

**NEW YORK CITY COUNCIL
SUBCOMMITTEE ON ZONING AND FRANCHISES**

**TESTIMONY OF RANDY MASTRO ON BEHALF OF
CABLEVISION SYSTEMS NEW YORK CITY CORPORATION**

DECEMBER 2, 2014

Good afternoon, Chairman Weprin and Members of the Committee. I am Randy Mastro of Gibson Dunn & Crutcher, long-time outside counsel for Cablevision. With me are Lisa Rosenblum, Cablevision's Executive Vice President of Government and Public Affairs, Jennifer Love, Cablevision's Senior Vice President of Security Operations, and Harlan Silverstein of Kauff McGuire & Margolis, the company's long-time outside labor counsel.

We are here today at the Committee's request, but strongly believe that this second hearing to review Cablevision's franchise agreement is an inappropriate use of this Council's resources because the Council has no role to play in administering franchises and making these franchise decisions. So let's be honest about why we are all here—because the Communications Workers of America ("CWA") and the Working Families Party ("WFP") are once again seeking to pressure Cablevision into acceding to the union's collective bargaining demands. The CWA and WFP have infiltrated our City government at all levels. It is unseemly for the Council, acting at their behest, to insert itself into private labor negotiations. It serves no legitimate governmental purpose, it won't work, and it has to stop.

At the outset, I want to make one thing crystal clear: Cablevision, which has contributed so much to our local economy and created thousands of local jobs employing a diverse workforce, is in full compliance with all of its franchise obligations, including any arguably relating to collective bargaining. The Company continues to bargain in good faith with CWA over contract terms covering some 270 employees, having held 40 bargaining sessions, having reached agreement in principle on 54 key terms, and continuing negotiations on the few outstanding issues. To be sure, one of the remaining issues is wages, and while this will no doubt continue to be one of the most difficult to resolve, Cablevision has made multiple significant proposals for wage increases and is hopeful that agreement can be reached in the context of an overall collective bargaining agreement.

At the same time, in September, a majority of Brooklyn employees polled voted that they do not want the CWA to represent them, and in October, a petition signed by more than 100 of them was filed with the National Labor Relations Board ("NLRB") asking for an official vote on union decertification. But the CWA wants none of that, filing a series of unfair labor practice charges with the NLRB that have obstructed and delayed that vote from occurring. So now, those employees are being denied their right to have that vote. Cablevision is committed to protecting these workers' legal rights and asks all members of this Council who care about workers' rights to join us in calling for that vote to take place now. Let these workers decide. Let these workers vote.

As this Council is well aware, Cablevision has long been a good corporate citizen and major New York employer of a diverse workforce. Indeed, in New York City alone, the Company has 2,000 employees, more than 80 percent of whom are minorities. The Company has invested billions of dollars in network infrastructure to provide City residents a state-of-the-art system with the most advanced video, voice and broadband services anywhere in the country. And under its franchise agreement with the City, Cablevision contributes \$40 million annually in franchise fees, plus another \$100 million in other benefits—including \$76 million to support Brooklyn and Bronx community access programs, \$17 million in telecommunications infrastructure, \$4 million to provide WiFi in City parks, and free service to hundreds of schools, libraries, and municipal buildings. And it wired areas of the Bronx and Brooklyn when other providers refused to take the business risk, and our entire City is now the better for it.

Notwithstanding this history of service to the City, this Council has now held two hearings fixating on Cablevision's private labor negotiations with a union that represents only 270 employees in a regional workforce of 15,000. Cablevision has been the target of a sustained political attack orchestrated by the CWA, the WFP, and their political allies in the Mayor's Office to try to influence these private labor negotiations. This Chamber should not allow itself to be misused in furtherance of such a blatantly political campaign.

Collective bargaining is, first and foremost, a matter of private negotiation between management and labor. Without any other party's intervention, Cablevision and the CWA have already reached agreement in principle on the vast majority of key terms, including many issues material to the union, such as union security, dues check off, binding arbitration, layoff protection in connection with contracting, educational assistance, and medical and dental benefits. The parties' substantial progress has been acknowledged in the CWA's own communications to its members, describing a recent bargaining session as "productive," and expressing "hope" of soon resolving any remaining issues.

The negotiations have at times been contentious. Indeed, the CWA has filed numerous baseless unfair labor practice charges against Cablevision. But to the extent either party seeks redress for matters relating to these negotiations, federal law provides the exclusive remedy. The union's complaints have not even reached the NLRB itself yet, let alone the courts, where they will ultimately have to be resolved: They are merely under review by an administrative law judge. At the end of the day, Cablevision expects to be vindicated, whether before the Board or in the courts. Those are the appropriate fora for addressing these allegations. There is no reason for the Council to inject itself into collective bargaining between a private employer and its employees—particularly this late into the negotiations. And the fact that the Council appears to have done so at the behest of the CWA and the WFP, to which so many of its members are indebted, casts a pall over these proceedings.

There are Council Members who have claimed Cablevision's alleged labor obligations under its City franchise agreement as the governmental "hook" for holding these hearings. But in the process, they have mischaracterized both the facts and the law. Indeed, the City Charter (as interpreted by New York's highest court in *In the Matter of Council of the City of New York v. Public Service Commission of the State of New York*, 99 N.Y.2d 64, 74-75 (2002)), and Cablevision's franchise agreement itself preclude the Council from having any involvement in the process of selecting and evaluating the status of franchisees. Thus, there is no basis for the

Council holding these hearings concerning Cablevision's franchise, which isn't even up for renewal until 2020—six years from now.

The language and structure of the franchise agreement make clear that this Council has no role in adjudicating this dispute. The agreement provides that the Company shall recognize employees' rights to collectively bargain "in accordance with applicable law." The NLRB is the sole governmental body authorized to determine whether an employer has committed any unfair labor practice. Indeed, the U.S. Supreme Court has expressly held in *Wisconsin Dep't of Industry v. Gould Inc.*, 475 U.S. 282 (1986), that state and local laws purporting to debar government contractors for NLRA violations are preempted by federal law as administered by the NLRB. Moreover, the mere issuance of complaints to be investigated by the NLRB obviously cannot, in and of itself, constitute a violation of the franchise agreement. Only after the NLRB makes a final determination and all appeals are exhausted is such an issue even potentially implicated. And even at that point, the franchise agreement requires that Cablevision be given written notice and an opportunity to cure, which presumably the Company would do. But here, none of those events has transpired or is anywhere near transpiring. Moreover, even if such a violation were ultimately found, it would not permit revocation of an existing franchise, and the City has never made any such claim concerning any franchisee. Indeed, the executive agencies responsible for overseeing franchises have never even suggested that Cablevision's franchise is implicated in any way by such a labor dispute. Nor could there ever be any such suggestion, under well-established rules governing the franchise process.

The CWA accuses Cablevision of being anti-union. But nothing could be farther from the truth. Indeed, Cablevision has a proven track record of working cooperatively and productively with unions—including the more than 25 different unions at Newsday, a Cablevision subsidiary, and Madison Square Garden, formerly a Cablevision affiliate and now a separate company with the same controlling owner. And Cablevision has continued to enjoy the support of many of those unions throughout these hearings.

Since this Committee's last hearing, the CWA's smears of Cablevision have become even more outlandish and desperate. For example, the CWA blasts as "anti-union animus" Cablevision's recent termination for cause of Jerome Thompson, who also happened to be a union shop steward at the time. But Thompson had a well-documented and long history of violating company policies, for which he received ample warnings, including crashing two company vehicles in avoidable accidents, failing to report the first accident to his supervisor, excessive personal use of a Company cell phone, and repeated disruptive, unprofessional and insubordinate behavior in multiple contexts. As a result, he was terminated for cause, and no other reason. No employer, private or governmental, would have tolerated such repeated misconduct over such a long period of time.

The CWA has also mischaracterized the September 2014 straw poll of Brooklyn bargaining unit employees—in which a majority of those polled expressed opposition to continued representation by the CWA—as an illegal attempt to undermine the union's authority in ongoing negotiations. That is simply untrue. Cablevision decided to conduct this poll only after learning that more than 100 of its Brooklyn employees—nearly 40% of the represented workforce—signed a petition seeking a vote on decertification, and further learning that a paid employee of the union was intimidating Cablevision employees who dared to question union

representation. Notably, the NLRB requires only 30% of employees to sign such a petition in order for a decertification election to be held. Casting further doubt on its credibility, the union had earlier informed Cablevision that 189 employees had signed a petition “supporting the Union,” when in fact, the petition merely stated that the employees supported a particular union position on wages, not union representation itself. The totality of these circumstances called into question whether the union continued to enjoy majority support among represented employees.

Before taking this independent straw poll, Cablevision fully informed employees in advance that it would be a non-binding, voluntary, and confidential vote by secret ballot, simply to gauge employee preferences. It was conducted by an independent organization, the Honest Ballot Association (“HBA”), which, since 1909, has earned an exceptional reputation for integrity and reliability, conducting more than 25,000 elections (including elections for labor organizations, coop and condo associations, school boards and others). In this particular poll, nearly 93% of the employees in the Brooklyn bargaining unit participated, and by a vote of 129 to 115, the majority expressed their preference to end representation by the CWA. The union encouraged employees to participate in the poll and only questioned its legality after learning of the result.

Despite the outcome of the vote, Cablevision continues to recognize CWA as the employees’ bargaining representative, and continues to negotiate with the union in good faith. The CWA, in contrast, is hell bent on denying employees their right to hold an actual, binding decertification vote, despite the employees’ documented preferences, so it has filed baseless charges with the NLRB to obstruct and delay that process. Today, we simply want you to know the facts—that these workers wish to exercise their right to determine their own future, and to vote one way or the other whether to continue with this union or decertify it as their representative. That is a basic, fundamental right of these workers worthy of protection.

Given that the Council has no role to play here and the union’s allegations are meritless in any event, it is particularly suspect to see the WFP once again playing the role of political bully, interloper and manipulator. It is no secret that the WFP has used questionable methods to achieve its political objectives. The WFP manipulated our local campaign finance system back in 2009 by funneling excessive in-kind contributions to local candidates it endorsed. As a result, it had to shut down its corporate arm and is now the subject of an ongoing state grand jury investigation in which two local campaign aides have already been criminally charged. And one New York daily newspaper’s editorial board has described the WFP as a “union front . . . started by Big Labor to serve Big Labor” that’s becoming “a patronage mill masquerading as a principled alternative.” Against that backdrop, this Committee should be proceeding with particular caution when pressed by the WFP to use the Council’s good offices to pressure management on behalf of the WFP’s union allies.

What should give this Committee even more pause is what happened just last week, when the Department of Investigation (“DOI”) issued a report finding that the Mayor’s Office and the City’s Department of Education (“DOE”) violated DOE rules and the State’s Education Law by permitting the CWA to use a public school for a “union meeting” with the Mayor himself that was essentially an anti-Cablevision rally, orchestrated in advance by the Mayor’s Office and the CWA’s Legislative and Political Director, Bob Master, that barred members of the press and the public from attending. The DOI report concluded that the violations were so serious that “the

conduct described herein may violate the conflicts of interest provision of the New York City Charter.” As one New York daily newspaper editorial put it just yesterday, the Mayor “crossed a line” here by “secretly conspir[ing] to use city resources to rally workers against a private New York business,” and his “interference in a private labor dispute against a major New York employer” is “troubling.” As a result, we call upon this Committee to pursue questioning on that troubling subject with the same vigor with which it has approached this non-issue, holding yet another hearing on Cablevision’s franchise status at the behest of the CWA and WFP.

The Council should have no part in this growing scandal. Cablevision has great respect for this body, as do I as a former Deputy Mayor who has testified here many times over the years. And Cablevision has always had a constructive working relationship with City officials in both branches of government. But this dispute has taken an ugly turn at the hands of others, including an overzealous union and a political party under grand jury investigation, both trying to take advantage of their political allies in government. It is abusive and wrong, and it has to stop, once and for all.

Cablevision will continue to collectively bargain in good faith and meet all of its legal obligations. And it will continue to protect its workers’ fundamental right in our democracy to decide their own future, whether that be through union representation or decertification. Those employees, many of whom are here today, want to vote on decertification. We hope this Committee will hear from them today, listen to their pleas, and support their cause. Because what’s at stake here today is not simply the agenda of a well-connected and self-interested union and political party. What’s at stake are the fundamental rights of workers to decide their own destiny. So I end where I began: Let these workers decide. Let these workers vote.

Thank you, Mr. Chairman. Now, we’ll take any questions members of this Committee may have.

Jerome Thompson Testimony

Good afternoon. I would like to thank Chariman Weprin for convening this important hearing. I would also like to thank all the council members here today for your time.

My name is Jerome Thompson, and I was illegally terminated by Cablevision for my union activity. My story is not the run of the mill story of a worker being punished for standing up for his rights, although those stories are bad and unacceptable.

As you will see, Cablevision has repeatedly shown contempt for the rule of law, and contempt for its unionized employees.

I have been fired 3 times by Cablevision. Three years ago, after a vicious anti-union campaign, Brooklyn Cablevision workers voted 186 to 80 to be represented by CWA. I am proud to say that I was a leader of the effort to become unionized. Shortly thereafter, Cablevision tried to fire me. The story they gave was not true. Dozens of my co-workers demanded that they reverse my discipline. The company was forced to back down and I got my job back. Two years ago, I was among 22 techs who were "permanently replaced," which to us meant fired as we did not have our jobs and we did not get our paychecks. Cablevision, took this action because of our union activity. As this committee knows, after tremendous

Case No. 29-RD-138839

Date Filed

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (if box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
 - RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
 - RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
 - UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
 - UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) In unit not previously certified. In unit previously certified in Case No. _____
 - AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____
Attach statement describing the specific amendment sought.

2. Name of Employer Cablevision Systems Corp		Employer Representative to contact Paul Hilber (VP HR)	Tel. No. 516-803-2426
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 9502 Ave D, 827 E 92nd Street, 1095 E 45th St, Brooklyn NY			Fax No.
4a. Type of Establishment (Factory, mine, wholesaler, etc.) telecommunication	4b. Identify principal product or service cable tv		Cell No.
			e-Mail
5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included All FT and regular PT field service techs, outside plant techs, audit techs, inside plant techs, construction techs, network fiber techs, logistic assoc., RCC reps, and coordinators. Excluded All other employees including customer service employees, HR Dept employees, professional employees, guards and supervisors.			6a. Number of Employees in Unit: Present 252 Proposed (By UC/AC)
			6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>*Not applicable in RM, UC, and AC</small>

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).

7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (If none, so state.) Communication Workers of America		Affiliation	
Address 1845 Utica Avenue Brooklyn NY 11234		Tel. No. (718) 444-1109	Date of Recognition or Certification 2/7/12
		Cell No.	Fax No.
		e-Mail	

9. Expiration Date of Current Contract. If any (Month, Day, Year)
none

10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)

11a. Is there now a strike or picketing at the Employer's establishment(s) Involved? Yes No

11b. If so, approximately how many employees are participating?

11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

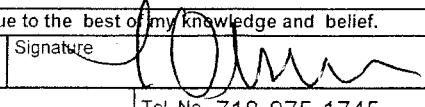
Name	Address	Tel. No.	Fax No.
		Cell No.	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)
Tiffany Oliver

14a. Address (street and number, city, state, and ZIP code) 969 E 102nd St, Brooklyn NY 11236	14b. Tel. No. EXT 718-975-1745	14c. Fax No.
	14d. Cell No. 347-866-4894	14e. e-Mail tmoliver80@hotmail.com

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Tiffany Oliver	Signature 	Title (if any) clerical coordinator
Address (street and number, city, state, and ZIP code)		Fax No.
		eMail tmoliver80@hotmail.com
		Tel. No. 718-975-1745
		Cell No. 347-866-4894

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7/29/14

Print Name NORMAN BUDD

Sign Name Norman W Budd

WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7.30.14

Print Name Elizabeth Parkin

Sign Name E. Parkin

WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7/29/14

Print Name SANDRA KIND

Sign Name Sandra Kind

WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7/29/14

Print Name Tamilia Small

Sign Name T Small

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7-29-14

Print Name Bridgette Vandroff

Sign Name Bridgette Vandroff

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE _____

Print Name Kent Samuels

Sign Name [Signature]

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/19/14

Print Name Gary Byrd

Sign Name [Signature]

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/29/14

Print Name Ciela Thomas

Sign Name Ciela Thomas

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/8/14

Print Name Renny ROBERTSON

Sign Name [Signature]

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/31/14

Print Name JOSE DIAZ

Sign Name [Signature]

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 07-29-14

Print Name Juanita Andujar

Sign Name [Signature]

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7.29.14

Print Name JUNE BLANK

Sign Name [Signature]

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/22/14

Print Name JAMES KING

Sign Name *[Signature]*

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Sergio Felix

Sign Name *[Signature]*

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/10/14

Print Name Dwayne Lyseight

Sign Name *[Signature]*

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/12/14

Print Name WINSTON TAYLOR

Sign Name *[Signature]*

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Edward Chen

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/14

Print Name MIKE LORT

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/30/14

Print Name Michael McCollen

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/29/14

Print Name Nadine Bourne


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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/8/14

Print Name Joseph Reece


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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/12/14

Print Name JASON GUEVARRO

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE _____

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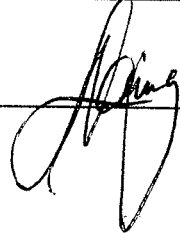
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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 08/08/14

Print Name LENDON LAING

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Sean Lovejoy

Sign Name *Lovejoy*

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Sean Johnson

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Tiffany Oliver

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Andrew Arce

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/29/14

Print Name JESUS MARTINEZ

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 07-31-14

Print Name MARIO HINDOS

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/29/14

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 08/04/2014

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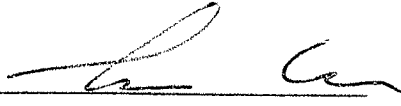
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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/6/14

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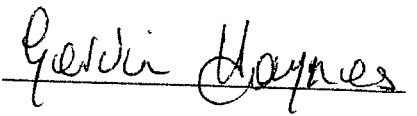
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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 07/31/14

Print Name GARDIN HAYNES

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/29/14

Print Name Debra Robinson

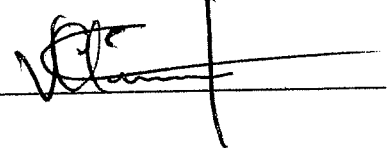
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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/6/14

Print Name VINCENT CLEMENT

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7-30-14

Print Name Kestel Cortera

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7/30/14

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7-30-14

Print Name Dwayne Scarlett

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 8/12/14

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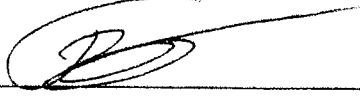
WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 7/29/14

Print Name Felipe Fong

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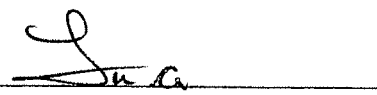
WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 8/12/14

Print Name Luis Arzo

Sign Name 


WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 07/30/14

Print Name Law Bracken

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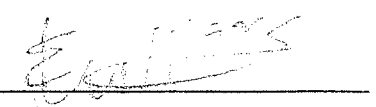
WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 07/30/14

Print Name EUSTACE WILLIAMS

Sign Name 

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7-30-14

Print Name Denver Joseph

Sign Name Denver Joseph

WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Jason Karr

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/29/14

Print Name Jorge A. Mingueta

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE July 29th 2014

Print Name Executive Titus

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/13/14

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DATE 7/31/14

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Brooklyn Cablevision Employee

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From Union CWA 1109
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Brooklyn Cablevision Employee

DATE 8-25

Print Name CLYVIA Rasheed Coffey

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DATE 8/18/14

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DATE 19/08/14

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Brooklyn Cablevision Employee

DATE 8-20-19

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/25/14

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 9/4/14

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DATE 8/25/14

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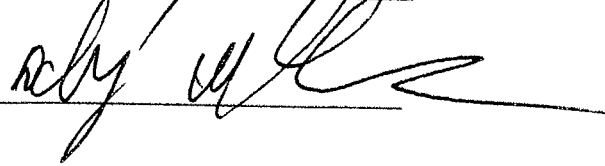
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Brooklyn Cablevision Employee

DATE 8/21/14

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/11/14

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DATE 8/27/14

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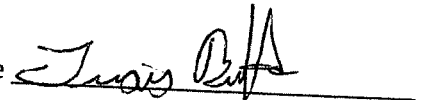
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Brooklyn Cablevision Employee

DATE 8/28/14

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DATE 8/25

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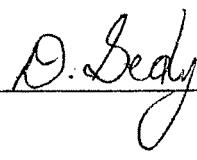
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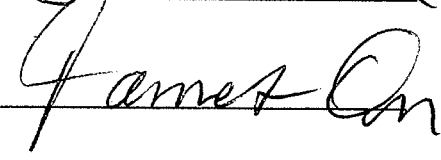
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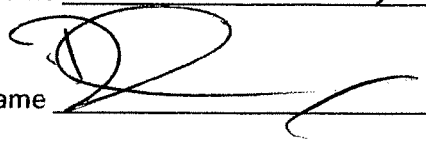
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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/26/14

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WITHDRAWAL OF RECOGNITION

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Brooklyn Cablevision Employee

DATE 8/12/14

Print Name Marlon Vaz

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Brooklyn Cablevision Employee

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Print Name Dario Reid

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/9/14

Print Name JAMES Thomas T#5365

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/14/14

Print Name Neil Billups

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/12/14

Print Name ALLISTER JAMES

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

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Print Name MARK LORRY

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8-10-14

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Brooklyn Cablevision Employee

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WITHDRAWAL OF RECOGNITION

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DATE 7-30/14

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Brooklyn Cablevision Employee

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Brooklyn Cablevision Employee

DATE 08-12-14

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WITHDRAWAL OF RECOGNITION

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Brooklyn Cablevision Employee

DATE 7/30/14

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Brooklyn Cablevision Employee

DATE 7/30/14

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/8/14

Print Name Quedy Lentigen

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7-30

Print Name Ray Buchanan

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/12/14

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Brooklyn Cablevision Employee

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WITHDRAWAL OF RECOGNITION

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Brooklyn Cablevision Employee

DATE 7/30/14

Print Name Derek Campbell

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

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Print Name DAMIAN LANCELOTTI

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name SERGEY Shilov

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/15

Print Name Justin Brown

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30

Print Name Anthony Pagliuca

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From Union CWA 1109
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DATE 7/30/14

Print Name JUAN CARMONA

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 8/8

Print Name KWAME EAGON


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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 1/29/2014

Print Name Tamara Coutain


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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 07/29/2014

Print Name Katy Rodriguez


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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7-29

Print Name Tyriek Stevens


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WITHDRAWAL OF RECOGNITION

From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30

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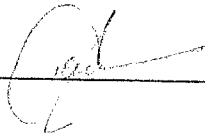
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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/2014

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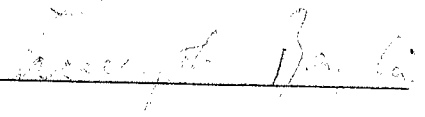
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DATE 7/30/14


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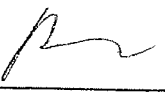
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From Union CWA 1109
Brooklyn Cablevision Employee

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From Union CWA 1109
Brooklyn Cablevision Employee

DATE 7/30/14

Print Name NICOLA BUDIE

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WITHDRAWAL OF RECOGNITION

From Union CWA 1109

Brooklyn Cablevision Employee

DATE 12/29

Print Name Veronica Hicks

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pressure from elected officials and community groups, management was forced to rehire all of us.

But Cablevision's disregard for the law seems to know no bounds. Three months ago, management began a new campaign to get rid of the Union. High level managers came to Brooklyn, for the first time to ask us why we were unhappy and then to tell us that it was the Union's fault. At one of these meetings, they brought a "branding" expert to talk with us about Cablevision's re-branding of the Optimum brand. In trying to explain branding, the branding expert told us to think about a settler ship having crossed the ocean and seeing another ship. At first the settlers think the ship is a friendly ship, but then it unfurls its pirate flag and everyone knows what that means. Things will not end well. That is what branding is all about, the branding expert told us. In describing the settler ship, the branding expert talked about the bad conditions on the ship. He said the ship was overcrowded. I, and I think many of my co-workers, immediately thought of a slave ship.

I raised my hand and politely explained that there was a third ship in those waters, the slave ship. I said that the American economy was built on slavery, but that slavery was also the greatest stain on the American brand. I pointed out that Cablevision's Optimum brand might similarly be tarnished by the discriminatory

treatment of the Brooklyn workers. I also said that I was concerned about this as a Cablevision worker.

A few days later, I received a letter from the company thanking me for participating in this discussion. Despite this letter, a few days after that, management fired me. They gave a host of reasons, including the fact that I had been late ten years earlier. But the real reason I was fired was because I talked about slavery and because I played union music at company barbeques. By the way, that union music is music that I am some of my co-workers wrote and performed.

The Labor Board has issued a complaint about my termination and hopefully I will be getting my job back soon. But, Cablevision did not fire me just to get rid of me – although clearly that is something they wanted to do as they have done it three times – no, they fired me because they want to send a message to my co-workers. Stand up for equality and fair treatment, fight for your co-workers, support the Union, then, you too will be fired. Cablevision fired me as part of their campaign to get rid of the Union.

In closing, I would ask that you to demand that Cablevision re-hire me, and start bargaining for a fair contract. This has gone on long enough.

Cablevision has done very well in New York City. James Dolan, the CEO, is a billionaire. It is not too much to ask him to obey the law.

Thank you.

Jurtreau Villegas Testimony

Good afternoon Chariman Weprin and members of this committee. On behalf of our members at Cablevision, and on behalf of our bargaining team, I would like to thank this committee for taking the time to listen to our story.

My name is Jurtreau Villegas and I am a technician at Cablevision in Brooklyn. I am also an elected representative serving on Local 1109's Bargaining Committee. For three frustrating years, we have faced high paid management attorneys who sit smugly across the table from us. For three years, I have seen Cablevision's management do many things, but I have rarely seen anything that looks like bargaining. It is painfully obvious their job is to run out the clock, say No and not bargain. And let me be clear, reaching an agreement here would be easy, because the union is not asking for a penny more in wages than other workers at Cablevision. We are just asking to be treated the same as the rest of the footprint. We are asking for parity. Every time we ask for simple parity, management has one answer: No!

Let me try and explain how we got here.

After we won our union election, Cablevision gave every single technician in their footprint gigantic raises averaging 14% each, except those of us in Brooklyn who voted to join the union. Tens of thousands of people received raises, except us. Most reasonable people would draw the conclusion that paying Brooklyn workers less than everyone else was simply a punishment for having the audacity of forming a union. Of course, that assumption would be right. But James Dolan wanted this punishment to be beyond clear to even the casual observer. So 3 years ago, Mr. Dolan practically screamed from the rafters that he was punishing us. In fact, when our colleagues in the Bronx tried to join the union, the

CEO of the company went to their garage and told them that he was punishing Brooklyn for joining the union, and that if they went union too, they would be punished as well.

And if this wasn't enough, recently, Dolan came to our garage in Brooklyn and informed us that he was having a "poll" to determine whether or not we still wanted to keep our union. In his speech, he told us that if we voted for the union, the company would not change its mind and would not give us the same raises as he gave everyone else in the footprint. But, if we voted the union down, he would try to convince the union to walk away, then he would give us all the good things, including wage parity that he had given all the other Cablevision workers. The next day during Dolan's sham vote, the company hired by Cablevision to conduct the vote literally watched over our shoulders as we voted. Also, each one of us was given a special PIN number to vote with which was tagged to our tech number. This meant that our votes were not confidential and how we voted could easily be traced. The original vote in which the union won 180 to 86 was nothing like this. Then, our vote was confidential. Dolan's vote felt like we were voting in a dictatorship where everyone knows how you vote and everyone knows what the outcome will be.

The NLRB has issued another complaint against this illegal sham vote. And, the NLRB has issued a complaint about the threats made by Dolan and his managers. But it goes on and on and on.

Ladies and Gentleman of this committee. I ask you to put maximum pressure on this lawbreaking company. I know this committee, which oversees Cablevision's franchise wants to help. My request is that, as you are deliberate between various options, please choose the most aggressive one. A mere letter to Dolan won't cut it. This committee oversees the franchise, which allows Cablevision to operate. I ask that the City put maximum pressure on Cablevision so that they stop punishing us for exercising our rights to join a union.

Dr. King told us that "The Arc of the moral universe is long ,but it bends towards justice." I ask that this committee help bend the arc at Cablevision.

Thank you.

**Statement of Guerino J. ("Jody") Calemine, III
General Counsel, Communications Workers of America
New York City Council Subcommittee on Zoning and Franchises
Hearing on Cablevision Franchise Agreement and Collective Bargaining
December 2, 2014**

Good afternoon, Chairman Weprin and Members of the Subcommittee.

My name is Jody Calemine. I am General Counsel for the Communications Workers of America. It is an honor to be here today, to introduce our panel and talk a bit about what's at stake.

I became General Counsel for the international union just this past July. Prior to that, I spent 11 years at the U.S. House Committee on Education and Labor. I worked as the Labor Counsel, Deputy Labor Policy Director, General Counsel, and ultimately Staff Director for the Committee Democrats.

In my time at the House Committee, we did a great deal of oversight and legislative work on collective bargaining and labor disputes of all kinds, in all industries, in all regions of the country. So I appreciate your interest in these issues.

The matter before you today involves a cable company, Cablevision, that promised the City that it would respect its employees' right to collectively bargain.

And the question is: Has Cablevision broken that promise?

I won't go into great depth on the importance of that promise. I think it reflects the values of this City – respect for human rights, a fair economy, and support for a stable, skilled, productive workforce for the benefit of businesses and the customers and city they serve.

Breaking this promise is no small matter.

And yet, breaking this promise is exactly what Cablevision is doing.

In fact, “breaking” is probably not a strong enough word for what Cablevision is doing to this promise.

In 2012, Cablevision techs in Brooklyn voted to form a union. They did so with federal law and a franchise agreement on their side. They did so with high hopes and every expectation that the company would bargain with them in good faith. They did so with the hopes of getting a better deal for themselves and their families.

Once unionized, the company could respond in one of two ways. Either respect the employees’ choice and bargain a contract in good faith. Or defy both federal law and the company’s promise to New York City. As you will hear, Cablevision chose the latter course.

One of the important lessons from my years studying labor disputes was that a unionbusting campaign does not always end the day after workers vote to organize. It often continues into bargaining for a first contract.

If a company is hell-bent on getting rid of the newly formed union, it will find ways to delay bargaining, give workers the impression that bargaining is futile, and drive them into decertifying the union before any contract can be reached. They squeeze the workers and run out the clock.

Such a campaign is what Cablevision has undertaken in Brooklyn. The company has no apparent intention of reaching an agreement with its workers. The bargaining has been set up to fail by the company. And while those talks get dragged out in bad faith, management has sought to undermine the union's support.

The company has pulled practically every trick in the book to frustrate bargaining and bust the union. But it has also gone above and beyond those typical tactics, doing some things I frankly have never seen before.

The billionaire CEO's personal involvement in personally perpetrating so many unfair labor practices against his own employees is something I have never seen before.

Often, an employer might try to attribute an unfair labor practice to an overzealous manager. But this anti-union campaign – with all of its disregard for the law – comes unapologetically straight from the top.

The suggestion by the CEO to the employees that he would try to pay off the union to go away, suggesting that the union can be bought off with his money, is something I have never seen before.

You have to dig back decades in the case law to find similar examples by unscrupulous employers.

The mass firing of 22 people who ask to speak to management about the need for good faith bargaining under its own Open Door Policy is particularly egregious, one of the worst examples of intimidation and flaunting of the law that I have seen.

I will let others at this table describe these and other aspects of Cablevision's anti-union campaign in more detail.

You'll hear from Gay Semel, CWA's District 1 counsel, who will explain the complaints that the federal government has issued against the company for its labor practices in Brooklyn and the Bronx.

You'll hear from Jurtreau Villegas. A 15-year Cablevision employee and an elected member of the bargaining committee that has been working for 3 years to secure a first contract for the 280 workers in Brooklyn.

And you'll hear from Jerome Thompson. An 11-year Cablevision employee. And a vocal union supporter. This past September he was fired for union activity and is fighting to get his job back.

Their testimony will show this case to be one of the most egregious cases of unionbusting in the country today, made all the more remarkable by the fact that it is happening right here in New York City, a city that is known for its proud bipartisan tradition of supporting workers' rights.

Thank you for your attention to this issue. And I will now yield to Gay Semel.

Gabrielle Semel, Esq
Testimony before the Subcommittee on Zoning and Franchises of the
New York City Council
December 2, 2014

Good afternoon Chairman Weprin and members of the committee. Thank you for holding this important hearing and thank you for your time. My name is Gabrielle Semel, and I am counsel for District 1 of the Communications Workers of America. I have held this position for more than 28 years. Before working for CWA, I worked as an attorney for Region 2 of the NLRB.

Before I discuss the situation at Cablevision, I want to say a few things about the National Labor Relations Board and how it works. The NLRB is the United States government agency charged with administering the federal National Labor Relations Act. Unfair labor practices, called ULPs, are violations of this federal law. The Board has two wings, the Regional Offices, which investigate and prosecute the cases, and the administrative law judges who adjudicate the cases. The 5-person Board in Washington DC oversees the ALJs and hears appeals from their decisions.

Thus far, the Regions in Manhattan and Brooklyn have issued three complaints against Cablevision. The first two were issued in April of 2013. Before issuing a complaint, the Region has no position on whether an employer has violated the National Labor Relations Act. An Unfair Labor Practice, or 'ULP' is filed (in this case many ULPs) and the Board attorney assigned to the case does an investigation. Both sides produce position statements, witnesses and other evidence to the Region. After the Region completes its investigation, the Regional Director decides how to handle the case. The important thing to understand is that the Regional Director issues

a complaint only after the Region has conducted a thorough investigation. Once the complaint is issued, it becomes the Regional Director's case. Thus, the allegations of federal labor law violations that I will describe in the next several minutes are not mere accusations by the CWA, but thoroughly investigated complaints issued over the last 18 months by the NLRB Regional Directors in Manhattan and Brooklyn. It is the federal government agency charged with enforcing federal labor law since 1935 that is accusing Cablevision of massive and repeated violations of federal labor law.

Another very important thing to understand is that once a Regional Director issues a complaint, there is a very high likelihood that the Region will prevail on most, if not all, all of the allegations contained in the complaint. The win rate before ALJs and the Board is very high. In 2012, the Regional offices won 90.1% of their cases in whole or in part.

Now, let's turn to the multiple allegations in the three complaints against Cablevision. In February, 2013, a year and 10 months ago, this committee held a hearing on the many unfair labor practices that had been committed by Cablevision up to that point. For some of you, therefore, the first part of my presentation will be familiar, others not. I will try to do this quickly and then discuss the current situation..

The first complaint, issued by the Manhattan Region, concerns events at Cablevision in the Bronx. The Brooklyn workers chose CWA as their collective bargaining representative on January 26, 2012 by a landslide vote of 180 to 86. In the aftermath, interest in unionizing spread throughout the Cablevision footprint. Support for the Union was especially strong in the Bronx. To stop the Bronx unionization drive, Cablevision gave huge raises to every one of the 15,000 plus Cablevision workers in the company's footprint—with the exception of those in Brooklyn. The raises ranged from

\$2 to \$9 per hour and averaged 14%. In the spring of 2013, James Dolan, Cablevision's CEO, held meetings with the Bronx workers to pressure them not to unionize. At the first meeting he told them about the raises, he promised improved benefits and asked for their complaints so the he could fix them. At the second meeting, held shortly before the vote in the Bronx, Dolan threatened the Bronx workers that if they voted for the union he would reduce their wages and benefits, they would lose opportunities to advance in the company, and they would be left behind like the Brooklyn workers. After this barrage of promises and threats, the Bronx workers, not surprisingly, voted against the union. All of this was illegal. It was also sort of stunning. Other employers have fought unionization, but other than these Cablevision cases, I have never seen a CEO commit his own ULPs -- usually that job is delegated to underlings.

In Brooklyn, Cablevision proceeded to commit a massive number of ULPs. On January 30, 2013, Cablevision fired 22 workers who sought to speak to a manager, any manager, under the Company's Open Door policy. A group of about 60 workers wanted to convey to management a short message about their frustrations with the slow pace of bargaining towards a first contract, after which they planned to go to work. Rather than meet with them, Cablevision management kept the group waiting. After the group had dwindled down, management directed the remaining 22 to a conference room and held them there while they hired "replacement workers." Cablevision then told all 22 workers that they had been permanently replaced. Jerome Thompson, who will tell you about his firing this year was one of the 22.

After the 22 workers were fired, CWA organized a massive campaign to get them back to work. Thanks to the help of many community, religious

and elected leaders, including members of the City Council, the 22 workers were brought back to work after several months, although without backpay.

Cablevision's goal was to get rid of the Union, and the firing of the 22 workers was meant to scare them into voting the union out. On the same day that Cablevision fired the 22 workers, it distributed a memo informing the Brooklyn workers that it was getting close to the one-year deadline when they could decertify the Union. The memo provided the phone number for the Brooklyn Region of the NLRB suggesting that the workers call the Region to find out how to decertify. The message was clear: protect yourselves, get rid of the Union. A decertification petition was filed as Cablevision suggested, but it was dismissed by the Regional Director in Brooklyn because of Cablevision's many unfair labor practices. Cablevision had also unlawfully surveilled worker's union activity and unlawfully changed their terms and conditions of employment, among other things. Further, the Region's complaint accused Cablevision of engaging in bad faith/surface bargaining. What that means is that the Region accused Cablevision's bargainers of going through the motions of bargaining with no real intent to reach an agreement. Cablevision was running out the clock, waiting to get to the point where the workers could decertify and trying to scare them into doing it.

The Brooklyn Region issued a massive complaint that was consolidated with the complaint issued by the Bronx Region. They were tried together before an administrative law judge in the fall of 2013. Cablevision had three law firms defending them. The trial lasted 4 and ½ weeks, Cablevision usually had at least 8 to 10 lawyers in the hearing room every day. The briefs were filed on February 28; we are awaiting the decision.

Meanwhile bargaining continued, or should I say “bad faith” bargaining continued. After giving all Cablevision workers, other than Brooklyn, raises averaging 14% in 2012, Cablevision finally made a wage offer to the Brooklyn workers on September 11, 2013. Cablevision offered 3.5%. 14% versus 3.5%. Keep these numbers in mind – we will get back to them.

After the briefs were filed and bargaining limped along, Cablevision began a new drive to get rid of the Union. Two sweeping federal labor law complaints and the cost of thousands of lawyer hours apparently had little effect on the company. The first step in this new campaign, which began in the middle of this past summer, began with high-level managers coming to Brooklyn and holding meetings with groups of workers. The managers would tell the workers that they heard that they were unhappy and wanted to know why. The Brooklyn workers said that they wanted a contract, they wanted raises, they wanted promotions. The Cablevision managers responded, in essence, that it was the Union’s fault.

Then they fired Jerome Thompson, one of the leaders of the organizing effort and one of the 22 formerly fired workers. That was step 2. Jerome will tell his own story, but I want to make two points about Jerome’s case. First, all the actions for which he was actually fired – as opposed to the laundry list of alleged wrongs they gave the Union – are activities protected by the National Labor Relations Act. Cablevision fired Jerome for using the word slavery and for playing union songs during non-work hours in non-work areas. These were songs, great songs actually, that Jerome and two of the other Brooklyn workers wrote and recorded. Playing union music on non-work time in non-work areas is protected activity. It is illegal to fire an employee for protected activity. And firing him for using the word

slavery is simply outrageous. The second point I want to make here is that they fired Jerome for talking about a slave ship – while an anti-union worker was given a private slap on the wrist for using vile and disgusting racially charged language about her pro-union co-workers on Facebook. No one on the Union side is seeking to have the anti-union worker fired. We are pointing out, however, that Cablevision uses a very different standard for pro-and anti-union workers. The pro-union worker was fired, the anti-union worker got a private slap on the wrist and her duties were expanded.

The third and perhaps most shocking step in Cablevision's renewed anti-union campaign occurred on September 9, 2014—we do not think it was an accident that the meeting was scheduled for Primary Day. Without prior notice, James Dolan held a mandatory meeting of all Brooklyn workers at one of the Brooklyn garages. Workers from the other two facilities were bussed to this meeting. Dolan told the workers that he was confused about what they wanted. He knew there had been a decertification attempt that, he understood, had been signed by many of the workers. He also was sent a petition signed by 189 workers saying they supported the Union. He did not believe the petition, however, because it also called for a raise. So, he said, because he really wanted to know what they wanted, he would hold his own vote the next day. He then told the workers that if they voted for the Union, he would work very hard to get them a contract. His people would meet with the Union even more. But, he made it clear – the company would not change its mind about offering wage increases comparable to what had been given to the other 15,000 plus workers in May of 2012, in order to discourage unionization. According to Dolan, the company had to account for the non-monetary items that had been agreed to in bargaining and after taking the cost of such items into account, a wage increase of no more than

3.5% was a fair offer. Dolan also told the workers that if they wanted wage parity, the only way it could happen would be to get rid of the Union. He also told them that if they voted against the Union he would try to persuade the Union to walk away. He suggested that he would offer to reimburse the Union for its expenses if it would convince the Union they were not wanted.

Step four took place the next day. Dolan hired a private organization called the Honest Ballot Association to conduct a vote among the Brooklyn workers. Contrary to what Dolan had promised, the vote was not confidential. Each worker was given a pin number that was correlated with his or her employee number. Any vote could be looked up. Further, people from the Honest Ballot Association hovered over many of the workers and watched how they voted.

Not surprisingly, the Union lost Dolan's sham vote: 129 to 115. Dolan took out full page ads in The New York Times and The Post the following day announcing the results. Every aspect of this sham vote was illegal, and the NLRB has since issued another sweeping complaint detailing the multiple ways in which the process violated federal labor law. The vote was a charade aimed at changing the narrative about what has happened at Brooklyn Cablevision for the last three years. Cablevision wants you and the rest of the political establishment and the general public to believe that the real problem is that the workers no longer want the Union—when in fact the real issue is massive and repeated violations of federal law by Cablevision and its CEO James Dolan. We have no idea what the real results were in Cablevision's sham poll, but we are not surprised that some workers voted No after three years of outrageous illegal behavior—and a billionaire CEO's pledge that they would never get wage parity as long as they stuck with the union. It is an amazing testament to the strength and

commitment of the many Brooklyn workers who voted for the Union in the face of Cablevision's many flagrant violations of the National Labor Relations Act. It is an act of courage for so many workers to stick with the union in the face of such pressure.

Dolan's speech contained a series of threats and promises made to the Brooklyn workers to convince them to vote against the Union in his sham vote. Holding a vote in the context of multiple unremedied ULPs is illegal. Dolan knows this, and his lawyers certainly know this. In such a context a fair vote is impossible. But, Cablevision is not seeking to follow the law, they are hoping to change the narrative. In response, the Brooklyn Region issued the third sweeping complaint; the trial is scheduled for January 2015.

I understand that Cablevision gave many of the Brooklyn workers the day off with pay to attend this hearing. We welcome all of you. When Brooklyn first voted for CWA almost three years ago, you did so in overwhelming numbers. 180 to 86. When you voted for the Union you did so because you had a vision of achieving dignity on the job, respect, and fair treatment. What you got instead is an unending campaign to defeat that vision, to convince you that the only way you can get ahead at Cablevision is to give up solidarity with your brothers and sisters, to give up collective action. But, as an individual you have only the power of one against the might of a powerful company. They can take away as easily as they can give.

Cablevision says that they will only offer 3.5% wage increase in Brooklyn. They say this not because they can't afford a fair raise – obviously they can – look at all the money they are spending to defeat the Union. No, they say they won't give more than a 3.5% raise because of the

alleged “costs” of the tentatively-agreed-upon items, what are called “TA-ed” items. That is a total fiction. One of the issues in the earlier trial was Cablevision’s refusal to bargain over economic issues until the non-economic issues were resolved. All the TAs that Dolan talked about at his meeting, and Cablevision has talked about here were considered non-economic items by Cablevision. According to the company, they did not have a cost. Also, many of these items are provisions Cablevision wanted, not the Union. Nonetheless, after almost two years of bargaining, Cablevision made a wage offer that supposedly deducted the costs of these items. These items have no cost – that is what Cablevision said when they were bargained. And, to make that point perfectly clear – Cablevision could never tell the Union what these alleged costs were, although the Union bargainers asked over and over again. Eventually, Cablevision’s lead bargainer conceded that there were no costs, but there was value to the Union so they were deducted. This is bad faith bargaining. It is dishonest. Cablevision is not bargaining to get a contract as the law requires them to do – they are bargaining to defeat the will of the workers who voted in overwhelming numbers to have a union.

To make matters worse, Cablevision has made it clear that they will not comply with the decision of the ALJ or the NLRB. They plan to continue spending a fortune appealing every decision that comes from the NLRB. They have already announced their plan.

Let me conclude by reading you the language that appears in Article 17.1 of the franchise New York City has granted Cablevision to operate cable television service in Brooklyn and the Bronx:

“Franchisee shall recognize the right of its employees to bargain

collectively through representatives of their own choosing in accordance with applicable law. Franchisee shall recognize and deal with the representatives duly designated or selected by the majority of its employees for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, or any other terms, conditions, or privileges or employment as required by law. Franchisee shall not dominate, interfere with, participate in the management or control of, or give financial support to any union or association of its employees.”

Mr. Chair, members of the Committee, the language of the franchise could not be clearer. I have been a labor lawyer for the last 30 plus years, first as an employee of the National Labor Relations Board, and since 1986 as Counsel to the Communications Workers of District One. I have never in those years seen a more blatant example of massive violations of the rights of workers to organize and bargain collectively. Nor, I might add, have I ever met a more dedicated, determined, inspiring group of workers committed to the fight for their fundamental right to be represented by a union.

There is no question that Cablevision has massively violated the terms of the NYC cable franchise under which they are making hundreds of millions of dollars in profits every year. These violations must not, they cannot, be tolerated and allowed to continue.

We urge you today to draft a resolution or letter to the New York City Department of Information Technology and Telecommunications, which administers Cablevision’s franchise, advising them that the Council has investigated and found significant evidence that Cablevision is in violation of the labor rights provisions of the franchise agreement. We ask you to urge the Department to commence its own investigation into whether the

franchise is being violated and how its labor rights provisions should be enforced.

Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jerome Thompson

Address: _____

I represent: union panel

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Gady Semel

Address: _____

I represent: CWA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jody Calemine

Address: 501 3rd St Wash DC

I represent: CWA

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/2

(PLEASE PRINT)

Name: Ruben Cruz

Address: 71-21 67th St

I represent: CABLEVISION N.Y.C

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carey Villegas

Address: _____

I represent: Union panel

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/2/2014

(PLEASE PRINT)

Name: RANDY MASTRO

Address: _____

I represent: CABLEVISION

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Dominick Muzzonigro (PLEASE PRINT)

Address: _____

I represent: Cablevision

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Tiffany Oliver (PLEASE PRINT)

Address: _____

I represent: Cablevision

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Margaret Bernes (PLEASE PRINT)

Address: 1411 Linden Blvd

I represent: Optimum

Address: 827 E 92nd St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alicia DeVono

Address: _____

I represent: Cablevision

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John McCaughern

Address: 182 West 7th Street Deer Park NY 11729

I represent: Cablevision

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Parkin

Address: 200 E. 40th St.

I represent: Cablevision

Address: 827 E. 92nd St.

Please complete this card and return to the Sergeant-at-Arms