

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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January 27, 2021  
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HELD AT: Remote Hearing, Virtual Room 3

B E F O R E: I. Daneek Miller  
Chairperson

COUNCIL MEMBERS: I. Daneek Miller  
Adrienne E. Adams  
Daniel Dromm  
Farah N. Louis  
Francisco P. Moya  
Helen K. Rosenthal  
Eric A. Ulrich

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

Steve Banks  
First Deputy Commissioner and General  
Counsel  
Office of Labor Relations

Dawn Pinnock  
Executive Deputy Commissioner  
Department of Citywide Administrative  
Services

Quintin Haynes  
Executive Deputy Commissioner  
Department of Citywide Administrative  
Services

Steven Ettannani  
Executive Director of External Affairs  
Department of Consumer and Worker  
Protections

Vinny Alvarez

Shawn D. Francois I

Ralph Palladino

Oren Barzaliy

Josh Kellerman

Anthony Wells

Mark Henry

Alice Wong

Danny Cassella

Donna G. Ellaby

Gabriel Galuci

Mark Anthony Espinosa

Jeff Oshins

Irene Lew

Dalvanie Powell

Gloria Puma

Yesenia Mata

Erik Antokal

Ligia Guallpa

Mouhamadou Aliyu

Jonathan Pete Dorton

Hilda Salcedo

@



2 SERGEANT AT ARMS: PC recording is up.

3 SERGEANT AT ARMS: The cloud is rolling.

4 SERGEANT AT ARMS: Backup is rolling.

5 SERGEANT AT ARMS: OK. Good morning and  
6 welcome to the New York City Council remote hearing  
7 from the Committee on Civil Service and Labor. At  
8 this time we ask that all council members and council  
9 staff please turn on their video for verification  
10 purposes. To minimize disruption throughout the  
11 hearing, please place all cell phones and electronic  
12 devices to silent or vibrate. If you have testimony  
13 you wish to submit for the record, you can do so via  
14 email by sending to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Once  
15 again, that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). We thank  
16 you for your cooperation. Mr. Chair, we are ready to  
17 begin.

18 CHAIRPERSON MILLER: Good morning. I'm  
19 Council Member I. Daneek Miller. I'm the chair of  
20 the Committee on Civil Service and Labor. Today we  
21 will be voting on two pieces of legislation that I  
22 sponsored, both of which relate to workplace safety  
23 during the pandemic, or public health emergencies.  
24 As we all know by know, COVID-19 pandemic caused by  
25 the new type of coronavirus, SARS-CoV-2, which began

1  
2 to spread in 2019, late 2019. Because, because of  
3 this virus, because this virus had not been  
4 encountered before and because it has transmitted so  
5 quickly, guidelines and guidance on how to prevent  
6 viral spread changed rapidly, and we learned about,  
7 as we learned about this new disease. Organizations  
8 such as the World Health Organization, ah, Centers  
9 for Disease Control, New York City Department of  
10 Health, OSHA, and other governing bodies often, ah,  
11 provided new guidelines in real time. Sometimes they  
12 even conflicted. And so this caused a great deal of  
13 confusion. Recent reports demonstrate that essential  
14 frontline workers and employees from, ah, hospital  
15 workers, um, MTA workers, restaurant, delivery folks,  
16 EMS, teachers, and, and so many others have shown  
17 that guidance around how to stay safe in the  
18 workplace during the pandemic has at times been  
19 inconsistent, incorrect and, and improperly  
20 disseminated by the employers. This creates another  
21 set of issues by allowing workers to feel that they  
22 are not safe and secure in their own workplace during  
23 the time of the pandemic. The legislation proposed  
24 here attempts to address this issue. 2161-A would  
25 establish a board to review workplace health and

1 safety guidance and issue employees, and issue, ah,  
2 guidance to the employees during COVID-19. This  
3 board would hold two public hearings. The board  
4 would consist of nine folks, a nine-person panel,  
5 including a labor representative, and the board would  
6 hold two public hearings over the next year from the  
7 relevant stakeholders and experts, and employees of  
8 other health and safety guidance protocols that have  
9 been issued through the city's and other agencies.  
10 After hearing this testimony, the review board would  
11 then issue two reports assessing how an employee has,  
12 had done in responding to COVID-19 pandemic,  
13 including how effectively they have disseminated  
14 health and safety guidance to their employees and  
15 have they done so in real time. The reports would  
16 also include recommendations on how city agencies and  
17 employees can better protect workers during public  
18 health emergencies. The final report will be due on  
19 December of 21. Next, we have proposed Intro 2162-A,  
20 would require a Citywide Office of Occupational  
21 Health and Safety, which is an office with the  
22 Department of Administrative Services monitored, that  
23 they monitor all federal, state, and city agencies  
24 that issue workplace safety guidelines during a  
25

1 public health emergency. COSH would, would be  
2 responsible for emailing any update health and safety  
3 guidance to coordinate the safety coordinates of, of  
4 the various agencies throughout the city within 24  
5 hours of a receipt of the emails and this  
6 information. The safety and health coordinator at  
7 each agency must post new guidance to the workplace  
8 and email each employee and/or use text of the new  
9 guidance to ensure their safety, as well as customize  
10 summaries of parts of the guidance most relevant to  
11 those employees and the categories that they  
12 represent. Finally, the health and safety  
13 coordinators would also be required to provide any  
14 education or training needed to comply with the new  
15 health safety guidelines. Together these bills will  
16 work to make our workplace safer during the public  
17 health emergencies, in particular COVID-19 pandemic.  
18 They will help better review and better disseminate  
19 workplace health and safety guidelines during health  
20 crisis, such as the one we are currently  
21 experiencing. I'd like to thank my staff, ah, chief  
22 of staff Ari Lusumijam, legislative director John  
23 Marny, ah, senior advisor Joe Goldbloom, and  
24 certainly the committee staff, ah, who have done  
25



2 yeoman's work, ah, Nusat Thomas and John on, on this  
3 legislation. Ah, I, we have been joined, ah, by my  
4 colleagues, Council Members Adams, Dromm, Moya, and  
5 Rosenthal. Ah, clerk, can you call the vote?

6 COUNCIL CLERK: Yes, Mr. Chair. Good  
7 morning. This is the Committee on Civil Service and  
8 Labor. A roll call vote on proposed Intros 2161-A  
9 and 2162-A. We will start with Chair Miller.

10 CHAIRPERSON MILLER: [inaudible] I  
11 proudly vote aye on all.

12 COUNCIL CLERK: Council Member Dromm.

13 COUNCIL MEMBER DROMM: I vote aye.

14 COUNCIL CLERK: Council Member Rosenthal.

15 COUNCIL MEMBER ROSENTHAL: With  
16 congratulations to the chair, I vote aye.

17 COUNCIL CLERK: Council Member Adams.

18 COUNCIL MEMBER ADAMS: Congratulations,  
19 Mr. Chair. I vote aye.

20 COUNCIL CLERK: Council Member Moya.

21 COUNCIL MEMBER MOYA: Congratulations,  
22 Chair. I vote aye.

23 COUNCIL CLERK: Council Member Ulrich.  
24  
25

1  
2 COUNCIL MEMBER ULRICH: With  
3 congratulations to the chair, I vote aye on all.  
4 Thank you.

5 COUNCIL CLERK: Thank you. Mr. Chair,  
6 with a vote of 6 in the affirmative, zero in the  
7 negative, and zero abstentions, the items are  
8 adopted.

9 CHAIRPERSON MILLER: Thank you so very  
10 much, ah, Mr. Clerk, and, ah, we've been joined by  
11 Council Member Ulrich as well, as we can see. Ah,  
12 thank you all for joining us. And now, ah, we will  
13 get on to, ah, our, today's hearing. Ah, once again,  
14 I am Council Member I. Daneek Miller and would like  
15 to welcome everybody to today's virtual hearing on  
16 the topical of the state of labor during the COVID-19  
17 era. I would like to acknowledge and, and welcome,  
18 ah, those who have joined us, ah, once again, ah, my  
19 colleagues, Adams, Dromm, Moya, Rosenthal, and  
20 Ulrich, um, for their participation and, and the work  
21 that we as a committee have done to keep, ah, the  
22 city's workplace, ah, workforce, ah, safe during the  
23 pandemic. The first year of COVID-19 has been a  
24 hardship, illness, isolation, it has been long and it  
25 has felt endless. As we move towards finally

1  
2 vaccinating this, vaccinating the city it's important  
3 to remember the struggles of the labors, the laborers  
4 in the workforce that has served us. They continue  
5 to put their own lives at risk to keep others healthy  
6 and safe. Today's hearing is designed to be a  
7 platform for labor during this impossible times. We  
8 want to hear from the workers around the city about  
9 what they have experienced during the pandemic and  
10 the concerns and issues and the needs that still need  
11 to be addressed, to be addressed. We want to broadly  
12 understand how the pandemic has impacted labor and  
13 the work that they do for us here in the City of New  
14 York. What issues have dominated? What issues still  
15 remain? Which workers have been most impacted? And  
16 how the municipality and government can better  
17 support this workforce as we move forward. A key to  
18 understanding how COVID-19 has impacted and changed  
19 the workforce in New York City must be trying as we  
20 are trying to figure how the pandemic has interacted  
21 and potentially exasperated an already existing  
22 structural inequities in the labor workforce. We  
23 know that the government has issued in New York PAUSE  
24 on executive order in March 2020. It created two  
25 categories of workers - essential workers and

1 nonessential workers. Essential workers have been  
2 our front-line workers, those workers who could or  
3 have had to work outside the safety of their homes,  
4 even as the pandemic escalated. Our essential  
5 workers have been our nurses, doctors, sanitation  
6 workers, transit workers, grocery clerks, essential  
7 frontline workers did not have the opportunity to  
8 work remotely every day. They put out, put on their  
9 uniforms, came out into the community, put their  
10 bodies on the line to serve our city and make all of  
11 our lives seamless as possible. Importantly, we also  
12 know that essential frontline workers tend to be  
13 disproportionately workers of color, women,  
14 immigrants, and other marginalized groups. The  
15 Fiscal Policy Institute study of essential workers  
16 found that 63% of the workers are women, 53% are  
17 immigrants, 33% are black, and 30% are Latinx. We  
18 know that the frontline workers bear higher risk of  
19 contracting COVID-19. Studies have shown that these  
20 workers have also, have experienced poor mental  
21 health outcomes. A June 2020 study by the Kaiser  
22 Foundation, for example, found that essential workers  
23 reported more symptoms of depression, disorder,  
24 higher rates of substance abuse, higher rates of  
25

1 suicidal thoughts, than their nonessential  
2 counterparts. We also know that frequently the most  
3 vulnerable or marginalized individuals are mostly  
4 affected by the crisis. The same is true by COVID-19  
5 impact, impact on workers. Existing, excuse me, to  
6 be especially with, with respect to receiving  
7 necessary PPEs in a timely fashion and now to be able  
8 to access vaccines. Finally, the committee also  
9 wants to hear from the mayoral Office of Labor  
10 Relations, Department of Citywide Administrative  
11 Services, and Department of Consumer and Worker  
12 Protections. We want to know what these agencies  
13 have been doing to protect and support workers, what  
14 grievances and challenges that they have seen coming  
15 from these workforces, what they have learned from  
16 their mistakes, and there have been many, ah, made  
17 during the pandemic, and how they will better support  
18 and serve our pivotal critical workforce as we move  
19 forward. The committee thanks the administration,  
20 workers and laborer advocates for being as, as  
21 present here today to testify. We hope that what we  
22 hear from all sides, ah, is fruitful and that will  
23 help us to improve the lives of the city's workforce.  
24 Once again, I'd like to thank, ah, Ari Musajab, John  
25

1  
2 Wannu, Joe Goldbloom, ah, and, and [inaudible]  
3 committee staff, Newstat, John, and Thomas, as we  
4 move forward. Um, if we could, ah, well, first of  
5 all, ah, Newstat, if we have any instructions from  
6 council and then we will move forward with the, ah,  
7 affirmation of the administration.

8                   MODERATOR: Ah, thank you, Chair. Ah,  
9 I'm Thomas Nath, ah, policy analyst for the Committee  
10 on Civil Service and Labor at the New York City  
11 Council. I will be moderating today's hearing and  
12 calling on panelists to testify. Before we begin  
13 testimony, I want to remind everyone that you will be  
14 on mute until you are called on to testify. After  
15 you are called on you will be un-muted by the host. I  
16 will be calling on panelists to testify, and please  
17 listen for your name to be called. After you called  
18 on you will be un-muted by the host. During the  
19 hearing, if council members would like to ask a  
20 question please use the Zoom raise hand function and  
21 I will call on you in order. We will be limiting  
22 Council Member questions to five minutes. This  
23 includes both questions and answers. Please note  
24 that for ease of this virtual hearing we will not be  
25 allowing a second round of question. Thank you. All

1 public testimony will be limited to three minutes.  
2 After I call your name, please wait a brief moment  
3 for the Sergeant at Arms to announce that you may  
4 begin before starting your testimony. I will now  
5 call on the following members of the administration  
6 to testify. Ah, Steve Banks, first deputy  
7 commissioner and general counsel from the Office of  
8 Labor Relations, Dawn Pinnock, executive deputy  
9 commissioner from the Department of Citywide  
10 Administrative Services, Quintin Haynes, from the  
11 Department of Citywide Administrative Services, and  
12 Steven Ettannani, executive director of external  
13 affairs from the Department of Consumer and Worker  
14 Protections. I will first read the oath and after I  
15 will call on each of you individually to respond. Do  
16 you affirm to tell the truth, the whole truth, and  
17 nothing but the truth before this committee and to  
18 respond honestly to CM questions? Deputy  
19 Commissioner Steve Banks?

21 FIRST DEPUTY COMMISSIONER AND GENERAL

22 COUNSEL BANKS: I do.

23 MODERATOR: Deputy Commissioner Dawn  
24 Pinnock?

2 EXECUTIVE DEPUTY COMMISSIONER PINNOCK: I  
3 do.

4 MODERATOR: Deputy Commissioner Quintin  
5 Haynes?

6 EXECUTIVE DEPUTY COMMISSIONER HAYNES: I  
7 do.

8 MODERATOR: And Steven Ettannani.

9 EXECUTIVE DIRECTOR ETTANNANI: I do.

10 MODERATOR: Thank you. Deputy  
11 Commissioner, you may begin when ready.

12 FIRST DEPUTY COMMISSIONER AND GENERAL

13 COUNSEL BANKS: Thank you, ah, Chair Miller and  
14 members of the committee for convening this hearing.

15 Ah, my name is Steven Banks and I serve as

16 [inaudible] general counsel at the New York City

17 Office of Labor Relations. Um, and I'm here to

18 discuss the city's outreach and collaboration with

19 its municipal unions during the last 10-plus months

20 of this global pandemic. And I can see that a number

21 of our municipal local union representatives are here

22 today and I'm sure this committee will hear from them

23 as well. I'm also joined today by my colleagues,

24 Executive Deputy Commissioner Dawn Pinnock and

25 Executive Deputy Commissioner Quintin Haynes from



1  
2 DCAS, and DCWP Executive Director of External  
3 Affairs, Steven Ettannani. Um, and they'll be  
4 assisting with, ah, questions and answers. Um, in my  
5 view, ah, the Office of Labor Relations' role as a  
6 central oversight agency in dealing with unions is  
7 never more important than during a crisis or  
8 emergency. Um, just in terms of the [inaudible]  
9 meeting with the municipal labor committee, as you  
10 know, the umbrella group of municipal unions, on  
11 February 20 of 2020 where health professionals from  
12 DOHMH, um, ah, presented, ah, a presentation on the  
13 COVID-19 science and answered questions from unions  
14 for several hours. And in general our practices is  
15 to try to get our labor unions involved as early as  
16 possible since they serve as the representatives of  
17 overall 300,000 city employees. Um, that initial  
18 meeting in February of 2020 was before the city had  
19 felt the full effect of the virus and was meant to  
20 educate, um, our union representatives so that they  
21 could then educate their members. Ah, as the virus  
22 fully took hold in the city in March, um, one of the  
23 steps that we took as an employer was to establish a  
24 telework policy, which hadn't been in place before,  
25 um, which led to many of our city workers who could

1 perform their work from home to do so. Um, and as  
2 Chair Miller mentioned, um, that's not true of every  
3 employee, but, um, there was a telework policy  
4 implemented for the very first time. Um, just as an  
5 example, the Office of Labor Relations has about 150  
6 employees and we closed our offices on March 20 and  
7 remain working remotely through today. Um, the city  
8 also established last spring a lead policy for city  
9 employees to ensure that those affected by COVID-19  
10 would receive excused time off without charging lead  
11 balances. That policy has been updated several times  
12 and remains in place today. [inaudible] eligible  
13 include those who are experiencing symptoms  
14 [inaudible] who may be subject to a governmental or  
15 medical quarantine, or caring for another person who  
16 is subject to a quarantine, or caring for a child  
17 whose school has been closed. Um, in each of those  
18 situations, ah, OLR's engaged and notified affected  
19 labor unions and provided copies of relevant policies  
20 and, ah, worked with them to answer questions that  
21 have arisen over the time that those policies have  
22 been in effect. Now we, we fully recognize that each  
23 bargaining unit within city government is truly  
24 unique in the role that they play and our goal as an  
25

1 oversight agency on behalf of the mayor is to reduce  
2 disparities by treating each union and each group of  
3 employees in a fair and equitable manner while taking  
4 account of the different types of work that they do.  
5

6 Um, ah, going back to the spring of 2020 a major  
7 issue that we were dealing with our unions on was,  
8 ah, health and safety protocols, particularly for  
9 those employees, as Chair Miller mentioned, who  
10 continue to put on the uniform and go to work every  
11 day. Um, and this included, ah, cleaning protocols  
12 at our various agencies, um, for the facilities, the  
13 provision of personal protective equipment, ah, which  
14 was certainly a challenge at first, um, but  
15 ultimately we were able to procure, ah, large  
16 supplies of things like masks and gloves and, um,  
17 other procurements like laptops for those employees  
18 who were working at home. Um, we also worked at that  
19 time with labor unions as some municipal employees  
20 were moving functions to assist the city with the  
21 emergency. One example of that was school nurses  
22 when schools were closed, ah, moving to Health and  
23 Hospitals to assist with the surge there. Um, and  
24 while there are inevitable areas of disagreement  
25 between labor and management in some of these

1 situations, our approach, ah, on Commissioner Campion  
2 and, and myself on down has been to engage our unions  
3 and work through these issues collaboratively rather  
4 than moving forward unilaterally. Um, as we  
5 transitioned into the summer of 2020 the city and  
6 DCAS, ah, issued return to the office guidance, which  
7 was meant to educate agencies and provide some  
8 consistent citywide guidance that could be  
9 implemented where applicable. Um, as certain groups  
10 of employees returned to in-person assignments or  
11 worked with agencies and unions, um, to ensure that  
12 union representatives were notified of changes in  
13 work location, um, in a number of instances union and  
14 management representatives held walk-throughs of work  
15 sites so that unions could see themselves that, ah,  
16 things like social distancing and other protocols  
17 were being adhered to in the workplace. Um, we've  
18 also worked with both unions and healthcare providers  
19 to ensure that city employees have access to COVID-19  
20 tests on a priority basis, and we worked with DOE and  
21 their labor unions on protocols for, ah, COVID-19  
22 testing for employees who work in schools. Um, now  
23 most recently, um, our work, ah, and outreach with  
24 the unions has been most [inaudible] on the  
25

1  
2 distribution of the vaccine. Ah, all our staff is  
3 presently daily at the city's Vaccine Command Center  
4 so that if issues arise that require coordination  
5 with our labor unions we're aware and we're able to  
6 immediately effectuate that communication. Um, the  
7 Vaccine Command Center staff is working with state  
8 officials daily to interpret and expand the  
9 definition of which city employees are eligible to  
10 vaccinated in the current phase 1-B, um, and earlier  
11 this money OLR along with Deputy Mayors Wolfe,  
12 Fuleihan, and Hartzog, ah, again briefed the MLC  
13 steering committee, um, on behalf of the entire  
14 workforce on the city's vaccination efforts. And,  
15 again, the goal is involve labor in the discussion  
16 early and make sure the unions have access to the  
17 latest and most accurate information. Um, in support  
18 of our vaccination effort, the city as an employer  
19 recently issued a policy which allows for city  
20 employees to receive, ah, excused time during the  
21 work day to go and receive the vaccine, um, and also  
22 provides for three hours of compensatory time to any  
23 employee who's received both doses. Um, we also  
24 specifically added vaccine side effects to the list  
25 of reasons for excused time under the policy that I

1 mentioned earlier. Um, we've also taken steps to  
2 educate our workforce directly about the vaccine.  
3 The Vaccine Command Center has hosted five tele-town  
4 halls for city employees with Dr. Jay Marma providing  
5 general information about the vaccine and answering  
6 questions that employees [inaudible]. Um, we plan to  
7 continue those education efforts so that we can  
8 address concerns some employees may have and  
9 encourage as much of our workforce to get vaccinated  
10 as possible. This is all, ah, part of the city's  
11 effort to make sure that employees are supported in  
12 making the decision to receive the vaccine. Um,  
13 ultimately we truly believe that, ah, labor unions  
14 are our partners in this effort and we work every day  
15 at cultivating relationships with our labor  
16 colleagues and working together with, ah, the city's  
17 municipal unions. I want to thank, ah, Council  
18 Member Miller and the members of the committee again  
19 for holding a hearing on this important topic and  
20 will answer whatever questions you might have.

22 MODERATOR: Thank you for your testimony,  
23 Deputy Commissioner. Ah, we will now turn it over to  
24 Chair Miller for questions.

1  
2 CHAIRPERSON MILLER: Um, are we gonna  
3 hear from the, ah, the other first deputies?

4 FIRST DEPUTY COMMISSIONER AND GENERAL  
5 COUNSEL BANKS: The other city agencies [inaudible]  
6 assist with Q&A.

7 CHAIRPERSON MILLER: OK, good. Ah, so,  
8 um, if, if we could kind of, ah, thank you all for  
9 joining us today, thank you for, ah, the work over  
10 the past nearly year now and it's, it's, it's amazing  
11 that we've been doing this for so long, ah, at, at  
12 this point. Um, but before we work our way up to  
13 present day and, and vaccine we, we do want to, ah,  
14 kind of reference a few things as, as to how we got  
15 here, but part of this hearing, ah, is also, ah,  
16 about equity and, and ensuring that, that our entire  
17 workforce is, is being treated with the dignity and  
18 respect and equity that they deserve and, and so, um,  
19 I know that, first off, ah, does the administration  
20 agree with the legislation that we put forth today,  
21 2161 and 2162, ah, that, that, ah, was voted on, ah,  
22 is that something that the administration looks to  
23 support?

24 FIRST DEPUTY COMMISSIONER AND GENERAL  
25 COUNSEL BANKS: I, I would defer to my colleagues at,

1 ah, City Legislative Affairs, but I know that, ah,  
2 council staff and mayor's office staff were involved  
3 in negotiating a lot of the terms of, ah, those  
4 particular provisions. So I know a lot of it, a lot  
5 of the terms were agreed upon, but I can't speak to  
6 the final version.  
7

8 CHAIRPERSON MILLER: OK. And, and, and I  
9 would say that because, ah, when we were with OLR  
10 and, and DCAS specifically, but OLR when we were  
11 having regular meetings back in, in, in March, April,  
12 ah, during, May, during the height of the pandemic  
13 and, and there were, um, notices and, and change in  
14 public health policies coming out pretty rapidly, um,  
15 there was some concern about whether or not, ah, the,  
16 the administration, particularly OLR, had the  
17 capacity to put them out in real time and that there  
18 were a number of agencies that, that, ah, that did  
19 different work. Ah, they had to figure out what was  
20 relevant and, and whether or not that could happen.  
21 Honestly, that was really the nexus for, we were very  
22 much concerned and that was the nexus for, for the  
23 legislation itself. Ah, I will say, um, having  
24 worked with, with DCAS on this matter and, and being  
25 the, the, the agency responsible for kind of



1 aggregating this data and, and getting it out, um,  
2 that I was, ah, ah, a little more confident, ah, that  
3 the workforce would ultimately, ah, have some of the,  
4 the technical resources and support that they needed.  
5 And I just, as a matter of backdrop, um, you know, I  
6 know there were agencies, ah, that, you know, that  
7 were dealing with the public that, ah, initially  
8 didn't want the workforce wearing masks because it  
9 deterred the public from coming in or utilizing the  
10 service. Then, you know, subsequently, ah, once  
11 that, once the guidelines came down that, that, that  
12 showed that, you know, the, the, the mask was  
13 necessary, um, then the, the workforce was allowed to  
14 wear a mask, but the public wasn't required to wear a  
15 mask, even, ah, in, in some of the HRA centers and,  
16 and, and others, and clearly, you know, it took a  
17 while for public transportation, which we know to be  
18 the epicenter of, of the spread of the virus as well,  
19 and so, you know, that took a moment and, and so, um,  
20 we were trying, what, what we were looking for was  
21 coordination, ah, amongst agencies. So we have a  
22 number of questions around that, um, how did that  
23 happen, um, how did we get to the point that we, we  
24 were able to have some type of get this information  
25

1 out in real time, ah, to the relevant agencies and,  
2 and, and that went from everything from, from the,  
3 ah, accessing PPEs, the use of PPEs, when and where  
4 PPEs should be used, ah, ah, EMS, ah, for instance,  
5 ah, are responsible, charged with cleaning their own  
6 cabs and, and the trucks. You know, ah, how do you  
7 clean the cab, what do you clean it with during the  
8 time of COVID? Were they properly instructed? When  
9 were they instructed? You know, things like that is,  
10 is, was really again the nexus of the legislation.  
11 Are we satisfied that we, we kind of, ah, met that  
12 goal in doing so and not just with the legislation  
13 but obviously this was in, in very early times, but  
14 that we're able to turn around this information  
15 coming from these health and science governing bodies  
16 and get it where it needs to be in, in real time.

18 FIRST DEPUTY COMMISSIONER AND GENERAL  
19 COUNSEL BANKS: Yeah, so, I, I agree, Chair Miller,  
20 that, you know, that communication is obviously, um,  
21 it's a challenge and it's also really important,  
22 right? So in terms of the city as an employer,  
23 right, we have multiple streams of Dawn and her team  
24 at DCAS, um, push out any new relevant city policies  
25 to all agencies through the agency personnel

1  
2 officers, which is usually like an HR lead for each  
3 agency. Ah, but then they've also been holding since  
4 the pandemic started, um, [inaudible] all the agency  
5 personnel officers where they can ask questions.  
6 And, you know, I usually participate along with  
7 [inaudible] staff in answering questions from  
8 agencies. So that's one way that we push information  
9 out to agencies and then our office, OLR, um,  
10 anytime, ah, workforce-related policies come out, um,  
11 we share them with our, ah, labor unions, the  
12 leadership of our, of our unions and that's another  
13 way we get them out to the workforce. So, um,  
14 obviously, you know, ah, it's always a challenge, um,  
15 and there's a lot of city agencies, some big, some  
16 small, um, but getting information out there, um, is  
17 critically important, right? And then, um, separate  
18 from those streams, right, I know that there have  
19 been websites, um, originally, um, for just for  
20 COVID-19 information on nyc.gov and more recently for  
21 stuff like vaccine-specific information that  
22 employees can access directly. Um, so, but certainly  
23 the more, um, different modes of communication the  
24 better. So we agree completely with you on that  
25 point.

1  
2 CHAIRPERSON MILLER: So, so that, yeah,  
3 we're talking, you know, that would be general  
4 information. But [inaudible] agency specific  
5 information, um, how, how, how do we disseminate that  
6 information? Are we satisfied that, that we reached  
7 all of our target audience as we talked about some of  
8 the various specifics and nuances of, of, of cleaning  
9 materials, PPEs, what is social distancing, how do  
10 you social distance within, you know, the, the, the  
11 confines of, of occupational, ah, ah, conditions.  
12 Ah, have we clearly defined what those conditions are  
13 between each agencies and how do, how were we able to  
14 and, and continue to get that information out in real  
15 time with information when, when things change as  
16 rapidly as they were?

17 FIRST DEPUTY COMMISSIONER AND GENERAL  
18 COUNSEL BANKS: Yeah, so on health and safety  
19 specifically, um, again there's going to be a wide  
20 variance between our larger agencies will have  
21 dedicated health and safety offices and officers,  
22 right, where our smaller agencies might have people  
23 who wear multiple hats and do health and safety,  
24 among other functions. And then I think you  
25 mentioned in your opening remarks, Chair Miller, that

1 there's also gonna be a distinction, um, ah, between  
2 different agencies in terms of the functions they  
3 perform, where the Department of Sanitation or the  
4 Parks Department or the Police Department that  
5 essentially never shut down and had employees  
6 reporting to work every day in last March, April,  
7 May, and beyond. There's gonna be a different  
8 approach, um, than an agency like OLR, where  
9 employees have been, um, remote and only occasionally  
10 or voluntarily appearing at the office, ah, our  
11 office on Cortlandt Street, um, where we have, you  
12 know, made some preparations, but it's obviously not  
13 as ac. So I, I think it will vary from agency to  
14 agency and I don't know if Dawn wants to add  
15 anything. DCAS also has the, ah, the Citywide Office  
16 of Occupational Safety and Health, um, that has some  
17 oversight, ah, role, ah, within city government.

19 EXECUTIVE DEPUTY COMMISSIONER PINNOCK:

20 So, um, I won't, um, necessarily about, um, the  
21 Citywide Office for Safety and Health because I do  
22 think that, um, Council Member Miller in your remarks  
23 you talked about how they work director with our  
24 health and safety coordinators at every agency. What  
25 I would say is that, um, similarly to what, um, Steve

1 mentioned, when we draft our policies we certainly  
2 draft them with the intent to cover every situation.  
3 However, every work space is different. Um, job  
4 functions will vary, and so we do, um, leave room for  
5 agencies to incorporate those agency-specific  
6 elements to ensure that they are taking our policy to  
7 that next level. So really our policy should really  
8 serve as a foundation. So if there are definitions  
9 specifically around what social distancing means we  
10 would follow a definition that is actually, you know,  
11 reported by the CDC or DOH, so we would make sure  
12 that that guidance is there. But if we're talking  
13 about, um, the, the aspects of a very specific  
14 workplace or, um, some specificities relating to a  
15 job title, that would be an area where the agencies  
16 step in. And so that's the reason why we've been  
17 working literally every week we have a standing  
18 meeting with our HR professionals. Um, I could tell  
19 you, um, that that has certainly ramped up  
20 communications with that team, because we want them  
21 to serve as a central hub to ensure that every  
22 employee gets the same information regardless of job  
23 title. And so, um, as part of those weekly forums we  
24 talk about any changes to policy, um, anything that  
25

1  
2 we're seeing that's changing as it relates to CDC  
3 regulations. Um, we discuss things that may be  
4 upcoming just to give them a heads up. But we also  
5 open ourselves for ongoing dialogue in the event that  
6 they have an agency-specific issue where they believe  
7 that they need us as an oversight agency to help them  
8 navigate.

9           CHAIRPERSON MILLER: So, so, in, in that  
10 case, knowing that you guys are responsible for, for  
11 providing the overall kind of guidelines and then,  
12 and, and then technical or support on, on specific,  
13 ah, implementation of that depending on what that  
14 workforce looks like. Ah, um, where does the  
15 oversight come from when once, once the information,  
16 even the, just the, the rarest, the, um, not the  
17 rare, but the, rawest information, the, the most  
18 fundamental generic information goes to, to, to the  
19 agencies, um, and then, um, is kind of contoured to  
20 the specific needs or services that are being  
21 provided by that workforce. Where does the, where  
22 does, is there any oversight for, for agencies to  
23 ensure that, that they are complying with  
24 notifications, number one that notifications are  
25 being posted and, and disseminated to the workforce,

1  
2 but also that they are making the proper adjustments,  
3 ah, ah, that are necessary. Do we just push it out  
4 and, and, you know, if, if you don't have, um,  
5 currently your, your, your Workers' Comp, your  
6 disability information posted, you know, you're  
7 subject to, to penalties, right? What happens if  
8 we're not posting this information that comes out  
9 that, that, you know, around, ah, this workplace  
10 health and safety as it relates to COVID? Where's  
11 the oversight?

12 FIRST DEPUTY COMMISSIONER AND GENERAL  
13 COUNSEL BANKS: Well, certainly from, from my  
14 standpoint one practical area that there, um, that  
15 the oversight comes up is that we have our labor  
16 unions, right, and I see a number are represented,  
17 ah, here today. I see, you know, Anthony Wells and  
18 John Francois, and a union like DC37 has employees at  
19 every city agency. So obviously if there's an agency  
20 or a bureau within an agency, ah, where there are  
21 health and safety issues where, um, you know, let's  
22 say some of their protocols are out of whack with  
23 what's being done, ah, in the rest of the city,  
24 certainly one way that our office, OLR, um, becomes  
25 aware of it is through our labor partners, right?



1  
2 And I'm not saying it's necessarily their job to  
3 provide oversight, but that's one practical way that  
4 we, um, that, ah, there's sort of an enforcement of  
5 the general idea of, ah, consistency, fairness, and  
6 equity. Um, and so we've had those issues, ah,  
7 arise. I was on a call, ah, a couple of weeks ago  
8 with some of, ah, Anthony's reps and attorneys about  
9 an issue in a particular agency and we were able to  
10 talk through it and work through some of the issues.  
11 So that's certainly one way that it arises, and I  
12 don't know if my colleagues from DCAS, Quintin or  
13 Dawn, um, want to add anything about how, um, ah, our  
14 city agencies, um, adhere to whatever protocols are  
15 out there.

16 CHAIRPERSON MILLER: Ah, apparently not,  
17 but now that you mentioned those, those bargaining  
18 union representatives that are out there, from the  
19 OLR perspective how, how many outstanding or, or even  
20 resolved grievances as relate to COVID-19, ah, have  
21 you received?

22 FIRST DEPUTY COMMISSIONER AND GENERAL  
23 COUNSEL BANKS: Yeah, so as general counsel, right, I  
24 see all of the grievances that come up for  
25 arbitration and, um, I think that COVID-19-related

1  
2 grievances, I would say that there's probably, um,  
3 you know, less than five that have come to  
4 arbitration and, um, they're probably all still  
5 pending. Um, you know, ah, related to issues around,  
6 um, health and safety or returning to the office, or  
7 stuff like that. Which, you know, considering that  
8 we have 150 different bargaining units and there's  
9 plenty, you know, I, I see plenty of disciplinary and  
10 [inaudible] grievances, um, coming up to arbitration,  
11 I think is a testament to that most of the issues  
12 we've been able to either resolve at a local level  
13 between the agency and the shop steward, um, or if it  
14 doesn't get escalated then it might come to OLR,  
15 where it might be more a union president to OLR  
16 issue. But we've been able to resolve those issue by  
17 and large in the labor management context and there  
18 has been, you know, I, I would say, ah, very little  
19 grievance activity.

20 CHAIRPERSON MILLER: But so, so, as, as  
21 you mentioned, return to work, ah, is, is, is, is,  
22 one, one of the things that we're concerned about  
23 from a committee perspective here is, is equity and,  
24 and, and whether or not each agency is, is treated  
25 with the same dignity and respect, but, you know, ah,

1  
2 and, and, ah, and, and policy and whether or not the  
3 return to work, um, I've, I've heard from, from  
4 bargaining units and, and union members that they  
5 were kind of like forced back to work. They got to  
6 work and supervisors were not at work and to  
7 supervise them, um, that they were and sometimes, you  
8 know, ah, forced to use, ah, their own leave  
9 entitlements for COVID-related, ah, time loss and,  
10 and, is that, is, is, are those inequities something  
11 that you see or is that something, ah, by virtue that  
12 occurs by virtue of, of, of negotiation or  
13 renegotiation or amendments of terms and conditions  
14 of, of work rules, ah, based on, on, on the pandemic.  
15 How, how, have you negotiated with, with, with all of  
16 the bargaining units or are you negotiating with the  
17 municipal labor council? How has that happened,  
18 these change in conditions of employment that we have  
19 seen by virtue of COVID-19? How, how did they occur?

20 FIRST DEPUTY COMMISSIONER AND GENERAL

21 COUNSEL BANKS: Sure. So there's a few different,  
22 ah, aspects to your question. One is, um, you know,  
23 the idea of employees having to use their own time  
24 for a COVID-related absence really shouldn't be the  
25 case. We do have a, a citywide policy that, um,

1 provides for excused leave for, and I mentioned, you  
2 know, just a few of the categories, right, if someone  
3 is, obviously if they're positive, testing positive,  
4 if they're just symptoms, if they're, ah, ordered to  
5 quarantine, um, by either their own doctor or by, you  
6 know, the Department of Health, for instance, all of  
7 those are reasons under our policy for people to get  
8 excused leave. So that shouldn't happen. But it  
9 probably goes to, ah, what I was talking about a few  
10 minutes ago, about communication and making sure that  
11 people are aware of those benefits, right, because in  
12 order to get that leave you have to request it and  
13 you have to know about it. Um, you also mentioned,  
14 um, you know, issues from agency to agency. And I  
15 think Dawn touched on that a few minutes ago, where,  
16 um, as oversight agencies, as the Office of Labor  
17 Relations and DCAS and the Law Department, who's not  
18 here, right, we, we provide, um, foundational  
19 guidance to the agencies, right? Um, in, in exactly  
20 the same situation there should be the same, it  
21 should trickle down to the same policies, right?  
22 There are unique aspects of our different jobs and  
23 work sites throughout the city, right, even when you  
24 think about social distancing in the workplace,  
25

1 right? The DEP, ah, sewage treatment plant isn't  
2 going to be the same as a fire house. It's not gonna  
3 be the same as an office in the muni building, right?  
4 There, there is definitely some uniqueness among both  
5 our job duties and our work sites, and that's gonna  
6 lead to, ah, different approaches. Um, the issue  
7 that you raised about, um, employees being called to  
8 come into the office and no supervisors, that, that  
9 seems like it shouldn't, shouldn't happen. If we  
10 need to talk offline about a specific agency or  
11 situation that came to your, ah, attention, Chair  
12 Miller, we can certainly do that. I don't know if  
13 there's some extenuating reason why one employee  
14 might be absent and another employee might be there.  
15 But that's something that we can look into. Um, and  
16 then lastly, you know, the issue of inequality,  
17 right, certainly the, um, you know, as an  
18 administration we've often said that, that COVID-19  
19 has, um, brought to light inequities throughout  
20 society and our city, and that the virus has, ah,  
21 disproportionately impacted women, people of color,  
22 working class people. Um, for the city as an  
23 employer, recognizing what I mentioned a few moments  
24 ago, that each job function is unique and we have  
25

1  
2 consistent policies and procedures, the differing  
3 nature of, of different work functions will sometimes  
4 necessitate a different response, um, during the  
5 emergency. And obviously, and I don't think it's  
6 disputed that some functions that city government  
7 performs can adequately be performed remotely and  
8 others, um, need to be, ah, in person. And we, we  
9 have had discussions at various points with  
10 individual labor unions about agencies' approaches to  
11 that. Um, and I think the key overall for the city  
12 as an employer is to be flexible and reasonable and  
13 to treat, um, all employees, no matter what their job  
14 function is, with the respect and dignity that they  
15 deserve.

16 CHAIRPERSON MILLER: I'm sorry. In, in,  
17 in terms of those negotiations and, and, and policy  
18 changes, ah, they, they occurred individual by  
19 individual unions and each individual union had been,  
20 ah, ah, specifically negotiated with around the  
21 changes in their work conditions based on COVID-19?  
22 Or is this unilateral?

23 FIRST DEPUTY COMMISSIONER AND GENERAL

24 COUNSEL BANKS: So, I mean, I think the, the  
25 decisions as to whether a given employee or unit is,

1  
2 for example, working from home, right? Most of those  
3 decisions were initially made last March, right?  
4 Those are generally made by management, but we  
5 communicate them with whatever unions might be  
6 affected. So, for example, um, we did have, I think  
7 in the late summer and early fall some small pockets  
8 of city employees who had been at home returning to  
9 the office, right, and in those situations our  
10 message to agencies was to engage every affected  
11 union, right, because in one work site there might  
12 be, you know, 20 employees, but it might be five  
13 different unions represented, right? So our  
14 instructions to the agencies were to brief all the  
15 affected unions on what the plans are, lay it out for  
16 them, um, allow them to do what I mentioned in my  
17 testimony, which is walk-throughs of the work site  
18 beforehand. So, I mean, I wouldn't say from a, a  
19 technical standpoint that's negotiations, but it's  
20 collaboration and notification. And then if the  
21 union has issues, and those situations did arise  
22 where we had these walk-throughs and they said well,  
23 we don't like that there's, you know, four people in  
24 this room. We think that it's not, ah, compliant  
25 with social distancing. Maybe there's some, ah,

1  
2 reconfiguring of the work space, um, to accommodate  
3 that, right? So it's, it's working alongside our  
4 labor partners, um, because, you know, um, the unions  
5 are spokespeople for the workers themselves, right?  
6 And so we want to work with them and have a  
7 collaborative, um, cooperative agreement to move  
8 forward, um, with our labor unions and thereby with  
9 our employees.

10 CHAIRPERSON MILLER: So, so, ah, let me  
11 just ask that my, my colleagues who, who have  
12 questions, ah, please use the raise hand function,  
13 because clearly there's, there's a lot to unpack here  
14 and I want to make sure that we're hearing from  
15 everyone. Um, so, and, and I'm glad you raised that,  
16 because not only do we have a number of bargaining  
17 units sometimes working within, ah, the same agency,  
18 but sometimes we have various agencies working within  
19 the same facilities, right, and, and, you know, I, I  
20 know last week, ah, we had, um, and this may, you  
21 know, non-mayoral agencies, so it may be a little  
22 different. But, ah, we had a, a COVID potential  
23 outbreak, ah, at the Board of Elections, ah, and you  
24 had one or two agencies that addressed the, ah,  
25 crisis, number one, and, and, and gave it the urgency



1  
2 that it deserved. It also brought the resources that  
3 it deserved and it had somebody else who did neither,  
4 and that, nor did they address it in a timely  
5 fashion. Ah, how often does it occur that you have a  
6 situation like that, first of all like you mentioned  
7 the first time, a situation where you have multiple  
8 bargaining units working within the same agency but  
9 you have different agencies working within the same  
10 building and you get different guidelines, ah, for  
11 those different agencies? I think that's also what  
12 we're trying to get to here, whether or not there's,  
13 there needs to be uniformity, but whether it needs to  
14 be specific, the specifics, that needs to occur as  
15 well. Um, and, and, and I know it sounds like a lot,  
16 but this is life and death, right? And, and that  
17 people can't have, ah, such vastly, ah, different,  
18 um, policies as it relates to, um, public health.  
19 And, you know, what are we doing to ensure that that  
20 does not occur, um, and have we identified situations  
21 in which, um, those, ah, diverse policies exist?

22 FIRST DEPUTY COMMISSIONER AND GENERAL

23 COUNSEL BANKS: Yeah, so, I mean, certainly from my  
24 office's standpoint, um, in the situation you  
25 described, there should be consistency and

1  
2 uniformity, ah, amongst the agencies. I know that we  
3 have, you know, certainly our office was involved in  
4 coordinating, you know, one example, um, was as the  
5 PSAC, the Public Safety Answering Center, right,  
6 where there are employees of the police department  
7 [inaudible] right? We worked with all those  
8 agencies. And obviously it's more complicated when  
9 there's three sets of managers as opposed to one.  
10 Um, but because that building held employees from all  
11 three agencies we worked with them to establish a  
12 policy, um, early on in the pandemic to have  
13 temperature checks coming in, right, and establish a  
14 policy where, you know, one group of employees wasn't  
15 prioritized over the other, but, and there also  
16 weren't long lines and, and stuff like that. So, um,  
17 where possible I think interagency coordination is  
18 appropriate. I'm not familiar with the specific  
19 situation [inaudible] but, um, ah, in, in like, you  
20 know, if all else is equal, um, the agency should  
21 handle those situations, ah, similarly. So, um, we  
22 agree with that and so if there are, if issues like  
23 that arise, um, our office and DCAS are oversight  
24 agencies, um, that can try to help, ah, with that  
25 consistency.

1  
2 CHAIRPERSON MILLER: Ah, Commissioner,  
3 you, you, you also mentioned that what we have seen,  
4 ah, over the past near year now is, ah, ah, some of  
5 the inequities that have manifested itself, ah,  
6 because of COVID and its impact on, ah, certain  
7 communities that have been historically marginalized  
8 and, and underrepresented. Um, clearly we've see the  
9 same with, with workforces. Ah, can, can, can you  
10 identify some of the inequities that you've seen, ah,  
11 throughout city agencies and, and what you have done,  
12 what the administration has done to, to mitigate or  
13 rectify or make those, ah, ah, workers or workforce  
14 whole?

15 FIRST DEPUTY COMMISSIONER AND GENERAL  
16 COUNSEL BANKS: So, I mean, in terms of the city  
17 workforce, right, I think the main differences in  
18 terms of employers' response is gonna be based on  
19 the, the job function. Um, and I know, you know,  
20 early on in your comments and in some of these  
21 questions and answers, right, the issue of working  
22 remotely versus in person, um, has been raised,  
23 right? And we recognize that there are going to be  
24 differing results and approaches based on the  
25 different work that, ah, a city employee performs as

1  
2 part of the overall structure of providing services  
3 for our residents, right? You mentioned like the  
4 Department of Sanitation, right? We, we have to be  
5 in person to pick up the trash. A firefighter can't  
6 work remotely, right? There are other job functions  
7 that, um, and maybe the, the pandemic has pushed us  
8 to this point where we recognize that, um, you know,  
9 at or close to full 100% productivity, um, while  
10 working remotely, right? So, um, that's a difference  
11 that's not as a result of gender or race or, um, you  
12 know, economic condition. It's gonna be a result  
13 that's dictated by the employee's job function. But,  
14 um, obviously that's a challenge, right? That's  
15 gonna lead to, um, ah, different experiences for  
16 different employees and I think that that's, you  
17 know, it's inevitable but, um, obviously that's  
18 something that we, um, have been working, um, since  
19 this started, um, and hopefully as we move forward to  
20 people getting vaccinated and being in a post COVID-  
21 19 world, ah, I think that, um, ah, OLR and DCAS and  
22 the Law Department are gonna have to talk about  
23 whether a permanent ongoing telework policy is  
24 appropriate and we have to think about issues like  
25 that inequity, um, and the result of which employees

1  
2 could potentially take advantage of a, of a program  
3 like that versus who couldn't, even when we're  
4 outside of [inaudible].

5 CHAIRPERSON MILLER: So what we have  
6 seen, quite frankly, ah, ah, ah, very early on, ah,  
7 are those who, quite frankly, you know, for, for, for  
8 lack of, for better terms, ah, you know, here we're  
9 talking about working class professionals who, who  
10 have options that, that folks that deliver services  
11 that require them to leave their home and, and, and  
12 be on the ground are, are treated differently. And,  
13 and, and clearly we're talking about, ah,  
14 specifically with you and DCAS, the city's workforce  
15 and, you know, but, this, this hearing is a little  
16 broader than that and we have delivery folks and  
17 private sector folks and, and retail workers that  
18 we're gonna hear from, ah, worker protect, we'd like  
19 to hear from them as well in, in doing so and, and,  
20 and those inequities. But there is some historical  
21 inequities even within, you know, ah, ah, workforces  
22 and, you know, FDNY and, you know, ah, and, and, and  
23 those historical inequities that, that exist here  
24 and, and work that has been done and, and, and who's  
25 answering calls and, and, and responsibilities, and

1  
2 the additional responsibilities of, of EMS and, and,  
3 you know, we've been talking about that for the last  
4 five years, ah, equity and compensation, and I think  
5 no, ah, there's been no greater demonstration of the  
6 injustice there that in the work that has been done  
7 by this workforce during, ah, COVID-19, where they  
8 have undertaken, ah, ah, a plethora of additional  
9 tasks and not necessarily that compensated or been  
10 specifically trained to answer the, the number of  
11 calls, the types of calls, the, particularly around  
12 the mental health challenges that they're now asked  
13 to do, ah, whether or not their counterparts at FDNY  
14 are answering the level or any of the, ah, COVID-  
15 related, respiratory-related calls and that, that  
16 charge, ah, lays specifically with them. Um,  
17 certainly one, one would surmise that there's an  
18 inequity there, but also, ah, at, at so many  
19 different levels, but we knew that going in, right?  
20 That, that there was this disparities around  
21 compensation and we've been having that conversation  
22 and I would hope now that, you know, we, we're saying  
23 this [inaudible] crisis is a terrible thing to waste,  
24 that, that, that there is room for that conversation  
25 as, as, as we move through that, and I was just

1  
2 looking at, you know, that the council has a, a  
3 plethora of things going on and I'm gonna, ah, I want  
4 to, I want to just raise my hand and, and vote on the  
5 other side. And, and, and so, um, if I could just  
6 before hearing from Worker Protections, ah, if, if,  
7 if, ah, DCAS could talk about some of the work that  
8 they have done around policy, around the, the, the  
9 guideline, the workplace guidelines, because one  
10 thing that I have not seen, ah, is, and, and they've  
11 been very good at, you know, the shutdowns, the  
12 reopening, what the guidelines look around, look  
13 around that and getting that information out, and,  
14 and, and, and for many folks, including my staff and  
15 others, have taken advantage of a lot of their online  
16 instruction. But were there any, ah, instructions  
17 available for agencies, managers, even folks like  
18 myself, that, that, ah, ah, professional development  
19 around remote working from home, right? Because  
20 there's, there's, there's this zealousness and, and,  
21 and, and, ah, folks are eager to do it, ah,  
22 passionate about the work that they do and I think  
23 that passion got us through the first month or two  
24 but afterwards, um, we're, we're, we're now realizing  
25 that we're being tasked and challenged to do

1 something that we aren't really, ah, ah, physically,  
2 emotionally trained and prepared to do, right, which  
3 is to, to provide services remotely. Um, has the  
4 city done anything to, to retrain the workforce, ah,  
5 to remote service delivery?  
6

7 EXECUTIVE DEPUTY COMMISSIONER PINNOCK:

8 So thank you for that question. Um, I would say,  
9 I've been trying write notes because, ah, over this  
10 time that we've been, you know, remote, there have  
11 been so many things that, um, DCAS has done, you  
12 know, um, as an agency but also in partnership with  
13 OLR, with OMB, and with the Law Department. So, um,  
14 one of the things that we did, ah, and I know that  
15 Steve referenced this, was the fact that we put  
16 together some return to office guidance. So really a  
17 part of that was to bring all the agencies together  
18 in a town hall format, which we did. We host, we  
19 hosted a series of training sessions. Um, I can  
20 certainly double check my attendee list, but  
21 generally the council also has a standing invitation  
22 to any of those meetings because we also have a  
23 standing invitation, um, to the council as it relates  
24 to our HR leads meeting that we conduct on a weekly  
25 basis. So in those particular meetings, um, well,



1 those town halls, we talked about forming areas. We  
2 talked about preparation of your building, your work  
3 space, how do we prepare the staff, and  
4 communication. So I think those last two areas is,  
5 is where you're going. Um, so in terms of preparing  
6 our workforce, we really don't view it as, um, a  
7 retraining, but more like an upscaling, right,  
8 because this is a completely new environment for all  
9 of us, and so the guidance that we offer to agencies  
10 specifically around the workforce was making sure  
11 that people were, um, knowledgeable, of lead  
12 policies, really using HR as a central hub as it  
13 related to knowledge around how you properly charge  
14 your time and take care of yourself and your family.  
15 But also to bring in our equity and inclusion  
16 professionals also as another body, our EEO body, as  
17 it relates to the processing of even reasonable  
18 accommodations, because that is certainly also  
19 another option that is afforded to employees who have  
20 a documented disability. But even beyond that, we  
21 went through communication and that ties in with what  
22 you said around engagement. Um, we do understand  
23 that a remote environment is difficult, um, for many  
24 people for a lot of reasons. So one of the things  
25

1 that we do is remind our employees of the services  
2 offered through the Employee Assistance Program, who  
3 work with NYC because they've also ramped up their  
4 efforts in order to provide, um, individuals with  
5 coping skills as they deal with disconnection,  
6 feelings of loss, but separate and apart from that  
7 we've also, um, ramped up, ah, just having, um,  
8 information that we posted in, in addition to that  
9 relating to just guidance on how do you manage in a  
10 remote environment. You know, our instructions have  
11 really tied into trying your best to replicate what  
12 would have happened in office, but doing that  
13 remotely. So we talk about proper use of technology.  
14 How do you track productivity? How do you engage,  
15 um, um, your employees in meaningful conversation,  
16 especially if you think that that employee is  
17 struggling? How do you do your check-ins in a way  
18 where people don't feel checked up on, but they feel  
19 cared after? So certainly that is guidance that we  
20 provided to, um, managers and supervisors and made  
21 that available to our HR leads. Um, and certainly  
22 that is information that we can share with you, um,  
23 happy to do that. I mean, we came up with a very  
24  
25

1 simple quick one-pager that really walk people  
2 through, um, areas of engagement.  
3

4 CHAIRPERSON MILLER: Thank you. Um, has  
5 there been agencies, specific agencies, that have  
6 reached out to you for that type of professional  
7 development and training for their workforce?

8 EXECUTIVE DEPUTY COMMISSIONER PINNOCK:  
9 So I would say there's been a cross-section. I mean,  
10 certainly we are in communication with DOB quite  
11 often, um, because, you know, they actually have a  
12 pretty, um, solid training platform. However, folks  
13 sometimes just want to bounce ideas off of us. Um,  
14 ah, I would say that in some cases HRA, just because  
15 they're so decentralized and so, in some cases, they  
16 may want to ask how could engagement be, ah,  
17 improved, especially with their folks who are  
18 working, um, not in their central office location  
19 internally to DCAS. We've had to think about how we,  
20 we print flyers, and I noted that, you know, it may  
21 sound wasteful, but it's effective. We want to make  
22 sure our employees know the benefits that are  
23 afforded to them. We send them cards at the time  
24 that we know that they are not well. We've sent  
25 them, ah, wallet-size cards to put in their wallets,

1  
2 which include all of their leave information because  
3 we understand they are on the front lines and they  
4 don't have the benefit of having a laptop directly in  
5 front of them. And so those are some of the best  
6 practices we've also shared with agency partners.

7 FIRST DEPUTY COMMISSIONER AND GENERAL

8 COUNSEL BANKS: And just to add to what Dawn said,  
9 she mentioned, ah, during her, ah, early in her  
10 answer the city's Employee Assistance Program, right,  
11 which is a part of OLR that I'm really proud of,  
12 where we have licensed social workers that service  
13 city employees, um, who might be experiencing mental  
14 health or, ah, substance abuse issues, um, and, you  
15 know, I can report, you know, in terms of overseeing  
16 that group that our EAP group has never been busier,  
17 right? And a lot of it has been related to the  
18 COVID-19 pandemic and challenges, like Chair Miller  
19 said, about working from home. Um, and I think part  
20 of it is word of mouth, ah, across agencies, um,  
21 where, ah, EAP, you know, is getting a reputation as  
22 a resource that could be really effective for city  
23 employees and then even more recently, right, with  
24 everything that happened at the Capitol and people's  
25 anxiety and stress about that. There, there was a

1 whole 'nother series of, ah, referrals to EAP. So  
2 that's another resource that's out there for our, our  
3 employees, ah, that, you know, like I said, we're  
4 really proud of and I think, um, throughout the last  
5 year they've been, um, doing, you know, really  
6 important work and have been as busy as they've ever  
7 been.  
8

9 MODERATOR: Ah, Chair Miller, I believe  
10 you're on mute.

11 CHAIRPERSON MILLER: I, I had to jump in.  
12 I apologize. I had a vote in Land Use and, and I  
13 just did that, but I'm listening and I, I, I  
14 appreciate that. Um, so, um, can, can, can we hear  
15 from, ah, Worker Protection on some of the things  
16 that, that they're hearing from, from some of the  
17 private sector unions and, and the non-represented  
18 people? And what they're doing to support workers?  
19 Ah, and, and what kind of grievance, grievances have  
20 they seen, ah, over the past 10 months as it relates  
21 to, ah, workforce, ah, health and safety, ah, during  
22 the pandemic.

23 EXECUTIVE DIRECTOR ETTANNANI: Thank you,  
24 Chair. I, I appreciate the question. Um, I want to  
25 just actually touch on something that, that, that you

1  
2 were, ah, that you alluded to earlier in the terms  
3 of, you know, racial, ah, equity and how this, um,  
4 pandemic in so many ways has, ah, magnified, ah, ah,  
5 inequities that already exist in the city for, for,  
6 for years and years. Um, at DCWP our, our mission  
7 and our primary focus is to enforce the municipal  
8 workplace laws that, that we're charged with. Um, as  
9 you know, our laws never lapsed. Ah, they were never  
10 suspended, um, by executive order or otherwise during  
11 the pandemic and in so many cases, um, their  
12 environment has been pivotal, ah, to ensuring that,  
13 um, essential workers, those on the front lines,  
14 those that are, as you know, so often lowered, lower  
15 class or working class folks, um, immigrant folks,  
16 our most vulnerable populations are being protected  
17 and well resourced. Um, we have specific examples  
18 actually of working with, um, folks in, in, ah,  
19 private sector unions, ah, that have made, um,  
20 substantive referrals to us that have resulted in  
21 enforcement actions that of course have led to, ah,  
22 money being returned to, ah, folks' pockets. Um,  
23 just a couple weeks ago, um, and I know, Chair, um,  
24 you championed this bill, the, the Grocery Worker  
25 Retention Act. Ah, we worked with our colleagues,

1  
2 our, with, ah, with, ah, RWDSU rather, um, and  
3 received a referral about, about a Key Food, um, in  
4 the Bronx that, um, was in violation of that law.  
5 Um, because of those tips, because of our  
6 communications with private sector unions, for  
7 example, in this case, we were able to return nearly  
8 \$100,000, um, in returned wages to, to workers. Um,  
9 that's just one example of how we're leveraging, um,  
10 you know, consistent and, and, and constant  
11 communication with our, with our, ah, union partners  
12 in the city. Um, we've also worked, for example,  
13 with, with 32BJ, um, on a myriad of different cases,  
14 including, ah, ones at Chipotle, for example, um, and  
15 most recently this past July, um, as it related to  
16 airline service workers who, ah, were, um, basically,  
17 ah, I guess their employer were, was in violation of  
18 the Paid Safe and Sick Leave laws and we were able to  
19 return again money, ah, to those workers' pockets.  
20 So in short, I think, you know, for us and what we've  
21 been hearing unfortunately is that, you know, we have  
22 so many incredible cases where, um, employers have,  
23 have done the right thing. They've, they've  
24 resourced their workers, they've let them know they,  
25 about their rights and, and been communicative with

1  
2 them. Um, but in the cases where we have  
3 unscrupulous employers or, ah, ones that aren't  
4 following the letter of the law, we're relying on our  
5 private sector unions, um, we're taking affirmative  
6 actions in, in some cases as well, to ensure that our  
7 workplace laws that the council, you know,  
8 thankfully, ah, passed, ah, years ago in some cases,  
9 to protect essential employees are being enforced,  
10 um, because now more than ever paid time off is so  
11 critical, predictable scheduling is so critical, and,  
12 as you know, um, the council just recently, um,  
13 passed and the mayor signed Just Cause protections to  
14 ensure that there aren't arbitrary firings for fast  
15 food workers, another, um, segment of essential  
16 workers, um, working class New Yorkers that, um, we  
17 think will, will have far-reaching impacts to ensure  
18 that, that these folks aren't, you know, needlessly  
19 objectified or, or, ah, or, ah, taken advantage of.  
20 So, ah, we thank the council for that work and, and  
21 we're certainly working with our union partners to,  
22 to ensure that, um, you know, where, where cases that  
23 these folks are, are getting short-changed that we're  
24 getting money back to them as soon as possible.



1  
2                   CHAIRPERSON MILLER: Thank you. Um, so,  
3 um, we, we have a long day. We have so many  
4 panelists. I, I would just before, before I ask my  
5 final questions to the administration I would just  
6 ask that someone hang around because we have union  
7 folks, ah, that, that are going to speak about some  
8 of their concerns and grievances. We want to make  
9 sure that, that they're being heard. Often what  
10 happens is, you know, the administration comes on  
11 and, and they paint a picture, or, or, or they speak  
12 their truth and, and then the unions come on and, and  
13 it's a bit of a different story. And while we don't  
14 want to debate the merits of that during the course  
15 of the hearing, we need for you to hear from the  
16 people that represent the workforce that is serving  
17 New York City in this most, ah, during their most  
18 vulnerable time and, and, and, and merely, you know,  
19 ah, the grievances, you may not have the grievance in  
20 front of you. Ah, there may be some things that  
21 occur in the real time, ah, but I think, ah, it is  
22 very important that, that you hang around to hear  
23 what they have to say so that we can, ah,  
24 collectively put our resources together and make sure  
25 that we're, we're serving workers. Um, and, and so

1 with that I, I want to talk about, ah, vaccine  
2 distribution and, and, ah, what that looks like, ah,  
3 ah, how exactly, ah, that is occurring. I, I know  
4 that there is, you know, there is a state mandate  
5 what that compliance looked like, but also what  
6 flexibility does the city have in determining what  
7 workers are essential. Let me just say when we talk  
8 about equity and inclusion, um, what we've learned in  
9 order for us to address and, and those folks that,  
10 that make our lives so seamless, day to day, give us  
11 the quality of life that we deserve often go  
12 unnoticed, right, and they have been noticed, ah,  
13 during this pandemic and we bragged about them  
14 greatly, ah, but often when it comes time to  
15 compensate them it doesn't happen. When it comes  
16 time to provide them with the PPEs it doesn't happen.  
17 When it comes time for, for, for, for, ah,  
18 vaccination it is not happening, that you have folks  
19 who have the opportunity by virtue of profession or  
20 privilege who have jumped the line, been vaccinated,  
21 and [inaudible] enclaves of privilege and, and these  
22 folks that have to go out each and every day and work  
23 outside their community, potentially infecting  
24 themselves, their families, and their communities,  
25

1  
2 um, have to wait until March to be, to be vaccinated,  
3 right? So what is that process, what can we do  
4 differently, ah, what impediments are there, are  
5 there from getting those folks, ah, who suffer these  
6 inequities, ah, and, and, and that we can ultimately,  
7 ah, prevent what the service that we've seen, ah,  
8 with the lack of PPEs, what the people who, these are  
9 the same folks that are coming from the communities  
10 that, ah, are most impacted. [inaudible] tomorrow,  
11 ah, we'll be, ah, introducing a resolution, um, that  
12 calls for real time distribution of, once again,  
13 information and data, ah, to ensure that communities  
14 that were most impacted, that the workforce that was  
15 most impacted, ah, has access to the vaccine. Ah,  
16 what had, what could we do as a city to, to mitigate  
17 those inequities and what has the administration done  
18 to ensure that these bargaining unit folks and  
19 otherwise that have provided these critical services  
20 have access to the vaccine?

21 FIRST DEPUTY COMMISSIONER AND GENERAL

22 COUNSEL BANKS: Sure. Thanks, Chair Miller. So  
23 I'll, I'll speak about the city, ah, as an employer  
24 and our current efforts and then I'll turn it over to  
25 my colleague, Steve, to, ah, add anything relevant in

1  
2 the private sector in terms of, of vaccine  
3 distribution. So, um, I mentioned during my  
4 testimony, right, that there is a Vaccine Command  
5 Center, um, that's been run out of City Hall and, ah,  
6 our office, um, has a representative at the Vaccine  
7 Command Center every day. Um, and so right now, um,  
8 we're in phase 1-B of the vaccine distribution. Um,  
9 so included in that group are, um, some major  
10 categories of city employees, um, teachers and  
11 education workers, first responders, public safety  
12 workers, public transit workers, and, ah, congregate  
13 shelter staff. And so we [inaudible] all of those  
14 categories. And so, um, you're right, Chair Miller,  
15 that the state, um, has the primary responsibility to  
16 determine who's eligible under a given phase, at a  
17 given time. Um, but the city is in constant  
18 communication and, ah, essentially we're pushing for  
19 more and more city employees to be interpreted to be  
20 included in that group. Um, as I understand it, the  
21 major challenge, um, that, ah, everyone through the  
22 state, but the city in particular is having right now  
23 is with vaccine supply, right. I know that there  
24 are, um, constant conversations going on through  
25 different channels, um, and, you know, you've heard

1 the mayor speak about that on an almost daily basis.  
2 Um, so from the city's standpoint we want as many of  
3 our workers as possible to get vaccinated, right? We  
4 recognize that currently and, you know, for the  
5 foreseeable future we're not mandating them  
6 [inaudible] so part of that is for those groups who  
7 are eligible, um, that employees choose to get  
8 vaccinated and, so I mentioned some of our education  
9 efforts where we try to get the word out there, um,  
10 you know, through various channels, um, and make  
11 people feel comfortable with, ah, getting the vaccine  
12 'cause it's for the benefit of themselves, their  
13 families, and also the city residents at large, um,  
14 to have those, ah, those city workers vaccinated at,  
15 at as high of a level as we can get to. Um, so those  
16 are the, you know, our current, ah, ongoing efforts,  
17 ah, as far as I understand them for the, for the city  
18 workforce, you know, and there's, there's also as a  
19 practical matter, there's five sites set up  
20 throughout the city that are for city workers only,  
21 um, to, to get vaccinated, and so only city workers  
22 can make appointments, ah, at those places and, ah,  
23 you know, hopefully that leads to more and more city  
24 staff, ah, getting the vaccine. Um, but I'll ask  
25

2 Steve, ah, speak about it, this, the administration's  
3 efforts with regard to the private sector.

4 CHAIRPERSON MILLER: Is, is that, is that  
5 one in each borough?

6 FIRST DEPUTY COMMISSIONER AND GENERAL  
7 COUNSEL BANKS: Yeah, it's a, it's a large high  
8 school, ah, yeah, there's one large high school  
9 essentially in each borough.

10 CHAIRPERSON MILLER: OK. And, and, and  
11 that is specifically for, for the municipal  
12 workforce?

13 FIRST DEPUTY COMMISSIONER AND GENERAL  
14 COUNSEL BANKS: That's right.

15 CHAIRPERSON MILLER: And everyone who is  
16 within those prescribed categories is available to  
17 access that, ah, the, the, the, ah, vaccine from,  
18 from that center?

19 FIRST DEPUTY COMMISSIONER AND GENERAL  
20 COUNSEL BANKS: [inaudible] right, if we have the  
21 vaccines, then yes. So we were going for a couple  
22 weeks, right, where everyone who's eligible in 1-B  
23 could make appointments at those places to get  
24 vaccinated.

1  
2           CHAIRPERSON MILLER: And what is the  
3 appointment, what, what is, what does that look like?  
4 Does, does, I've received several appointments, um,  
5 as far as several calls that said that there are  
6 appointments with a month out and, and, and in the  
7 meantime they've, they've got to got to work every  
8 day, right? Or, or even as far out as nearly, you  
9 know, six weeks out. What does that look like?

10           FIRST DEPUTY COMMISSIONER AND GENERAL  
11 COUNSEL BANKS: Yeah, so, I mean, I can talk to the  
12 Vaccine Command Center folks, Chair Miller, and get  
13 back to you today about what the, the, the time would  
14 look like. I had not heard that, but I can verify  
15 sort of what the turnaround time...

16           CHAIRPERSON MILLER: And, and, and how we  
17 prioritize? Are there folks working remotely that is  
18 on this list that can access the vaccine?

19           FIRST DEPUTY COMMISSIONER AND GENERAL  
20 COUNSEL BANKS: No, I mean, the teachers and  
21 education workers are eligible to get vaccinated,  
22 right? So there are some classrooms that have been  
23 closed down for one reason or another that are  
24 remote, where the teacher might be at home. That  
25 teacher is still eligible, right? But by and large

2 the categories of employees that we're talking  
3 about...

4 CHAIRPERSON MILLER: If a teacher, if a  
5 teacher has elected to stay home for the duration and  
6 won't be back in the building til September are they  
7 eligible.

8 FIRST DEPUTY COMMISSIONER AND GENERAL  
9 COUNSEL BANKS: They're not getting vaccinated.

10 CHAIRPERSON MILLER: You sure about that?

11 FIRST DEPUTY COMMISSIONER AND GENERAL  
12 COUNSEL BANKS: My, you know, my understanding is if  
13 an employee, for example, is under reasonable  
14 accommodation and can't, can't come in and work they  
15 would not get vaccinated. But if a teacher, if a  
16 teacher's class has been remote, um, because,  
17 remember, a lot of kids, a lot of students chose the  
18 remote options, right?

19 CHAIRPERSON MILLER: Correct.

20 FIRST DEPUTY COMMISSIONER AND GENERAL  
21 COUNSEL BANKS: So if a teacher happens to be remote  
22 because either temporarily or for a longer period of  
23 time their [inaudible] remote....

24 CHAIRPERSON MILLER: Of course.  
25



2 FIRST DEPUTY COMMISSIONER AND GENERAL

3 COUNSEL BANKS: But then they personally are eligible  
4 to come into the school, right, based on  
5 reassignments and stuff like that...

6 CHAIRPERSON MILLER: So, so you talked  
7 about teachers. Are there any, are there any other  
8 titles that we would not, are there any titles of  
9 folks that are working remotely, um, that, that  
10 folks, that those folks are, are now qualified, ah,  
11 for 1-A, ah, under, under these current guidelines  
12 and, and, and are they, and, and who's monitoring  
13 that?

14 FIRST DEPUTY COMMISSIONER AND GENERAL

15 COUNSEL BANKS: Not that I'm aware of.

16 CHAIRPERSON MILLER: OK. OK. Ah, so I,  
17 I guess we could, we could go on to, ah, before we go  
18 on to, to private sector, um, you mentioned that you  
19 were working with leadership to expand, um, access to  
20 the vaccine for, for the municipal workforce. Ah,  
21 have, what is the, what is those negotiations or  
22 what, what are the, what is that engagement look  
23 like? What are you doing collectively to try to  
24 expand that and, and what do those efforts look like?  
25 You would think that by the time the next round of

1 vaccines arrive here in the city that this workforce,  
2 um, that is still working, not remotely, um, and  
3 having the contact with the public, but having met  
4 the 1-A requirement, ah, you know, how soon are we  
5 gonna see them get vaccinated?  
6

7 FIRST DEPUTY COMMISSIONER AND GENERAL

8 COUNSEL BANKS: Yeah, so, um, those conversations are  
9 between, you know, ah, city officials, City Hall,  
10 and, and the governor's office, right? And it's  
11 about which functions and titles that the city  
12 employees fall into those five categories that I  
13 mentioned before, right, teachers and education  
14 workers and first responders, and public safety,  
15 public transit, and...

16 CHAIRPERSON MILLER: What are the first  
17 responders? How do you define that?

18 FIRST DEPUTY COMMISSIONER AND GENERAL

19 COUNSEL BANKS: Yeah, so, I mean, some examples,  
20 right, are the employees who fall under that category  
21 are NYPD, both uniform staff and folks like the 911  
22 call takers, um, the fire department, right, ah, we  
23 have firefighters and dispatchers and, ah, EMS was  
24 actually in group 1-A, not 1-B. Um, Parks  
25 enforcement employees who are out there in the field,

1  
2 ah, like urban park rangers and Parks enforcement  
3 patrol, ah, child protective workers, right, I, I  
4 mentioned that I saw Anthony Wells on the call, um,  
5 the child protective workers are out there in the  
6 field. They're all considered first responders,  
7 right. Um, but, you know, another example that you  
8 mentioned earlier was like sanitation workers.  
9 They're out there in the field but so far the state's  
10 determination has been that they're not included,  
11 right? And so, um, part of that, ah, that I  
12 mentioned earlier is that the city is pushing, um, to  
13 have as many city workers included in those broad  
14 categories, um, as possible and ultimately the, the  
15 decision is up to the state, um, but I understand  
16 that it's an iterative conversation and so our goal  
17 is to have more and more city employees deemed  
18 eligible under those categories.

19 CHAIRPERSON MILLER: So, OK, before I let  
20 you get out of here, um, and, and, and we hear from  
21 Worker Protections, and then go to our panelists, ah,  
22 I, I know we have MTA and some other folks on as well  
23 that, that some of the, ah, leadership from, from the  
24 unions there, um, but early on, um, they took a lead  
25 on, ah, how they were going to address families with

1  
2 loss, by virtue of the loss of, of, of their loved  
3 ones, whether it was through, ah, ah, expansion and  
4 extension of, of healthcare benefits, ah, during the  
5 most critical time to, to the eligible dependents,  
6 ah, as well as, um, pension compensation. Ah,  
7 obviously we had to do a resolution and, and kind of  
8 a LS from a city perspective and, and something that  
9 was temporarily adapted, adopted, but how do, how,  
10 moving forward how do we intend, how does the city  
11 intend to, to make these families whole?

12 FIRST DEPUTY COMMISSIONER AND GENERAL

13 COUNSEL BANKS: Yeah, so, um, as you mentioned,  
14 right, [inaudible] we had some discussions about this  
15 in the spring. The city has adopted a policy where  
16 we extend, ah, health coverage for the surviving  
17 families of employees who've, ah, unfortunately  
18 passed away due to COVID-19. That's been in place,  
19 um, since the spring of 2020. I have not heard any  
20 discussions about, you know, rolling that back,  
21 changing the benefit, or, um, you know, not getting  
22 rid of it. Um, so, you know, we expect that to be in  
23 place for the foreseeable future. Um, OLR, one of  
24 our other functions is, you know, we [inaudible]  
25 health benefits for city employees. So we handle

1  
2 those applications and, um, make sure that, um, ah,  
3 the families of employees in that situation, um,  
4 remain covered under health insurance. So I think  
5 what we anticipate is that's gonna remain in place  
6 indefinitely.

7 CHAIRPERSON MILLER: So, and, and, and  
8 for [inaudible] purposes I know that that's something  
9 that requires legislation, but what are we able to do  
10 in terms of making these families whole therein.  
11 What, what, and, and in comparison to, to, ah, what  
12 we're seeing with the 9/11 compensation, ah, are we  
13 able to do for, for those who passed by virtue of  
14 COVID-19?

15 FIRST DEPUTY COMMISSIONER AND GENERAL  
16 COUNSEL BANKS: Yeah, you're right that that's all  
17 subject to, ah, to state statute, and I know that  
18 there have been proposals that were made last year.  
19 I haven't seen, um, you know, recently since the new  
20 session started, um, if, if any of those have moved.  
21 But, um, there were different proposals, um, to, um,  
22 ah, address COVID-19 situations as, um, you know, to  
23 classify them as, you know, on, on the job or, um,  
24 accidental, um, deaths 'cause those lead to different  
25

1  
2 benefits, um, on the pension side. But that's gonna  
3 get worked out in Albany, as I understand.

4 CHAIRPERSON MILLER: Is, is there  
5 something that the administration can support?

6 FIRST DEPUTY COMMISSIONER AND GENERAL  
7 COUNSEL BANKS: Um, I, I think we'd have to look at a  
8 specific proposal, um, and, ah, and assess it. Um,  
9 so, you know, we can certainly have conversations  
10 offline if there's a bill that's up in Albany, um, we  
11 can let you know our position on it.

12 CHAIRPERSON MILLER: OK. And, and so now  
13 that I've got you on that, now because this is a, a  
14 broadly defined, non-COVID, ah, ah, the labor force  
15 that has impacted COVID, ah, which we're gonna have  
16 some folks that, that want to testify to furloughs  
17 and layoffs and stuff like that, ah, what has been  
18 the impact and, and what are you saying, ah, and, and  
19 also I think there are some folks that are on, ah,  
20 ah, in queue that would like to hear the, the  
21 administration's position on early retirement as  
22 well.

23 FIRST DEPUTY COMMISSIONER AND GENERAL  
24 COUNSEL BANKS: Sure. So, um, taking those one at a  
25 time, right, we, you know, although, um, we're facing

1 enormous budgetary challenges, right, we haven't laid  
2 off any city employees, um, and certainly from, ah,  
3 our office's standpoint, from OLR's standpoint, our  
4 goal is to, to not have to do that at all. Um, and  
5 so we've reached some accommodations with our labor  
6 unions, um, to, um, in, in negotiations to defer  
7 certain payments or benefits which would have been  
8 made in the current fiscal year, maybe, you know, to  
9 next year, um, which has assisted on a short-term  
10 basis some of the city's budgetary challenges, and  
11 obviously, um, you know, everyone's got their eye on  
12 Washington to see if there's gonna be a federal  
13 stimulus package and our hope is that with the  
14 appropriate support from federal and state  
15 authorities, um, that the city can weather this  
16 without laying any employees off. I can't make any  
17 guarantees, but it's certainly our preference to, um,  
18 not have a single employee get laid off, 'cause every  
19 city employee performs important work for the city.  
20 Um, in terms of early retirement, um, ah, I do  
21 believe that the city, um, as a general concept, um,  
22 would support, um, a targeted specific, um, early  
23 retirement package and the, um, ah, the details such  
24 as which titles would be eligible and how many  
25

1  
2 employees would be eligible is something that's gonna  
3 have to work out, be worked in the legislative  
4 negotiation process, much like the pension, um,  
5 [inaudible] in Albany, um, but, um, I think as a  
6 general proportion some, ah, early retirement, um,  
7 ah, provision, ah, we think would be appropriate, um,  
8 and it's, it's certainly preferential to a layoff,  
9 because the employees in that that situation are  
10 making the choice to retire, as opposed to be, being  
11 involuntarily separated.

12 CHAIRPERSON MILLER: And, and, and  
13 finally for, for, for those representing the  
14 managerial association and, and workforce and the  
15 furloughs that, that have taken place, were they  
16 negotiated and, and what, what, what could they  
17 anticipate in the future?

18 FIRST DEPUTY COMMISSIONER AND GENERAL  
19 COUNSEL BANKS: Um, so, no, they were not, ah,  
20 negotiated. That was a step that was taken, um, for  
21 the employees who were not represented by labor  
22 unions, of which I am one. Um, and so the furlough  
23 days was meant to, um, address some of those short-  
24 term budgetary issues that I mentioned, um, in the  
25 current fiscal year, and so, um, those five days are



1  
2 supposed to go through the end of March, right, which  
3 is in a couple of months, um, and I, I am [inaudible]  
4 to any discussions about whether there's going to be  
5 anything, um, coming along after that. But, again, I  
6 think, um, it, it applies to the managers as well.  
7 If we get appropriate support in terms of a federal  
8 stimulus package and/or the support we need from the  
9 state, um, to address those budgetary issues, I think  
10 our goal is to not have to furlough workers. Layoffs  
11 and furloughs, right, um, those are all sort of our,  
12 our last steps on the, on the list of things to do.  
13 So, um, you know, I think, um, if we had our druthers  
14 it would be the five days would end and that would be  
15 it.

16 CHAIRPERSON MILLER: OK, thank, thank you  
17 so very much, ah, thank you for your testimony.  
18 Again, I hope that you can hang around. Um, can we  
19 hear from, ah, ah, Worker Protection on, on roll out  
20 and what we're seeing on terms of support for, for  
21 the private sector and, and those industries, ah, and  
22 access to the vaccine?

23 EXECUTIVE DIRECTOR ETTANNANI: Sure. So  
24 the Department of Health, um, and, and, ah, Mental  
25 Hygiene, particularly the Vaccine Command Center, is

1  
2 really, um, a point in terms of managing, ah,  
3 distribution, um, and, and the sprawl of the vaccine,  
4 um, in general in the city. So I may not, um, just  
5 to, ah, [inaudible] may not have, ah, all the  
6 specifics to, to some of the questions that you may  
7 have, but I'm happy to take that back to my health  
8 department, um, colleagues and, and get you answers  
9 to that. Um, that said, um, I do know, um, in terms  
10 of what the Department of Health is doing, ah, in the  
11 sense of they are currently and are actively engaging  
12 with agencies like the Department of Consumer and  
13 Worker Protection, doing an agency needs and resource  
14 assessment, if you will. Um, the point of that, um,  
15 is a) to obviously have an agency vaccination lead  
16 for each, for each agency, but also with the idea of,  
17 ah, leveraging constituencies that we have, for  
18 example, and I'll speak to, to my agency, obviously,  
19 um, in terms of like folks that come through our  
20 licensing center, um, whether those folks are  
21 business owners or, or, or, ah, expeditors on behalf  
22 of, of various businesses that we license, getting a  
23 sense of what, um, what populations kind of come into  
24 our office on the day to day, um, demographic  
25 breakdowns for those folks, um, to the extent that we

1  
2 have that information, um, and then, um, obviously  
3 it's up to the Health Department ultimately to, to,  
4 to think of how best to utilize that. But the idea  
5 of this kind of assessment and surveying that's going  
6 on citywide, um, by the Department of Health is to,  
7 um, set up kind of an apparatus to, ah, ensure that  
8 the vaccine goes out, um, as, as quickly as possible,  
9 um, and that we're leveraging our, our, our natural  
10 constituencies to, to do so. So, um, well,  
11 ultimately like final decisions haven't been made  
12 there, those kinds of background efforts are, are  
13 happening right now, um, in terms of setting up, um,  
14 or, I guess, in terms of like information collection  
15 and, and things of that nature, um, and, you know,  
16 we'll, you know, we'll take our leads from the  
17 Department of Health ultimately as to like what the  
18 best approaches are. Um, in terms of, you know,  
19 further planning and things like that, I think  
20 they're, they're probably best suited to, to answer  
21 those questions. Our visibility is really, um,  
22 mostly focused on how we can, um, best support the  
23 Health Department and, if need be, um, you know, set  
24 up services so that, ah, you know, folks can, can  
25 come in and maybe get vaccinated, you know,

1 leveraging our, our contacts or things like that.

2 Um, of course, um, with all that said, we also, ah,

3 amplify Department of Health's, ah, ah, literature

4 and information to, to all of our business contacts,

5 our community, ah, based organizations, faith based

6 organizations, and other stakeholders we work with

7 through, you know, our, our email blasts, through

8 conversations, every kind of virtual town hall, ah,

9 that you can imagine that we have, it comes up in

10 some capacity and if we don't have a Health DEP

11 representative there we're certainly giving folks,

12 ah, a touch point, um, to ensure that they can follow

13 up with the appropriate experts to, to get the latest

14 information on the COVID-19 vaccine.

15  
16 CHAIRPERSON MILLER: Ah, have, have you

17 engaged any of the bargaining units representing some

18 of the private sector workers? I, I, I know that,

19 ah, BJ is out there and, and, and, and, ah, RSEWU,

20 and, and, and folks like that in retail. You know,

21 what, what kind of conversations are going on between

22 Worker Protection and, and, and those folks to ensure

23 that their, their membership is, is, ah, has access

24 to the vaccine?

25

1  
2 EXECUTIVE DIRECTOR ETTANNANI: Yeah, um,  
3 so any conversations that we're having with, with  
4 private sector unions regarding the vaccine are  
5 really, um, just an amplification of the work that  
6 the Health Department is doing. That's really their  
7 expertise, their purview, to ensure, ah, that, that  
8 the most accurate information is going out to them.  
9 Our communications with the unions and where we have  
10 a, you know, the most expertise to work with them on  
11 is to give them, ah, in some cases guidance or, or  
12 collateral as to what New York State's workplace and  
13 health guidelines are. Um, whether that's, you know,  
14 the enforcement of our Paid Safe and Sick Leave laws  
15 or other, ah, workplace laws that we enforce, or, um,  
16 speaking to, um, the guidelines that the state has,  
17 has set as it relates to like, ah, health and safety  
18 protocols in the office. In terms of vaccine  
19 distribution, that's really an effort that's being  
20 housed at the Health Department and, um, the  
21 expertise lies there, and of course we, you know,  
22 provide, provide self-referrals to our colleagues  
23 and, and, ah, and, ah, make sure that if they have  
24 any questions they're, they're getting their answers  
25 as, as quickly as possible. But, um, ah, in terms of

1  
2 like specific guidance that would be best served  
3 from, from the Health Department.

4 CHAIRPERSON MILLER: Thank you very much,  
5 ah, ah, Steven. I, I actually put something,  
6 something in the chat room for you specifically, if  
7 you can get back to us we'd, we'd really appreciate  
8 that, and for the panel we appreciate you. Um, I, I  
9 do have, ah, ah, if, if, if, I don't know if it's  
10 Steve or, ah, ah, Deputy Commissioner Pinnock would,  
11 would answer because it is a DCAS, it is about DCAS,  
12 ah, return to work policy and, and whether or not it  
13 is enforceable by, by all agencies or is it a general  
14 policy and, and, and, ah, agencies kind of do what  
15 they want?

16 FIRST DEPUTY COMMISSIONER AND GENERAL  
17 COUNSEL BANKS: I think Dawn is on mute.

18 CHAIRPERSON MILLER: Oh, could I unmute?

19 EXECUTIVE DEPUTY COMMISSIONER PINNOCK:  
20 OK, great. So I'll take that. Um, so, as I  
21 mentioned before that, ah, the policies that we  
22 create really provide overarching guidance and there  
23 is some level of latitude that an agency head can  
24 exercise in including those, um, agency-specific  
25 elements. In terms of an enforcement component of

1  
2 our policies, generally that's not, um, how our  
3 policies are written. Um, certainly do we follow up  
4 with agencies, um, similar to what Steve had  
5 mentioned earlier is that, you know, if we hear about  
6 any complaints, if we hear about, um, really a  
7 significant deviation from policy, we certainly  
8 follow up with those agencies and those responsible  
9 parties at those agencies directly, but if you're  
10 asking if there's a specific enforcement component of  
11 our policies as written, no, there is not.

12 CHAIRPERSON MILLER: That, that answers  
13 the question. And, ah, I want to thank everyone on  
14 the panel, ah, for your time and, and obviously  
15 there's gonna be a plethora of follow-up questions  
16 and, and I hope that we can continue to work together  
17 as, as, as we have. Um, while I, you know, ah,  
18 because I, I know we have the director and president  
19 from, ah, ah, CWA Local 1183 and, ah, if, if, I, I  
20 know that DCAS was out, ah, last week in Queens, ah,  
21 to the, ah, Board of Elections, ah, facility and  
22 could you, could you very briefly, ah, if you know  
23 what took place there or what response, ah, DCAS and,  
24 and, and the agencies had, ah, very briefly?

1  
2 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So  
3 I, I can take that one, um, ah, Chair Miller. Um, so  
4 when we heard of, um, and the report, and the actual  
5 incident was reported, which was a positive case, one  
6 of the employees, um, tested positive. We  
7 implemented protocols that we normally have. So just  
8 for context, at the actual Queens location there are  
9 multiple agencies there, including the Board of  
10 Election, Dora, as well as DCAS. So once we found  
11 out from DCAS the end point and I think this is a  
12 little bit, this is kind of a little complex because  
13 DCAS as an agency, we actually had our staff present,  
14 as well as we were also the ones who provided  
15 guidance on kind of how to deal with some of these  
16 situations and so once we heard of it we immediately  
17 talked to our staff. That employee, um, contacted  
18 the HR representative. The HR representative told  
19 the employees or the employees that were affected,  
20 um, what they were to do. They advised them on their  
21 lead policies, any other information they needed to  
22 have. Then they were immediately, they contacted the  
23 facilities management division and the facilities  
24 management division actually dispatched, um, ah, ah,  
25 facilities or custodial staff, building services



1  
2 staff, to actually disinfect the entire facility.  
3 Now, the way that gets a little bit complex is that  
4 in addition to, um, ah, cleaning and disinfecting  
5 what was naturally DCAS' primary space, which is our  
6 storehouse, we also were contacted by Dora and helped  
7 them out as well, as well as we were in touch with  
8 BOE. Um, with that, um, ah, we also did on-site  
9 testing, so we contacted our partners, um, ah, to  
10 actually bring testing on site, day of, um, and  
11 offered that to all employees. And so that's a  
12 little bit of a synopsis of what, kind of what  
13 transpired and the different communications that  
14 happened.

15 CHAIRPERSON MILLER: And when you say all  
16 employees, you mean DCAS employees or employees  
17 including Dora and the, ah, Board of Elections?

18 EXECUTIVE DEPUTY COMMISSIONER HAYNES:  
19 So, a good question. So we actually, it was, ah,  
20 offered to, um, ah, DCAS employees as well as, ah,  
21 Doras asked for their staff as well. We made contact  
22 with BOE. I am not sure, I would have to get back to  
23 you on whether they actually, um, ah, used what was  
24 on site, or whether they instructed their employees  
25 to go to an off-site, um, ah, testing facility.

1  
2           CHAIRPERSON MILLER: Well, they, they, I  
3 was told that you guys did not make the offer to, to  
4 BOE employees and they, they did not actually test  
5 their employees til Monday, which is four days later,  
6 right? And, and which therein lies the dilemma in  
7 what we said what happens when you have multiple  
8 agencies at one facility, is there universal language  
9 that supports workers or do we see a situation that  
10 we see now? Um, just wanted to kind of put that out  
11 as, as, as, as a, you know, point of clarification as  
12 to what can and should be done, or what was done as  
13 opposed to what was not as we move forward. So I, I  
14 want to thank you for, and I want to thank you for,  
15 ah, your support and immediately addressing that as  
16 well, as we, we spoke last week and, um, that is,  
17 quite frankly, the type of response that, that, ah,  
18 that the workforce really deserves. So I want to  
19 thank you and, and, and the agency and, and your  
20 leadership on that. And, um, but we do want to kind  
21 of follow up on how do we bring greater assets to  
22 some of the programming and technical support that  
23 DCAS provides for not just agencies but for that,  
24 that kind of trickle down to the office level, how we  
25 best support those workers that are working from home

1  
2 and not just, um, their experience but how they  
3 better deliver services to, to the public, right?  
4 How we better serve the public 'cause we are not  
5 trained to work remotely. We're, we're doing it out  
6 of passion but, you know, that passion well has kind  
7 of run dry. Now we need some, some support to take  
8 it to the next level. We're hoping that DCAS can do  
9 what it has done in the past and really provide that  
10 type of, ah, support for the workforce as we move  
11 forward. So, again, thank you. Um, thank you, ah,  
12 to OLR, ah, and, and, and Worker Protection for, ah,  
13 being here and, um, and really, ah, looking forward  
14 to working with you. And so we have a long list  
15 panelists that we're gonna get to and, and so once  
16 again, thanks everybody on the panel for coming out  
17 and, ah, I guess you can be expecting a, a list of  
18 questions that we can all work on collectively to  
19 ensure that we're keeping workers safe and, ah, in a  
20 very equitable way.

21 FIRST DEPUTY COMMISSIONER AND GENERAL  
22 COUNSEL BANKS: Chair Miller, I just wanted to update  
23 you. Ah, you had asked a question about the, the  
24 amount of time between a person going on [inaudible]  
25 and getting an appointment.

2 CHAIRPERSON MILLER: Yes.

3 FIRST DEPUTY COMMISSIONER AND GENERAL

4 COUNSEL BANKS: Well, folks at the Vaccine Command

5 Center said it's never been, ah, that long. It's

6 usually about a week out. So right now employees can

7 go and make appointments for next week at those five

8 sites, if they're in an eligible, ah, function.

9 CHAIRPERSON MILLER: OK, great, thank you

10 so much. So, so I, and, and, and after we kind of

11 aggregate the information, some of the folks work for

12 agencies but not necessarily in the titles that, that

13 met the criteria. So, and, and I, as, you know, I

14 will put that out as well. Um, OK, so thank you

15 again and look forward to working with each and every

16 one of you. Ah, before they call the next panel, I

17 just want to, ah, ah, acknowledge that, ah, Council

18 Member, we've been joined by Council Member Farah

19 Louis as well, and, and remind all my colleagues, ah,

20 that please, ah, ask questions and raise your hand so

21 that we know that you're in queue, um, and I did not

22 see any hands up, which before we, ah, from, ah, the

23 council members or committee members, so, ah, they

24 have been excused, this panel, so we're going to now

25 ask the host to call the next panel.

1  
2                   MODERATOR: Yes, definitely. Thank you,  
3 Chair. Ah, just one more quick check. If there's  
4 any questions that the council members have for the  
5 administration, ah, please use the Zoom raise hand  
6 function, Zoom raise hand function, and keep any  
7 questions to five minutes. Seeing none from any  
8 other council members, we will now move to public  
9 testimony. Once more, I'd like to remind everyone  
10 that unlike our typical council hearings we will be  
11 calling individuals one by one to testify. Council  
12 members who have questions for a particular panelist  
13 should use the raise hand function in Zoom and you  
14 will be called on after each panel has completed  
15 their testimony. For panelists, once your name is  
16 called a member of our staff will unmute you and the  
17 Sergeant at Arms will give you go ahead to begin  
18 after setting the timer. All testimony will be  
19 limited to three minutes. Please wait for the  
20 sergeant to announce that you may begin before  
21 delivering your testimony. The first four panelists  
22 will be Vinny Alvarez, Shawn D. Francois I, Donald  
23 Nesbitt, and Ralph Palladino. I will now call on  
24 Vinny Alvarez. You may begin once your name is  
25 called and once the sergeant starts the timer.

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SERGEANT AT ARMS: Time starts now.

Sorry, your time starts now.

VINNY ALVAREZ: Good morning, Mr.

Chairman, and, ah, good morning, ah, members of the committee and to my colleagues as well. I hope everyone is, stays safe and, and, and Happy New Year to everybody for those who I haven't seen. Ah, the New York City Central Labor Council is a nonprofit membership organization devoted to supporting and advancing and advocating, ah, for working people in New York City as, as the nation's largest labor federation of the, the NYC CLC brings together 300 unions, representing 1.3 million workers from every trade, occupation, public and private sector of the New York economy. New York City is in the midst of an unparalleled health and economic crisis and working people remain on the front lines of that crisis. Our healthcare workers, our first responders of caring for those who are ill. Our retail and distribution center workers are making sure that food and other supplies are available. Transportation, sanitation, and construction workers have been on the job keeping New York City running so that we all have access to good job, to goods and services that we

1  
2 rely on. Over the past 10 months we've seen with  
3 stark clarity that the very workers we too often take  
4 for granted are the ones who are the most essential  
5 to our safety, health, and well-being. At the same  
6 time, workers in other critical industry are facing  
7 unbearable economic hardship. Business closures and  
8 other COVID-related impacts have caused an  
9 unprecedented increase in job losses and  
10 unemployment. That impact has been felt most acutely  
11 by women and communities of color, who  
12 disproportionately work in some of the most heavily  
13 affected sectors. Accordingly to BLS data released  
14 earlier this month, employers cut 140,000 jobs  
15 nationally in, in December, with women accounting for  
16 all those job losses, losing 156,000 jobs, while men  
17 gained 16,000. And a separate BLS survey showed that  
18 while black and Latina women lost jobs in that month,  
19 white women actually made gains, meaning that it  
20 women of color who carried the brunt of these losses.  
21 Here in New York City among the hardest hit have been  
22 workers in the hospitality industry and our arts and  
23 entertainment industry, two of the engines of New  
24 York City's economy. Before the pandemic, New York  
25 City's hospitality industry provided as many as

1  
2 400,000 jobs and contributed 46 billion dollars in  
3 annual spending to New York City's economy. As of  
4 November, employment in New York, in the New York  
5 hospitality industry was at just 59% of pre-pandemic  
6 levels, and the arts and entertainment workers have  
7 been locked out of the economy since March of 2020,  
8 with theaters and other live entertainment venues not  
9 expected to reopen until the fall of this year. It  
10 is critical that we prioritize the protection of  
11 essential workers and the support of all workers  
12 through the pandemic. To that end, the labor  
13 movement is call on all levels of government to  
14 respond with all the resources at their disposal.  
15 The national level of partners at the AFL-CIO were  
16 calling for Congress to enact the Workers First  
17 agenda that will include actions to bring the COVID-  
18 19 pandemic under control, guaranteeing access for  
19 all workers to free vaccines and rapid testing,  
20 issuing...

21 SERGEANT AT ARMS: Time expired.

22 CHAIRPERSON MILLER: You can go on.

23 VINNY ALVAREZ: Issuing, issuing  
24 emergency COVID-19 standards from OSHA and, and MSHA,  
25 and taking actions which President Biden called for



1 this work, taking actions to ensure an adequate  
2 supply of personal protective equipment and ensuring  
3 paid sick days, paid family leave, and childcare.  
4 State level, ah, among other COVID-related  
5 priorities, organized labor is calling for the  
6 enactment of the New York Heroes Act, from  
7 improvement to paid sick leave available to all  
8 workers quarantining or isolating as a result of  
9 exposure for essential workers who are at increased  
10 risk to be considered a prior for receiving vaccines  
11 once available. We also need to address specific  
12 issues related to unemployment insurance, related to  
13 COVID, including eligibility with benefits for  
14 workers who need to voluntarily separate from  
15 employment due to underlying conditions that put them  
16 at a higher risk of serious illness or health. And  
17 here in New York City we just, we need to, our  
18 elected officials to continue to use every tool at  
19 your disposal to support the economic security as  
20 well as the health and safety of New York City's  
21 workforce. We need you to continue to work with New  
22 York City's unions, whose members lives and  
23 livelihoods are on the line to created targeted  
24 policy solutions that ensure our economic recovery  
25

1 without putting our workers at risk. We need to  
2 identify ways to increase revenue, maintain critical  
3 public services, and invest our city's infrastructure  
4 to kick start the rebuilding of our city's economy  
5 over the coming months and years. At the same time  
6 the COVID-19 pandemic has renewed the need for strong  
7 protections for workers against retaliation and  
8 exploitation, and the need for all local officials to  
9 prioritize those protections, fighting for our  
10 workers to have a voice on the job, fair treatment,  
11 and due process. We have a long road ahead and the  
12 decisions we make over the next few months will have  
13 an enormous impact on the future of our city, our  
14 workforce, and our communities. The CLC continues to  
15 look forward to working with our partners in city  
16 government to fight for our city's economic recovery  
17 for the health and safety of all working people. And  
18 I thank you, Mr. Chair, for the opportunity to  
19 testify before the committee today, and please do not  
20 hesitate to reach to us at the CLC if we can be of  
21 any assistance. Thank you.

23 CHAIRPERSON MILLER: Thank you so much,  
24 ah, President Alvarez, ah, and, and, and, you know,  
25 normally we, we kind of save questions for the end,

1  
2 but I, I would like to ask is, is there a specific  
3 committee, ah, subcommittee at the CLC that is  
4 working on COVID-related issues and, and what role  
5 can the council and more specific the Committee on  
6 Civil Service and Labor play, and, and we want to be  
7 a part of that, if in fact that does exist.

8 VINNY ALVAREZ: Well, Mr. Chair, because  
9 of the, the widespread nature of the, of the issues  
10 affecting, ah, the COVID-19 and the pandemic and the  
11 economic consequences as a result, every sector of  
12 our economic right now is, has been impacted, and  
13 every sector of the labor movement is involved. So  
14 we're working closely, of course, with our affiliates  
15 and our delegates, our executive order evolved, um,  
16 and, and our political directors to the extent that  
17 we need to take political action on legislative, ah,  
18 and come up with legislative remedies to some of  
19 these problems. So we're really all involved, ah,  
20 and, and many of these unions have specific safety  
21 and health committees set up that are, that have now  
22 been kicked into high gear for the past 10 months,  
23 um, and so it's been all hands on deck, and, and I  
24 expect it to be that way, ah, throughout the  
25 remainder of this pandemic.

2 CHAIRPERSON MILLER: OK, thank you.

3 MODERATOR: Thank you for your testimony.

4 VINNY ALVAREZ: Thank you.

5 MODERATOR: We'll now call on Shawn D.

6 Francois I.

7 SERGEANT AT ARMS: Time starts now.

8 SHAWN D. FRANCOIS I: Ah, Chairman I.

9 Daneek Miller and the [inaudible] members, Committee

10 of Civil Service and Labor. I am President Shawn D.

11 Francois I and it's an honor to testify on behalf of

12 approximately 24,000 members represented by Local

13 372, New York City Board of Education employees,

14 District Council 37 [inaudible]. The COVID-19

15 pandemic has crystallized the socioeconomic

16 disparities of Local 372. About 43% of the union

17 members are essential workers, namely school lunch

18 employees and school crossing guards who are deemed

19 essential workers by the Department of Education and

20 NYPD. They risk their own health as they remain on

21 the front lines throughout even the worst of the

22 pandemic Local 372 members have worked. As much of

23 the city shut down, safely sheltered in their homes.

24 Our job categories are the lowest paid, paid

25 sometimes as little as the state minimum wage, or

1  
2 \$15.00 per hour. Additionally, many of our members  
3 are high risk because they're older with 30% of the  
4 membership over 55. Our workforce is predominantly  
5 black and Latino with 85% and living in working in  
6 the ZIP code with the highest COVID rates, much  
7 higher than other communities. Our school lunch  
8 workers continue to unload, prepare, and food is  
9 served each day without necessary PPEs and to ensure  
10 safety of the served meals the food is [inaudible]  
11 members in the community. Before the [inaudible]  
12 stepped up their program the front-line workers  
13 [inaudible] the leadership that self-purchased and  
14 sought masks for its members. It was then Local  
15 [inaudible] their risk [inaudible] where there were  
16 no provisions in place or proper training of  
17 custodians on the safe utilization of electrostatic  
18 sprayers and the safe handling of chemicals to  
19 sanitize the schools. Now, school crossing guards  
20 were mandated to work with no children [inaudible] on  
21 their screen, on the street. They were told that if  
22 they didn't come to work they would not get paid.  
23 They put their health and lives at risk to remain on  
24 the job when classrooms were empty to ensure  
25 pedestrian safe access to city schools for grab-and-

1  
2 go programs. Our members had to communicate  
3 procedures for safe [inaudible] instructed by Centers  
4 for Disease Control guidelines to help prevent the  
5 transmission of COVID-19. To say the least, six foot  
6 apart from other individuals to using safe sidewalk,  
7 sidewalk etiquette. Now, [inaudible] of the new  
8 bargaining administration committee focused on COVID-  
9 19 with help bring the pandemic under control, hoping  
10 [inaudible] let our guard down. Local 372 members  
11 [inaudible] behind a state and city administer  
12 vaccinations to the most vulnerable, at risk, and  
13 essential populations. Our members need to access  
14 the system's benefits and protections to help their  
15 continued work safely during this emergency state.  
16 This [inaudible] meaningful sick leave of  
17 unemployment benefit and hazard pay. In addition,  
18 the pandemic exposure to related challenges we must  
19 also face the mental health affecting our students  
20 according to [inaudible]...

21 SERGEANT AT ARMS: Time expired.

22 CHAIRPERSON MILLER: Keep going, keep  
23 going.

24 SHAWN D. FRANCOIS I: OK. The report  
25 concluded that it is critical to monitor children's

1 mental health, promote coping, and resilience, and  
2 expand access to services to support children and  
3 their mental health. Now, the [inaudible]  
4 represented by Local 72, which provides essential  
5 social and emotional strategy and services to help  
6 youth remain learning are best equipped to shoulder  
7 this responsibility. Since 1971 the established  
8 program has provided evidence-based programs to  
9 participations of groups and individuals and  
10 counseling. And positive alternatives for New York  
11 City public school students, established counselors  
12 service K-12 in all 32 districts in New York City,  
13 including education. Now, however, the New York City  
14 Department [inaudible] access to meet the current  
15 enhanced demand for more social emotional learning  
16 that Mayor de Blasio, First Lady McCray, and  
17 Chancellor Carranza just announced a new 2021  
18 [inaudible] to duplicate the program [inaudible]  
19 provides. The future, the education provides for a  
20 child is one of the most obligations a society must  
21 fulfill, that while tens of thousands of local  
22 [inaudible] continue to face the direct exposure to  
23 infection and disrupt the workers every day. I thank  
24 you for the opportunity to testify on behalf Local  
25

2 372. I look forward to answering any questions you  
3 may have.

4 CHAIRPERSON MILLER: Thank you, President  
5 D. Francois. And, we, we will after the panel, we do  
6 have a few questions, after everyone goes.

7 SHAWN D. FRANCOIS I: Appreciate it.  
8 Thank you.

9 MODERATOR: Thank you for your testimony.  
10 Next we'll call on Donald Nesbitt.

11 SERGEANT AT ARMS: Time starts now.

12 SHAWN D. FRANCOIS I: Oh, actually, I  
13 spoke, I spoke with Donald Nesbitt as well. Thank  
14 you.

15 MODERATOR: Thank you very much. Next  
16 we'll call on Ralph Palladino.

17 SERGEANT AT ARMS: Time starts now.

18 RALPH PALLADINO: Good morning. Um,  
19 thank you for the opportunity to testify on behalf of  
20 Local 1549 and President Eddie Rodriguez. Um, I  
21 have, ah, written, or put together nine pages of  
22 testimony, which was submitted to the committee. It  
23 will be sent to City Council people, which they  
24 should look at. Um, part of it is an analysis. The  
25 other part is, ah, people who are experts, namely our



1  
2 members working in various agencies and hospitals,  
3 311, 911, ah, and other, and HRA, dealing with issues  
4 of health and safety in the workflow as it reflects,  
5 um, the delivery of services in the city, because we  
6 do not link, ah, we just do not talk about our own  
7 health and safety. We talk about self and safety,  
8 and also the relationship to delivering services to  
9 people in need, and also articles which were written  
10 by those same people about the type of work they do,  
11 because they are all first responders. Um, the, ah,  
12 issue of safety and health, um, the, in every agency  
13 that we've had to have meetings, ah, people have  
14 listened to us. In the beginning there was a  
15 shortage of, ah, there was a shortage of masks and  
16 our locals, like other locals and unions, put  
17 together masks and got them out to the members. Ah,  
18 but since then the PPE has been, ah, and, and  
19 management, generally speaking, in dealing with  
20 different issues, has been very, ah, forthcoming and  
21 assisted. There are some issues dealing, um, ah,  
22 vaccine, by the way, is, um, available. Ah, however,  
23 and we get reports from hospitals and 911 that they  
24 haven't been able to get the vaccines in the last  
25 week because there was, it ran out. So hopefully

1 today, from what I hear, ah, this is gonna be  
2 alleviated. Um, the, ah, situation I, I believe is,  
3 which I don't, ah, get answers to is the issue of  
4 ventilations in the older buildings. The  
5 ventilations issue needs to be dealt with. As  
6 someone who worked in hospitals I know this. So, ah,  
7 that has to be paid attention to and I want to hear  
8 more about how that's being dealt with. Ah, in terms  
9 of, um, ah, the, ah, other issues dealing with, um,  
10 cooperation, I have to say that hospitals has been  
11 tremendously cooperative. Our members are front-line  
12 people. They're the first ones to see patients, ah,  
13 all, and, and in the ICUs and in the emergency room,  
14 etcetera. Ah, and testing and also vaccines. Um, we  
15 have issues with, um, and, you know, we're civil  
16 service people and we have issues with the city on  
17 how they're dealing with our titles and civil  
18 service. Also, the question of interpreters, which  
19 you saw in the newspaper. That's delivery of service  
20 to people who need it the most. Communication is key  
21 and critical. Um, and, um, the last thing I want to  
22 bring up is the staffing shortages. People talk  
23 about, ah, early retirement and layoffs. It is  
24 ridiculous that they have layoffs, to even talk about  
25

1  
2 it. Early retirement should be done only if there is  
3 going to be layoffs. We are short-staffed in 911,  
4 311, hospitals...

5 SERGEANT AT ARMS: Time expired.

6 RALPH PALLADINO: ...and in.

7 CHAIRPERSON MILLER: OK, Ralph.

8 RALPH PALLADINO: [inaudible] in HRA with  
9 eligibility specialists. We have been fighting the  
10 issue in HRA around eligibility specialists for four  
11 years, and the administration in HRA, the  
12 administration at City Hall, and DCAS does not want  
13 to listen. This [inaudible] report just came from,  
14 from the mayor. The application timeliness for SNAP  
15 is, was at 93% last year, 74% this year. HRA, for  
16 the first time, has not issued error reports. And I  
17 would guess that the reason they don't want to issue  
18 error reports is because of the fiasco going on in  
19 HRA. And that includes health and safety issues with  
20 clients coming in, and we have reports that we've  
21 been dealing with in HASA and also a couple agencies,  
22 areas, where people are coming in crowded and  
23 unmasked. Um, at 911 we don't have that issue  
24 because in 311, but everyone's closed in and we can't  
25 do anything about that, but they are working with us.

1  
2 But the clients coming into these areas, there has to  
3 be some kind of organization and education going on  
4 there. The last thing is that when we're dealing  
5 with finances for the city we all have to go to  
6 Albany. We all should be up there demanding  
7 revenues, not cuts. And we have to say it loudly  
8 and, quite frankly, I love the City Council people,  
9 but I want to hear more from the City Council on that  
10 and all, and we also should be up in Albany dealing  
11 with these issue, including the Heroes Act, together.  
12 Thank you.

13 CHAIRPERSON MILLER: Thank you.

14 MODERATOR: Thank you for your testimony.  
15 That concludes this panel. I'll turn it back over to  
16 Chair Miller if he has any questions.

17 CHAIRPERSON MILLER: Ah, yeah, um, no,  
18 no, with it, ah, President, um, D. Francois, ah,  
19 you, you mentioned equity. Ah, had, had, have your  
20 membership been able to access vaccines? And, and I  
21 was watching some of the stuff that you had put out  
22 and posted and, and, and, and kind of the response.  
23 But, ah, are they 1-A and have they been able to  
24 receive vaccines where, where, where applicable?

25

1  
2 SHAWN D. FRANCOIS I: Well, they are able  
3 to receive it, but at the time it, it just seems that  
4 the limitation in the, um, the outreach to the  
5 particular, um, areas to get it at is very difficult  
6 for some of the members. Um, sometimes the members  
7 of the, of the, um, also the scheduling and got to  
8 get out of work. Some employees don't allow them to  
9 leave. I mean, I know I heard that they're supposed  
10 to get three hours, but all the stuff is just what is  
11 set on paper. But in the real world some of these  
12 don't happen. You have a lot of difficulty trying to  
13 obtain scheduling, the different, the different  
14 aspects of the, ah, five boroughs to achieve these  
15 vaccinations.

16 CHAIRPERSON MILLER: Right, it sounds  
17 right.

18 SHAWN D. FRANCOIS I: [inaudible] saying  
19 it's, it's, ah, too much people, they don't the time  
20 and they turned away, it's a lot, it's lot things  
21 [inaudible] I know it's a lot of moving parts, but a  
22 lot things need to be addressed as well.

23 CHAIRPERSON MILLER: OK. So, so along  
24 with this and we need to hear from you guys and, and  
25 so it has to go on paper, ah, anything that we can

1  
2 continue to do to support, ah, this workforce, your  
3 membership, clearly they are critical, but they have  
4 been often marginalized and we want to make sure  
5 that, ah, the benefits of, ah, of the vaccine are  
6 distributed equitably and, and, and we want to be  
7 that, that vehicle to ensure that happens, so, ah,  
8 beyond, you know, the grievances and, and, and that  
9 process, ah, but make sure that, that we are a part  
10 of it as well. We also want to, I don't know if DCAS  
11 is, is still on, ah, to address brick and mortars, to  
12 make sure that, that, you know, the management of  
13 these facilities are consistent with, with, ah, with  
14 the guidelines, ah, ah, that is a big part of the  
15 [inaudible] we, we look at, you know, the workers  
16 and, you know, but [inaudible] to return to work in  
17 these, ah, ah, buildings, they have to make sure that  
18 the buildings are, are safe and that they're meeting  
19 very specific guidelines as well. So, any input that  
20 you guys have on that, that we'd be willing to  
21 receive it and, and willing to work with you, ah,  
22 collaboratively to ensure that these things are, are  
23 current. And I want to thank you all. Is, is there  
24 [inaudible] in there, I'm sorry, trying to look into  
25 raised hand and, ah, see if any of my colleagues, ah,

1  
2 have any questions for this panel. If not, ah, can  
3 we move forward to the next panel? I want to thank  
4 you all for, for your testimony and look forward to  
5 working with each and every one of you. Ah, this is,  
6 ah, an important hearing. I'm glad that everyone  
7 took the time to be here this afternoon.

8 UNIDENTIFIED: Thank you.

9 MODERATOR: Thank you. Ah, moving to the  
10 next panel, ah, I will be calling on the following  
11 panelists. Oren Barzaliy, Josh Kellerman, Anthony  
12 Wells, and Mark Henry. We will now call on Oren  
13 Barzaliy.

14 SERGEANT AT ARMS: Time starts now.

15 OREN BARZALIY: Chairperson Miller and  
16 all members of the Labor Committee, I would like to  
17 thank you for the opportunity to speak to you today  
18 from the perspective of the FDNY EMS, which we  
19 believe is the uniformed first responders and workers  
20 most impacted by answering tens of thousands of  
21 emergency calls due to the coronavirus pandemic. I  
22 am Oren Barzaliy, president of FDNY EMS Local 2507.  
23 I also want to say that both Local 3621 and the FDNY  
24 EMS Superior Office Association, although could not  
25 be here today wished to express their appreciation

1  
2 for the work of this committee and the focus of  
3 today's hearing. First, I would like to recognize  
4 and thank our city's dedicated, hard-working, and  
5 under-compensated EMTs, paramedics, and fire  
6 inspectors, who bravely risk it all - their health,  
7 their families, their families' health, to help tend  
8 to the urgent medical needs of New Yorkers during  
9 this extremely difficult period. This job has gotten  
10 increasingly dangerous. Each and every day one of  
11 our members has stepped up to the plate to serve and  
12 protect this city in its dire time of need. We know  
13 the immediate dangers that the increased risk our  
14 members have contracting COVID-19, but I want to talk  
15 to you about the additional risk, which is our  
16 members' livelihood. It is no secret that the city  
17 is being put under immense financial distress due to  
18 the circumstances that these last 10 months have  
19 placed us on. We have seen businesses shut down, a  
20 city in lockdown, as well as rising unemployment  
21 rates. The city's blueprint for getting back on its  
22 feet to lay off 22,000 municipal workers, including  
23 EMS first responders seems regressive. We must  
24 remember that these are same responders who at the  
25 height of this pandemic worked so tirelessly



1  
2 responding to over 7000 calls a day, medical calls a  
3 day, to ensure the safety of our city, of our city's  
4 residents, before their own safety and well-being.  
5 They worked 16 to 18 hour shifts to make up for a  
6 shortage of EMS staff. They slept in cars for days  
7 and weeks at a time to put food on the table, but not  
8 to go home for fear of contaminating their own loved  
9 ones. If you ask me, outsourcing our jobs or facets  
10 of it should and must be off the table. Our  
11 workforce, consisting mostly of women and minorities,  
12 manage 80% of all emergency calls at the FDNY. In  
13 the height of the pandemic EMS managed 100%....

14 SERGEANT AT ARMS: Time expired.

15 OREN BARZALIY: ...of emergency medical  
16 calls, all while our members were paid 40% less than  
17 their uniformed peers. Contrast that disparity to  
18 the City of Boston, where EMS workforce makes only 2%  
19 less than police and firefighters. The double  
20 standard here in New York City is beyond compare.  
21 Here in the Big Apple the highly trained medical  
22 professionals, yes, medical professionals, of the  
23 FDNY EMS are told we are only worth \$16.00 an hour.  
24 It's shameful. Council members, the EMS is the  
25 revenue-generating side of the FDNY. The FDNY

1  
2 charges people's health insurance on Medicare or  
3 Medicaid for ambulance trips taken and for providing  
4 medical treatment, such as drug administration,  
5 oxygen, intravenous, and other treatments. In fact,  
6 the multi-millions in fees paid to the city for our  
7 work flows back into the Office of Management and  
8 Budget. Yet some believe is cutting that, some  
9 believe that cutting that revenue flow and  
10 outsourcing that income instead to some private  
11 ambulance companies or hospitals to be beneficiary  
12 of. Since our city is getting reimbursed for a large  
13 percentage of our work product, what's the real cost  
14 of our labor to the city? Is it \$4 or \$6 per hour,  
15 perhaps? Does the city believe it can outsource our  
16 jobs to China or India and pay even less? Is there  
17 some private sector ambulance service here in New  
18 York City out there paying even less than the City of  
19 New York does to our members? The lifesaving  
20 services provided by medical professionals of the  
21 FDNY's is the win-win for the city, and most  
22 especially for its bean counters on both ends of the  
23 financial ledger. Today we should instead be talking  
24 about equity for those men and women doing herculean  
25 work for pauper's wages. The coronavirus is

1  
2 overwhelmed the entire New York City healthcare  
3 system from hospitals to nursing homes, putting  
4 immeasurable stress also on the FDNY EMS workforce.  
5 Right now with insufficient resources, yes, the city  
6 is referring calls to outside ambulance services.  
7 And they become the beneficiaries of medical  
8 reimbursement and not the city treasury. Our city's  
9 uniformed staff are more than capable of handling  
10 day-to-day operations of caring for the needs of our  
11 fellow New Yorkers without contract outsourcing. But  
12 we need the support of City Hall to provide the  
13 integrity of our jobs and its critical role in  
14 protecting lives. Our members need more stable work-  
15 life balance with compensation more commensurate with  
16 other medical professionals and perhaps in similar  
17 proportion to our peers in Boston EMS, paid almost  
18 the same as police and fire in their city, so that  
19 our members don't need to moonlight with two or three  
20 jobs just to survive. As of today there's no mention  
21 or discussion for hazardous pay for EMS or any other  
22 essential workers. I thank you for your time and  
23 I'll take any questions that you have.

24 MODERATOR: Thank you for your testimony.

25 I will now call on Josh Kellerman.

1                   SERGEANT AT ARMS: Time starts now.

2                   JOSH KELLERMAN: Hello, everybody, Chair  
3 Miller, members of the committee, thank... There we  
4 go. Hi, can you hear me now? All right. It looks  
5 like it's working. Hello, my name is Josh Kellerman.  
6 Um, I work at, I'm the director of public policy at  
7 RWDSU, the retail workers' union. Um, thank you,  
8 Chair Miller and members of the committee for the  
9 opportunity to speak. We represent approximately  
10 40,000 workers in New York City, members in retail,  
11 grocery stores, pharmacies, food service, food  
12 processing, car washes, nursing homes, airlines,  
13 nonprofit social service organizations, and more.  
14 Um, I can't overstate the impact of COVID-19 on our  
15 members. Um, we've had over 40 members, ah, lose  
16 their lives as a result of COVID. Um, it has  
17 resulted in workers in the grocery store industry,  
18 many of whom earn the minimum wage, fearing for their  
19 lives every day. They show up to this essential job  
20 and it has caused untold misery in the poultry and  
21 meat packing industries, as many of you have heard.  
22 It's also put an enormous strain on our healthcare  
23 members. On the other side, we have members in the  
24 nonessential industries, like apparel retail, who  
25

1  
2 have had their own, ah, ah, degree of suffering from  
3 COVID-19. Ah, many of these workers also earn low  
4 wages and had little financial cushion prior to the  
5 crisis and then many were furloughed, fired, ah, and  
6 now are being brought back, ah, into an uncertain  
7 industry in brick and mortar retail, where the work  
8 is largely part time. Um, we've coordinate funding  
9 drives and food drives, educational events, um, and,  
10 ah, and a lot of work trying to ensure that, ah,  
11 these workers have adequate, ah, testing, PPE, paid  
12 sick leave, UI, Workers' Comp, etcetera. Um, our  
13 experience in New York is that a clear plan with  
14 enforceable standards is the right way to go. Um,  
15 sort of Occam's razor, the simplest solution is, is  
16 the right one. No mask, no service has been very  
17 simple for us to enforce with our employers. I know  
18 it's obviously more complicated in the nonunion  
19 sector, but, um, even before we had a statewide  
20 standard on no mask, no service, um, we were able to  
21 have that, ah, negotiated in, in our union workplaces  
22 across the city. Um, and that's because we have  
23 workplace democracy at union shops. So it's moments  
24 like this during pandemics the value of unions comes  
25 into sharp relief. Um, I'll note that recently the

1  
2 Bureau of Labor Statistics came out with their 2020  
3 data on unemployment and, interestingly, they  
4 separate the data from union members from the overall  
5 working population, and what the data showed is that  
6 while jobs were lost at an alarming rate in 2020 in  
7 New York and across the country, proportionately  
8 there were many fewer job losses at union shops. Um,  
9 so what we know is that unions not only protect  
10 workers' health and safety on the job, but also  
11 protect your job, and that's come really into sharp  
12 contrast during the pandemic. Um, we've been  
13 fighting to ensure that our members working on the  
14 front lines, um, especially grocery store workers and  
15 healthcare workers, are vaccinated. We've  
16 experienced some recent problems with the vaccination  
17 program, um, in that...

18 SERGEANT AT ARMS: Time expired.

19 JOSH KELLERMAN: Um, I'll finish briefly.  
20 Um, in that workers, um, can't find appointments to  
21 be vaccinated. Um, and because they're working they  
22 can't spend hours refreshing the website in hope of  
23 openings, ah, for, for accessing vaccinations, and so  
24 we're still not quite sure of the solution here.  
25 We've been doing our best to support these workers,

1  
2 but it's, ah, it's a real problem for, ah, working  
3 people right now, is there, they just can't spend  
4 hours on the internet trying to figure this out. Um,  
5 I'd like to thank the chair and the committee members  
6 for, ah, at the last hearing on this, advancing the,  
7 ah, Healthy Terminals Act Resolution, which  
8 encouraged the governor to sign the Healthy Terminals  
9 Act, the state. Ah, subsequently the governor signed  
10 that bill, um, which will, ah, ensure access to  
11 health insurance for thousands of airline workers,  
12 ah, across the city, which is just so essential right  
13 now. Ah, so I just wanted to conclude by saying now  
14 more than ever we need bold ideas to protect workers  
15 and build back better. We look forward to working  
16 with you and your committee to do that. Thank you  
17 for your time.

18 CHAIRPERSON MILLER: Thank you.

19 MODERATOR: Thank you for your testimony.  
20 Next I will call on Anthony Wells.

21 ANTHONY WELLS: Ah, good afternoon.

22 SERGEANT AT ARMS: Time starts now.

23 ANTHONY WELLS: Good afternoon. Thank  
24 you, Mr. Chair, and, and council members, ah, for  
25 this opportunity. Um, I want to touch on two

1 [inaudible]. First of all, we support ERI.  
2 Obviously when it's applied you must look at, ah, the  
3 needs of the agency. But, um, the ERI, ah, program,  
4 early retirement [inaudible] will save jobs, ah, not  
5 just in the immediate, going on to the future, and  
6 obviously where there are shortages we need to look  
7 at that. Ah, also we have, um, it's really  
8 outrageous that workers who work in centers, job  
9 centers, from the welfare centers and the centers,  
10 they had to go through a screening, but a client can  
11 come in and nothing's done. There's no screening.  
12 There's no, there's no temperature reading. And when  
13 we tell them they, we should not be seeing clients  
14 who refuse to wear a mask, the state says they can't  
15 do that. Well, that's, that's, that's a total  
16 contraindication, just a total contraindication. So  
17 I, I, I instruct my, my members to, ah, to, if the  
18 client's not wearing a mask we're not gonna see them.  
19 We're not gonna interview them. We are not gonna put  
20 our families at risk because, ah, because, and it's  
21 interesting that Josh said that, in, in, in the  
22 private sector [inaudible] negotiate something that  
23 says they will not service people who come into their  
24 stores without a mask. By the way, Josh, great work  
25



1  
2 in Alabama. My brother-in-law, my brother-in-law is  
3 Allen Donny, he's working on that, Allen Gregory,  
4 great job. Because everything was said already. In  
5 terms of, of working with DCAS and OLR, Commissioner  
6 Champion and Steve, it's been a good relationship.  
7 There are some rogue commissioners, like example in  
8 DOC, Department of Corrections, OK, who tried to  
9 implement, um, return to work policies without a true  
10 discussion, so this council needs to look at that.  
11 They have true negotiations, true discussions, but  
12 all of a sudden you're saying you're doing remote and  
13 all of a sudden remote is gone, everybody is coming  
14 back to work, ah, and not have real discussions.  
15 That's, that's what I would like to see the council  
16 look into. We represent over 22,000 city employees  
17 in every agency in the City of New York, [inaudible]  
18 DA's office and wills. These workers have been  
19 working for the last 10 months and yes, and, and, and  
20 my brother, Oren, ah, his workers have been at risk  
21 on the front lines, but there are essential workers  
22 that also on the front lines that you don't see, and  
23 that are those workers who have kept the city going,  
24 say city services going. Ah, people who, who need to  
25 depend on the city for sustenance and support. They

1  
2 have been kept going. In the hospitals. So we need  
3 to look at, at this prioritizing as who is having  
4 contact with, with the public. And yes sanitation  
5 workers have contact with the public and should be  
6 prioritized and all workers who, who do it, and then  
7 you, and, and, and you asked about what people  
8 sneaking in, course they are. There's no total  
9 check. There's no check on, and once you say you're  
10 working there's nobody check on it, and so that has  
11 to be...

12 SERGEANT AT ARMS: Time expired.

13 ANTHONY WELLS: And I, I am done, be  
14 honest. Hi, hi Councilwoman, ah, ah, ah, Adams, you  
15 know. Hey, listen. This is real work. It's not  
16 easy. But you gotta have people who are in touch  
17 with the public on so many levels to be part of the  
18 priority and the city has done a good job but can do  
19 better. Thank you for the opportunity. Let's stay  
20 in this together. This is how we beat this, this  
21 pandemic. Thank you, council, ah, Chair, appreciate  
22 it.

23 MODERATOR: Thank you for your testimony.  
24 We will now hear from Mark Henry.

25 SERGEANT AT ARMS: Time starts now.

1  
2                   MARK HENRY: Thank you, ah, Chairman  
3 Miller and all the council, ah, members that they are  
4 present and those on the Zoom call. My name is Mark  
5 Henry, president and business agent for 1056 and the  
6 ATU. We appreciate this opportunity to emphasize the  
7 special plight of our transit workers and front-line  
8 people that have been dealing with COVID since its,  
9 ah, inception back in March. Ah, all the ATUs, ah,  
10 that are represented in the, in New York City  
11 Transit, ah, are all suffering, ah, still, ah,  
12 through the result of, of, ah, some poor management  
13 by the New York City Transit Authority. Ah, to  
14 complicate those matters we are working under  
15 expiring, ah, expired contracts, ah, with the threat  
16 of layoffs on top of that. Ah, the MTA has settled  
17 contracts with the, ah, larger local, ah, in the MTA,  
18 the TWU, but as far as the ATUs are concerned that  
19 has not occurred and, and it's forcing us through the  
20 legislative process, which I think is a shame in  
21 regards to what is happening to our members. We've  
22 lost 33 members due to this virus. Ah, they have  
23 been functioning without a contract since May, ah,  
24 with no relief in sight. We have seen, like I've  
25 seen, like I've stated, we have seen our members

1  
2 perish. We have seen our members get sick. We have  
3 seen family members, all those members get sick and  
4 it's been a great toll, ah, mentally on our  
5 membership as a whole. Ah, they've been doing their  
6 job, our membership and, you know, members of the  
7 [inaudible] of course have been doing their job  
8 despite everything that has been going on, you know,  
9 transit workers and it was stated by brother Francois  
10 can't shelter in place. Yet an agency that has some  
11 33 floors was able to shelter in place while the  
12 transit workforce was out there, ah, battling with  
13 this virus under the physical and the mental  
14 conditions and, and, and not being able to be  
15 compensated. You know, we were hard pressed to get  
16 PPE for our members. We are now hard pressed to get  
17 the vaccine rolled out to our members. We are hard  
18 pressed to get, ah, a contract for our members so  
19 that they are paid correctly and, and, and fairly.  
20 Ah, we're doing a, a, excuse me, a fair's day work  
21 for fair day's pay but yet we are being treated with  
22 like second-class citizens. Um, like I said, we,  
23 the, the PPE issue still exists. We have gotten our  
24 PPE from our, our agency, but it's, it's still not  
25 enough to satisfy our membership. Ah, we're still

1  
2 being assaulted in, in regards to what's going on on  
3 the buses and, and subway system. There's a mask  
4 policy in place, but that doesn't stop the spread of  
5 this virus. Some of our members have been  
6 contracting this virus while at work as well as at  
7 home. Those issues still exist. We, we don't, we  
8 don't have the proper, ah, enforcement out there.  
9 You know, if an individual gets on, on a bus without  
10 a mask...

11 SERGEANT AT ARMS: Time expired.

12 MARK HENRY: ...it's not something that  
13 can be readily, ah, communicated to the agency that  
14 this individual needs to be removed, and that puts  
15 our members in jeopardy. Um, funding, ah, we know is  
16 needed. Our international has been working with the  
17 funding. We know that the Transit Authority has,  
18 will receive 4 billion in funding from the federal  
19 government, but there has to be other streams of  
20 money to make sure that services are not cut. Public  
21 transit is a integral part of this, this city and  
22 without it it's gonna die. So, ah, these things are,  
23 are impacting our members greatly. It impact the  
24 communities that the council member and the other  
25 members of the council serve. And it needs to be

1  
2 addressed, ah, and we're hoping that, you know, these  
3 things do come to fruition. Ah, I just testified in  
4 a, in another case about the stop transfer tax and,  
5 and other terms of, ah, funding. These things have  
6 to be talked about, have to be brought forward and,  
7 and needs to be, ah, communicated correctly to the,  
8 to the public. Again, I appreciate the council for  
9 holding this meeting, ah, and this hearing, um, I'm  
10 always here to help the council member and any other  
11 member of the council. If you need me as a resource  
12 to offer any advice or guidance please reach out to  
13 my office. I have plenty of information I can  
14 divulge to you in regards to how things are going for  
15 our brothers and sisters in the Transit Authority.  
16 Thank you.

17 MODERATOR: Thank you for your testimony.  
18 That concludes this panel, and I will turn it over to  
19 Chair Miller for any questions.

20 CHAIRPERSON MILLER: OK. Ah, I, I just,  
21 for, for, for Oren, I, I, I know we have, ah, ah,  
22 we're waiting to roll out, ah, Intro 1731, which  
23 addresses hiring practices of, of, ah, FDNY as it  
24 relates to EMS. How they disingenuously, um,  
25 identified the, their workforce, when the majority of

1  
2 the folks leave to get promoted to go to firefighter,  
3 which you shouldn't have to do to, to, to earn enough  
4 to, to feed your family when you have a profession  
5 that you have, ah, committed to, trained for, and,  
6 but you can't stay there because there's not enough  
7 dollars, but when a significant number of the  
8 workforce leave there to, ah, get, take a promotion,  
9 um, they do not include that in the numbers, right,  
10 ah, of folks who, who, are actually leaving the job.  
11 And so we want real transparency about the workforce,  
12 the hiring, and what that looks like and, and so we  
13 would ask and I, I would again, ah, be calling on,  
14 ah, Chair Borelli of Fire and Safety to make sure  
15 that we hear this, that this bill is voted upon and  
16 that, um, we can change those practices because, ah,  
17 we, we've been talking about this for a number of  
18 years and had this been in effect perhaps you would  
19 have the number of workforce to support us, ah,  
20 during COVID-19 and you'd have the membership and we  
21 wouldn't be talking about outside, ah, workers coming  
22 in to, to do the work, ah, that you guys do so well.  
23 So, ah, on that, as it, um, I, I would also, ah, in  
24 terms of, ah, there was a question about private  
25 sector access but, um, ah, I'll just send that on to

1  
2 RSCW and, and others and, ah, are there any  
3 grievances that are ongoing, COVID-related, that,  
4 that any of the panel have? I take that as no?

5 OREN BARZALIY: We, we have, ah, the  
6 Labor Department just yesterday contacted us that  
7 they're going to investigate the, ah, numerous deaths  
8 that happened to our members at the FDNY.

9 CHAIRPERSON MILLER: OK.

10 ANTHONY WELLS: And, and, and, Chairman,  
11 we have, we have a couple of OSHA complaints, ah, and  
12 juvenile justice, ah, at the facilities and, you  
13 know, somebody said something earlier, if, if I may.  
14 Somebody said something earlier about the, the  
15 conditions of ventilation in the old, in the older  
16 buildings. That's an issue going forward and it's an  
17 issue now with people occupied. So we, we've had,  
18 we've had had to make OSHA complaints, yes, and  
19 NYCOSH complaints.

20 CHAIRPERSON MILLER: OK, great.

21 ANTHONY WELLS: Yeah.

22 OREN BARZALIY: Yeah, our, our complaints  
23 is with PSAH as well, Public Safety and Health.

24 CHAIRPERSON MILLER: And, and, and, and  
25 just as a point of clarity you, you, you, you



1 mentioned in your statement that initially 100% of  
2 the, of, of the calls, COVID-related, respiratory-  
3 related calls were being addressed by EMS. What  
4 exactly does that mean?  
5

6 OREN BARZALIY: That's correct. Ah...

7 CHAIRPERSON MILLER: Was it FDNY? Don't  
8 they traditionally answer...

9 OREN BARZALIY: So, ah...

10 CHAIRPERSON MILLER: ...emergency calls as  
11 well?

12 OREN BARZALIY: So, so during the height,  
13 the, the peak of the incidents and when the city  
14 realized that this was, ah, truly contagious they  
15 pushed everybody back, ah, police and firefighters  
16 had to stand down basically, allow EMS to go in and  
17 assess the situation. Ah, the only time that  
18 firefighters were told to go in is, ah, when somebody  
19 wasn't breathing and was to assist. So only on the  
20 priority 1 calls.

21 CHAIRPERSON MILLER: OK.

22 OREN BARZALIY: I [inaudible] told to  
23 stand down. Everybody else, yeah, in the panel one  
24 system when it came to medical calls EMS was the  
25 only, the first one in and the last ones out.

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CHAIRPERSON MILLER: OK, thank you so much. Ah, thank you to the panel. Ah, we will be working with all of you in the future. Um, if you have any questions, ah, there's something in the chat room the committee puts up in the chat room, send those future questions or concerns, ah, to the committee and we will definitely address them to the appropriate folk and look forward to working with each and every one of you. Thank you so much for, for participating...

OREN BARZALIY: Thank you.

CHAIRPERSON MILLER: ...in today's, ah, hearing. We got a lot of work to do here. We all know that and I, I am, I am certainly, um, confident that that work will happen. So, thank you. Ah, any of my colleagues, ah. Vinny, thank you so very much for your leadership, absolutely. I'm gonna call the next panel.

MODERATOR: Yes, moving to the next panel, ah, I will be calling on Alice Wong, Danny Cassella, Donna G. Ellaby, and Gabriel Galuci. We will now hear from Alice Wong.

SERGEANT AT ARMS: Time starts now. You may begin.

1  
2 ALICE WONG: Hi, good afternoon. My name  
3 is Alice Wong. I am the executive director for the  
4 New York City Manager Employees Association. Thank  
5 you, Chair Miller, for the opportunity to speak on  
6 behalf of the 16,000 New York City Manager Employees  
7 and MEA members. These city employees are largely  
8 composed of women and minority groups, representing  
9 the diversity of New York City. During the height of  
10 COVID-19 many of our manager employees work in areas  
11 outside their job description without the option of  
12 overtime pay nor the ability to work from home. At  
13 ASC paid supervisors reported on site to provide  
14 central services that ensure the safety of our  
15 children and families. Their work proceeded  
16 regardless of the fact that PPE was not available  
17 between March and May for usage during their site  
18 visits. MEA advocated to make sure the voices of our  
19 members and frontline workers were heard. When PPE  
20 became available instruction and usage protocol was  
21 provided. ACS commissioner was responsive and  
22 proactive with communication announcements and  
23 updates regarding COVID-19. This was an example of  
24 leadership and concern for ACS staff members. H&H  
25 employees were not as fortunate. Employees at the

1  
2 manager level worked outside their job description  
3 and scope of duties. They did not have the option to  
4 work from home, nor to decline assigned tasks.

5 [inaudible] managers which [inaudible] a lot of  
6 employees who wanted to wear face masks and were  
7 often mocked. Managers were recruited to provide  
8 support services and [inaudible] for the hospital in  
9 areas such as facilities and engineering. Employees  
10 who tested positive were told to report to work  
11 instead of staying home to quarantine. Employees  
12 requested infection control inspections and they  
13 still have not been made to date. Nonclinical  
14 managers are expected to bridge the staffing gap, yet  
15 they are not treated as essential workers who qualify  
16 for the vaccine in the first round. As MEA continues  
17 to advocate for H&H managers we ask for open  
18 communication, peer safety guidelines, and consistent  
19 updates to COVID-19. MEA was asked to conduct a  
20 survey of its members on the response to COVID-19  
21 with a focus on the city's communication, training  
22 protocol, and the safety procedures. MEA would  
23 provide the results of the survey to the committee  
24 for review in the coming weeks. MEA is committed to  
25 provide advocacy for all city managers and we thank

1  
2 Chair Miller for the opportunity to testify on the  
3 impact of COVID-19 on behalf of the 16,000 New York  
4 City manager employees. Thank you.

5 MODERATOR: Thank you for your testimony.  
6 We now hear from Danny Cassella.

7 SERGEANT AT ARMS: Time starts now.

8 DANNY CASSELLA: Thank you. Thank you,  
9 ah, Chairman Miller and, ah, the rest of the  
10 committee. I'm Danny Cassella, president of ATU 726.  
11 I proudly represent bus operators and maintenance  
12 personnel who work for the MTA on Staten Island.  
13 Behind me you see a picture. That was one of my  
14 members that passed away at 46 years old from the  
15 COVID and, um, many, many other members, ah, sick,  
16 um, we're getting a huge spike right now with, with  
17 our members. Ah, Mark Henry mentioned about 33  
18 members from the ATU passing away. But there's over  
19 130 members that passed away that worked for the MTA.  
20 You know, obviously including TWU where, um, they  
21 took the biggest hit, um, but it, it's still  
22 happening. One of my members yesterday  
23 unfortunately, ah, ah, notified us that, um, he  
24 contracted the COVID last week, brought it home to  
25 his wife and brought it home to his 10-year-old son,

1 and, ah, his 10-year-old son passed away yesterday.  
2 So it's a horror and something that we have to live  
3 with, and it's just terrible. And I, I, Mark Henry  
4 really mentioned all the points that I was gonna  
5 mention. But I just want to know how many people  
6 here, like the Transit Authority is doing to us,  
7 they're packing the buses, there's no protocol. They  
8 say there's no way of self-distancing. All you hear  
9 from the, from the president now is you have to, ah,  
10 stay away from people, wear masks. There's no  
11 enforcement on the MTA bus. There's no enforcement  
12 on the train. If you want to wear it, you wear it.  
13 You don't want to wear it, you don't wear it. Ah,  
14 our members are sitting ducks. They, they, people  
15 coming on there, we're fighting with the customers  
16 because they're arguing. How many people you gonna  
17 allow on this bus? They're standing over us, they're  
18 coughing on us. You know, something has to be done  
19 and, and as far as I'm concerned there's no regard  
20 for the membership whatsoever and, and if it wasn't  
21 for the union things would be a hundred times worse.  
22 So I know I have more time, but I'm just disgusted  
23 and I'm, that's it. Turn it back over to you, ah,  
24 Chairman Miller.  
25

1                   CHAIRPERSON MILLER: Thank you, President  
2  
3 Cassella. Thank you so much.

4                   MODERATOR: Thank you for your testimony.  
5 Ah, next we'll move and hear from Donna G. Ellaby.

6                   SERGEANT AT ARMS: Time starts now.

7                   DONNA G. ELLABY: Thank you, Chair  
8 Miller, and members of the council and all of my  
9 fellow labor leaders for all of your dedicated work.  
10 Um, I did submit testimony. I hope that's  
11 circulating among everyone. Ah, I just want to focus  
12 on some DCAS comments, ah, about my membership. I am  
13 president of Local CWA 1183. We represent the Board  
14 of Elections, ah, a very maligned and underpaid  
15 staff, and at our Queens facility when DCAS had a  
16 staff person test positive they were able to, ah, get  
17 a remote van out there the next day to test everyone.  
18 They did not extend that testing to our staff, and  
19 since then five of our members have tested positive.  
20 Um, we have an election going on in Queens. Um, so  
21 our folks are out in the world, ah, and that often  
22 happens with elections. While we're essential  
23 workers we transmute into frontline workers during  
24 all, the height of election season, which is coming  
25 up, with other elections, special elections going on,

1  
2 and petitions. Um, we are overcrowded in our  
3 offices. We put in requests to DCAS, um, which I  
4 think have kicked our requests to OMB, since 2016 for  
5 additional office space to meet the changing needs of  
6 the electorate of the City of New York which, ah, in  
7 order to be a 21st century modernized agency we need  
8 to have the space to perform the various functions  
9 that are required of us. Um, compared to my fellow  
10 labor leaders, we've only lost four members to COVID,  
11 but those four members are certainly sorely missed,  
12 and we've had over a hundred members and their family  
13 members test positive, and we've got among us a  
14 number of long haulers whose future life expectancy  
15 is really dim. Um, we've got a progressive mayor in  
16 this city but he has not made the commitment that we  
17 need to ensure that our workforce gets what they  
18 deserve, both in terms of wages and in terms of  
19 protections. Ah, I think that because we are  
20 frontline workers we need mobile vans to go to our  
21 facilities on a weekly basis and test our members.  
22 Ah, and so I'm hoping that out of this committee we  
23 can advocate...

24 SERGEANT AT ARMS: Time expired.



1  
2 DONNA G. ELLABY: ...for that need. OK,  
3 thank you.

4 MODERATOR: Thank you for your testimony.  
5 That concludes this panel, and I'll turn it back over  
6 to Chair Miller for any questions.

7 CHAIRPERSON MILLER: Thank you so much,  
8 um, yeah, there, there are, ah, so Donna, what you  
9 did mention is, is the amount of hours that your  
10 workforce puts in during these correction cycles and,  
11 and, and the time that you're spending in the  
12 facilities, ah, during the cycle, the current cycle.  
13 Ah, one of the things, um, they were, in talking to  
14 DCAS they were talking about the brick and mortars,  
15 how many people were out of what, ah, that diminished  
16 workforce is gonna look like in terms of [inaudible]  
17 of, of property and so forth, um, and we, we get, we  
18 do recognize that, um, the number of people actually  
19 going into, to, to these facilities and working have  
20 diminished, but there are industries, and what we're  
21 hearing today in transplantation, ah, in, in at the  
22 Board of Elections where depending on people being  
23 there on the job, how do we insure that we're, we're  
24 mitigating, ah, the, the possible infections that  
25 exist where, where we have such overcrowding there

1 and, and, and raise that voice and, and, and clearly,  
2 you know, ah, there is enough, ah, space that the  
3 city is currently leasing, not being used, that could  
4 translate. Are you having those kind of  
5 conversations? What does that mean...  
6

7 DONNA G. ELLABY: No.

8 CHAIRPERSON MILLER: ...from, from, yeah.

9 DONNA G. ELLABY: No, there's been,  
10 there's been no response. Our requests have gone to  
11 OMB, at least that's my understanding, and it just  
12 enters a black hole, and, um, as I said in my  
13 testimony, you know, the electorate of the City of  
14 New York is entitled to have their franchise expanded  
15 to choice, whether it be absentee voting or early  
16 voting, and yet we do not have the space to  
17 accommodate staff to conduct these, these procedures  
18 in a way that supports the electorate without risking  
19 our lives.

20 CHAIRPERSON MILLER: So...

21 DONNA G. ELLABY: You know, um, and both,  
22 from a, from a, a health and safety standpoint as  
23 well as a fire safety standpoint.  
24  
25

1  
2 CHAIRPERSON MILLER: Did, did you also,  
3 did, ah, your members and BOE, ah, did a outbreak  
4 occur, ah, in the Bronx, ah...

5 DONNA G. ELLABY: Yes.

6 CHAIRPERSON MILLER: ...last month, month  
7 before, and then what best, best practices, if any,  
8 have been adopted, because clearly based on the  
9 response of, of DCAS and, and dealing with the other  
10 agencies that were in the building they responded  
11 differently. What then did they learn, if anything,  
12 in terms of best practices that could have been  
13 applied here that would have prevented the same  
14 things that happened last month from occurring again  
15 now?

16 DONNA G. ELLABY: Um, I, I don't think  
17 that there was any consideration on the part of DCAS  
18 regarding best practices, but I must credit the  
19 management team of implementing [inaudible] shifts  
20 because we cannot social distance. We sit two feet  
21 apart and while we do have masks and we do have  
22 plexiglas, the plexiglas can't even provide the level  
23 of support or, or protection that does exist in other  
24 agencies because our office equipment doesn't allow  
25 the plexiglas to be the extended. So, um, you know,

1  
2 we, we have done staggered shifts, but when it comes  
3 to really moving forward with an election we have to  
4 be there.

5 CHAIRPERSON MILLER: OK. Thank you.

6 And, and, and, and for, for President Cassella and,  
7 and Henry, ah, I know that my office and my  
8 colleagues are receiving tons of calls about trains  
9 and buses being overcrowded. Is that the type of  
10 advocacy that, that should come from, from us, and  
11 clearly, you know, you guys are making that argument  
12 on a daily basis, ah, and, and, and in fact should  
13 be, ah, filing grievances on, on load guidelines.  
14 Um, in fact, on that issue, um, have load guidelines  
15 changed during COVID-19 or do they remain the same.

16 DANNY CASSELLA: Um, they're, they're the  
17 same. They, they don't care how many people are  
18 packed onto the bus or standing over another customer  
19 that's sitting down and, um, I just had an argument  
20 yesterday with, ah, Transit over, ah, one of the  
21 operators that got written up. He refused, he had,  
22 ah, 41 people and he got to the next stop and there  
23 was like another eight people and he told them I'm  
24 not putting them on, they're gonna be standing right  
25 over us, and they didn't care and they wrote him up.

1 He got two violations that I'll deal with today after  
2 I get off this. But, um, it's just, ah, you know,  
3 every, everyone tells you social distance, social  
4 distance, wear a mask. Neither thing is happening on  
5 the bus. You know, neither one. You don't have to  
6 wear a mask and you don't have to social distance.  
7 Those are two things that everyone keeps telling you  
8 to do except for on MTA equipment.

10 CHAIRPERSON MILLER: And, and no pun  
11 intended, but it must be particularly hard on Staten  
12 Island to achieve those goals as well, considering,  
13 ah, that not just the political climate, but the fact  
14 that, that's a transportation desert that everybody  
15 has to take, take a bus.

16 DANNY CASSELLA: Yep.

17 CHAIRPERSON MILLER: As, as, as in Queens  
18 and, and so you're packing them in and, and then...

19 DONNA G. ELLABY: Well, open it up and,  
20 and, and have [inaudible] sandwich.

21 CHAIRPERSON MILLER: You know, and the  
22 folks that, you know, considering that you've already  
23 all been packed on and then the inconsiderateness of  
24 people who decide that they don't want to wear a mask  
25 and there's no such enforcement puts, puts your

1  
2 workforce and, and your membership in a particular  
3 dangerous situation.

4           DANNY CASSELLA: Absolutely. And, and  
5 we're getting a lot of flack from the customers,  
6 because there are some customers that do not like the  
7 overcrowding, and they're arguing with the driver.  
8 Why are you letting this person on? Why are you  
9 letting this person on? But if they don't let them  
10 on they get in trouble. So they're either gonna  
11 fight with the Transit or they're gonna fight with  
12 the customers, or fight with both. And that's what  
13 we're dealing with right now and, and something has  
14 to give because, ah, like I said, this virus right  
15 now where, where, ah, it's spiking, it's, it's and  
16 somebody walks on without a mask, I mean, it's very  
17 disrespectful, disrespectful to the driver, and the  
18 rest of the customers that are on the bus. So, ah,  
19 you know, we're trying to be fair to everybody, the,  
20 the customer and, and to the, and, and make sure the  
21 driver is safe and can go home to his family without  
22 catching this dreaded virus.

23           CHAIRPERSON MILLER: [inaudible] you know  
24 what, OK, to, to, to the committee, ah, folks and,  
25 and therein lies [inaudible] response, ah, a low

1 guideline, right, ah, that we mandate a low guideline  
2 for, for, ah, public transportation during, ah, the  
3 pandemic, ah, that is consistent with the governing  
4 bodies, ah, for, ah, recommendation for, for social  
5 distancing. Ah, and, and, and sometimes when you  
6 can't educate you have to legislate and that's why  
7 we're here. That's why we're kind of also having  
8 this conversation so we know what, what needs to be  
9 done. So I, I want to thank you. I also want to  
10 [inaudible], you know, I, I think that might be the  
11 first time that you guys are actually testifying and,  
12 and, and welcome you to the world, ah, the new  
13 executive director, but also the managers, ah, who  
14 are often, you know, not recognized. They're just  
15 telling your membership to just go out and do it and,  
16 and lead by example, um, and, and, ah, so you have a  
17 voice in this space as well. Um, and, and, and, you  
18 know, we want you to understand that, ah, this  
19 committee, that this body, this, this family of, of,  
20 of the leadership here is, you know, are here to  
21 support all of us, and we can't have weak links and  
22 how we certainly can't have people, one body, um, ah,  
23 group doing work that another group has already  
24 refused to do, right? That undermines the integrity  
25

1 of what we're trying to accomplish here, so, ah, we,  
2 we thank you for the work that you're doing and, and  
3 look forward to working with you in the future.

4 Thank you to this, this panel. Um, any questions  
5 from my colleagues? Ah, the answer is no, so can  
6 you, ah, please call the next, ah, panel, please,  
7 Tom?

8  
9 MODERATOR: Sure, Chair. Ah, moving to  
10 the next panel. Ah, we will be calling on Mark  
11 Anthony Espinosa, Jeff Oshins, Irene Lew. We will  
12 now hear from Mark Anthony Espinosa.

13 SERGEANT AT ARMS: Time starts now.

14 MARK ANTHONY ESPINOSA: Hi, good  
15 afternoon, Chair Miller and members of the committee.  
16 My name is Mark Anthony Espinosa and I've been a 32BJ  
17 member for 13 years. And I would like to thank you  
18 all for the opportunity to testify. I'd like to  
19 begin by offering my heartfelt condolences to the  
20 families of 32BJ members lost to the coronavirus  
21 pandemic. My thoughts and prayers are with those  
22 survivors dealing with tragic loss of loved ones and  
23 coworkers. I myself have lost eight family members  
24 and friends to the virus, including my 95-year-old  
25 grandmother and my 67-year-old father the day before



1 his birthday, and both of it was eight days apart.

2 The damage of COVID-19 highlights the differences in  
3 our city's workforce. While the race to contain the  
4 virus continues, white collar workers are able to  
5 move their workspaces to their homes as states ask  
6 employers to offer flexible work arrangements.  
7

8 Unfortunately, this is a very different lived reality  
9 than us blue collar workers whose jobs require them  
10 to work in person. In addition to being  
11 disproportionately exposed to the novel coronavirus,  
12 these workers are also more likely to experience lack  
13 of access to quality and affordable health care, poor  
14 working conditions and exploitive management  
15 policies. Day in and day out essential workers  
16 continue to show up despite these circumstances and  
17 keep our city running. 32BJ represents workers  
18 across numerous divisions, including airports,  
19 commercial, residential, security, and schools, the  
20 latter of which I have worked in for 15 years. Yes,  
21 I am a school cleaner. In my experience as a  
22 cleaner, earning a prevailing wage and having access  
23 to quality affordable health insurance has been  
24 crucial to my family's security, especially during  
25 the pandemic. Because of our health insurance, my

1  
2 wife was able to receive support throughout her  
3 pregnancy and we were able to safely deliver our  
4 newborn daughter, who will turn two months today. As  
5 a new family, we are not burdened with the cost of an  
6 expensive hospital bill. Because of the benefits I  
7 get from my job we can live without any worry. My  
8 heart goes out to workers who don't have access to  
9 workplace protections, such as hazard pay, health  
10 insurance, paid time off, life insurance, or  
11 disability, disability benefits as they navigate  
12 working in person through the coronavirus pandemic.  
13 We owe proper compensation and benefits to the  
14 essential workers who put their lives at risk to  
15 ensure that New York City will survive and recover  
16 from COVID-19. I'd like to thank you all for your  
17 time.

18 MODERATOR: Thank you for your testimony.

19 We will now hear from Jeff Oshins.

20 SERGEANT AT ARMS: Time starts now.

21 JEFF OSHINS: Greetings, Chair Miller and  
22 committee members. My name is Jeff Oshins and I am  
23 the president of Local 3005 of DC37 AFSCME. I  
24 represent, ah, research scientists at the DOHMH and  
25 the criminalists at OCME. I wanted to let everybody

1 know that, you know, while seeking reasonable  
2 accommodations through EEO have been done, but they  
3 not have been so favorable for us, especially in  
4 terms of seeking, ah, help with childcare. We do  
5 have a majority of, let's say, about 70% or more of  
6 our membership at OCME are women and this is a  
7 concern for us. We do need some kind of  
8 clarification because when our members are filing for  
9 EEO accommodations there seems to be a distinction  
10 and we can't seem to get a clear answer between  
11 what's called a reasonable accommodation versus a  
12 special accommodation. We would appreciate some  
13 help, we would appreciate some help regarding that.  
14 In terms of our criminalists, you know, our  
15 criminalists at OCME are tired and exhausted. Their  
16 mental health services is of serious concern. Being  
17 denied annual leave is not acceptable, which seems to  
18 be now an ongoing concern. Taking criminalists and  
19 placing them on the front lines of morgue operations  
20 is a serious concern and this is something that has  
21 to be addressed as well. We are referring our  
22 members to DC37's PSU unit for assistance, so that is  
23 one way that we're helping out our members there.  
24 Please realize we were successful in securing  
25

1  
2 vaccinations and PPE for our members, especially  
3 those that are working the [inaudible] during this  
4 vaccination process. But there's still more that  
5 needs to be done for their protection. Also, please  
6 be aware that our members were not eligible for any  
7 of the benefits tied to the Families First  
8 Coronavirus Response Act because our members were  
9 deemed essential employees, which is another concern.  
10 In terms of being inequitable or in terms of being  
11 fair, I just need to say that we do have our crim  
12 ones at OCME who have been reporting to work every  
13 day due to their job functions and they have not been  
14 given the opportunity to work remotely, like some of  
15 our members have been able to do. OK, and, ah, in  
16 closing we have had our city research scientists  
17 working at the public health labs on First Avenue  
18 since the pandemic started and our criminalists  
19 assisting the community with the unfortunate deaths  
20 of family members, assisting them. All I need to see  
21 is that our members should not be forgotten. Thank  
22 you for the opportunity to testify.

23 CHAIRPERSON MILLER: Thank you, Mr.  
24 President.

2 MODERATOR: Thank you for your testimony.  
3 We will now hear from Irene Lew.

4 SERGEANT AT ARMS: Time starts now.

5 IRENE LEW: [inaudible]

6 SERGEANT AT ARMS: Irene, you're coming  
7 in very low, if you can adjust your audio, please.

8 IRENE LEW: Is that better?

9 SERGEANT AT ARMS: Yes, it is. Go ahead.

10 IRENE LEW: [inaudible].

11 SERGEANT AT ARMS: You lost your audio  
12 again.

13 IRENE LEW: [inaudible]

14 SERGEANT AT ARMS: No, it's not.

15 IRENE LEW: Oh, OK.

16 SERGEANT AT ARMS: Now you're good.  
17 Stay right there.

18 IRENE LEW: OK. Sorry about that.  
19 [inaudible] today I'll be discussing the inequitable  
20 impact of [inaudible] income ladder have born the  
21 brunt of [inaudible] New Yorkers [inaudible]  
22 precarious position [inaudible] low-income residents  
23 [inaudible] also been hit [inaudible].

24

25

1  
2           MODERATOR:  Sorry, excuse me.  Irene, I  
3 think you're, I think you're coming in a little low,  
4 if you might move in a little closer to the screen.

5           CHAIRPERSON MILLER:  Could, could, could  
6 we get back to her, ah, Tom?  And I know we have her  
7 written testimony, but can we get back to her when  
8 the audio is, is adjusted, please?

9           MODERATOR:  Sure, we can move on.

10          CHAIRPERSON MILLER:  We would immediately  
11 put her to the front.  And before we go to the, the  
12 final, is she the final on this panel?

13          MODERATOR:  Yes, that would be the end of  
14 this panel.

15          CHAIRPERSON MILLER:  Then before we get  
16 to the next panel.  I just want to, I, I'd be remiss  
17 of I didn't before, before President Francois, ah,  
18 President Cassella leave, you know, I want to thank  
19 them for the work that they're doing with their  
20 membership.  I've actually, ah, been in the room  
21 while they were holding, ah, Zoom meetings with,  
22 with, with the membership, ah, having a conversation  
23 about access to vaccines, what that looks like, and,  
24 and getting in, and, and so, um, and, and I kind of,  
25 what do you call [inaudible] when you just jump into

1  
2 the conversation, right? I just show up on, on, on,  
3 in, in the middle of their meeting and, and, and  
4 just, you know, use this committee and this resources  
5 to help because the work that you're doing is so  
6 absolutely important and I, I, I'm told that the  
7 administration is now, um, watching live screen, but  
8 they're not on with us, but they're watching via live  
9 screen, stream. I want to make sure that, you know,  
10 I wanted to ask them what they were doing to assist  
11 membership and get the word out about access to the  
12 vaccines as well, 'cause I know that I, I, I've been  
13 on with, with, ah, President Shawn Francois, D.  
14 Francois I and, and, and President Cassella and, and,  
15 and them really encouraging their membership and kind  
16 of navigating the rules, helping them to navigate the  
17 rules of engagement and accessing vaccine, and, and  
18 many others. So, um, if, if, if, ah, the  
19 administration can chime in and, and send us what  
20 they're doing to, um, encourage and, ah, and the  
21 membership to, to participate, but give them what  
22 information that they are giving them around, ah, the  
23 vaccine for those workers that are 1-A and, and 1-B,  
24 ah, and doing so, and again I just wanted to thank  
25 before we left, ah, those two presidents, who I know

1  
2 firsthand that I've, you know, kind of crashed their  
3 meetings and, and they were doing a great job in  
4 disseminating this information, ah, and access to  
5 their membership. So thank you. Ah, Irene, are you  
6 with us?

7 IRENE LEW: Yup, I'm, I'm using  
8 headphones now so I'm hoping that...

9 CHAIRPERSON MILLER: There you go.

10 IRENE YEW: ...you guys can hear me. OK,  
11 sorry about that. I should have been doing that from  
12 the start. So, um, so I...

13 SERGEANT AT ARMS: Starting time.

14 IRENE LEW: OK. Um, so I won't rehash  
15 some of the statistics, but just kind of mentioning  
16 that just low-income New Yorkers have just been hit  
17 really hard, along with New Yorkers of color and  
18 despite an expansion of, um, unemployment benefits  
19 with the federal CARES Act our survey data found that  
20 this relief is not reaching those who are most  
21 impacted by job loss. More than half of low-income  
22 New Yorkers who lost employment income were not able  
23 to access UI benefits. Our survey data also found  
24 that Latinx and black New Yorkers, as well as those  
25 in the outer boroughs, were also far less likely to



1 receive this aid. Um, only 53% of Queens residents,  
2 53% of Queens residents did not receive UI benefits  
3 compared to 22% of those living in Manhattan, and 56%  
4 of Latinx and 55% of black residents did not receive  
5 UI benefits compared to about a third of white  
6 residents. Without government relief, low-income New  
7 Yorkers who lost their paychecks are twice as likely  
8 as those who did not lose income to experience  
9 housing instability and to face health hardships,  
10 such as loss of health coverage. We must continue to  
11 prioritize expansion of programs such as Fair Fares  
12 and right to counsel to help cushion the blow of the  
13 pandemic. We also urge the council to focus on a  
14 more targeted approach to recovery that will connect  
15 residents in hard-hit communities in the Bronx and  
16 Queens with good-paying jobs. Um, so as, you know,  
17 many have talked about, you know, before me the  
18 pandemic has highlighted this critical connection  
19 between public health and worker health. We found  
20 that COVID-19 infection rates are actually highest  
21 among workers of color, not surprisingly, many of  
22 them who work in essential face-to-face jobs. 40% of  
23 Latinx and 30% of black workers we surveyed said that  
24 they or a family member had been infected with the  
25

1 coronavirus, compared to only 19% of white workers.

2 And many workers of color said they were worried

3 about being exposed to COVID-19 on the job. Half of

4 black and 45% Latinx workers said that they, they

5 were very concerned with contracting the coronavirus

6 at their current workplace, compared to 35% of white

7 workers. And to protect the health of our state

8 essential workers and really the health of all New

9 Yorkers, we continue to ask the council to pass Intro

10 1797, um, which will require the Department of

11 Consumer and Worker Protections to produce posters

12 for voluntary display at pharmacies and healthcare

13 locations around the city, informing New Yorkers of

14 their right to job-protected paid sick leave. Paid

15 sick leave laws can help prevent the spread of COVID-

16 19 by enabling low-income workers to stay home

17 without fear of losing their jobs or paychecks, but

18 only if workers know about them. Our survey data

19 shows that they don't. Um, only 39% of low-income

20 workers said that they were familiar with the city's

21 paid sick days law, um, nearly six years after, you

22 know, the, the law was rolled out, and we just

23 overall just continue to urge the council to

24 prioritize a more inclusive recovery for our city and

25

1  
2 by addressing the needs of low-wage workers and  
3 workers of color who are hit hardest by both the  
4 economic and the public health consequences of COVID-  
5 19. Thank you.

6 CHAIRPERSON MILLER: Thank you, Irene.  
7 That's what I'm talking about, see. That's, that was  
8 well worth the wait as well. Ah, so, that, that was  
9 really important data. Also, um, 1797, ah, ah, I,  
10 I'm having conversations with, with, ah, Council  
11 Member Levine and the Health Committee and, and, ah,  
12 I think we'll be, ah, voting that out in the very  
13 near future. That is a very important legislation,  
14 um, and, and we are definitely working  
15 collaboratively to make sure that that information is  
16 disseminated, disseminated, and that workers know  
17 their rights, right? And, and that is very  
18 important. So, thank you to, to the panel. Um, ah,  
19 thank you once again for being here. The information  
20 is, is, is critically important. Please to, ah,  
21 stay, continue to stay tuned. Ah, we don't have the  
22 chat feature, so you can reach out directly to the,  
23 ah, ah, Civil Service and Labor Committee, which is  
24 where you receive your invite and email from, and  
25 we'll put that out and make sure that we send out,

1  
2 ah, ah, that information to each and every one of  
3 you. So, thank you. Next panel, please.

4 MODERATOR: Looking to the next panel, we  
5 will be hearing from Dalvanie Powell, Gloria Puma,  
6 Yesinia Mata, Eric, and Erik Antokal. We will now  
7 hear from Dalvanie Powell.

8 SERGEANT AT ARMS: Time starts now.

9 DALVANIE POWELL: Good afternoon,  
10 Chairman, Chairman Miller and members of all the  
11 Labor Committee. My name is Dalvanie Powell and I'm  
12 the president of the United Probation Officers, who I  
13 represent, a little under now, a little under, um,  
14 800 probation officers that are predominantly females  
15 and minorities. Um, I want to thank you for giving  
16 me the opportunity to speak to you today regarding  
17 the impact of COVID-19 and its effects on our  
18 members. Under normal circumstances, probation  
19 officers working, work is challenging. COVID-19 has  
20 made the situation even more challenging. Our  
21 members work seven days a week to guarantee public  
22 safety, but the members of the United Probation  
23 Officers Association and Adult and Family Services  
24 since COVID-19 hit persevered despite the safety and  
25 health challenges they face as they never stop

1 performing their core essential functions and  
2 continue to provide vital services and resources to  
3 probation clients and the community at large. Public  
4 safety is our primary focus. With that said, the  
5 members of UPOA continue to make field visits, in  
6 some cases working side-by-side with NYPD, FBI, US  
7 Marshals, and other law enforcement brothers and  
8 sisters. All officers are required to report to the  
9 office at least one day of the week. Our frontline  
10 officers continue to conduct intake, intakes and  
11 prepare investigation reports, as well as other  
12 reports for the courts. The supervision officers  
13 virtual contacts with the probation clients have,  
14 have been enhanced. Although we are trying to work  
15 more effectively and efficiently remotely, many of  
16 the members are not properly equipped with  
17 department's cell phones, lap tops, which means they  
18 have to report to the office more often to get their  
19 work done, which is another, um, safety issue. Nor  
20 do we have the appropriate vehicles like other law  
21 enforcement agencies as our cars have no partitions,  
22 no safety partition between them and the, um,  
23 probation [inaudible] should have to be transported  
24 under warrant. When we, when we were ordered by the  
25

1  
2 mayor's office to monitor a group of inmates from  
3 Riker's in hopes to decrease the spread of, of the  
4 virus among the staff and inmates on Riker's Island,  
5 the Department of Probation administration with the  
6 consent of [inaudible] and reinstated the  
7 electronic monitoring program. The EM unit has also  
8 been a beneficial, has been beneficial our probation  
9 clients as is provides another layer to give those  
10 adult probation clients who are in violation status  
11 or is not compliant with their probation to remain in  
12 the community, receive services, while closely being  
13 monitored 24 hours a day, seven days a week, instead  
14 of being placed in custody and risk being infected  
15 with the virus. However, the officer who, officers  
16 who are assigned to this unit are the ones who are  
17 risking their lives by going to the homes and  
18 shelters to place the monitoring device on the  
19 individual, setting up the equipment, and they are  
20 the first to be present in the event there is an  
21 alert or they suspect the device has been tampered  
22 with in any way. In addition, the members of UPOA  
23 have gone beyond their call of duty by working at the  
24 Department NeON, which is known as the Neighborhood  
25 Opportunity Network Sites, by making sure those in

1  
2 need are supplied with food and, if need be,  
3 clothing. During the holidays my members delivered  
4 to the homes of their probation clients and brought  
5 joy to many families.

6 SERGEANT AT ARMS: Time expired.

7 CHAIRPERSON MILLER: Keep going.

8 DALVANIE POWELL: OK. Two or three times  
9 during the year the officers partake in one of the  
10 many DOP's intervention programs, known as UFRAP,  
11 where they work along, along, along with youth and  
12 young adults who are on probation, and despite the,  
13 despite the pandemic the officers are committed and  
14 [inaudible]. So [inaudible] the department has been  
15 supplying PPE to the office and for the cars when the  
16 COVID-19 hit. When the COVID-19 hit [inaudible]  
17 massive distribution of PPE to our members, such as  
18 masks, face shields, and gloves. We now have  
19 incorporated in our welfare fund to reimburse our  
20 members for the PPE that they purchased. Along,  
21 although, although there are not any clients  
22 reporting to the office unless warranted, we have  
23 asked the department to install plexiglas on the desk  
24 of each officer as we, as we have to protect  
25 ourselves from each other as well. To date the

1 department has purchased a plexiglas, plexiglas.

2 However, they are requiring the officers to share the  
3 plexiglas and transport the plexiglas from where it's

4 being stored to their desk and then return the

5 plexiglas after it has been used. Unfortunately,

6 COVID-19 does not discriminate and we have had

7 several members who have been, who have gotten, um,

8 infected with the virus and we lost one to the virus

9 last May. Recently, we have been seeing an uptick in

10 these numbers who have, an, an uptick in the members

11 who have been, um, positive with the virus. There's

12 a major concern among the members who are assigned to

13 work in the courthouses as their cases, as the court,

14 as also work in the courthouses cases have continued

15 to rise. We follow up with the department regarding

16 the cleaning of locations where they, where there

17 were positive cases and they report to us by saying

18 that they're in compliance with CDC. But we have no

19 sure way of knowing if that's true or not. Recently

20 when the first, recently when the city first offered

21 the vaccine to, to first responders it was very

22 challenging for my members to make appointments.

23 However, once we relayed this concern to the

24 administration they made sure additional provisions

25



1  
2 were now available where the offices are able to take  
3 vaccines at the [inaudible] city employee health  
4 sites throughout the city. Once again, the members  
5 of UPOA continue to step up and volunteer to work at  
6 the city-run COVID vaccine hubs, also known as the  
7 point of dispensing, or POD, where they provide  
8 security, conduct check-ins, and other functions to  
9 make sure that those who are eligible to receive the  
10 vaccines are, are able to do so and that the process  
11 runs smoothly. We are not sure how many members have  
12 been vaccinated thus far, but we have recommended to  
13 the department to consider having the Health  
14 Department do on-site vaccines at the work site, such  
15 as the NeONs. Um, we will continue to maintain  
16 contact with the, um, administration [inaudible]  
17 meetings and other means of communication. Um, I  
18 want to also say that I support the, um, early  
19 retirement , um, package, um, that's been talked  
20 about, as many of my members are predominantly mid-  
21 fifties and over and they continue to do strenuous  
22 work and dangerous work. Um, the option to have  
23 remote, to continue remote work, to have city workers  
24 who work remotely I think is essential because of the  
25 unknown. For example, 9/11 and now we're faced with

2 COVID-19. And I also have been asking about the  
3 ventilations, the vents being cleaned, and we all  
4 should be, um, um, we all should have the opportunity  
5 to have hazardous pay. I thank you for this  
6 opportunity. If you have any questions I'm  
7 available.

8 CHAIRPERSON MILLER: Thank you, Madam  
9 President.

10 DALVANIE POWELL: Thank you.

11 MODERATOR: Thank you for your testimony.

12 We'll now hear from Gloria Puma.

13 SERGEANT AT ARMS: Time starts now.

14 GLORIA PUMA: [speaking in Spanish]

15 SERGEANT AT ARMS: Time expired.

16 MODERATOR: Thank you, Gloria, for your  
17 testimony. We will now hear from Yesenia Mata.

18 SERGEANT AT ARMS: Your time will begin  
19 now.

20 YESENIA MATA: My name is Yesenia Mata  
21 and I am the executive director of La Cumina. La  
22 Cumina is an immigrant rights and day laborer  
23 organization based in Staten Island. It focuses in  
24 part in providing immigrant workers with legal  
25 services, SST and OSHA training, and PPE equipment so

1  
2 they can work safely. Throughout the pandemic La  
3 Cumina has maintained its doors open and through this  
4 we have seen first hand how our immigrant workers  
5 have been in the front lines, but have been excluded  
6 from any sort of relief. Throughout the pandemic we  
7 have been also, ah, seeing, seeing how immigrant  
8 workers do not have the privilege to stay home like  
9 some. Many have become sick because of COVID-19 or  
10 have lost a loved one. Had it not been for La Cumina  
11 providing PPE, food distribution, ah, bringing  
12 economic support directly to immigrant workers,  
13 including providing COVID testing in partnership with  
14 NYC Health and Hospitals I wonder what would have  
15 happened to them. As many are afraid to get COVID  
16 tested at a site they are not familiar with due to  
17 language barrier and being afraid of becoming a  
18 public charge and/or their information being shared  
19 with federal agencies. There was no job security  
20 before since day laborers are immigrant workers who  
21 work day by day. It's even worse now. I wanted to  
22 be on this hearing just to emphasize that without the  
23 labor of immigrant workers the City of New York  
24 wouldn't have been running. I hope that we can count  
25 on your support, Chairman Miller, for the day laborer

1 coalition, a coalition that consists of five  
2 organizations, one in each borough. Since we have  
3 been in the front lines supporting day laborers,  
4 domestic workers, immigrant workers, and your  
5 constituents as well. And I also hope that during  
6 the roll-out of the vaccine the immigrant workers are  
7 not once again excluded. Thank you.

9 CHAIRPERSON MILLER: Thank you, Ms. Mata.

10 MODERATOR: Thank you for your testimony.

11 We will now hear from Erik Antokal.

12 ERIK ANTOKAL: Hi, good afternoon. Thank  
13 you all for the opportunity, and thank you, Chair  
14 Miller. Ah, my name is Erik Antokal. I'm the  
15 assistant vice president of Programs, nontraditional  
16 employment for women, or NEW, our nonprofit, ah, New  
17 York City with a 42-year record of transforming  
18 economic prospects for women through careers in the  
19 building trades. For 15 years and beyond, ah, the  
20 Building Construction and Trades Council of Greater  
21 New York and its affiliate unions have set aside  
22 apprenticeship opportunities for graduates of NEW,  
23 85% of whom are black and brown women whose incomes  
24 are on average tripled simply by starting their  
25 careers in the building trades and who obtain, ah, a,

1 a skill set that allows them to, ah, cement  
2 themselves in the middle class. Um, these careers  
3 are so important, ah, that they're unionized. They  
4 offer, um, middle class wages and benefits and safety  
5 protections that are even more important now during  
6 the pandemic, um, as long as, ah, there is  
7 representation that counteracts employer abuses and,  
8 ah, and, ah, issues with their, ah, with their safety  
9 protocols. So obviously the effects of COVID-19, as  
10 others have mentioned, have been pervasive across,  
11 ah, already marginalized communities, ah, and NEW's  
12 community is no exception. Ah, this crisis has been  
13 devastatingly disproportionate, ah, for women. Um,  
14 in the month of December 2020 alone, ah, black and  
15 brown women lost a net 160,000 jobs while, ah, their  
16 white counterparts, both white men and white women,  
17 actually gained net employment. So statistics like  
18 these have persisted throughout the pandemic and  
19 there are, ah, few opportunities outside of workforce  
20 development organizations like ours and unionized  
21 careers like our partners in building and  
22 construction trades to reverse those, ah, to reverse  
23 those losses. Now, ah, what I, what I also want to  
24 drive home here is the building trades, ah, unions  
25

1  
2 have been staunch advocates for worker safety as  
3 COVID cases have risen and spread throughout the  
4 city. They've been distributing PPE, doing  
5 additional cleaning, making sure there's enhanced  
6 site safety controls, um, and city efforts, ah,  
7 employer efforts to restore our economy must be done  
8 responsibly with apprenticeship requirements, with  
9 strong worker protections, like those provided by  
10 unions like those in the building trades so that we  
11 can not just recover, but blunt the effects of future  
12 catastrophic, ah, losses in future crises like COVID-  
13 19, climate change, um, and all the crises that, that  
14 New York City has weathered over the years. Ah, we  
15 definitely encourage, ah, federal stimulus funds and  
16 city efforts on capital construction, building  
17 retrofits, setup of emergency health facilities, ah,  
18 new building operations protocols, and other projects  
19 to be conducted with union labor, um, so that all New  
20 Yorkers, regardless of background, can build a stable  
21 life for themselves following this immensely  
22 challenging year we've all encouraged, ah, and I, I,  
23 I do want to express, you know, on, on behalf of our,  
24 ah, friends in the building, construction trades and,  
25 and other trade unions here in the city, ah, you

1 know, thank you for the time and, ah, let's, let's  
2 keep, ah, investing in, in our communities by, ah, by  
3 investing in our labor unions, ah, and in our, our  
4 worker protections. Thank you all for the time.  
5

6 MODERATOR: Thank you for your testimony.  
7 I will now turn it over to Chair Miller for any  
8 questions for this panel.

9 CHAIRPERSON MILLER: No, I, I, I just  
10 want to thank, once again, I want to thank this  
11 panel, ah, for being here, but in particular this  
12 panel because the diversity that they introduced, ah,  
13 which is really a microcosm of what the workforce  
14 here looks like, and we're talking about, ah, you  
15 know, how do we protect the workforce, ah, during  
16 COVID-19, but it's also about how services they  
17 deliver, protections, compensation, ah, and support  
18 equitably and, and clearly, you know, when we're  
19 talking about immigrant workers we're talking about  
20 gender, ah, we're talking about race that, that, that  
21 has not always been the case, and so we are hearing  
22 today so that we can magnify and, and rectify, um,  
23 those injustices that are current to those who  
24 continue to serve us, make our lives seamless each  
25 and every day. So I, I do have a question. When,

1  
2 when we talk and, and you kind of, ah, Miss Mata, you  
3 kind of touched on it when, when you mentioned the  
4 hesitancy, hesitancy around, um, certain, ah, testing  
5 and, and, and other benefits that are brought to the  
6 immigration community. Um, so I know, ah,  
7 particularly with day laborers they continue to  
8 gather. We know the locations of, of, of where they,  
9 um, head, kind of headquarters from, um, I, I have  
10 not seen the level of support here in the Jamaica,  
11 greater Jamaica area, ah, that I represent for, for,  
12 for those day workers, particularly around, ah, ah,  
13 PPEs and, and testing and, and ultimately vaccines  
14 for those workers, ah, because it's almost business  
15 as usual. Clearly they have to earn a living and  
16 support families like all of us, um, but, ah, they  
17 cannot, ah, for the sake of humanity continue to  
18 operate in a silo and not be tested because these are  
19 the people that are ultimately going back out and,  
20 and, and having a great, ah, all the work that they  
21 do requires public contact, right, and so it's  
22 certainly, we, we have to make sure that we're making  
23 that connection and that they feel comfortable enough  
24 in receiving these services as well. So anything  
25 that we can do, ah, please let us know, whether it's



1 mobile testing, kind of meeting them where they are.

2 Ah, tonight we're doing a forum, multi-language, on

3 vaccines, um, so anything that we can do to be

4 supportive of this panel, ah, please let us know, so,

5 thank you.

6  
7 YESENIA MATA: Thank you, Chairman

8 Miller, and I will bring this back to the daily

9 laborer coalition. As I mentioned, they consist, it

10 consists of five organizations in each borough and we

11 all provide the same services, working together to,

12 ah, reach out to day laborers, domestic workers, in

13 general just immigrant workers themselves. So I will

14 definitely bring this back to the coalition so we can

15 get in touch with your office.

16 CHAIRPERSON MILLER: Thank you so very

17 much. Ah, thank you to, to this panel, and we'll

18 hear from panel number six, and then our final panel.

19 MODERATOR: Ah, checking for council

20 member questions and seeing none we will move to the

21 next panel. As a reminder to council members, if you

22 have any questions please use the raise hand function

23 in Zoom. I will now call on the next panel, which

24 will consist of Ligia Guallpa and Mouhamadou Aliyu.

25 We will now hear from Ligia Guallpa.

1  
2 SERGEANT AT ARMS: Your time will begin  
3 now.

4 LIGIA GUALLPA: Um, thank you so much for  
5 having me and the opportunity to testify, ah, today.  
6 My name is Ligia Gualpa and I'm the executive  
7 director of the Workers Justice Project, which is  
8 also part of the Day Laborer Work Force Initiative.  
9 Um, eh, one, as you heard from Yesenia, one of the  
10 worker centers that has also been providing emergency  
11 relief center, I mean, relief services to day  
12 laborers, domestic workers, and food delivery  
13 workers. Um, and the reason I'm here, um, it's  
14 because, um, it is important to highlight the many  
15 challenges that, um, workers are experiencing in low-  
16 wage industries. Um, in New York City a growing  
17 number of working people, especially low-wage  
18 workers, black and immigrant communities, are for,  
19 are being forced to take on gig jobs. Sorry. Ah,  
20 are forced to take gig jobs with no essential, ah,  
21 essential rights. Um, just this month the city just  
22 reported that, um, the number of gig workers has  
23 increased by 60%. Um, why is the percentage of, of  
24 people leaning towards, towards the gig economy is  
25 growing exponentially? Um, um, these are the, the

1  
2 reason is because these are the only jobs available  
3 in the market. Um, and all low-wage workers can only  
4 relied on these jobs, um, to be able to survive the  
5 crisis. However, this jobs don't offer prosperity  
6 nor better opportunities for workers. This jobs are  
7 turning a large growing number of New Yorkers into  
8 day laborers and human, and humans, um, without  
9 rights. Um, let's just look at some of the fast,  
10 fastest-growing industries, um, um, where mostly, um,  
11 immigrant, undocumented indigenous communities have  
12 been working as essential workers during the  
13 pandemic. Um, 80, like 80,000 app, app-based food  
14 delivery workers are being hired as gig workers by  
15 giant tech companies like Door Dash, Grub Hub, Uber,  
16 and other, um, and other, um, billion-dollar tech  
17 companies. While this companies are making billions  
18 in pandemic profit, they're denying the most  
19 essential basic right worker protections, such as the  
20 right to basic leave , um, minimum wage, the right to  
21 a safe workplace and access to bathrooms. In  
22 addition to being denied the most essential rights,  
23 the NYPD has failed to respond to the multiple  
24 reports of violent e-bike robberies and traffic  
25 crimes. In only three months, in only this month

1  
2 three delivery workers have died and every day they  
3 get, they're violently attacked. With all due  
4 respect, Chairman, um, ah, also City Council has  
5 failed to protect them. New York City Council has  
6 not, has not hold these companies account,  
7 accountable, nor it has stopped them from, from them  
8 to keep abusing and exploiting them, um, during the,  
9 the worst possible time. In addition to food  
10 delivery workers, um, there is more than 200,000  
11 domestic workers in New York City. You just heard  
12 from Gloria, who not only has been left out, has gone  
13 unemployed, um, but has not been, um, be able to  
14 provide economic relief, and she has been forced to  
15 clean homes and disinfect New Yorkers' homes without  
16 safety equipment, without medical insurance,  
17 without...

18 SERGEANT AT ARMS: Time has expired.

19 LIGIA GUALLPA: ...[inaudible] um, and I'm  
20 just gonna end here, um, just by saying that there's  
21 72,000 immigrant construction workers who are also  
22 left out without, um, safety protections. And we  
23 hope that, you know, most of these workers are able  
24 get the right protection, but at the same time being  
25 able to vaccinated, because at this point delivery

1  
2 workers, domestic workers, um, even, um, construction  
3 workers are being left out of any possible support  
4 that this government can do. Thank you.

5 MODERATOR: Thank you for your testimony.  
6 We will now hear from Mouhamadou Aliyu.

7 SERGEANT AT ARMS: Your time will begin  
8 now.

9 MODERATOR: Can we unmute, ah,  
10 Mouhamadou, please.

11 MOUHAMADOU ALIYU: Yes, good morning.

12 CHAIRPERSON MILLER: Good afternoon.

13 MOUHAMADOU ALIYU: Ah, good afternoon,  
14 Mr. Chair. Good afternoon all the committee member.  
15 Ah, my name is Mouhamadou Aliyu and, ah, I'm a New  
16 York Taxi Workers Alliance member and, ah, I'm  
17 talking today in front of you as a medallion, a  
18 medallion owner-driver, a taxi medallion owner-driver  
19 and, um, I'm really, ah, we are looking for help. We  
20 are, we are desperate to be looking for help because,  
21 ah, before COVID we were already struggling. We were  
22 deeply in trouble before COVID. Ah, we lost, ah, and  
23 then as COVID hit we lost, ah, almost 90% of, ah, our  
24 business and, ah, we still have a, a big loan to deal  
25 with. So we have been, ah, begging. We have been

1 asking for help, since like, ah, almost two years ago  
2 now we've been asking for help and nothing really  
3 being coming. We are not feeling nothing and we have  
4 to deal with this big loan. So, ah, we have been  
5 going after the mayor to get a debt forgiveness. I  
6 believe, ah, Mr. Chair, you showed, you have, ah, an  
7 idea about that, about how we're struggling. And  
8 then, ah, nothing really being, we have been ignored  
9 and then, ah, no, it seem to me like no one is  
10 listening to us, ah, and I don't think this is right.  
11 It's like, ah, we have been denied justice even  
12 though everybody knows about what's really happened  
13 to us. It's like, ah, we lost our [inaudible], we  
14 lost our, what we really live for. And, ah, I am  
15 here today to urge you to really, really take  
16 immediate action to really look into this, how we can  
17 get debt forgiveness, because without that I think,  
18 ah, the yellow industry, being the ownership with the  
19 yellow industry will, ah, will be finished. It will  
20 no longer exist, ah, because, ah, with COVID it's  
21 like we just get buried. COVID just buried us alive.  
22 And then, ah, this is very sad, this is, ah, this is,  
23 ah, is, ah, is, ah, it's a very troubling situation  
24 because what happened is like, um, you come here with  
25

1  
2 a lot of dream and, ah, once you about to live your  
3 dream and then, ah, it's being like, ah, being taken  
4 away from you. You've been, ah, robbed out of it  
5 and, ah, I believe, ah, the City Council can do  
6 something because, ah, if the mayor is not listening  
7 I think, ah, the City Council should listen to us and  
8 then, ah, try to help us, because now it's not really  
9 about looking for help, we begging for help because  
10 we are desperate. Since COVID hit most of us are no  
11 longer going back to work, and I think it has to do,  
12 all this thing has to do because, ah, most of us is  
13 like a community of immigrant and it's like we've  
14 been taking advantage of...

15 SERGEANT AT ARMS: Time has expired.

16 MOUHAMADOU ALIYU: But, ah, bottom line is  
17 we are part of here. We are American. We are  
18 citizen. And then I don't think it should be a crime  
19 for being an immigrant and I think our City Council  
20 should really help us here to get a debt forgiveness  
21 by working with New York Taxi Workers Alliance, which  
22 I'm a member of. Thank you very much.

23 MODERATOR: Thank you for your testimony.  
24 That concludes this panel, and I'll turn it over to  
25 Chair Miller for any questions.

1  
2 CHAIRPERSON MILLER: Ah, thank you, thank  
3 you, thank you, and thank you, Brother Mouhamadou,  
4 um, and, ah, Sister Gualpa, um, for, for your  
5 powerful testimony and, and, and words about an  
6 often-forgotten demographic in, in, in our city and,  
7 and whether or not, you know, ah, we're reaching our  
8 target audience. You know, pre-COVID and during  
9 COVID we talked often about those disenfranchised,  
10 ah, communities, right, and, and there's been a big  
11 hoopla about who ultimately were essential to our  
12 city's existence, right, but, but we have to find a  
13 way to back that up, right, and, and, and the work,  
14 um, that you're talking about, um, those impacted,  
15 domestic workers and, and others, you know, we, you  
16 know, we, we have a, a bill, quite frankly, I think  
17 that would be impactful that, ah, has, has, has not,  
18 ah, been voted on or heard, um, that, that I believe  
19 would have an impact and, and, and so I would  
20 encourage, ah, ah, my colleagues to, I know there was  
21 a letter of support that went out, went out last few  
22 weeks, um, and the majority of the members of the  
23 council, ah, are part of this legislation. So we're  
24 looking forward to getting that passed. But I need  
25 the visual [inaudible] and the voice that, ah, ah, is



1  
2 occurring here today to stand up, continue to stand  
3 up and be consistent, um, and you don't always have  
4 the type of, ah, support, advocacy and, and, and  
5 dollars behind some of the groups that, that hear  
6 their voices, but I think what has been demonstrated  
7 that these demographics of often marginalized workers  
8 are the ones that have our lives so seamless and, and  
9 given some semblance of a quality of life while  
10 risking theirs and their families, and that we do  
11 have a responsibility and, ah, look forward to  
12 working with, ah, each of your organizations in the  
13 future to make sure, um, that that is happening.  
14 And, and for Brother Mouhamadou, um, ah, for, for,  
15 for the alliance specifically, um, I, you know, I,  
16 obviously on the Transportation Committee there's a  
17 number of initiatives that we have put forth, you  
18 know. Some have come to fruition, some have not.  
19 Ah, some just have not been enough. I, I would  
20 employ, ah, that Small Business Services, ah, listen,  
21 you, you, you are a minority business owner and, and,  
22 and there are resources that, ah, address, ah,  
23 specifically, ah, business owners, ah, community  
24 businesses owners of communities that were greatly  
25 impacted and want to make sure that the voices of the

1  
2 yellows are being heard within that sphere and any  
3 other, other space that you fit into. So we're going  
4 to continue to work with each and every one of, of  
5 the groups that are here. Um, our information is, is  
6 in. Ah, if you have any additional information, but  
7 we're gonna be also reaching out to you specifically  
8 to kind of deal with some of the nuances of what you  
9 put forth today. So thank you for your testimony,  
10 and look forward to working with you [inaudible].

11                   MOUHAMADOU ALIYU: Thank you, Mr. Chair.  
12 Thank you very much.

13                   MODERATOR: Thank you. Ah, we'll now  
14 move to our final panel, seeing no questions from  
15 other council members. As a reminder, if there is  
16 anyone present who wanted to testify and has not been  
17 able to, please use the raise hand function in Zoom  
18 and we will call on you after this panel. The final  
19 panel, we'll hear from Jonathan Pete Dorton and Hilda  
20 Salcedo. We will now hear from Jonathan Pete Dorton.

21                   SERGEANT AT ARMS: Your time will begin  
22 now.

23                   CHAIRPERSON MILLER: You're on mute.  
24 Could you unmute, ah, Jonathan?

25                   JONATHAN PETE DORTON: Am I unmuted?

CHAIRPERSON MILLER: Yes, sir.

JONATHAN PETE DORTON: OK, thank you.

Sorry. Ah, my name is Jonathan Pete Dorton and I'm part of a group representing 850 nonunion employees laid off at the Times Square Marriott Marquis. I've worked there for 16 years and we've been furloughed since March 2020 due to COVID and lack of hotel business. December 9 we received a letter from Marriott informing us that our jobs were being terminated as of March 2021. These are employees who have worked here an average of 25-plus years, at a time when unemployment will be running out and the job market has not bounced back. We will have no medical benefits and no jobs. Most of these 850 nonunion employees are of a certain age where finding a new career is almost impossible. We will have no way to provide for ourselves or our families. We've dedicated our lives to this hotel and we are part of New York City's backbone. We were part of the hotel that brought Times Square back to life in the Eighties. The Marriott is posting profits and opening hotels all over and other countries and we're struggling to feed ourselves and our families. We are a diverse group of employees from every race and

1 economic background. We need right of recall  
2 legislation, which would enable us to get back to  
3 work when the pandemic ends. This has to go through  
4 sooner than, sooner than, ah, later. We are running  
5 out of time. This legislation was already passed in  
6 Los Angeles, Philadelphia, New Haven, Boston. We are  
7 one of the hardest hit cities in the world. I love  
8 my city, and we need right to recall for hotel  
9 workers and workers all over NYC. This legislation  
10 would give laid-off employees a right to their jobs  
11 back when business resumes. This would affect hotel,  
12 restaurants, bars, club, music venues, sports venues,  
13 retail, Broadway theater workers. We know tourism is  
14 coming back at some point. Hard-working employees  
15 deserve an opportunity to get their positions back  
16 after all we've been living through. Just help us  
17 and our great city. We need right to recall passed,  
18 and we beg of you, city council members, to hear us  
19 and help us. Thank you.

21 CHAIRPERSON MILLER: Thank you, Jonathan.

22 JONATHAN PETE DORTON: Thank you.

23 MODERATOR: Thank you for your testimony.

24 We will now hear from Hilda Salcedo.

25 CHAIRPERSON MILLER: Unmute Hilda.

1  
2           HILDA SALCEDO: Hello, good afternoon,  
3 ah, Mr. Chairman and members of the committee. I am  
4 Hilda Salcedo. I came to New York at 15 years old  
5 from the Dominican Republic. I have worked at the  
6 Marriott Company since 2000, in two different hotels,  
7 which were both nonunion. I was there on 9/11 at the  
8 Downtown Marriott, cleaning after the breakfast  
9 buffet and helping guests deal with the shock of what  
10 was happening when I was going through that shock  
11 myself. I left long before, long after the  
12 evacuation and I was caught in the middle of the  
13 North Tower collapse. I was there a few years later  
14 when the blackout happened. During the recession in  
15 2008 I was there as well. When Sandy hit on 2012  
16 right up until the city was forced to evacuate, I was  
17 there lifting things off the floor because we knew we  
18 would be flooded. One month later I was terminated,  
19 offered one week per year severance, and we were also  
20 outsourced by a company that rented the space to  
21 employees [inaudible] which got three hours, \$3 per  
22 hour with no benefits. Three months later I was  
23 rehired by the Marriott Marquis on February of 2013.  
24 I was there in 2019 at the last blackout of the city.  
25 Again, keeping my guests calm, giving them food and

1 water, when I wasn't calm myself. I was there on  
2 December 2019, sick as a dog, with fever and a  
3 horrible cough, that felt like I had water in my  
4 lungs, never calling out because we were too busy to  
5 stay home or go home. I was sick for a month. Then  
6 rumors of COVID came. I was sure I had dealt with  
7 the virus in December, so I assumed I would be OK. I  
8 was furloughed in May, in March of 2020, along with  
9 1200 of our employers, our employees, and stayed home  
10 when my husband could not. He is an NYPD sergeant.  
11 Being a first responder, he has to work extra hours  
12 because we, because of all the officers who got sick  
13 and because of the BLM protests, or the Black Lives  
14 Matter protests. In April I began to feel sick again  
15 and sure enough I had the virus. Both times my  
16 husband had no symptoms and still kept working. He  
17 was told he could not quarantine unless he felt sick.  
18 I dealt with the virus and symptoms for at least two  
19 months, and I still feel like I have asthma  
20 sometimes, even though I never had respiratory  
21 problems before. I lost my brother to COVID in June.  
22 I will lose my job this March. This time the company  
23 changed their severance package...

25 SERGEANT AT ARMS: Time has expired.

2 HILDA SALCEDO: ...to 10 weeks max.

3 Should I keep going?

4 CHAIRPERSON MILLER: Yes.

5 HILDA SALCEDO: OK. So this time the  
6 company changed their severance package to 10 weeks  
7 maximum this summer, this past summer, knowing that  
8 they would let go thousands of workers. I am 44  
9 years old with no union protection in a market with,  
10 where 99% of workers of hotels are unionized and will  
11 prioritize their members before nonunion applicants.  
12 Thank goodness for unemployment, but still I used to  
13 make double what I receive now. And it will stop in  
14 March, including medical insurance for my coworkers,  
15 since I am protected because of my husband being a  
16 first responder. No stimulus checks, since both of  
17 our incomes combined from 2019 passed the threshold  
18 of \$200,000. Now we are preparing to sell our home.  
19 I am a waitress and a bartender. The hospitality  
20 industry has been most impacted by this pandemic and  
21 we need your help. I need my job protected when  
22 things get better and not be replaced by someone  
23 else. Please pass right to recall legislation to  
24 stop companies like Marriott from replacing or  
25 outsourcing their workforce under the cover of this

1  
2 pandemic. I also want to mention that the area that  
3 I worked at has been, um, working basically on a  
4 construction that is worth 100 million dollars and  
5 the construction is not over yet. But they took the  
6 advantage of the COVID pandemic to keep their  
7 employees out for more than a year, than a year. And  
8 this is the excuse they're taking. Thank you for  
9 your chance to testify and I'll answer any questions.  
10 Thank you.

11 MODERATOR: Thank you for your testimony.

12 CHAIRPERSON MILLER: Thank, thank you,  
13 Hilda. Thank you, Jonathan. Um, it is, ah, so, so  
14 clearly this goes beyond, um, I'm, I'm learning now  
15 that it goes beyond the hotel industry, right? It's,  
16 it's a little broader than that and specifically, you  
17 know, it was brought to my attention early on the  
18 right to recall, ah, was dealing specifically with,  
19 with the hotel industry and, and, um, and so, you  
20 know, that, that, that, ah, adds another layer that,  
21 that where we, we'll be taking up here in the  
22 council. Um, obviously, you know, guys, saw you guys  
23 on the call for the duration and we've done it and it  
24 had an impact in, in a number of industries where  
25 there was, ah, ah, grocery store, grocery worker



1  
2 [inaudible], ah, building services and, and others,  
3 ah, in, in ensuring that folks have to the  
4 opportunity to, to return to work. Um, you know, and  
5 we're gonna be looking, the committee is already  
6 looking at specifics of the impact on the workforce  
7 and, and bargaining units here in the City of New  
8 York, and what we could do to be supportive, um, and,  
9 um, we'll be reaching out, ah, with, with, ah, you  
10 guys and I know Peter has reached out to us, Peter  
11 reached out to us and, and, and look forward to, ah,  
12 having this discussion and we [inaudible] on behalf  
13 of, of, of this workforce, [inaudible] ensuring that  
14 we're protecting all the workers of the New York City  
15 workforce. Ah, so, um, look forward, ah, to working  
16 with you. And, and, and so, um, Marriott, what, what  
17 is the percentage of in, in Marriott of the unionized  
18 workforce there?

19 JONATHAN PETE DORTON: So, um, Marriott  
20 Marquis is nonunion, and we, we had tried for, ah, a  
21 while to bring the union in, but not everybody wanted  
22 it and, and so right before the pandemic hit there  
23 was talks that we were gonna go union and then the  
24 pandemic hit and we were furloughed, and now, um, the  
25 leftover housekeeping department, that small amount

1  
2 of workers, have reached a union, um, recognition  
3 with the union and, and they furloughed all of us,  
4 but then they kept those housekeepers, and then they  
5 terminated us and now they, they terminated all of  
6 FNB but kept the housekeepers that were left and they  
7 made them union. So we're left out in the cold and  
8 we've, we've tried, and we even had to take classes  
9 that were mandatory saying that, ah, we wouldn't go  
10 union, we had to sign, that we wouldn't sign cards,  
11 and, you know...

12 CHAIRPERSON MILLER: [inaudible].

13 JONATHAN PETE DORTON: ...[inaudible] that  
14 we would never go, ah, go union on us. And now, you  
15 know, we're left out here high and dry and we have  
16 people to feed, you know.

17 HILDA SALCEDO: We were basically  
18 promised that we would get union, um, comparable  
19 union market value for us to stay out of the union,  
20 or even better, they promised us.

21 JONATHAN PETE DORTON: For years.

22 HILDA SALCEDO: And then come to find out  
23 it's not the truth.

24 JONATHAN PETE DORTON: And we know, we  
25 knew this. That's why we tried to fight it, but...

1  
2                   CHAIRPERSON MILLER: Yeah, that, that  
3 was, that was, you know, um, um, I don't know who was  
4 doing the organizing on, on behalf of the union, but  
5 clearly, you know, history would show us that that's  
6 just not the case, that, you know, having been an  
7 organizer as well as, as many other hats that I've  
8 worn in, in organized labor, that I've seen major  
9 corporations spends millions to keep unions out, and  
10 they'll spend the money to keep you out then it has  
11 to have a great value that, and that is the, ah, kind  
12 of hindsight in this case, um, but when there is an  
13 organized, ongoing organizing drive and, and people  
14 attempt to subvert the right to organize, um, then  
15 that's something that, that we, ah, hear at the  
16 committee as well as obviously, ah, on a local level,  
17 but, ah, you know, national, ah, labor board, ah,  
18 should be addressing that no one...

19                   JONATHAN PETE DORTON: And Chairman  
20 Miller, I'm sorry to, to interrupt you, but that's  
21 why we are pushing for this right to recall  
22 legislation. You know, it's worked for other cities  
23 and, and I'm sure, you know, once everybody got their  
24 jobs back I'm sure it would change everybody's  
25 outlooks on unions and nonunion and, you know, and we

1  
2 just need a fair chance, like everybody else. You  
3 know, we've been here for all these years supporting  
4 this city and now we need, we need support.

5 CHAIRPERSON MILLER: OK, we'll, we'll be  
6 talking with you in, in the near future.

7 JONATHAN PETE DORTON: Thank you.

8 CHAIRPERSON MILLER: Um, and, ah, I, I  
9 suppose the hotel trades, who, who's representing the  
10 union? Who is the group that was attempting to  
11 organize?

12 JONATHAN PETE DORTON: Well, this  
13 group...

14 HILDA SALCEDO: There, um, there was a  
15 group that went from one of the restaurants,  
16 Grosser's Restaurants. There was another group from,  
17 ah, Event Services. Um, and some of the housekeepers  
18 as well as the banquet department, they all went to  
19 the union, Local 6, and requested to, to be a part of  
20 the union, and the union kept saying that no, that  
21 wasn't enough, that they needed more housekeepers.  
22 You know, they keep, they kept being sent back. Um,  
23 this was all the way up to January of 2020, so it was  
24 way before the pandemic really made it to New York.  
25 So their excuse at the hotel is that we are out

1  
2 because of the pandemic, but in reality we had a  
3 scheduled construction that started in May and is not  
4 even finished yet. So we, we don't understand why we  
5 are being furloughed because of COVID when in reality  
6 our area is being under construction still and we  
7 were aware that we will be out of the hotel anyway.  
8 Um, but now they're just taking the excuse to say oh,  
9 no, you are totally gone and then basically either  
10 rent the space out to another company or I don't  
11 know, maybe [inaudible].

12 JONATHAN PETE DORTON: Well, that, that  
13 was the rumor, that they're gonna outsource us, and  
14 we've heard from numerous, ah, people that they're  
15 outsourcing. So it would make sense for them to, to  
16 get rid of all of us and bring in cheaper labor. It  
17 just, it's so, it's all so unfair and that's why we,  
18 we just want that right to recall because it would  
19 help everyone.

20 CHAIRPERSON MILLER: OK.

21 JONATHAN PETE DORTON: Thank you.

22 CHAIRPERSON MILLER: Thank you, sir.

23 Thank you, thank you for the testimony.

24 HILDA SALCEDO: Thank you.

25

1  
2           CHAIRPERSON MILLER: Thank you. I, I've  
3 been remiss and I know I didn't see the hand raised,  
4 but I see Council Member Adams have, have been here  
5 just hanging in and she's been taking it in. Um, I  
6 know what her constituency looks like, ah, there's  
7 unionized, no un-unionized and, and immigrant  
8 workforce, and, and, ah, and not to mention that  
9 we're cohosting the town hall tonight, ah, addressing  
10 some of these issues. But I'd love to hear from her  
11 in closing, ah, ah, just, ah, about some of the  
12 things that, that, that you see with your  
13 constituency, how, um, as, as, as the Committee on  
14 Civil Service and Labor that we can take this to the  
15 next level and be supportive.

16           COUNCIL MEMBER ADAMS: Yeah, thank you so  
17 much, ah, Chair Miller. Um, I, I didn't have  
18 questions for any of our panel but, you know, we've  
19 been here, um, all of us have been here for just  
20 about four hours and it, um, I apologize for the  
21 background noise. I don't know what's going on  
22 [inaudible] right now. Um, I just want to personally  
23 thank really, um, everyone, ah, that testified today.  
24 Um, it's been excruciating hearing your stories. Um,  
25 I can't even put a bow on that. Um, but I'm so

1  
2 thankful that you shared them. Um, I represent a  
3 district that employs just about every, every edge of  
4 business that you all have discussed today, and it  
5 was just important for me to, to hear it all, to take  
6 it all in. Um, Jonathan and Hilda, you, you two with  
7 the Marriott, um, you just kind of solidified all,  
8 for those of us that know how important a union is,  
9 and hearing your stories, it took me back to before I  
10 became an elected official, and hearing the stories  
11 of Target employees pretty much mirroring the same  
12 thing and the resistance to building a union, to  
13 creating a union, to supporting a union, and now to  
14 hear what that does to workers who are in a situation  
15 where they are just left to their own devices with no  
16 protection at all. I mean, if we don't have the  
17 fighting spirit, um, to, to take up the legislation  
18 that Jonathan just mentioned, I mean, shame on us.  
19 Um, I, I just, um, I just really had to, had to say  
20 that. We've been impacted by COVID. Um, some of my  
21 areas, some of my district, particularly Richmond  
22 Hill right now, is, ah, seeing a spike again.  
23 Hopefully it's going to start to flatten out. But  
24 those of us in southeast Queens know what this  
25 pandemic has done. Those of us who have lost loved

1  
2 ones, I lost my father in May because of  
3 complications due to COVID-19. I say that every  
4 chance I get because whenever I can speak out against  
5 something and advocate for the greater good I have to  
6 invoke him into the work that I do. Um, we are  
7 having a town hall tonight on, ah, the vaccine itself  
8 to educate our community in southeast Queens. Chair  
9 Miller and I, um, are cohosting this. We're bringing  
10 in Health and Hospitals. Um, we hope that, you know,  
11 those of you that are in this, um, in the hearing  
12 today and those of you that are watching, um, will  
13 join us, just to get the information, um, and if you  
14 have questions that need to be answered, to have your  
15 questioned answered. But, again, for this panel, for  
16 all of you that have testified, I hear you, I  
17 appreciate you, and I thank you. Thank you, Chair  
18 Miller, for your time.

19 CHAIRPERSON MILLER: Thank you, Council  
20 Member Adams.

21 COUNCIL MEMBER ADAMS: Thank you.

22 CHAIRPERSON MILLER: Is Council Member  
23 Rosenthal still on? I know I saw her. Anybody else,  
24 Lois, anyone else from the committee that's on before  
25 we close out? Otherwise, I do have a prepared



1 closing statement, but I'm not going to have, have us  
2 all sit through that. We've, we've been here, um,  
3 for a great deal of time now. That was absolutely  
4 necessary that we talk about the state of labor, um,  
5 and, and, ah, here in the City of New York during  
6 COVID-19. Obviously it is, it is broad and, and  
7 fundamentally, ah, um, in some areas not supported.  
8 Ah, we want to make sure that, ah, that whatever  
9 services, whatever support happens by virtue of what  
10 we do, by virtue of what our city and its employees,  
11 ah, deliver to the workforce that it is done  
12 equitably. We've heard testimony in, ah, that we've  
13 heard for a number of years and the disparities  
14 what's happening within agencies. We've heard, you  
15 know, obviously, ah, EMS once again talk about, ah,  
16 the inequities that occur within the FDNY, ah, as  
17 well as other, ah, agencies. We, we saw that just as  
18 recently as last week there was an outbreak with  
19 three different city agencies and three different  
20 responses, right? And because of the lack of  
21 response, um, by the agency, by the way, that just  
22 had a response in, in, in another facility, ah, last  
23 month, um, that it's continuing to occur. But as we  
24 look at the demographics of the workforce and, and  
25

1  
2 those that they serve, um, it, it is a continuing  
3 perpetuation of, of, of privilege over those  
4 marginalized folks. And, and who make our lives so  
5 seamless. And it is our, ah, responsibility to make  
6 sure that we, we are in some way, ah, bringing some  
7 type of justice to, to this, these folks that are  
8 working so hard on behalf of New York City, New York  
9 State. So I want to thank everyone. Um, I'm, I'm,  
10 it was just, ah, President Cassella bringing home  
11 that still losing members, and, and members are  
12 losing members of their family, 10-year-old sons.  
13 How, how ridiculous is that, because the, the New  
14 York City Transit Authority and MTA won't acknowledge  
15 that you cannot overload a bus, you know, and, and  
16 that folks and, and whether it's food service  
17 delivery, ah, it is the folks working in the  
18 cafeteria in the schools, and, and, and, ah, the  
19 crossing guards and, and, and the people that are  
20 just performing these tasks every day, ah,  
21 particularly infecting themselves, their families,  
22 and communities. The people that have testified here  
23 today are those who come from communities that were  
24 most greatly impacted, that don't have the luxury of  
25 being, you know, professional, um, white collar

1  
2 professionals who have the luxury of working  
3 remotely. Ah, and, and we want to make sure that  
4 we're lifting that up, giving space, ah, for all of  
5 us to have our voices heard and ultimately coming up  
6 with real solutions. And sometimes when education is  
7 not enough we have to legislate and I do, I, I think  
8 we, we've all seen a couple of legislative priorities  
9 coming out of here, LS is coming out of here in the  
10 future. So I, I want to thank everyone. I want to  
11 thank those that are still with us here today because  
12 this is that important of, of topic, ah, ah, all of  
13 the presidents and the leaderships of local unions  
14 and organizations, ah, particularly Vinny Alvarez,  
15 the Central Labor Council, and, and I see President  
16 D. Francois is, is still on the line, you know, and,  
17 and, and I will say this, that I believe I have used  
18 your saying more now in the last month than I have  
19 over the past few years in, in interviews and, and  
20 testimony that I've given, and that is when you stay  
21 ready you don't have to get ready, right? And, and,  
22 and that's what we in this movement have to do. We  
23 have to, we have adopted that mantra and, and because  
24 if we got to wait to get ready it ain't gonna happen,  
25 because you can see from powers that be it, it's just

1  
2 not happening. So thank you all, ah, for  
3 participating. Look forward to working with  
4 everybody. Make sure that you have the committee's,  
5 ah, email and that we will forward, um, the  
6 additional testimony to you. Any questions that you  
7 have please get to us so that we can get it back to  
8 the governing agencies and make sure that the work is  
9 done. But I do want to also thank, ah, the  
10 administration. I want to thank DCAS, OLR, and, ah,  
11 Worker Protection, ah, for, for being here, ah, with  
12 us today and working collaboratively to make sure  
13 that we're keeping workers and those that they save  
14 serve, safe. So thank you again. Thank you to  
15 committee staff, ah, Lucette and, and, and, and Tom.  
16 Thank you so much to my staff. Ah, thank you so very  
17 much for, ah, the work that you've done on this  
18 hearing. And with that, ah, I am going to close the  
19 hearing. Thank you, everyone, my brothers and  
20 sisters, look forward to working with you in the  
21 future. [gavel]

22 HILDA SALCEDO: Thank you.

23 CHAIRPERSON MILLER: Yeah.

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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 May 12, 2021