

7 CHAIRPERSON CONSTANTINIDES:
8 [interposing] Con Edison and National Grid then
9 subsequently goes in and-and there's a dispute as to,
10 you know, maybe they go a little bit too far to the
11 left or, you know, they say that you guys are the
12 ones who marked it in the wrong place, what happens
13 the to rest of your workers

14 JOHN DEMPSEY: [interposing] So, whenever
15 there is a damage to any utility after one of our
16 members have performed their location of those
17 utilities, there's an investigation, right. We have
18 certain investigators that will go out and-and find
19 out what-what was the error. You know, did-did we-di
20 the guy do the job correctly, or was the prints just
21 incorrect or whatever. They have categories of
22 damages, too. High profile damages, which would be
23 gas, you know. It usually leads-if you made an error
24 there, it usually leads to your termination. If

2 there are other damages that aren't as high profile,
3 it leads to other disciplinary type action.

4 CHAIRPERSON CONSTANTINIDES: So, what's
5 the liability that Con Edison and National Grid hold
6 for USIC workers?

7 JOHN DEMPSEY: The liability?

8 CHAIRPERSON CONSTANTINIDES: Yeah, I mean
9 if-if-if something-if the whole process-the whole
10 process-whole high profile incident does occur,
11 right, and they're pointing the finger at USIC
12 workers. In turn, this investigation is done. What-
13 you know, that worker is terminated, right, it's--?

14 JOHN DEMPSEY: Yes. We've seen people
15 terminated for making mistakes locating stuff.

16 CHAIRPERSON CONSTANTINIDES: And what's
17 sort or process they do through? When you say the
18 investigation, what sort of investigation is done by
19 whom?

20 JOHN DEMPSEY: There's an actual-the guy
21 has an actual title that he's an investigator.

22 CHAIRPERSON CONSTANTINIDES: He works for
23 USIC or he works--?

24 JOHN DEMPSEY: I-I don't'-I-I can't tell
25 you for sure. I could-I could find it out for you

2 and let you know. I believe he works for National
3 Grid, but maybe Harold can help you.

4 HAROLD PEREZ: USIC has a set of
5 inspectors that do quality assurance, and National
6 Grid also has their own set of inspectors. Usually,
7 when a damage occurs, they meet at the site, and they
8 go over it there together. So, there's--there's--both
9 companies have their hand in disciplinary action at
10 the end of it.

11 CHAIRPERSON CONSTANTINIDES: So,
12 National Grid has a hand in determining who is at
13 fault?

14 HAROLD PEREZ: Yes.

15 CHAIRPERSON CONSTANTINIDES: And they may
16 in turn then look to see if--to point the finger in a
17 different direction, right, at one of the USIC
18 workers?

19 JOHN DEMPSEY: Yes.

20 CHAIRPERSON CONSTANTINIDES: When it
21 comes to training are there different--when you talked
22 about, you know, a couple of weeks working in the
23 office and then a couple of weeks on site. On the
24 different levels of work you--from this high profile
25 to the less high profile work, it is the same amount

2 of training? I mean how does--how does--how does the
3 whole training apparatus work for--

4 HAROLD PEREZ: [interposing] The training
5 goes based on an area, certain areas like closer to,
6 for example, a power plant there's going to be a lot
7 more sensitive facilities and high profile things.
8 But if they send you to train in an area that's not
9 near any of those, you might not encounter that
10 during your training. You might encounter that on
11 the field. You might just run across that, you know,
12 after you're already out on your own.

13 CHAIRPERSON CONSTANTINIDES: So, there's
14 a possibility of you not getting trained on these
15 sort of high profile--

16 HAROLD PEREZ: Yes.

17 CHAIRPERSON CONSTANTINIDES: --apparatus
18 and then being called in for an emergency and having
19 to do that work?

20 HAROLD PEREZ: Yes, they're going to show
21 you the book--the book stuff up until that point, but
22 you might not encounter one hands-on until you get
23 out on your own.

24 CHAIRPERSON CONSTANTINIDES: So, that's
25 kind of setting you up in a--in a bad way, then when

2 it comes to training, right? I meant it's—it's not
3 giving you the—the chapter and verse of what you need
4 to be effective for yourself to keep yourself safe,
5 and also to keep, you know, the city of New York
6 safe, right?

7 HAROLD PEREZ: Definitely.

8 CHAIRPERSON CONSTANTINIDES: And when it
9 comes to—to wages, how does salary and benefits
10 progress within three years or six years? [pause]

11 JOHN DEMPSEY: So, I don't know if I'm
12 going to be able to answer your specific question.
13 There is no progression table. It's just merit based
14 raises, right. So, prior to the union being there,
15 they would grab people in and Harold, you could
16 probably speak to this how you got your raises with
17 USIC. They bring you in and they just say, you're
18 getting another 40, 50 cents an hour, whatever they
19 decided on. There is no progression table. I will
20 tell you before we reached an agreement in February
21 of 2017 after the Decertification Vote after we won
22 the Decertification vote, before that, 66 out of 132
23 bargaining unit members were earning \$15 or less an
24 hour. Only 12 were owning—were earning about \$25--
25 \$22.50 an hour. After we reached the agreement on

2 3/20, the agreement at the end of February after
3 that, we had 34 of the people earning the minimum
4 wage, but now 59 people were earning between \$15.01
5 and \$17.50 and 32 were earning between \$17.50 and
6 \$20--\$22.50. So, we had made a good-good-some good
7 progress with that agreement, but now today I have
8 this here. Give me one second, if you don't mind.
9 [pause] Now, today, 40% of the bargaining unit again
10 is earning a minimum of \$15 an hour.

11 CHAIRPERSON CONSTANTINIDES: And that
12 sort of stands in direct contrast again to the
13 workers that you've negotiated with Verizon doing
14 very similar work, right, doing the same work-

15 JOHN DEMPSEY: [interposing] Correct.

16 CHAIRPERSON CONSTANTINIDES: --that have
17 baselines that they are getting every years as it
18 comes to benefits--

19 JOHN DEMPSEY: Yes.

20 CHAIRPERSON CONSTANTINIDES: when it
21 comes to pay, when it comes to pension correct?

22 JOHN DEMPSEY: Verizon, yes, Verizon has
23 a five-year-for the-for the employees that perform
24 this type of work for horizon, they have a-what is
25 called a five-year wage progression table where very

2 six months, you'll go up incrementally to top pay,
3 which is about \$42 an hour. So, after five years,
4 you'll be earning \$42 an hour doing similar work
5 that--that the USIC employees do. So--

6 CHAIRPERSON CONSTANTINIDES: That's
7 really all you're asking for, right is to be treated
8 fairly and--

9 JOHN DEMPSEY: [interposing] We're not
10 even--

11 CHAIRPERSON CONSTANTINIDES: --and--and,
12 yeah.

13 BOB MASTER: --I would--we're not asking
14 for anything near that, right.

15 CHAIRPERSON CONSTANTINIDES: I don't
16 think so, right.

17 BOB MASTER: I mean I think within 2-1/2
18 years, did we figure out that Verizon employees were
19 making something like \$29 an hour. So, within 2-1/2
20 years of being employed by Verizon, everybody who
21 does this work at Verizon is making more than what
22 people who have been 15 and 20-year employees at USIC
23 are making.

24 CHAIRPERSON CONSTANTINIDES: That is--

2 BOB MASTER: I want to come back to the-
3 the-the Con Ed-National Grid question for a moment,
4 if I may--

5 CHAIRPERSON CONSTANTINIDES: Sure
6 absolutely.

7 BOB MASTER: --which is that, you know,
8 our main beef with Con-Ed and National Grid is that
9 they are deeply implicated in this structure of
10 employment.

11 CHAIRPERSON CONSTANTINIDES: Right.

12 BOB MASTER: Right, they know exactly
13 what they're buying from USIC. They know at this
14 point exactly what USIC is paying, but they disclaim
15 any responsibility. It's not our business. We're not
16 the employer. We just contracted out, but they are
17 publicly regulated utilities with obligations to
18 protect the public with guaranteed rates of return
19 set by statewide regulators, and yet they don't want
20 any accountability for the treatment of these
21 workers, and we just think that's wrong. They
22 obviously could say to their contractor that's not
23 how we do things in New York. Maybe you do it that
24 way in Minneapolis or Phoenix or, you know, North
25 Carolina or wherever the heck else you operate, but

2 in New York we pay people a living wage. We,
3 National Grid and Con-Ed pay our employees a living
4 wage, although not without some dispute as we know
5 from several years ago, but, you know, they could—
6 they obviously have a lot of leverage, and so, we,
7 you know, really disappointed that they didn't bother
8 to show up, and explain their attitude towards the
9 way in which USIC treats its workforce.

10 CHAIRPERSON CONSTANTINIDES: And we
11 share—I-I, you know, Council Member Lander, if I'll
12 be allowed to speak for you, I think you've already
13 said this. We—we share your disappointment in that.
14 There is an opportunity today to be heard by Con-
15 Edison, by National Grid, by USIC in a forum, in
16 public, on the record. Right, have the opportunity
17 to have a dialogues with Council Members asking
18 questions, right, and if—if—if their side of the
19 story is so compelling, why not sit in the chair?
20 Why not have them take the opportunity to be heard
21 and defend themselves, and—and say—lay out their side
22 of the story, and at this public forum on the record
23 being sworn in as we do here at City Council
24 hearings. They've taken the opportunity not to do
25 that and that speaks volumes until itself right. So,

2 we definitely agree with you in that disappointment
3 today. Alright, so I think with that, I will thank
4 this panel for your testimony.

5 BOB MASTER: We thank you for your
6 support and your interest.

7 CHAIRPERSON CONSTANTINIDES: Absolutely.

8 JOHN DEMPSEY: Thank you.

9 CHAIRPERSON CONSTANTINIDES: Thank you.

10 HAROLD PEREZ: Thank you. [background
11 comments]

12 CHAIRPERSON CONSTANTINIDES: Alright, so
13 with that, I want to thank all the members of CWA
14 1101 for being here today, and your testimony. We
15 look forward to working with you and ensuring that
16 your members are treated fairly, and that, you know,
17 I definitely look forward to working with our Chair
18 I. Daneek Miller, and I wish him a speedy recovery on
19 his back. Thank you Council Member Lander, and
20 others who have asked questions today, and again,
21 thank you Matt Carlin, Ken Kotwoski, and Brandon
22 Clark from Council Member Miller's office as wells as
23 Nick, Wazowski from my staff. With that, I'll gavel
24 closed this meeting of the Civil Service and Labor
25 Committee. [gavel]

1 COMMITTEE ON CIVIL SERVICES AND LABOR

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C E R T I F I C A T E

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



Date December 26, 2017