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COMMITTEE ON CIVIL SERVICE AND LABOR 1

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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February 23, 2022
Start: 1:02 p.m.
Recess: 4:54 p.m.

HELD AT: REMOTE HEARING - (VIRTUAL ROOM 3)

B E F O R E: Carmen N. De La Rosa,
Chairperson

COUNCIL MEMBERS:

- Erik D. Bottcher
- Tiffany Cabàn
- Eric Dinowitz
- Oswald Feliz
- Kamillah Hanks
- Rita C. Joseph
- Julie Menin
- Francisco P. Moya
- Sandy Nurse
- Marjorie Velázquez
- Gale A. Brewer
- Darlene Mealy

A P P E A R A N C E S

Benjamin Holt
Deputy Commissioner of Labor Policy and Standards

Steve Ettannani
Executive Director of External Affairs

Vincent Alvarez
President of the New York City Central Labor
Council, AFL-CIO

Henry Garrido
Executive Director of District Council 37

Charlene Obernauer
New York Committee for Occupational Safety and
Health

Jennifer Siqueira
Registered Architect

Ben Prosky
Executive Director of the American Institute of
Architects New York, AIA New York

Demos Demopoulos
Secretary Treasurer and Executive Officer of
Teamsters Local 553

Andre Solon
United Metro Energy in Brooklyn

Ivan Arizaga
Terminal Operator at United Metro Energy in
Brooklyn

Zachariah Erin Levitan
Political Representative with United Food and
Commercial Workers Local 1500

Hildalyn Colon Hernandez
Director of Policy and Strategic Partnerships for
Los Deliveristas

Ligia Gualpa
Executive Director of the Workers' Justice
Project

A P P E A R A N C E S (CONT.)

Kevin Elkins
Organized Labor

Fausto Chafra
Laborers Local 79

Infinite George
Member of the Laborers Local 79

Ashley Bergenson (SP?) (Sitting in on behalf of
Louis Picani)

Tafadar Sourov
Community Board 11 in the Bronx

Bernard Callegari
Laborers Employers Cooperation and Education
Trust

Karla Cruz
Assistant Director for Legislation and Policy at
Mason Tenders District Council

Santos Calixto Xobin

Angel Ocasio
Member of 32BJ and Cleaner in a school in the
Bronx

Jeff Vockrodt
Executive Director of Climate Jobs New York

Melissa Shetler
Cornell Workers Institute

Patricia Campos-Medina
Executive Director of the Worker Institute

Cassandra Gomez
Staff Attorney at A Better Balance

Debipriya Chatterjee
Senior Economist for the Community Service
Society of New York

A P P E A R A N C E S (CONT.)

Andy Bowen
Pride at Work

James Collins
Retired from HRA

Lisa Flanzraich
Reading an article from Daily News

Robert Rendo
Spouse of a New York City Retiree

Marc Lavietes, MD
Secretary of Physicians for a National Health
Program

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2 SERGEANT KOTOWSKI: Computer recording started.
3 You were muted there Sergeant Polite.

4 SERGEANT POLITE: Recording to the Cloud all set.

5 SERGEANT KOTOWSKI: And you can start your
6 opening, thank you.

7 SERGEANT POLITE: Okay, your welcome. Good
8 afternoon and welcome to the Remote Hearing on Civil
9 Service and Labor. Will Council Members and Staff
10 please turn on their video at this time. Thank you.
11 To minimize disruptions, please place all cell phones
12 and electronics to vibrate. To send your testimony,
13 please send it to testimony@council.nyc.gov. Once
14 again, that's testimony@council.nyc.gov. Chair, we
15 are ready to begin.

16 CHAIRPERSON DE LA ROSA: [GAVEL] Good afternoon,
17 I am Council Member Carmen De La Rosa, Chair of the
18 New York City Council's Committee on Civil Service
19 and Labor. First, I would like to acknowledge that
20 we will be joined by Council Member Marjorie
21 Velázquez, the Chair of the New York City Council's
22 Committee on Consumer Affairs. And I would also like
23 to acknowledge my other colleagues who have joined
24 us. Council Member Menin and Council Member
25 Bottcher.

1
2 So, thanks again for joining us today. I want to
3 welcome everyone to the Committee's first Oversight
4 Hearing of the new legislative session. Today's
5 hearing will focus on strengthening workers' rights
6 across the city's workforce. Despite widespread
7 public support for policies that promote good jobs,
8 the COVID-19 pandemic has underscored how just and
9 safe working conditions, strong benefits and living
10 wages are far from guaranteed. Even for those
11 members deemed essential to their communities and the
12 city's economy. Many New York City workers provider
13 necessary services in face to face industries and
14 have been working without access to personal
15 protective equipment or have been denied paid safe
16 and sick leave. For those workers who do raise
17 concerns to their employers about health and
18 workplace safety, they risk termination for speaking
19 out.

20 The COVID-19 pandemic has only served to deepen
21 the existing racial and economic inequalities in New
22 York City. For example, Black and Latino New Yorkers
23 have suffered food hardships, housing insecurity,
24 unemployment at far higher rates than White New
25 Yorkers since the start of the pandemic.

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2 Confronting these challenges to build a good jobs
3 economy will require transformative solutions. The
4 city must also build up worker power by supporting
5 local unionization efforts, leveraging the city's
6 employment and contracting power, increasing
7 enforcement efforts to penalize exploitative
8 employers.

9 New York City has some of the strongest worker
10 protections in the country. Unfortunately, too many
11 exploitative employers break these laws and take
12 advantage of our city's most marginalized workers.
13 According to the economic policy institute,
14 exploitative employers held nearly \$1 billion from
15 New York workers in 2017 by failing to pay the
16 minimum wage. When workers in low-income households
17 are illegally underpaid, not only do they harm those
18 workers and their families but the public is harmed
19 as well. The government collects less tax revenue
20 and taxpayers must provide additional funding for
21 social welfare programs to fill the gaps.

22 We need strong outreach efforts to educate
23 employers and workers about worker protection laws as
24 well as consequential enforcement. New York City
25 also has significant impact on workforce standards in

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2 this capacity as an employer and through its own
3 contracting authority.

4 In our own employment, we should lead by example
5 by adopting model practices and fair pay and
6 benefits. We should also leverage our footprint to
7 create prevailing wage jobs and discourage agencies
8 from contracting with exploitative employers. As we
9 recover from the COVID-19 pandemic, it is critical
10 that we take steps to recognize the important roles
11 that all workers play in making our city's economy
12 function. Whether their workplace is a fast food
13 restaurant, paid care facility or a warehouse.

14 I look forward to working closely with the
15 Department of Consumer Affairs and Worker Protection
16 to ensure all workers are educated about their rights
17 and are afforded the dignity they deserve. I would
18 also like to take the time to thank the Committee
19 Staff for all their hard work in putting today's
20 hearing together, Committee Counsel Bianca Vitale and
21 Policy Analyst Elizabeth Arzt. I would also like to
22 thank my own staff, Chief of Staff James Burke,
23 Deputy Chief of Staff Kiana Diaz and our
24 Communications Director Emelia Eberline.

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2 I also want to take this moment to recognize and
3 pause for a moment of silence for the loss of two
4 great labor leaders these past two weeks. This week,
5 we lost Eddie Kay and the week before we lost Radames
6 Rivera. May they rest in peace and may the
7 solidarity forever live forward. Thank you.

8 COMMITTEE COUNSEL: Chair, would you like to turn
9 it over to CM Velàzquez to give some remarks before
10 we go into procedural matters?

11 CHAIRPERSON DE LA ROSA: Yes, if she's here, I'll
12 Turn it over to Chair Velàzquez for her remarks.

13 COMMITTEE COUNSEL: Awesome.

14 CHAIRPERSON DE LA ROSA: Thank you.

15 COUNCIL MEMBER VELÀZQUEZ: Good morning, uhm,
16 actually good afternoon. I am Council Member
17 Marjorie Velàzquez and I am the Chair of the
18 Committee on Consumer and Worker Protection and I'd
19 like to thank my colleague Council Member Carmen De
20 La Rosa who's the Chair of the Committee on Civil
21 Service and Labor for convening this hearing today.

22 Our Oversight Hearing today will focus on
23 strengthening workers' rights across the city's
24 workforce and how the Council, the Administration can
25 work collaboratively to ensure New York City is the

1
2 most labor friendly city in the country. New York
3 City has a rich history and tradition of labor
4 organizing and this activism has led to workplace
5 protections for the diverse workers of the city.

6 Do in part to corporate lobbying and actions of
7 federal law makers however, union members have
8 suffered in recent years. In 2019, 10.5 percent of
9 wage workers were unionized. Half the rate of union
10 membership for the wage workers in 1983. I believe
11 we are starting to witness a reemergence in the
12 unionization efforts as the residents of this city
13 recognize the fact that when workers are able to come
14 together and form a union, they can collectively
15 bargain and improve their wages, benefits and working
16 conditions.

17 As the workers of this city take action to ensure
18 that they are fairly paid a living wage, their
19 government partners must also be taking action to
20 ensure our laws are proworker. Last session, the
21 Committee I now Chair, expanded pay safe and sick
22 leave for the private sector and nonprofit employees.
23 The law expanded pay leave for businesses with over
24 100 employees and established paid leave for smaller
25 businesses as well.

1
2 I look forward to receiving an update from DCWP
3 today on their enforcement of the paid safe and sick
4 leave law and any impacts the pandemic has had on
5 their implementation and employers treatment of
6 workers.

7 Last session, the Committee also helped enhance
8 workplace protections for nonunion workers. The
9 Committee passed a package of legislation to improve
10 working conditions for delivery workers and also
11 licensed construction industry middle man, known as
12 labor brokers, to uncover exploitation in the
13 industry.

14 As Chair of the Committee on Consumer and Worker
15 Protection this session, I look forward to working
16 with Chair De La Rosa to ensure the Council's acting
17 prolabor legislation to help the workers of this
18 city. The pandemic has exacerbated already existing
19 problems in the workplace for many city residents and
20 as the city seeks to recover from the pandemic, the
21 welfare of workers must be a priority.

22 I look forward to engaging with DCWP, unions and
23 other stakeholders today on how we can enhance
24 workers rights. I'd like to take the moment to thank
25 my central staff team Senior Council Stephanie Jones,

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2 Senior Policy Analyst Noah and Leah and my Chief of
3 Staff Nick Roloson and Deputy Chief Alex Anderson for
4 their hard work. And now, I'd like to turn it back
5 to Chair De La Rosa.

6 CHAIRPERSON DE LA ROSA: Thank you Chair
7 Velàzquez. Before we go on, I also want to recognize
8 that we've been joined by Council Member Nurse,
9 Council Member Hanks and Council Member Joseph. I
10 will now turn it over to our Committee Counsel Bianca
11 Vitale to go over some procedural items.

12 COMMITTEE COUNSEL: Thank you Chair. My name is
13 Bianca Vitale and I am Counsel to the Committee on
14 Civil Service and Labor. Before we begin, I want to
15 remind everyone that you will be on mute until you
16 are called on to testify, when you will be unmuted by
17 the host. I will be calling on panelists to testify.
18 Please listen for your name to be called. I will be
19 periodically announcing who the next panelist will
20 be.

21 For everyone testifying today, please note that
22 there may be a few seconds of delay before you are
23 unmuted and we thank you in advance for your
24 patience. All hearing participants should submit
25 written testimony to testimony@council.nyc.gov. At

1
2 today's hearing, the first panelist to give testimony
3 will be representatives from the Administration
4 followed by Council Member questions. And then
5 members of the public will be called on to testify.

6 Council Members who have questions for a
7 particular panelist should use the raise hand
8 function in Zoom and I will call on you after the
9 panelist has completed their testimony. I will now
10 call on members of the Administration to testify.
11 Testimony will be provided by Deputy Commissioner of
12 Labor Policy and Standards Benjamin Holt and Steve
13 Ettannani Executive Director of External Affairs will
14 be available for questions.

15 Before we begin, I will administer the oath. I
16 will call on each of you individually for a response.
17 Please raise your right hands. Deputy Commissioner
18 Hold, do you affirm to tell the truth, the whole
19 truth and nothing but the truth in your testimony
20 before this Committee and to respond honestly to
21 Council Member questions?

22 BENJAMIN HOLT: I do.

23 COMMITTEE COUNSEL: Executive Director Ettannani?

24 STEVEN ETTANNANI: I do.
25

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2 COMMITTEE COUNSEL: Thank you. Deputy
3 Commissioner Holt, you may begin when ready.

4 BENJAMIN HOLT: Thank you. Good Morning Chair De
5 La Rosa and members of the Committee on Civil Service
6 and Labor. My name is Benjamin Holt, I am the Deputy
7 Commissioner at the Department of Consumer and Worker
8 Protection for the Office of Labor Policy and
9 Standards. I am joined today by my colleague Steven
10 Ettannani who is our agencies Executive Director for
11 External Affairs. And I want to thank you for the
12 opportunity to be here today to discuss DCWP's
13 protections for private sector workers.

14 DCWP conducts outreach and education, research
15 and advocacy and enforcement of city workplace laws.
16 New York City's workplace laws include among others,
17 the paid safe and sick leave law. The fair work week
18 law for fast food and retail workers. The freelances
19 and free act for independent contractors. A
20 legislation passed last year to stand up ground
21 breaking protections for third party food delivery
22 workers. These laws strive to promote greater
23 economic and job stability for workers, whether
24 that's the ability to stay home and take care of
25 one's self or a loved one who is sick with COVID-19.

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2 To know when you are working, so you can plan your
3 childcare or second job. To know you'll be paid for
4 your hard work or to have greater control over your
5 delivery routes. Our agency administers these laws
6 on behalf of workers recovering restitution for
7 violations and promoting compliance going forward.
8 In doing so, we place great emphasis on the
9 following: Creating plain language materials for
10 both workers and employers. Prioritizing retaliation
11 protections, which were essential to making rights
12 real by fast tracking complaints about retaliatory
13 firings and other adverse actions. Emphasizing that
14 immigration status is irrelevant to coverage and that
15 all workers can contact us confidentially and with
16 confidence. And finally, looking beyond individual
17 complaints to ensure that workplace wide compliance
18 with the law is at the center of our work.

19 During the past two years, the COVID-19 pandemic
20 has highlighted how vital worker protections are and
21 always will be for New Yorkers. The pandemic
22 continues to bring unprecedented economic hardships
23 for New York City's working families. Not only the
24 fear and uncertainty that enveloped our city since
25 the early days of the emergency but the real and

1
2 abrupt disruptions to hundreds of thousands of
3 workers with respect to their incomes, their
4 schedules and their jobs. And we must particularly
5 recognize the sacrifices made day in and day out by
6 essential workers to keep our city running during
7 some of these most difficult moments and still today.

8 New York City's workplace laws alongside
9 protections at the federal and state levels have been
10 a critical resource for workers navigating COVID-19.
11 During the pandemic, we've continued to enforce the
12 city's workplace laws. The robust outreach and
13 education, develop new materials tailored to the
14 realities of this crisis and have worked
15 collaboratively with Council on new protections both
16 for this specific moment and beyond.

17 From the onset, we understood how vital it was to
18 ensure workers knew about their rights within the
19 context of COVID-19. Since March 2020, we have held
20 more than 440 events dedicated to worker issues. We
21 collaborated with our city and community based
22 partners to develop interagency materials and
23 resources for workers to promote critical workplace
24 protections. For example, this past summer, DCWP
25 partnered with Test and Trace, the New York City

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2 Department of Health and others to distribute paid
3 safe and sick leave law materials at COVID-19 testing
4 locations and vaccine sites citywide.

5 Our ongoing educational efforts provide in at
6 least 14 languages, essential guidance on all types
7 of protections, city, state and federal available to
8 workers. As well as safe practices for businesses
9 operating under the reality of COVID-19. We also
10 adapted our process to the new reality faced by
11 workers in New York City to make sure we were
12 focusing our resources on the most pressing issues
13 workers were facing.

14 First, we adjusted our intake process to be able
15 to respond to a far higher volume of noncity issues,
16 most critical to workers because of COVID-19. Such
17 as workplace health and safety, unemployment
18 insurance and wage and hour issues.

19 Since March 2020, we have received close to
20 21,700 inquiries and complaints regarding worker
21 protections. The majority for noncity issues, which
22 we're able to refer to appropriate agencies and other
23 resources.

24 Second, when business reopening commenced in June
25 of 2020, we stood up a new hotline for workers to

1 reach us with questions or complaints about safe
2 reopening practices. Furthermore, city enforcement
3 agencies, including DCWP coordinated with one another
4 to conduct more than 315,000 health and safety
5 inspections of businesses across the city.
6

7 In 2021, city agencies again collaborated on
8 close to 100,000 health and safety inspections during
9 the Key to NYC Initiative. This work has helped
10 ensure that our businesses were operating safely for
11 the benefit of consumers, workers, employers, and a
12 sustainable recovery for our city.

13 And third, to achieve quicker results for workers
14 impacted by COVID-19, we've adjusted our enforcement
15 process to give priority to COVID-19 related
16 complaints. To streamline the fact gathering and
17 negotiation faces to for example, be able to more
18 swiftly secure compensation for workers who took
19 leave due to COVID-19 or affirm a workers right to
20 take care of a child whose school was closed.

21 Overall, since the start of the pandemic, we've
22 secured nearly \$5.5 million in restitution on behalf
23 of nearly 9,500 workers. Making sure workers had
24 access to their rights during the pandemic, meant
25 that we were not just protecting them but also their

1 families, their Co-Workers, their employers and the
2 public at large.

3
4 We have also worked collaboratively with Council
5 to expand New York City protections for workers.
6 Such as our paid safe and sick leave law, which
7 provides leave to more than 3.6 million workers in
8 New York City. Local Law 97 of the year 2020
9 expanded paid safe and sick leave to 56 hours to more
10 than 1.8 million workers. Provided greater coverage
11 for approximately 18,000 domestic workers and made it
12 easier for all eligible workers to use an accrued
13 leave to take care of themselves or their loved ones.

14 Late last year, we again worked with Council to
15 pass Local Law 172. We had provided workers with an
16 additional four hours of leave time per injection to
17 take a child to get vaccinated or to care for a child
18 experiencing side effects from vaccination.

19 Furthermore, in partnership with Council, we
20 enacted unprecedented protections to support hundreds
21 of thousands of essential workers in the fast food,
22 hotel and food delivery industries. As a result of
23 new just cause protections, fast food workers can no
24 longer be arbitrarily fired from their jobs and have
25 a right to reclaim their former jobs if they are laid

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2 off or fired illegally. Long time workers at hotels
3 are entitled to up to 30 weeks of severance pay if
4 they were laid off during the pandemic. And hotel
5 workers also have a right to be retained at their
6 place of employment for 90 days if a hotel is
7 transferred or sold.

8 And finally, third party food delivery workers
9 will have new key rights to among other things,
10 better control their delivery routes, receive timely
11 payment for their work and have minimum pay rates to
12 be set by DCWP later this year.

13 As Mayor Adams has said, the priority of this
14 Administration is to serve working New Yorkers
15 throughout the five boroughs, which means ensuring
16 that they have dignity and economic justice in the
17 workplace. Our recovery presents a once in a
18 generation opportunity to make a real change for New
19 Yorkers and the Administration believes strongly in
20 supporting New York City's workers and bringing
21 meaningful change to their lives.

22 The City Council has always been a close partner
23 in supporting private sector workers and developing
24 the next generation of workplace laws. In this new
25 term, we look forward to our continued collaboration

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2 during this unique moment and opportunity to realize
3 workplace justice for New Yorkers.

4 Thank you again for the opportunity to testify
5 today and I look forward to your questions.

6 COMMITTEE COUNSEL: Thank you Deputy Commissioner
7 Holt, I will now turn it over to questions from Chair
8 De La Rosa followed by Council Member questions.
9 Panelists, please stay unmuted if possible during
10 this question and answer period. Thank you again.
11 Chair De La Rosa, please begin when you're ready.

12 CHAIRPERSON DE LA ROSA: Thank you so much Deputy
13 Commissioner Holt. I also want to recognize that
14 we've been joined by our colleagues, Council Member
15 Moya, Council Member Feliz and Council Member Brewer.
16 Thank you for joining us.

17 So, Deputy Commissioner, I want to have a sense
18 for what the intake process looks like for DCWP. So,
19 when you all get a complaint that has to do with safe
20 or sick leave laws being – not being followed or fair
21 work week laws or protections for fast food workers.
22 Can you walk us through the complaint process and the
23 intake process as well as the investigation of
24 resolution of those complaints?
25

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2 BENJAMIN HOLT: Sure and thank you for the
3 question. So, we have dedicated intake staff in our
4 office who are our first line for talking to member
5 of the public. Workers in New York City can contact
6 us through a variety of ways. We have a direct
7 number that workers can call to reach our intake
8 staff. Workers can also use the 311 system by saying
9 something like worker to be transferred to us.

10 We also have a dedicated email address that
11 workers can use, which is olps@dcwp.nyc.gov. We also
12 obviously – previously we’re doing a higher volume of
13 walk-in appointments and intakes. That has not been
14 prominent recently for obvious reasons but we are
15 still able to meet with workers in person if that is
16 their preferred method of coming in. So, once a
17 complaint or a question comes into our intake staff,
18 it goes through an initial vetting process to
19 determine first, is this raising an issue under one
20 of the laws that our agency enforces? Or is this
21 raising an issues under another law where we need to
22 identify the appropriate referral resources for the
23 workers.

24 We have templates containing referral information
25 that we use to provide to workers on any number of

1 issues. Wage hour questions or complaints. Issues
2 relating to unemployment insurance, workers
3 compensation. A host of issues that may be enforced
4 by either another agency at the city level or at the
5 state or federal levels.
6

7 So, the first kind of level of vetting is to
8 identify what is something that we can enforce versus
9 something where we need to connect a worker to
10 another set of resources. Once we have done that,
11 the intakes that do raise issues under the laws we
12 enforce go through an initial vetting process by one
13 of our supervising investigators.

14 To do essentially what I would call a quick
15 jurisdictional check to make sure that it states a
16 valid complaint that we were able to enforce. That
17 might involve making sure that it's timely or that
18 the work took place in New York City or some other
19 relatively simple threshold issue to ensure that we
20 do have jurisdiction.

21 Once we've done that, the supervising
22 investigator will assign it to an investigator who
23 then takes ownership of the case. And that's when
24 the real investigative process starts. That involves
25 a more detailed followed up and interview with the

1
2 worker to fully understand their situation. The
3 complaints they are making and what violations there
4 may be. Also, understanding for example, the breath
5 of the problem in the workplace. Whether or not this
6 is something that applies to this individual worker
7 who has contacted us. Or possibly as a broader
8 problem or we need to take a broader look at what
9 happening at this workplace.

10 It also is a moment at which we may identify
11 other sources of information that we should be
12 looking at whether that's talking to witnesses such
13 as other co-workers or other people who may have
14 witnessed a particular incident that the worker is
15 raising with us. It is also a time to assemble
16 documents, other kinds of information that the worker
17 may have to support the claim that they're bringing
18 to us.

19 Once we have made a preliminary finding based on
20 the information from the worker and what they've been
21 able to assemble for us, we will typically contact
22 the employer to notify them that they are now under
23 investigation and to begin the process of requesting
24 information for them to substantiate the claim and or
25 verify that they are compliant with the law.

1
2 That process generally looks a little bit like
3 what you would see in discovery and litigation. You
4 know and information exchange where we're effectively
5 requesting documents and information from them. Once
6 we have done that, we are able to develop a
7 preliminary finding, which we present to the employer
8 and at that point the employer has the opportunity to
9 provide and any countervailing evidence or rebutting
10 information that they may have that wasn't presently
11 provided to us and we try to resolve the case.

12 Obviously our goal is to try and use our resources as
13 efficiently as possible. The best outcome for us is
14 to reach quick resolutions, so we try to reach
15 resolutions that will make workers whole and also the
16 best confidence that the employers is going to comply
17 going forward.

18 If we are not able to reach an agreement at that
19 point, we will typically assign an attorney to start
20 preparing the case for litigation at the Office of
21 Administrative Trials and Hearings. An attorney will
22 then in collaboration with the investigator on the
23 case, take ownership and prepare the case to move
24 forward at oath.

1
2 Now, the way the Oath process works, it looks
3 very similar to what you see in other types of
4 litigation. There are many opportunities to settle
5 during that process. In fact, the Oath process
6 typically begins with a settlement conference where
7 Oath will try to bring the parties to resolve the
8 issue. If that is unsuccessful, we will typically
9 then proceed with discovery through the Oath process
10 to get any additional information we may need and/or
11 obtain information we were not able to throw our
12 regular investigative process. All with an eye
13 towards getting ready for a trial at oath.

14 Now, again, the process at Oath can – you know
15 this – because of the back and forth around
16 information sharing, and the preparation necessary to
17 conduct a full trial, we're talking about a process
18 that's going to take at least several months and
19 typically can take longer than that. There are many
20 opportunities along the way to settle and I would say
21 most cases do settle. The vast majority of cases
22 filed at Oath will settle before we reach a full
23 administrative trial but that would be the next
24 significant step in the case as a trial at Oath.

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After which, Oath will issue a recommended decision that comes back to our agency for a final decision case. You know, for purposes of completion at that point, an employer will then have an opportunity to challenge the final agency decision by an Article 78 proceeding. But that is kind of in a nut shell what the process looks like from beginning to end and please, any parts of there where you'd like more information or I can provide something further, please let me know.

CHAIRPERSON DE LA ROSA: Great, thank you. One follow-up question is, the actual investigating portion of it, how long does that usually take? And then, does the department track substantiated complaints?

BENJAMIN HOLT: Yes, so we do track substantiated complaints and we report those annually via our State of Workers Rights Report. Which is our divisions; essentially it's our annual report reporting on the activities of our worker protection division. And substantiated complaints is one of the items that we track there. In terms of how long the investigative process takes, there's not really a one size fits all answer for that. You know the cases that we handle

1
2 come in many different sizes and shapes. And part of
3 that relates to the tools that we are trying to use
4 to make sure that we are creating strong incentives
5 for compliance and we can talk a little bit more
6 about that in a couple moments.

7 But we have cases that will range anywhere from
8 an individual worker with a very discrete one time
9 issue where let's say were not paid for using sick
10 leave. If we are handling a case, exclusively
11 focused on that, the investigative phase can
12 generally proceed quite quickly. However, we often
13 get cases where we have multiple complaints from more
14 than one worker. Often times they are also not just
15 raising one type of violation but rather a series of
16 ways in which their employer is not complying with
17 the law.

18 Additionally, we use our discretion to expand
19 complaint initiated cases at times. And what I mean
20 by that is, we may get a complaint from a worker who
21 initially is bringing us a single issue, however, in
22 the course of speaking with that worker, we may come
23 to understand that actually this is a pervasive issue
24 in the workplace and this is not just a matter of
25 that workers rights being violated but really all of

1
2 their coworkers are in a similar situation and we do
3 have authority and we regularly exercise this
4 authority to then expand that to a workplace wide
5 investigation.

6 So, at that point we may be talking about going
7 from two or three complaints that we received to a
8 much larger volume of workers. Anywhere from tens to
9 hundreds to even thousands of workers where we are
10 doing a comprehensive workplace wide look. So, that
11 is to kind of just give you a sense of like the range
12 of types of investigations and obviously the
13 timelines for those are going to vary in terms of how
14 long it takes. And the more complicated it is, the
15 greater number of violations that are involved, the
16 higher number of workers involved in a case, those
17 are all factors that can make it obviously take
18 longer.

19 Now, we have also you know recognizing that part
20 of our role and part of what we need to do is use our
21 resources as efficiently as possible. We've spent a
22 lot of time trying to build efficiencies into the
23 process, so that we can handle the larger cases
24 relatively quickly but there is a range.

1
2 Now, I don't right now have a metric for you
3 specifically on the investigation phase but I can
4 tell you that if you look across all of our laws for
5 the calendar year 2021, I believe the average time to
6 resolve a case from - now, this is not just
7 investigation, this is from initial intake through
8 the end point of the case, which may be an
9 investigation resolution. It might be a litigation
10 decision or it may resolve there. But looking at the
11 full docket I believe for calendar year 2021, our
12 average time to resolve a case is around 365 days.

13 CHAIRPERSON DE LA ROSA: And do you keep a list?
14 Does the department keep a list of employers who
15 repeatedly violate the City Worker Protection Laws.
16 Is there some sort of tracking?

17 BENJAMIN HOLT: Well, what I will tell you is
18 that we, as part of our case management process, we
19 certainly keep track of all the employers that we are
20 coming into contact with. That includes
21 investigations that we're handling, cases where we
22 find violations. But even for many intakes, those
23 may be attached to a particular employer even without
24 a violation. All of that does get recorded in our
25 case management process. So, we do have information

1
2 on prior violators who may have come on our radar
3 before.

4 CHAIRPERSON DE LA ROSA: Thank you and I'm going
5 to pass it on to my colleagues for questions as well
6 but before we do, I wanted to ask about domestic
7 workers specifically. In 2018, the departments paid
8 care division conducted a study of domestic care
9 workers in New York City. To study the findings and
10 policy recommendations, they were included in a
11 report called lifting up paid care workers and there
12 was some recommendations that came out of that report
13 including new tactics to address enforcement and
14 issue compliance in private households, removing
15 barriers to worker owned cooperatives, development of
16 new measures to ensure workforce development
17 programs, support fair labor practices. To your
18 knowledge, what progress has the agency made on
19 researching and implementing recommendations and what
20 has the department done to crack down on labor
21 violations in paid home care fee?

22 BENJAMIN HOLT: Yeah, thank you for that and I
23 appreciate that question about our paid care
24 division, which obviously is a result of this
25 Council's work to ensure that there is a dedicated

1
2 resource for paid care workers in New York City. The
3 primary emphasis of our paid care division over the
4 past several years has really been in two areas. The
5 first is outreach and education. Part of what the
6 paid care division does is coordinate a working group
7 of stakeholders working in this space. So, we are
8 working very closely with groups like the National
9 Domestic Workers Alliance, DRUM, Make the Road New
10 York, Hand and Hand and Employer Association and
11 other workers and employer side stakeholders in the
12 paid care space.

13 And a big part of our work together with those
14 partners certainly is to discuss policy related
15 issues, but also to work together with them to try
16 and reach as many domestic workers as we can but
17 also, to reach as many employers of domestic workers
18 as possible.

19 So, we put significant resources into that type
20 of outreach specifically for domestic workers. We
21 have also had several causes including a couple
22 earlier last year but also very recently that we have
23 resolved including paid safe and sick leave
24 violations for domestic workers who are employed by
25 private households.

1
2 We've done some press around those and certainly
3 tried to use that as an opportunity to further
4 amplify the message that domestic worker rights are
5 essential and need to be respected in New York City
6 and that enforcement along with the enforcement we've
7 done for other sectors of the paid care workforce
8 such as home health aides has definitely been an area
9 where we've invested on enforcement.

10 With respect to the policy proposals that you
11 listed from the 2018 paid care report, I'm not in a
12 position to give you an update on those right now.
13 That is certainly something I'm happy to report back
14 to you on subsequent to the hearing. But I will tell
15 you that the emphasis of the paid care division and
16 this is kind of taking into account the resources we
17 have in making decisions about how we're going to use
18 them has really been focused more on outreach,
19 education and enforcement, rather than additional
20 research and advocacy in the meantime. That remains
21 part of the mission of the paid care division and
22 certainly something we are very interested in. But I
23 need to report back to you with respect to those
24 specific proposals.
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STEVE ETTANNANI: I also want to note that in part, you know the reporting function of our Office of Labor and Policy Standards, is also a primer to the City Council. I mean you all have the legislative authority in many of these cases. I think we're open as the Deputy Commissioner said to kind of discussing in more detail some of these policies that were outlined in the report but a lot of them do require in some cases, legislative authority. It's not saying that DCWP on its own would be able to implement as a regulatory agency.

CHAIRPERSON DE LA ROSA: Great, that's what we love to hear. We have plenty of ideas for reporting. I want to pass it back to our Committee Counsel, who will call members for questions.

COMMITTEE COUNSEL: Awesome, thank you Chair. I will now call on Council Members in the order they have raised their Zoom hand. If you would like to ask a question Council Members and you have not yet raised your hand in Zoom, please do so now.

Council Members, please keep your questions to five minutes, the Sergeant at Arms will keep a timer and will let you know when your time is up. You should begin once I have called on you and the

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2 Sergeant has announced that you may begin. First,
3 we'll hear Council Member Bottcher and then Council
4 Member Nurse. And then after Council Member Nurse,
5 we have CM Menin, Council Member Menin has also
6 joined. So, Council Member Bottcher, you may begin.

7 COUNCIL MEMBER BOTTCHEER: Thank you very much.
8 I'd like to get an update on the Chipotle lawsuit.
9 In my Council District, we have many Chipotle
10 restaurants and I've walked the picket line outside
11 those restaurants with 32BJ and workers from those
12 restaurants who have come forward alleging fair work
13 week violations. Changing employees schedules
14 without sufficient notice or pay, of requiring
15 employees work consecutive shifts without sufficient
16 time off or extra pay, failure to offer additional
17 shifts to current employees before new employees are
18 hired and I understand that your agency filed a
19 lawsuit against the Chipotle Corporation last year.
20 I believe seeking hundreds of millions of dollars in
21 payment to workers. I was hoping to get an update on
22 where that stands.

23 BENJAMIN HOLT: Yeah, you know thank you for the
24 question and obviously for your support in this area
25 Council Member. What I will say is obviously you can

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2 see reflected in the legal papers that we have filed
3 and also in the past media work that we have done
4 that this is a significant priority enforcement
5 action for us. With that being said, it is still an
6 ongoing matter and I am not able to comment on
7 details of an active matter at this time.

8 COUNCIL MEMBER BOTTCHEER: Got it and how does it
9 work when a lawsuit is in progress and additional
10 violations continue to come forward? Because I
11 continue to hear from workers that Chipotle is
12 continuing to violate the spirit and the letter of
13 that law. How does that affect the ongoing lawsuit?
14 Do you add to the dollar amount sought? How does
15 that work?

16 BENJAMIN HOLT: So, if it's okay, I'd like to
17 answer that like a little more generally and say
18 that, yes, in the course of enforcement generally, we
19 certainly look at new developing information around
20 ongoing violations. We have I would say two core
21 priorities when we are doing our enforcement work.
22 First, is to make workers whole for violations.
23 Workers are entitled to money when their rights are
24 violated and it is one of our priorities to get money
25

1
2 back from workers when their rights have been
3 violated.

4 The second core priority is to promote compliance
5 going forward. And obviously, if we are in the
6 middle of an enforcement action and we are hearing
7 about ongoing and new violations, that is going to
8 cause us serious concerns about that employers good
9 faith or willingness to actually come into
10 compliance. But that is something that we always
11 incorporate into our consent orders when we do
12 resolve cases. We don't settle just for money. We
13 resolve cases to get money for workers but also to
14 try and put in place assurances that compliance is
15 going to happen going forward.

16 I think if you are hearing about ongoing
17 violations with respect to any of our cases that you
18 are aware of, I would encourage you to ask those
19 workers to contact us. We are certain - we are
20 always ready and prepared to talk to workers about
21 what is happening. And particularly with respect to
22 real time conditions, what's happening now. That is
23 incredibly helpful to us. I think my advice would be
24 to connect workers to us. If you are hearing about
25

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2 violations in the course of an ongoing enforcement
3 action.

4 COUNCIL MEMBER BOTTCHEr: Thank you very much.

5 COMMITTEE COUNSEL: CM Bottcher, do you have any
6 other questions for the Administration?

7 CHAIRPERSON DE LA ROSA: No, please go ahead.

8 COMMITTEE COUNSEL: Okay.

9 COUNCIL MEMBER BOTTCHEr: No.

10 COMMITTEE COUNSEL: Okay, awesome, so I'm now
11 going to turn to Council Member Nurse. You may
12 begin.

13 SERGEANT AT ARMS: Time will begin.

14 COUNCIL MEMBER NURSE: Hi, good afternoon Chair.
15 I just have just a general question for now, maybe
16 two general questions and then maybe I'll come back
17 for the second round but I'm just curious how the
18 budget cuts, or any budget cuts might affect staffing
19 and enforcement for you all this upcoming year?
20 We'll start with that one I guess.

21 BENJAMIN HOLT: So, you know with respect to
22 resources and budget cuts, what I can tell you is
23 that we have been able to work productively with our
24 partners in city government. Particularly with the
25 Office of Management and Budget to ensure that we

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2 have the resources we need to carry out our mandates.
3 We really prioritize and do our best to be as
4 efficient as possible. It is a real credit to my
5 staff that we have been able to do what we have with
6 the resources we have and I think we have achieved
7 great things for New York City workers over the past
8 several years. And you know, where we stand today,
9 do we have what we need to do our work? I think we
10 do. You know I would also point to a recent increase
11 in resources that we have received for worker
12 protection with respect to the delivery worker laws
13 that were passed late last year.

14 We have received additional funding both in the
15 form of money that we can use on contracting,
16 advertising, and other types of external services but
17 also additional staff lines to ensure that we're
18 going to have enough and the right types of people in
19 house to be able to enforce those laws. So, I think
20 yes, we are adequately resourced. We are also I
21 think very effective given what we have.

22 COUNCIL MEMBER NURSE: And just my last question
23 is more about the language accessibility part,
24 especially as it relates to the delivery workers and
25 other industries. Do you have any idea off the top

1
2 of your head how many of your enforcement staff or
3 field staff speak South Asian languages?

4 BENJAMIN HOLT: Off the top of my head, I would
5 say two or more but possibly it's two. Obviously
6 language access is incredibly important. You know I
7 spoke earlier during my testimony about the
8 importance of ensuring that our processes are
9 accessible to immigrant workers.

10 You know, obviously there is a host of different
11 reasons why that is important. One of them is
12 certainly language access where applicable. So, we
13 have I would say two staff members, possibly more who
14 speak South Asian languages. Several staff members
15 who speak Spanish. We also have representation for
16 Chinese and Korean. Now, that is specifically within
17 our worker protection division, so in the Office of
18 Labor Policy and Standards. There is also additional
19 language capacity in our external affairs division,
20 which is where the agency outreach team resides. So,
21 many of the people who are going out into the field
22 and like directly interacting with workers.

23 And then we have access to other types of
24 resources such as, language line, contracted
25 interpreters, and then when we do create materials,

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2 that is obviously a huge priority to get them
3 translated as quickly as possible. And typically, we
4 translate into a larger number of languages than the
5 required – than was required under city standards.
6 But that certainly includes South Asian languages and
7 obviously for delivery workers. That is one of the
8 major demographics.

9 So, we recently created a pom(SP?) card for
10 workers about these new laws that were going into
11 effect, especially you know given how complicated it
12 is in terms of there being different stages that it's
13 happening throughout the course of the year. But one
14 of the main priorities in creating that document was
15 also to get the priority languages as quickly as
16 possible, which did include Bengali, among several
17 others.

18 STEVE ETTANNANI: I do want to note that our
19 Director of Community Affairs at DCWP is fluent in
20 Bangla and our External Affairs team has in house
21 language capacity ranging from Spanish, Arabic,
22 Chinese, and as the Deputy Commissioner mentioned,
23 that's just within our External Affairs division. We
24 utilize language line and of course, have contracting
25 services to procure simultaneous interpretation as

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2 well as you know, leaning on our stakeholder partners
3 to bridge any language gaps that may exist.

4 COUNCIL MEMBER NURSE: Thank you.

5 COMMITTEE COUNSEL: Okay, I'll be turning it over
6 to Council Member Menin. You may begin.

7 COUNCIL MEMBER MENIN: Great, thank you so much
8 and thank you Chair De La Rosa for holding this
9 hearing. I have to say, I've got a particular
10 interest in the subject matter. I served as the
11 Commissioner of this agency until 2016 and set up the
12 paid sick leave division. So, it's great to hear
13 about the work that the agency is doing.

14 I've got a couple specific questions on paid sick
15 leave in particular. So, in looking at the data, the
16 agency closed 60 paid sick leave investigations
17 during the first four months of Fiscal Year 2021,
18 assessing approximately \$186,000 in restitution for
19 582 employees. So, that's about \$320 per employee.
20 As you testified, it took over 300 days to close out
21 those cases on average. So, my question is, has the
22 time it takes this office to close out complaints
23 improved?

24 BENJAMIN HOLT: I think you know there's a
25 complicated answer to that. Yes, but I will add you

1
2 know, we started out as you pointed out as the paid
3 sick leave division before we became the Office of
4 Labor Policy and Standards. So, we started out with
5 a much more narrow mandate in terms of the work we
6 were doing. We were focused on standing up and
7 enforcing a particular law. Since that time, you
8 know our portfolio of work has expanded dramatically.
9 We have added the Fair Work Week Law for fast food
10 and retail workers. The Freelance Isn't Free Act for
11 independent contractors. We've added Just Cause
12 protections for fast food workers and obviously now,
13 we're in the midst of working on implementation for
14 delivery workers.

15 So, over time, I think our efficiency and ability
16 to process cases has definitely improved. We are
17 also handling a lot more work which impacts timelines
18 as well. You know, the way our office is structured,
19 we have an investigations team and our investigators
20 for the most part are generalists. Meaning that they
21 will handle cases among all our different laws. They
22 may have a docket that includes several paid sick
23 leave cases, several fair work week cases. So, I
24 think I would say yes that we have improved in terms
25 of how we handle cases. Whether or not you see that

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2 reflected in the average timelines, I think depends
3 on other factors. Such as you know, our growing
4 portfolio, which I talked about. Also, you know most
5 of what we're reporting comes in the form of
6 averages. So, you know, there may be cases that have
7 been around for a long time that have been very
8 contentious, which go all the way through the
9 litigation process, which can effect the numbers.
10 So, that happens as well.

11 But I, you know I'm proud of our team and the
12 work we've done to really operationalize these
13 programs. And I think whether or it's reflected in
14 the case closure timelines, if you step back and look
15 at the range of work we're doing, I think there's
16 clear improvement in how we're handing these.

17 COUNCIL MEMBER MENIN: I guess my concern would
18 be that the agency appears to be stretched very thin.
19 You know from you mentioned the Freelance Isn't Free
20 Act, you've got obviously paid sick leave, you have
21 commuter benefits. You know in the expansion to take
22 on labor protections, my concern would be that the
23 agency has enough staff to actually do the work. It
24 goes to what Council Member Nurse mentioned, since
25 there is a PEG, is the PEG in any way going to effect

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2 the efficiency and capability? Because I personally
3 think as a former commissioner that that is a long
4 time, seven years out from the paid sick leave law
5 being enacted, that's a long time to have cases
6 ongoing for relatively small restitution amounts,
7 seven years out.

8 When we first did the division obviously, we had
9 to build it up but now it's been seven years, so I
10 would hope that we could try to work with the agency
11 to get either increased restitution amounts and also
12 decrease the time it is taking to close out
13 investigations.

14 And then a follow-up question I have is, how many
15 companies have been fined? So, how many companies
16 have been fined and is there a difference between
17 companies that have union employees versus non-union
18 employees?

19 STEVE ETTANNANI: I just want to - I do want to
20 just jump in just to reiterate the point that
21 averages, the averages I think are skewing a little
22 bit of the perception of how long certain cases are
23 taking to close out for the Office of Labor Policy
24 and Standards and we're happy to like to follow-up
25 offline to perhaps identify some of those outlier

1 cases that the Deputy Commissioner alluded to in his
2 response, where particularly contentious cases can
3 take -
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5 SERGEANT AT ARMS: Time is expired.

6 STEVE ETTANNANI: Quite a bit of time to resolve,
7 which then will affect the average. So, I don't want
8 to misrepresent how long it takes for this office to
9 complete its work. And just on the PEG and the
10 resources question, this agency was just recently
11 resourced to fulfill its most recent mandate around
12 delivery work. Our Deputy Commissioner has mentioned
13 that we're confident in fulfilling our mandates as
14 currently constituted, but I don't want that to be
15 misrepresented to the Council in the matter that if
16 there are additional mandates, that the Council
17 contemplates and passes. Those could not definitely
18 but could impact resourcing for this division and
19 that should be a consideration through the delivery
20 and legislative process. I'll hand it back to the
21 Deputy Commissioner for your last question Council
22 Member.

23 BENJAMIN HOLT: Thank you Steve and you and I
24 were thinking of the same two points there. On the
25 union question, I think you asked how it was

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2 different in the context of the union RCBA. If I'm
3 understanding that right, the way the paid safe and
4 sick leave law works is, it applies to all private
5 sector workers in New York City. However, there is a
6 carve out for certain circumstances when there is a
7 CBA in place in the workplace.

8 For a limited number of industries, grocery,
9 being grocery and construction, if you have a CBA
10 that waives the paid safe and sick leave law, that
11 does not apply anymore to those workers who are
12 covered by that CBA. Outside of those two
13 industries, the carveout works a little bit
14 differently. It requires both that the CBA have a
15 waiver of the paid safe and sick leave law but also
16 that there be a comparable benefit contained within
17 the CBA. And provided there is a comparable benefit
18 and a waiver, then those workers covered by that CBA
19 would also be exempted from the paid safe and sick
20 leave law.

21 COUNCIL MEMBER MENIN: Okay, thank you. I know
22 my time is up, so I'm going to go back to second
23 round. Thank you so much.
24
25

2 COMMITTEE COUNSEL: Thank you Council Member
3 Menin. We'll now hear from Council Member Brewer.
4 You may begin.

5 SERGEANT AT ARMS: Time will begin.

6 COUNCIL MEMBER BREWER: Thank you very much. As
7 the author of the original pay sick days, I could
8 give you carve out in my sleep, so I appreciate very
9 much Deputy Commissioner.

10 A couple issues, when I was recently at a
11 Chipotle rally with 32BJ, they were actually
12 implementing or trying to a state law, which as I
13 understand a brand new law, you probably know it. It
14 says that there can be a worker group to work with
15 management. It's something that has just been passed
16 and they're trying to make sure it gets implemented.
17 Just generally because there are a lot of state and
18 city laws on labor. How do you coordinate with the
19 state on something like that or just generally?
20 Because I know that we all want workers to succeed.
21 We want companies to succeed but sometimes there's
22 lack of coordination.

23 Second and quickly, is also when does something -
24 and I should know this but as Borough President, we
25 had a construction safety taskforce with the unions

1
2 come and worked with us on and a lot of the issues
3 were construction in the DA's office. So, I'm just
4 wondering, when does it often get referred to the
5 DA's office? I don't know the answer to that.

6 And then just finally, you know much of our city
7 as we know is complaint based. So, but you very
8 kindly said that if there's one situation, you're
9 likely, if there seems like there are more in one
10 company, then you will take a follow-up and look more
11 closely. But I'm just wondering, are there any
12 situations within the context of your agency where
13 you would go you know, I don't want to say looking
14 for trouble because that's not what I'm trying to
15 say. But knowing that there are some issues in an
16 area, that you might see if there are challenges? I
17 guess that's my question. Those are my three.

18 BENJAMIN HOLT: Thank you. If I can just - I'm
19 not sure I am aware of the law that you were
20 referring to on your first question. A state law
21 that -

22 COUNCIL MEMBER BREWER: That's a new law. The
23 Chair knows or may know but basically as I understand
24 it, it gives the opportunity for fast food workers in
25 particular, to work with - to get a committee. I'm

1
2 sure there's a term and I'm not calling it correctly.
3 The committee with management, so that they can work
4 out some of their issues. So, just so you know, it
5 probably was just passed. I don't think the ratings
6 have been written, which is probably why you don't
7 know about it, but the unions are trying to implement
8 it. And it could make sense. Why wouldn't you know,
9 discussions should take place. It's the same problem
10 we have with owners and tenants. Nobody wants to
11 talk to anybody, so this would mandate discussion.
12 Just FYI, I don't think it's been written but it will
13 make an overlap on some of the work that you're
14 doing. If you don't know about it, that's fine but I
15 just didn't know generally. You know, sometimes OSHA
16 comes in on the federal level. Sometimes you're
17 involved. Sometimes it's the state involved.

18 And so, I've had situations in manufacturing
19 where I know OSHA's involved and the city didn't
20 know. So, I'm just wondering how that all works in
21 our city.

22 BENJAMIN HOLT: Yeah, no, thank you for that and
23 I'm going to be honest, you're breaking news for me.
24 I'm not familiar with that State Law, so I can't
25 comment specifically on that.

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2 COUNCIL MEMBER BREWER: Oh, that's fine.

3 BENJAMIN HOLT: I can speak to your more general
4 question around coordination with other agencies.
5 So, we do work regularly with the State Department of
6 Labor, just as an example. And you know we have
7 overlapping jurisdiction with them now on paid safe
8 and sick leave in New York City. So, we've had
9 ongoing communication with them around that.

10 We also, for a long time, have referred cases to
11 the Department of Labor that are outside our
12 jurisdiction. So, let's say there's a wage hour
13 issue we get. We have like a very streamlined way of
14 getting that information to DOL. And DOL I'm using
15 as an example, but for us, the ability to work
16 effectively with other enforcement agencies is
17 definitely something that we put resources into. You
18 know, we have prioritized building those
19 relationships, so that we can easily share
20 information and coordinate if there are overlapping
21 issues that we're working on in a workplace.

22 I think that's actually a nice Segway into your
23 second question on District Attorney's Offices. So,
24 really what goes to a District Attorney's Office will
25 depend on the District Attorney's priorities. You

1
2 know labor, crime enforcement is a relatively new
3 phenomenon. You know, I think again, New York City
4 is like a little bit ahead of the game here in terms
5 of doing it.

6 So, we do have relationships with several of the
7 DA's offices in the city where we are able to send
8 complaints to them. You know based on what we
9 understand about their priorities and what they are
10 looking to do in the labor crime space. And I would
11 also just note briefly that in terms of criminal
12 jurisdiction, there is one other player in New York
13 City, which is the State Attorney General's Office
14 who has its own original criminal jurisdiction for
15 labor crimes.

16 SERGEANT AT ARMS: Time is expired.

17 BENJAMIN HOLT: Can I just respond to the final
18 question from the Council Member?

19 MODERATOR: Sure.

20 BENJAMIN HOLT: So, and you also asked about
21 affirmative proactive enforcements.

22 COUNCIL MEMBER BREWER: Right.

23 BENJAMIN HOLT: We spend a lot of time thinking
24 about compliance and what is going to create the
25 right incentives for compliance with employers. And

1
2 you know, this all ties together with the resource
3 questions and other things we discussed today. We do
4 not have the ability to be in every workplace. So,
5 what we need to do is creative incentives that are
6 going to encourage employers to comply.

7 To do that, we need to have as many different
8 tools in our toolbox as possible and one of those is
9 affirmative enforcement. And what I mean by that is
10 our ability to start a case without having received
11 any complaint whatsoever.

12 COUNCIL MEMBER BREWER: Right.

13 BENJAMIN HOLT: We have that authority both in
14 the Charter I believe and then also, it's often
15 restated in the substantive laws that we enforce.
16 DCWP has authority to initiate its own investigations
17 and we think that's a really important tool to be
18 using. I'm sure given that you're asking the
19 question, you're familiar with the research from
20 David Weil, the Former Wage Hour Administrator for
21 the U.S. Department of Labor. But we subscribe to
22 his view that it is important to look beyond
23 complaints and be able to go into other workplaces.
24 Because there are a variety of reasons why in high
25 violation industries, those complaints may not be

1 coming to you. So, it's an important tool for us.
2 We have exercised it. I'd say the most prominent
3 example is our recently concluded initiative in the
4 home healthcare industry but it's an important tool
5 for us.
6

7 COUNCIL MEMBER BREWER: Alright, thank you very
8 much.

9 COMMITTEE COUNSEL: Thank you Council Member
10 Menin, I will now call on Council Member Nurse, you
11 may begin.

12 SERGEANT AT ARMS: Time will begin.

13 COUNCIL MEMBER NURSE: Okay, sorry, I couldn't
14 see the unmute. Toggling between tabs. So, thank
15 you. I just have one other question. If you could
16 maybe give an update on the Teamster Strike at the
17 UMAC. It's been quite a bit of time and I know you
18 all do business with their companies. I'm just
19 curious if there's any update from you all and your
20 involvement in that?

21 BENJAMIN HOLT: I cannot speak to that. You know
22 I will say as like a structural matter, DCWP and the
23 city generally, does not have enforcement or legal
24 authority in the context of a unionization campaign
25 or a strike. We do affirm workers rights to organize

1
2 and bargain collectively and join together and I
3 would go even a step further and say that we view
4 that as one of the core rights that workers have but
5 we do not have a formal role in that process.

6 And I cannot personally speak to the status of
7 the campaign that you are referring to. It's
8 possible that there may be other people in other
9 agencies who could but I cannot.

10 COMMITTEE COUNSEL: Council Member Nurse, I think
11 you are muted.

12 COUNCIL MEMBER NURSE: Sorry, I was like, I can't
13 unmute myself. Thank you so much. I guess I'm just
14 curious if when there are these types of issues going
15 on, how the city relates to it in terms of their
16 contracting. You know, how are companies who are in
17 these kinds of dispute or have repeated records, just
18 a general overall of labor violations. How are we
19 overlaying that data with the city and how the city
20 decides on contracts or selecting bids and things
21 like that.

22 I guess I'd really love to hear a little bit more
23 and I'm sorry if this is fully out of your
24 jurisdiction, I just would like to learn a little bit
25 more about it.

1
2 BENJAMIN HOLT: No, it's a fair and good
3 question. It is unfortunately not something I can
4 speak to. We do not have a role, like at the general
5 contracting and procurement process citywide.
6 Obviously we do on specific things that we are
7 working on but I think it would really be the Mayor's
8 Office of Contract Services that is probably the best
9 place to speak to your question.

10 COUNCIL MEMBER NURSE: Okay, thank you so much.

11 COMMITTEE COUNSEL: Thank you. We'll now hear
12 from Council Member Menin.

13 COUNCIL MEMBER MENIN: Hi, I just had one last
14 question. In terms of delivery workers and the new
15 legislation, I'd love to hear about outreach because
16 for example, when we launched the paid sick leave
17 law, we were required to have materials in eight
18 languages. We opted to do 26 languages. So, I'd
19 love to see what is the agency doing around delivery
20 workers in terms of language access? Are you going
21 above and beyond the law as we did with paid sick
22 leave to do many more languages?

23 BENJAMIN HOLT: Yes, I believe we will be. I
24 cannot tell you we are there right now. You know I
25 alluded earlier to what we have been doing in terms

1
2 of initially creating know your rights materials for
3 workers. That has been translated I think now,
4 currently it was I think five languages to start. We
5 are certainly going to be going well beyond that.
6 Steve may be able to speak to ultimately how many
7 there will be. If not, we could follow-up with you
8 after confirming with our communications team. But I
9 can tell you as a general matter, we definitely go
10 above and beyond what's required in terms of the
11 number of languages. And certainly, I would expect
12 that to be the case here given that this is such a
13 diverse sector of workers.

14 And then separately in terms of outreach, you
15 know we've been working very close with a wide array
16 of worker organizations in this space. You know
17 certainly, worker justice project, [INAUDIBLE
18 1:06:45-1:06:49] DRUM and other groups. We have been
19 going out with them in the field to meet with workers
20 directly to hear from them about what their
21 experiencing. We've also been participating in a
22 series of live webinars online.

23 Both to give kind of a general overview of what's
24 coming with these laws but primarily to spend that
25 time in questions and answers with workers. I think

1
2 for us, it's incredibly helpful to hear what their
3 questions are, what's not clear, what maybe confusing
4 or challenging but also, as best we can respond to
5 those on the spot and then where we can't make sure
6 that we're going back to do the work to try and
7 develop answers when needed.

8 STEVE ETTANNANI: Yeah, and just to piggyback off
9 of what the Deputy Commissioner mentioned. Only a
10 segment of the protections for delivery workers is
11 effective right now. There are a suite of new
12 protections that will be coming online on April 22nd.
13 As the Deputy Commissioner mentioned, I think we have
14 about four or five languages that are available right
15 now for delivery worker rights but it is our full
16 intent to have - to go above and beyond what Local
17 Law requires. Certainly by the time the April
18 effective dates go into place.

19 For us, and again, this speaks to our strategic
20 outreach and prerogatives. You know we prioritized
21 really the most predominant language; languages as
22 informed by what stakeholders tell us. And that
23 includes Bengali, Spanish, Chinese, as the ones that
24 we wanted to have right out of the gate on day one.

1
2 And then of course the other languages will be online
3 in you know over the course of several weeks.

4 COMMITTEE COUNSEL: Thank you so much. I'm going
5 to turn it over now to Chair De La Rosa for
6 additional questions.

7 CHAIRPERSON DE LA ROSA: Thank you. I want to
8 recognize that we've been joined by Council Member
9 Mealy.

10 So, I do have additional questions. Obviously
11 the Committee is very interested in what's happening
12 with fast food workers across our city right now and
13 I wanted to ask about the Just Cause legislation that
14 the Council passed in 2021. And I wanted to know,
15 what is the number of complaints that DCWP has
16 received from fast food workers concerning the
17 violations of the city's Just Cause laws?

18 BENJAMIN HOLT: Sure, so, to date, we've received
19 three complaints specifically about the Just Cause
20 Provisions from workers. The first of those has been
21 resolved and we announced that probably a couple of
22 months ago.

23 The Just Cause Law just to kind of step back for
24 a moment, the provisions went into effect in July and
25 that was generally speaking. That's when workers had

1
2 these rights and authority to investigate, enforce
3 kicked in a months later in September, so it's since
4 September 2021 that we've had enforcement authority
5 and that's the time period I'm referring to when I
6 tell you that we've had three complaints so far.

7 CHAIRPERSON DE LA ROSA: So, of the three, how
8 many were substantiated as of today?

9 BENJAMIN HOLT: Well, two are still active
10 matters, so there's not that much that I can say
11 about those specifically, though obviously the fact
12 that they continue to be active means they have
13 passed through this initial threshold vetting that we
14 would do. And then, obviously the one that resolved
15 was substantiated and in that case, we were able to
16 get full back pay, plus some additional money for the
17 two workers who had been unjustly fired.

18 You know one of things the Just Cause Law does is
19 also prioritizes reinstatement. You know Just Cause
20 is about keeping your jobs but the preferred remedy
21 is for the worker to be able to go back to work. In
22 that particular case, the workers had moved on and
23 were not interested in going back but we were able to
24 get them a very good back pay amount in a fairly
25 quick timeline. I think the start to finish that

1
2 might have been two months, possibly even a little
3 bit shorter.

4 CHAIRPERSON DE LA ROSA: And has the Office of
5 Labor and Policy Standards updated the complaint
6 intake form to include a complaint category for fast
7 food workers that are reporting violations through
8 Just Cause?

9 BENJAMIN HOLT: It is on our complaint form,
10 which has been updated recently. I don't believe it
11 specifically calls out Just Cause. Just Cause was
12 passed as an amendment to the Fair Work Week Law, so
13 it's part of that kind of larger rubric. But there
14 is a category for Fair Work Week complaints from fast
15 food workers.

16 CHAIRPERSON DE LA ROSA: So, you acknowledged the
17 Administrations support expanding Just Cause
18 protections to other private sector industry beyond
19 fast food workers?

20 BENJAMIN HOLT: Yeah, no, it's a great question.
21 You know, what the city has done for fast food
22 workers in New York City is groundbreaking. There is
23 one other jurisdiction, one other city that is in the
24 country that has a Just Cause law in Philadelphia
25 that covers a much smaller population of workers than

1
2 fast food in New York City. So, this is a very new
3 type of right. It also, and I'm pleased to be able
4 to say this, it was recently upheld against a legal
5 challenge by the U.S. District Court for the Southern
6 District, which found that it was not an undue
7 interference with the collective bargaining and
8 immunization process for New York City to be able to
9 regulate in this area.

10 Now that, obviously there are still additional
11 steps that need to play out in that legal process
12 before that becomes a final decision. But you know
13 very positive about New York's ability to pass these
14 types of laws.

15 And in terms of what Just Cause does, it really
16 gives workers due process in the workplace. It gives
17 them a chance to know that there not going to get
18 fired for no reason. They're not going to get fired
19 because their manager is anger and their boss is
20 pissed off. They have a right to a process before
21 they lose their jobs. And even though Just Cause as
22 a regulatory framework is very new, the idea of Just
23 Cause is not. This has existed in collective
24 bargaining agreements for quite some time and I think
25 there is a long track record showing that this can be

1
2 implemented. And this is manageable and operational
3 for employers.

4 All that being said, I think with respect to
5 expansion, we certainly would be open to discussing
6 with Council areas for expansion. I think you know,
7 in the fast food context, we had a fairly well
8 developed record about working conditions and
9 industry conditions that made it very clear why this
10 would be an important protection. And I think if we
11 were talking about expanding, we would love to engage
12 a little bit just to understand the specifics of how
13 and where Council was interested in doing that.

14 CHAIRPERSON DE LA ROSA: Great, we certainly
15 welcome that conversation for expansion. Moving over
16 to wage theft. As you know, wage theft is an
17 epidemic in New York City. Workers across frontline
18 industries from the nail salon workers to
19 construction sites, are not fully compensated for
20 their earned wages, overtime pay and working off the
21 clock. Other specific industries or sectors of the
22 workforce where wage theft is more prevalent reported
23 than other?

24 BENJAMIN HOLT: So, yes and let me just start by
25 saying that wage theft is a very important issue to

1
2 me and that's what I've spent the majority of my
3 career as an attorney doing, is representing low-wage
4 workers on wage theft claims.

5 With that being said, obviously New York City
6 under the current legal framework does not have
7 authority to enforce or set minimum wage standards.
8 That authority resides right now with New York State
9 and the Federal Government. We do however obviously
10 get a lot of inquiries. You know, this is one of the
11 most prominent issues that comes into us that gets
12 referred out through our intake process. And in
13 terms of the industries where wage theft is most
14 common, you know there is a good deal of research out
15 there that can be far more precise than I can on
16 this. But you know typically you see it in low-wage
17 industries. Also, often times in industries with
18 high concentrations of immigrant workers, and you
19 know, we're talking about service jobs, homecare,
20 childcare, restaurant jobs, whether it's delivery,
21 dishwashers, food prep, line cooks, and at the whole
22 gamut of what you see in the food service sector.
23 Construction is another prominent industry. Laundry
24 workers, nail salon technicians, garment workers.
25 Those are the ones that stand out to me and kind of

1
2 the common themes are typically low-wage jobs, high
3 concentration of the workforce and particularly
4 prevalent in service sectors.

5 STEVE ETTANNANI: I also just want to point out
6 and underscore something that you know our Deputy
7 Commissioner noted is that you know while we as a
8 municipality do not have the authority to enforce
9 wage theft, over the course of our investigations
10 over matters that we do enforce, if we come across
11 things that are outside of our jurisdiction, that's
12 where those relationships between jurisdictions as
13 the Deputy Commissioner mentioned, are the States
14 Department of Labor for example. Those
15 relationships, those referrals are critical. Our
16 work is not siloed in that way and as we you know
17 define ourselves, you know at DCWP and the Office of
18 Labor Policy and Standards in particular, we're a
19 resource to all New Yorkers on issues relating to
20 workplace issues.

21 So, if they come to us, they will get referred
22 and you know paid attention to regardless of really
23 what the jurisdictional issue may be. So, I don't
24 want that to go unsaid or unnoticed in this hearing.

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BENJAMIN HOLT: And if I can just follow-up with a specific example to Steve's point. You know I referenced earlier our home healthcare initiative, where we exercised our affirmative authority. The last case that was resolved was you know by far the largest. It was actually the largest, the largest resolution we've had to date. And that involved us starting out by looking at paid sick leave, but in the course of that, we identified wage hour violations in a variety of homecare industries. I'm sorry, at a variety of home health agencies.

And what we did was, we referred those to the State Attorney Generals Office and actually turned it into a joint enforcement action, where we worked together with them throughout the enforcement process. With them, kind of focusing on the wage hour issues, while we on a parallel track were handling the paid safe and sick leave issues.

So, just to Steve's point, that we are looking for creative ways to be able to impact wage theft, even without currently having that authority ourselves.

CHAIRPERSON DE LA ROSA: Yeah, that leads to my next question, which was understanding that the state

1
2 plays a larger role, what local remedies or policies
3 do you propose that we employ to reduce wage theft?

4 BENJAMIN HOLT: So, I don't think that we have
5 any specific policies to propose today with respect
6 to that. You know we certainly are actively having
7 conversations you know on a variety of workplace
8 issues right now. But probably nothing that is right
9 for discussion today. What I can say is, I think
10 obviously through coordination with other agencies
11 that's something we can do as DCWP I think as well.

12 You know if you look back to the prior
13 administration, there was a I think very important
14 but nonlegal role that the Mayor played with respect
15 to promoting the move to a \$15 minimum wage for New
16 York State. So, there are certainly ways that we can
17 talk about it and impact the calculus and potentially
18 promote you know stronger protections at the state or
19 federal level. But with respect to actual
20 legislation, you know we do have a fairly significant
21 constraint right now in terms of the legal landscape.

22 CHAIRPERSON DE LA ROSA: Great, and then asking
23 about workforce development programs. Many have
24 called for the revamp of the city's workforce
25 development programs to help New Yorkers of color

1
2 compete for quality jobs. Does your department
3 collaborate with the Mayor's Office of Workforce
4 Development at all? And are there any policy
5 recommendations for improving workforce development
6 programs?

7 BENJAMIN HOLT: I do not feel that I am in a
8 position to recommend policies for workforce
9 development. You know, we have certainly worked
10 collaboratively with workforce development over the
11 last several years. I think there are also
12 opportunities there to build a stronger working
13 relationship and I think particularly looking at the
14 moment we're in at this point in the crisis. I think
15 there is a slightly different lens with which we can
16 look at workforce development right now. There is an
17 opportunity and really a reorientation around our
18 workforce, where I think you're right to highlight
19 that and that is an important partner for us going
20 forward.

21 STEVE ETTANNANI: Our agency does work closely
22 with the Mayor's Office for Workforce Development.
23 And again, like our work, whether it's
24 interdivisional here or you know interagency is not
25 siloed. Like for example, with Workforce

1
2 Development, we're working very closely with them
3 right now on our free tax prep programs and services
4 to ensure that workers that meet the income
5 thresholds and their employers partner with us to
6 kind of promote these free preparation services.

7 So, you know in short, yes, we have a good
8 working relationship with them. But as the Deputy
9 Commissioner mentioned like, in terms of like broader
10 policies that really impact their bailiwick, we would
11 probably have to defer to them.

12 CHAIRPERSON DE LA ROSA: Thank you and then my
13 final question is a clarifying question about the
14 deliveristas. Has the department started enforcing
15 the food delivery worker protections as of now? Are
16 you all enforcing?

17 BENJAMIN HOLT: So, as of right now, there is a
18 limited number of worker protections that have gone
19 into effect starting on January 24th. That's the
20 date on which the licensing framework took effect.
21 Embedded with it in the licensing scheme, were
22 protections for workers requiring greater disclosure
23 from apps around tips being left by customers and
24 also disclosure requirements for total pay and tips
25 for the prior day.

1
2 So, that's kind of one category with additional
3 disclosures around pay and compensation. The second
4 was, better access to bathrooms at restaurants where
5 workers are picking up deliveries. Those provisions
6 went into effect on January 24th. We are you know,
7 open and ready to enforce. You know, our intake is
8 prepared for those. The rest of the protections as I
9 think Steve mentioned earlier, go into effect on
10 April 22nd is kind of the bulk of what was passed
11 last year for worker protection. And then towards
12 the end of the years, the minimum pay rate. And
13 obviously right now, we're engaged in a study process
14 looking ahead to that date.

15 STEVE ETTANNANI: We are —

16 CHAIRPERSON DE LA ROSA: [INAUDIBLE 1:24:02].

17 STEVE ETTANNANI: I just wanted to note that
18 although we're not enforcing those provisions that
19 don't go into effect until April, we are educating
20 workers on those provisions and collateral that we
21 have translated into Chinese, into Bangla, into
22 Spanish and other critical languages that are
23 affecting this industry, do note in patrician of like
24 what's effective now? What will be effective in a
25 couple of months and we've worked very closely of

1 course with the Deputy Commissioner and his team
2 along with stakeholders like Workers Justice Project
3 and others to ensure that those talking points are
4 messaging is clear and concise, so that workers know
5 what's available to them and what will be available
6 to them in a matter of weeks.

8 CHAIRPERSON DE LA ROSA: So, I did visit with
9 some deliveristas locally in my community just two
10 Friday's ago and they do still continue to have
11 concerns and really complaints about the access to
12 bathrooms. One suggestion that I do have, which is
13 more an interagency coordination but maybe we can
14 work with SBS and Chamber on the Go or some of those
15 initiatives to bring multilingual information to some
16 of our small business owners, so that they're aware
17 of the change and regulation and that they need to
18 let the deliveristas use the restrooms. There was
19 also just a flag, many concerns about the
20 deliveristas being victims to crimes in our community
21 and that's an issue that you know, I know this is not
22 the forum for but I wanted to flag for you all.
23 Thank you.

24 BENJAMIN HOLT: Thank you and I think certainly
25 you know if there are delivery workers that you are

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2 hearing from who have questions or want to file
3 complaints, like please encourage them to contact us.
4 We would love to talk to them. And then with respect
5 to the safety issues that you referenced, you know I
6 think certainly we are aware of those and it's
7 obviously a very important issue throughout this
8 industry and is something that the city is working on
9 and kind of in a more holistic clearer picture way
10 that is certainly much broader than our agency.

11 CHAIRPERSON DE LA ROSA: Great, thank you.
12 Bianca, do we have any other questions from members?

13 COMMITTEE COUNSEL: No, I do not see any more
14 hands. I just wanted to recognize that we've been
15 joined by Council Member Cabàn. She has joined us
16 and seeing as there are no other questions, we are
17 going to conclude our Administration testimony. I
18 want to thank the members of the Administration that
19 came to testify today. I will now be turning to
20 public testimony. I'd like to remind everyone that
21 we will be calling on individuals to speak one by
22 one. Each panelist will be given three minutes to
23 speak. After I call on your name panelists, a member
24 of our staff will unmute you. There may be a few
25 seconds of delay before you are unmuted and we thank

1
2 you in advance for your patience. Please wait a
3 brief moment for the Sergeant at Arms to announce
4 that you may begin before starting your testimony.
5 Council Members who have questions for a particular
6 panelist should use the raise hand function in Zoom.
7 Sorry everyone, I get tripped up on that line. I
8 will call on you after the panel has completed their
9 testimony in the order in which you have raised your
10 hand.

11 I would like to now welcome Vincent Alvarez.
12 After Vincent Alvarez, we'll be hearing from Henry
13 Garrido. After Henry, we'll be hearing from Charlene
14 Obernauer. Vincent, you may begin when the timer
15 begins.

16 SERGEANT AT ARMS: You may begin.

17 VINCENT ALVAREZ: Good afternoon Chair De La Rosa
18 and members of the Council's Committee on Civil
19 Service and Labor. My name is Vincent Alvarez, and I
20 am the President of the New York City Central Labor
21 Council, AFL-CIO. I am joined today by various
22 affiliates of the CLC who will be submitting their
23 own testimony focused on issues impacting their
24 specific members and industries. My testimony will
25

1
2 focus on the status of New York City's workers more
3 generally.

4 The CLC appreciates the attention the Council and
5 this Committee are giving to understanding the state
6 of workers in all sectors of the New York City's
7 economy and making it the subject of the first
8 hearing of this Committee. The COVID-19 pandemic has
9 highlighted the inequalities which are present in our
10 economy that are hurting the city's working families.

11 While many white-collar workers were able to, and
12 in many cases continue to still work remotely, for
13 many essential workers that was simply not an option.
14 On the front lines from the early days of the
15 pandemic through the waves of the Delta and Omicron
16 variants, thousands of essential workers, both
17 municipal employees and private sector workers,
18 contracted COVID-19 and hundreds died, while also
19 serving this city and keeping it running.

20 Moreover, even with so many of these workers
21 having protections of a collective bargaining
22 agreement, health insurance, retirement benefits, job
23 protections, and a mechanism to ensure a safe
24 workplace and lifesaving protective equipment, we
25 were still prepared to meet the demands, we were

1
2 still ill prepared to meet the demands of the crisis
3 and adequately compensate our workers. Nevertheless,
4 there were also thousands of workers with no such
5 protections and we must be prepared to do better.
6 Although the worst of the pandemic seems to be behind
7 us, the disparity between workers in unionized and
8 non-unionized workplaces is not.

9 And if we are ever to truly recover from the
10 pandemic, the recovery must be broad, equitable and
11 attainable by all. Empowering and protecting workers
12 should be a moral imperative and sufficient reason to
13 focus on these issues, but there are also significant
14 policy and economic benefits to doing so that could
15 result in higher wages and benefits, safe work
16 places, less dependents on government provided
17 benefits and workers engaging collectively and
18 democratically to determine the terms and conditions
19 of their employment.

20 I am encouraged that during this period of great
21 strife, we're also seeing a tremendous increase in
22 worker actions. It should not come as much of a
23 surprise that in order to respond to the challenges
24 of the pandemic and protect their rights, workers
25 across the city have turned to the labor movement to

1
2 help secure a voice at work. Workers United is
3 organizing Starbucks workers not only in New York
4 City and Long Island but throughout the country.

5 The RWDSU is supporting the workers of REI SoHo
6 to combat the union busting tactics that the company
7 has employed. Workers at the American Museum of
8 Natural History filed a petition with the NLRB to be
9 represented by DC37 last month. Staff at the New
10 York Times and the Financial Times are organizing,
11 and leaked messages revealed -

12 SERGEANT AT ARMS: Time has expired.

13 VINCENT ALVAREZ: That -

14 CHAIRPERSON DE LA ROSA: You can continue, sorry.

15 VINCENT ALVAREZ: Yeah, about another minute.

16 I'll be quick, thanks. Leaked messages revealed that
17 the New York Times employed an aggressive anti-union
18 strategy in response. And in Brooklyn, the Teamsters
19 continue to be on strike at United Metro Energy for
20 nearly a year.

21 Lastly, the CLC is very encouraged by progressive
22 messages emanating from all corners of the Council
23 and looks forward to integrating the work of our
24 affiliates in order to advance that agenda. It's
25 also important, however, to remind the Council of the

1
2 longstanding dispute at Charter Spectrum, where 1600
3 members have been on strike for several years. Just
4 as the franchise process can be used effectively to
5 create and protect high-quality jobs, it can also,
6 in the case at Charter Spectrum, be used to destroy
7 those same jobs. In every situation where workers are
8 trying to improve their lots, city government has the
9 opportunity to assist their efforts and fulfill the
10 original intent of the NLRB to encourage collective
11 bargaining.

12 Indeed, there are many recent examples where city
13 government has done just that. In the last term, the
14 City Council passed a number of worker protection
15 laws that directly and immediately improved the lives
16 of workers, from the labor peace requirement for city
17 contractors to displaced hotel worker severance law
18 to prohibiting the wrongful discharge or layoffs of
19 fast-food workers.

20 So, this Council has an opportunity to continue
21 passing similar laws that will improve the conditions
22 for the city's workers. To that end, the New York
23 City Central Labor Council and our affiliates, we
24 welcome the opportunity to work with you in doing
25 that, and I encourage you to speak to us regularly

1
2 and in advance so that we may collaborate in
3 designing the most effective ways to support workers.
4 And once again, thanks for this opportunity.

5 COMMITTEE COUNSEL: Thank you so much Mr.
6 Alvarez. I'm sorry Chair, I didn't mean to cut you
7 off.

8 VINCENT ALVAREZ: No problem.

9 CHAIRPERSON DE LA ROSA: We're on the same page.
10 Thank you Bianca.

11 VINCENT ALVAREZ: Thank you.

12 CHAIRPERSON DE LA ROSA: Thank you so much Vinny
13 for coming. I do have a few questions if you have a
14 few more minutes for us. First, thank you for
15 reframing and laying the framework for what is
16 happening across our city and really across the
17 nation with union workers and employers who are
18 refusing to adhere to the rights of workers. I do
19 have a question, which is can you tell us a little
20 bit more about the impact the pandemic has had on
21 your workers. You mentioned that hundreds of workers
22 died. Your affiliate workers and also, any
23 recommendations for ways that the City Council can
24 continue to work to protect and strengthen the right
25 of union workers.

1
2 COMMITTEE COUNSEL: Hold on one second. Hold on,
3 sorry Mr. Alvarez, you're muted. Give me one second
4 so we can get you unmuted.

5 VINCENT ALVAREZ: Great, thank you. Well, I
6 would say the first thing is we're still going
7 through of course the pandemic, so we will have to do
8 everything that we can to continue to protect workers
9 and we need to make sure you know that that continues
10 to happen. With respect to organizing workers, what
11 we could do is I think as was said with the previous
12 panelists, the labor laws are complex but it has
13 always been the job of government dating back to the
14 original National Labor Relations Act to do
15 everything they can to actually encourage. Not just
16 a greater fairer and level playing but it's in
17 statute to encourage collective bargaining.

18 I think that there are certainly things that they
19 could do with respect to maintaining that playing
20 field when it comes to labor piece and labor harmony
21 and supporting that and actions that the City Council
22 has taken in the past and is going to continue to
23 pass. I think that that is critically important.

24 We have 68 percent of the country has - it's a
25 high water mark for support for unionization, about

1
2 60 million Americans today said they would join a
3 union if they had the possibility to do that. Laws
4 are important. To pass good legislation is very
5 important. It's important to make sure that we have
6 the funding to enforce those laws but nothing can
7 supplement or replace the collective bargaining
8 because that is what enforces the contract. Even
9 after the law is passed, we have people who have a
10 union contract that the union is going. They do an
11 unbelievable job, the unions around the city as the
12 strongest and the largest labor movement in the
13 country at making sure that the laws are actually
14 being enforced and the terms and the conditions of a
15 contract are actually being enforced.

16 So, there is a lot of discretionary action that
17 certainly the City Council can take beginning as I
18 said with supporting the labor piece. At the very
19 least labor piece in many of the different sectors of
20 our economy.

21 CHAIRPERSON DE LA ROSA: Thank you so much.

22 VINCENT ALVAREZ: Thank you. I'm going to now
23 turn it to Henry Garrido. Henry, you may begin when
24 the timer starts.

25 SERGEANT AT ARMS: Your timer will begin.

1
2 HENRY GARRIDO: Good afternoon Madam Chair. Good
3 afternoon Members of the Committee and those who are
4 testifying today. Thank you for the opportunity to
5 testify. My name is Henry Garrido, I'm the Executive
6 Director of District Council 37. The largest
7 municipal union representing 150,000 members and
8 about 100,000 retirees and their families. So, I
9 thank you for the court, you have to have this
10 hearing today. For the interest of time, I want to
11 start with the part that Vinny ended which is
12 regarding the health and safety of workers.

13 So, I have the dubious distinctions of
14 representing a union has lost more members due to
15 COVID-19 that any other union, in fact that all the
16 other unions combined in accordance with the records.
17 Nearly 500 DC37 members lost their lives as a result
18 of COVID-19. That is not an accident. That is
19 because 100,000 out of the 150,000 people I represent
20 were deemed essential and were required to work. Not
21 just work on a daily basis but continue to work when
22 agencies were closed and their frontline workers.

23 So, for them, we owe them a debt of gratitude but
24 we also owe them the obligation to protect workers
25 and making sure that as we continue, workers are

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2 provided with the proper protection equipment and the
3 necessary health and safety rules that go beyond just
4 the labor safety. So, I urge this Committee to
5 continue to highlight and to potentially hold
6 hearings about the city's preparedness for a new
7 pandemic and the ongoing pandemic that we have now.

8 Particularly when it comes to equipment that we
9 should be procuring, way too many respiratory
10 therapist died as a result of not having filters for
11 poppers that were providing and once they were
12 intubating patients, so I want to highlight and put
13 that to your attention.

14 Secondly, I'd like to talk today about Local Law
15 87. A law that was passed last year by the City
16 Council that has been known as Labor Peace. Labor
17 Peace is a way of union - of member or potential
18 members having the ability to organize in a union
19 without the fear of harassment. The fear of
20 termination, the fear of having an employer holding
21 over their heads that they will be terminated and
22 disciplined for seeking the opportunity to join a
23 union. Labor peace is not a project labor agreement.
24 A law in fully support of those. It's an ability for
25 the majority of workers to do it as I said without

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2 expecting the employer in this case, nonprofit sector
3 employers to be able to harass workers as they do.

4 I will leave it there since the matter is now in
5 litigation after in December 28th, the Health and
6 Human Services Sector filed a lawsuit trying to
7 implement the implementation of the law of Labor
8 Peace. But this has been done already in three
9 states and we think it's a good way in order to allow
10 union members or workers to join into a union.

11 Thirdly, I'd like to concentrate on the issue of
12 wage theft because that is so important. And wage
13 theft is not a matter or violation that is subject to
14 the private sector. We seen it in the public sector
15 specifically on city contracts. So, if the city
16 engages in contracts with providers that then take
17 workers -

18 SERGEANT AT ARMS: Time is expired.

19 HENRY GARRIDO: Salary away, which includes cost
20 of living adjustments passed on to the employers and
21 now passed onto the workers. I think that the city
22 should reinvigorate the investigations to wage theft
23 within the city's contracting ability.

24 And lastly and I will conclude with this. Thank
25 you for your indulgence another 30 seconds. Is I

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think this Committee should concentrate on the misclassification of workers. Way too many workers are being misclassified as independent, as temps, as other you know workers who are actually working every day and should be classified as workers every day. This deprives money for the workers compensation benefit. It deprives money on taxes. It puts the workers at risk with not having the protection. Those protections that you talked about to this Committee that were implemented, whether it is sick leave or otherwise and all the benefits achieved by the City Council. If their independents workers are not entitled to it.

So, we believe the city should do that especially on the almost \$20 billion a contract that is procuring today. Thank you Madam Chair and I'm prepared to answer any questions you might have.

COMMITTEE COUNSEL: I think we're going to wait for the Chair's questions after the other panelists gives their testimony Henry. So, she'll probably have some questions. I'm going to turn to Charlene now and Charlene, you may begin when the timer starts.

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2 HENRY GARRIDO: I appreciate that. I would just
3 say for the record, it's very hard for a union leader
4 to talk within three minutes. Just saying.

5 COMMITTEE COUNSEL: Under advisement, we will
6 note that for the next hearing. Thanks so much
7 Henry. Charlene, when the timer starts, you may
8 begin your testimony.

9 SERGEANT AT ARMS: Your time will begin.

10 CHARLENE OBERNAUER: Hi, thank you to Chair and
11 Councilwoman De La Rosa for holding this hearing. My
12 name is Charlene Obernauer and I run the Nonprofit,
13 the New York Committee for Occupational Safety and
14 Health. And we do education training and research
15 and advocacy to improve workplace health and safety
16 conditions. And we've been advocating for a timely
17 and accurate tracking of worker fatalities for
18 decades, particularly around the construction
19 fatalities report that we released Deadly Skyline,
20 which we first published in 2014.

21 And I don't have to tell this to our Chair, but
22 at the end of 2020, a bill sponsored by Senator
23 Jessica Ramos in the senate and then Assemblywoman
24 Carmen De La Rosa was signed into law. So, a
25 legislation required that employers submit key

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2 information to the New York State Department of Labor
3 when a construction worker dies on the job. This
4 information would then be made available to the
5 public via searchable database.

6 Although the bill is now law, it is yet to be
7 implemented. Requiring reporting of workplace
8 fatalities is extremely important and here is why.
9 Data allows us to analyze trends, so if there's an
10 increase in fatalities, we're able to look at that
11 information and to some extent figure out why. But
12 now, we're analyzing labor statistics data that's two
13 years old. Our last construction fatality's report
14 looked at data of construction fatalities from 2020.

15 So, when there is an increase or a decrease,
16 we're often two years too late from establishing new
17 policies that could protect workers from further
18 unsafe conditions that could cause deaths on the job.
19 We look at data from the Bureau of Labor Statistics,
20 New York City Department of Buildings, the
21 Occupational Safety and Health Administration and
22 Media reports. But we don't have one centralized
23 place where this data is available and like I said,
24 it isn't available quickly enough.

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2 At the beginning of every Council meeting, the
3 speaker reads out the names of workers lives lost in
4 the past month, due to the data that we collect with
5 our partners at the New York City Central Labor
6 Council. But many names are missing. We urge this
7 Committee to look into mandating employers to report
8 on lives lost on the job. Thank you.

9 Oh wow, I have a minute, so if any of these union
10 leaders want to step in.

11 COMMITTEE COUNSEL: We're actually going to turn
12 to Chair De La Rosa. Thank you so much Charlene and
13 Chair De La Rosa is going to ask the panelists some
14 questions.

15 CHARLENE OBERNAUER: Thank you.

16 COMMITTEE COUNSEL: Chair, it's your floor.

17 CHAIRPERSON DE LA ROSA: Yes, thank you so much
18 for your testimony. My questions right now are going
19 to be for Henry Garrido. Thank you Henry for your
20 detailed testimony.

21 One of the questions that I had just for the
22 record, I know that your union, your affiliates, your
23 workers have been some of the most impacted frontline
24 workers in the city and I want has your union
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2 accomplished in the last two years on behalf of the
3 membership?

4 HENRY GARRIDO: Thank you Madam Chair. Let me
5 start with the legislation that we pursued and push
6 in Albany to allow for those workers and their
7 families to be able to apply without the need of
8 overly burdened requirements in Albany has been one
9 of the leading one. For instance, we found that many
10 of the workers who died from COVID-19 could not get a
11 traditional death certificate because there were
12 issued original legislation required or as proposed,
13 require a New York State doctor to be able to issue
14 that and a primary physician to do that. When we
15 know that in many instances, the death certificates
16 were issued by physicians assistant and by doctor's
17 coming from other states.

18 So, we were able to push a change in that
19 legislation that I feel was critical. Also, there
20 are many times where those death certificates do not
21 say COVID-19 as the cause of death. Even though
22 COVID-19 was the [INAUDIBLE 1:44:37]. In many
23 instances you would see respiratory failure. It
24 could have been other pieces right. As a result of
25 it, when the real underlining reasons, even though

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2 the doctor explained it was COVID-19. So, we made
3 sure that we promulgated and help promulgate rules
4 that allow for workers and their families to apply
5 for that. Whether they were applying for permanent
6 disability or ordinary disability or death benefit,
7 as morbid as it sounds, is something that we're very
8 proud of.

9 I mean, changing the way that the health and
10 safety is implemented citywide, was another piece
11 that we push. I mentioned the issue of poppers
12 because everybody was concentrating as PPE's, as
13 gloves, you know issues of sanitizers, and masks and
14 things of that nature. But the reality is that of
15 the people who died, if you do a deeper dive on the
16 number of people who died, you know we were getting
17 equipment from the federal government that were
18 respiratory nation when you have the sickest patients
19 and we didn't have any filters on them. I mean, what
20 good was it to have a complete hazmat popper suit if
21 you don't have the filter that goes on there in the
22 back?

23 And we saw that and what we tried to do when we
24 try to procure those equipment's, we were holding say
25 well, the government doesn't have enough. Or it

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2 should only be for doctors and nurses when in fact,
3 you have respiratory therapists. You have lab
4 workers. You have people who are working in the
5 frontline that should have been provided with that
6 equipment.

7 So, I think highlighting that was also important
8 and also, I have to say now, I think we work really
9 hard to highlight the work, not just to the
10 professional titles but cooks and cleaners and
11 custodians and people who are the sole of the earth,
12 who kept the city going and have kept the city going,
13 finally got some recognition that being essential
14 didn't mean having a title or having a you know a
15 degree. That you could be essential to the city and
16 still be a cleaner in a facility.

17 And so, we're very proud of the fact that we
18 stood up for those workers at a time when they needed
19 it the most. Thank you for the question.

20 CHAIRPERSON DE LA ROSA: Thank you Henry and the
21 final question that I have for you is, are there any
22 recommendations for improving the city's workforce
23 development programs in your opinion?

24 HENRY GARRIDO: Yeah, I mean, if right now, if
25 you look at the contract budget, we spent about \$200

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2 million in workforce development. Less than ten
3 percent of that is spent within the city's workforce.
4 In fact, the city spent \$25 per worker up into last
5 year when we put money on the out of collective
6 bargaining to be able to train workers. Engineers,
7 architects, book keepers only got \$2.50. Let me
8 repeat that. \$2.50 an hour in their training fund
9 per year to be trained. That is already ridiculous.
10 It requires workers to come into pocket, take money
11 out of the pockets of pay, to be trained on a degree
12 or certification that the city needs to operate in
13 the first place.

14 So, we can't do that and I see Jeff here from
15 Climate Jobs New York. As we're preparing the new
16 workforce of green, renewable energy. As we're
17 preparing just change the complete transformation of
18 the economy, we do have a better trained workforce
19 that recognizes that the board is changing around us.
20 That the need to train those workers in the new
21 economy has to come with a commitment from the city
22 to make sure that the public workers are just as
23 cared for, included, as the private workers in the
24 private sector are.
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2 CHAIRPERSON DE LA ROSA: Thank you for your
3 thoughts. And then, I have a question now for
4 Charlene. First, I want to thank you Charlene for
5 bringing up the construction workers and the worker
6 fatalities. We know that the construction industry
7 continues to be one of the deadliest industries in
8 New York State and I was proud to be the lead sponsor
9 along with Senator Jessica Ramos for the fatalities
10 bill that we passed.

11 You mentioned that it still has not been put – it
12 still hasn't been enforced. Can you speak to what
13 the City Council can do in this role to make sure
14 that we are accurately reporting on these deaths and
15 supporting the state legislation?

16 CHARLENE OBERNAUER: Definitely, thanks so much
17 and I think that one of the you know, the whole
18 premise behind this hearing is that New York City has
19 really strong laws. The same goes for New York
20 State. We have some really great laws but often
21 times employers don't follow them.

22 And so, I think there needs to be an emphasis to
23 construction employers that this is now law in New
24 York State and that they have to do reporting. So,
25 that could be a partnership between different

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2 agencies in New York City to do education around
3 this, so that they really know what the law is and
4 what the law says. Because you know, if you have a
5 law and nobody follows it, it doesn't really make
6 that impact. So, that would be really important.

7 CHAIRPERSON DE LA ROSA: Thank you so much. I
8 want to now hand it back to our Committee Counsel for
9 questions from members.

10 COMMITTEE COUNSEL: Thank you Chair. Yes, we are
11 now going to turn to Council Member questions. I see
12 a few hands raised. I just want to remind Council
13 Members, if you have a question for a particular
14 panelist, to use the Zoom raise hand function. I got
15 it right this time.

16 So, I'm now going to turn to Council Member Menin
17 and then after Council Member Menin, we'll hear from
18 Council Member Bottcher.

19 SERGEANT AT ARMS: Time starts now.

20 COUNCIL MEMBER MENIN: Thank you so much. I want
21 to thank everyone for their testimony today. I had
22 two questions for Henry Garrido. The first is, you
23 spoke so passionately about the death of your members
24 due to COVID. What steps should the city have taken
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2 in your opinion that we should take now in the event
3 of another pandemic to protect your workers?

4 HENRY GARRIDO: Thank you Councilwoman for the
5 question. The first steps that I think we have to be
6 is have a policy across the board with all agencies.
7 That is consistent in its application. At a time
8 where COVID was raging, the Department of Health and
9 Human Resource Administration did not and would not
10 enforce mask wearing to clients coming in. It became
11 optional. While all the workers had to meet clients
12 face to face. We knew by then that that kind of
13 transmission was the most immediate right.

14 So, why not have a policy that anybody coming
15 into a food stamps or a Medicaid office or any of the
16 offices seeking you know, services from the city,
17 where the clients would have to wear it. For their
18 protection and the protection of other clients. That
19 was left completely up to every agency to determine
20 its own policy. I think that was a mitigating
21 disaster. Because every agency enforced it in a way
22 that they saw fit and we had no consistency.
23 Consistence is [INAUDIBLE 1:51:35].

24 Secondly, even in the way the distribution of
25 masks and other equipment was done, I think again

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2 inconsistency. I'll use an example of nurses who
3 were integrating, helping kids and other in the
4 school communities. The school nurses would have to
5 go to the custodian, who then many of them got the
6 equipment without any indication. It was no fault of
7 their own. But without any indication how to
8 distribute it and began to ration the equipment, you
9 know the hand sanitizers, the soap. Even the pieces
10 that were critical without knowing how much of it
11 because there was just simply not enough and then you
12 have nurses blaming the custodians for not having
13 enough or distributing enough at a time where as I
14 said before the pandemic was raging.

15 I think lastly, the other thing that the city
16 needs to do is health and safety is almost thought as
17 an afterthought. Right, wage, you heard a lot of
18 testimony here from the agencies. Health and safety
19 is as critical to the workers in the pandemic as
20 anything that they would have right. And I see that
21 [INAUDIBLE 1:52:48] was really helpful in joining in
22 partnership with us to try and promulgate rules and
23 try to help the workers but to be honest, it wasn't
24 enough.

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2 Even with the resources with the Committee even
3 with [INAUDIBLE 1:53:00] and other agencies pushing
4 for it, it just simply wouldn't be not enough. I
5 think the city needs to make a commitment and put the
6 money where its mouth is. If you want to protect
7 workers, make sure that health and safety is
8 protected as well. That it becomes a critical
9 component for collective bargaining, not an
10 afterthought. That is part of every agency emergency
11 preparedness. That you have the workers do that and
12 that may include installing partitions in areas where
13 there's interactions with the public, which were in
14 many instances remote by the agencies because they
15 didn't want to give the perception that they were in
16 a sick environment. It may be social distancing in
17 the future, not just for COVID but for any other
18 related disease and it may how you interact with the
19 public in general.

20 In many instances you have those little accordant
21 spaces where people walk through that were bunched
22 against each other without any consideration for the
23 safety of those workers or the clients themselves.
24 So, we need better citywide protection, more
25 coordination and more consistency.

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2 COUNCIL MEMBER MENIN: Okay, thank you. That's
3 really helpful recommendations for us and then the
4 last question I have for you is you mentioned about
5 the misclassification of workers. I agree. What are
6 your recommendations on how we as a City Council can
7 rectify that?

8 HENRY GARRIDO: Well, I can't speak on the
9 private sector but I can tell you that last year,
10 this preliminary budget had \$44 million worth of
11 temporary employees. Most of those temporary
12 employees are working every single day. They're
13 coming in, their schedule is set up by an agency.
14 The supervision, everything you mentioned is set up.
15 That includes not only clerical administrative
16 employees but it includes building trades employees
17 that are misclassified as temps. You have employees
18 that are information technology employees who are not
19 classified as consultants, are classified as
20 independent contractors. If you include some of
21 those IT workers, that's another \$100 million of
22 procurement the city is doing. And yet, even though
23 the city has complete control on their schedules on
24 the time that started at the beginning on the wages -

25 SERGEANT AT ARMS: Time expired.

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2 HENRY GARRIDO: There still classified as
3 independent. And the city needs to do more of its
4 job of enforcing the rules on the dollars that it
5 uses to procure these services.

6 COUNCIL MEMBER MENIN: Okay, thank you.

7 HENRY GARRIDO: Thank you Councilwoman.

8 COMMITTEE COUNSEL: Thank you. I am now going to
9 call on Council Member Bottcher.

10 SERGEANT AT ARMS: Time starts now.

11 COUNCIL MEMBER BOTTCHEER: Hi, I just want to say
12 to Mr. Alvarez and Mr. Garrido, please let us know
13 how we can be further helpful as a Council. The last
14 City Council was so active in supporting organized
15 labor and we want to be as well. I often say that in
16 this country, the way that the economy has developed
17 over the last few decades, it's very unusual for
18 American's to have any money saved up for retirement
19 whatsoever. Any kind of retirement security and
20 that's terrifying to me. Especially as so many
21 people are entering retirement now and if folks do
22 have a secure retirement, it's likely that they're
23 union. So, we have to do more to encourage union
24 membership and grow union membership in New York City
25 and I want to be helpful with that in my own

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2 district. I look forward to working with you on that
3 here in Council District Three and on a legislative
4 level. So, thank you so much for being here today.

5 HENRY GARRIDO: Thank you.

6 VINCENT ALVAREZ: Council Member, if I could just
7 make a quick point on the retirement security piece.
8 You know, union members are more – there's a higher
9 probability that they'll have a lot of the things
10 that we've talked about today, higher wages, safety
11 and health benefits but also a great retirement plan.

12 When I started this job years ago, we did – we
13 had forums on retirement security in New York City.
14 59 percent of workers in New York City have no
15 retirement security plan whatsoever and that was
16 years ago. Today, it's about 65, maybe even a little
17 bit higher, 66 percent have no 401K plan, have no
18 defined benefit pension plan. That is the best type
19 of retirement plan for a lot of reasons that unions
20 offer. And that is a slow motion crisis that is
21 going to impact all of New York City. So, where ever
22 you can support in the most basic sense, support the
23 jobs that are going to provide those types of
24 benefits, I think that is incumbent upon the City
25 Council to do that. It is in the best economic

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2 interest, not only of those workers but of the city
3 to do that as well.

4 COUNCIL MEMBER BOTTCHEER: Thank you.

5 COMMITTEE COUNSEL: Thank you. I think Chair De
6 La Rosa, do you have any further questions for this
7 panel? If not, we're going to turn to the second
8 panel.

9 CHAIRPERSON DE LA ROSA: Nope, that's it. Thank
10 you so much.

11 COMMITTEE COUNSEL: Thank you. I would like to
12 thank everyone that just testified. We are now going
13 to call on the second panel. Before I announce
14 names, I just want to remind members of the public
15 that the only Committee Member should use the Zoom
16 raise hand function if you have anything to say. You
17 are registered to testify, you will have your moment,
18 we just ask that you not use the Zoom raise hand
19 function because it's kind of confusing for staff to
20 keep track of.

21 But again, you will all have your time and thank
22 you for your patience. So, I would like to now
23 welcome to testify Jennifer Siqueira, Ben Prosky, and
24 Demos Demopoulos. Jennifer, you may begin when the
25 timer starts.

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2 SERGEANT AT ARMS: Time starts now.

3 JENNIFER SIQUEIRA: Hi, thank you so much for
4 having me and holding this hearing. My name is
5 Jennifer Siqueira, I'm a Registered Architect and
6 practicing in the State of New York. I live in
7 Jackson Heights and I have been one of the leaders in
8 the recent unionizing campaign at a renowned
9 architecture firm here in New York City. My
10 coworkers and I attempted to unionize our workplace
11 and were defeated by a very strong antiunion
12 campaign.

13 I'm here today on behalf of my fellow
14 architectural coworkers within our profession to
15 testify on our precarious working conditions, as well
16 as to ask for support as we exercise our right to
17 organize and unionize our workplaces and to light the
18 way for future organizing campaigns in process and
19 soon to be made public. I've wanted to become an
20 architect since I was a child. I didn't know much of
21 what the word meant but I knew back in Brazil as a
22 young girl that I wanted to bring some order to my
23 fathers never ending construction project. What the
24 rest of us in the family called home.

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2 As I got started on this career path I was told
3 to quit several times by my senior peers because of
4 the professions grueling working conditions but I
5 didn't listen. I was young and dead set on reaching
6 my dream and becoming an architect.

7 Fast forward 15 plus years, since those early
8 dreams and warnings, I've attended both undergrad and
9 graduate school at Berkely, received two degrees in
10 architecture, studied four, failed many and finally
11 passed five hour licensing exams, became licensed and
12 have worked for various private architecture firms
13 for about ten years.

14 During both academia practice, I have experienced
15 a precarity of this profession besides working in a
16 profession where all-nighters are mentioned in
17 interviews. Layoffs are often part of the business
18 model. I've been laid off three times. The first
19 two layoffs were due to 2008 recession. The most
20 recent layoff, November 30, 2021, coincided with our
21 unionizing campaign going public. Could it have been
22 retaliation? I'll probably never know.

23 In a nutshell, even though the media and the
24 movies portray architects as having very established
25 and well to do lives, that's far from the truth. The

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2 majority of us do not hold the privileges that the
3 lucky few at the top, the firm owners do. Some of
4 the precarity, we as workers experience stem from
5 student debt. Entry into the profession is
6 expensive. Unpaid overtime, low salaries compared to
7 other learned professions. Misclassification as
8 exempt workers, this is the case for comes who make
9 less than the federal minimum salary for guaranteed
10 overtime, barely making above that floor or are fully
11 unpaid interns.

12 Underreporting of hours in order to keep clients
13 bills low, lack of representation of women,
14 especially in leadership positions and that signals a
15 pay gap in comparison to male professionals. It also
16 signals a lack of transparency and salary
17 distribution and opaque promotions higher archies,
18 inadequate representation of BIPOC professionals -

19 SERGEANT AT ARMS: Time expired.

20 COMMITTEE COUNSEL: You may finish Jennifer.

21 JENNIFER SIQUEIRA: Thank you very much. There
22 is also a pay gap in BIPOC professionals having
23 generally lower income backgrounds. So, there's an
24 entry barrier there and Visa workers are fearful of
25 voicing any inadequate working conditions as their

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2 immigration status is tied to their employment. I
3 have 30 seconds left.

4 It's unfortunate that a unionizing campaign so
5 often needs to become a fight. When we planned out
6 our campaign, we did not expect voluntary recognition
7 but we did not expect to be met with so much
8 resistance. Our organizing committee made up of a
9 majority of women, had to face the antiunion campaign
10 with the backing of deep pockets and a very expensive
11 union busting law firm.

12 This is all very new within our profession, so we
13 understand our first attempt had a high chance of
14 failure. The last attempt to unionize it within our
15 profession was in the 70's, also failed due to
16 employer intimidation and empty promises of better
17 working conditions. And since then, there haven't
18 been any elections on record since the NLRB got put
19 together.

20 So, finally, having said all that, I just want to
21 thank this Committee and its guests for taking the
22 time to listen to me today and the extra time there.
23 I humbly ask that if any legislation is being
24 considered, that extends additional rights to more of
25 the workforce in New York City, especially those that

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2 receive city contracts, that architectural workers
3 are not left behind. Thank you so much.

4 COMMITTEE COUNSEL: Thank you so much Jennifer.
5 I am now going to turn to Ben. Ben, you may begin
6 when the clock starts.

7 SERGEANT AT ARMS: Time starts now.

8 BEN PROSKY: Thank you for holding this hearing
9 today. I am Ben Prosky, Executive Director of the
10 American Institute of Architects New York, also known
11 as AIA New York. We represent New York City's
12 public-sector and private-sector architects, who are
13 employed at government agencies, firms, and
14 universities. Our members include unionized and non-
15 unionized architects, as well as workers and
16 management. And you just heard from very courageous
17 worker Jennifer Siqueira and I thank you Jennifer for
18 speaking up.

19 This hearing's topic is very timely, since
20 architects at some of New York City's architecture
21 firms are in the process of unionizing. Support for
22 unionization has arisen from the poor compensation
23 architects receive, as well as the workplace issues
24 that working for lower wages create. The U.S.
25 Department of Justice does not allow AIA New York to

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2 collectively bargain for our members or organize work
3 stoppages. This means we cannot work within
4 agencies, owners, and developers to set fair fees and
5 wages for their employees.

6 According to the 2021 AIA Compensation Report,
7 the average salary in New York for a recent
8 architecture school graduate is \$58,000 per year.
9 This is not enough to cover the hundreds of thousands
10 of dollars of student debt accrued over a decade of
11 education, nor the high cost of living convenient to
12 most offices. Comparatively, first-year associates
13 at New York City law firms earn \$215,000 per year.

14 In addition to being underpaid, architects are
15 pressed to work incredibly long hours. Agencies
16 rarely receive sufficient funding for staffing,
17 leading agency leadership to overwork their
18 architects. Meanwhile, firms are unable to
19 collectively bargain for fees, allowing owners and
20 developers to set high work requirements for low
21 fees. As a result, firm owners push their architects
22 to work incredibly long hours, with 60 to 70-hour
23 work weeks not being uncommon.

24 Unionization in architecture is an important tool
25 to strengthen workers' rights but it will not solve

1
2 many of the industry's core problems. Our unionized
3 members at agencies are paid less than our non-
4 unionized members at firms. For instance, the
5 starting salary at the Department of Design and
6 Construction for a Junior Project Manager is \$51,000
7 a year. Fortunately, Council Members can strengthen
8 workers' rights for architects. They can assign
9 larger budgets for agencies, specifically to hire
10 architects and pay architects higher wages.

11 The Council can also require that agencies stop
12 demanding free work from architecture firms.
13 Agencies regularly require a significant amount of
14 upfront work from firms before awarding a contract,
15 yet that work is not compensated. Combined with
16 unionization, changes like these -

17 SERGEANT AT ARMS: Time expired.

18 BEN PROSKY: Will create a better working
19 environment for architects. Thank you.

20 COMMITTEE COUNSEL: Thank you so much Ben. I am
21 now going to pass it off to Demos. Demos, you may
22 begin when the timer starts.

23 SERGEANT AT ARMS: Time starts now.

24 DEMOS DEMOPOULOS: Good afternoon. I am Demos
25 Demopoulos; I serve as Secretary Treasurer and

1
2 Executive Officer of Teamsters Local 553. I am also
3 Secretary Treasurer of Teamsters Joint Council 60,
4 120 members of New York City. Thank you to Committee
5 Chair De La Rosa and all members of the Committee,
6 all Council Members in attendance, all my brothers
7 and sisters in labor, the Central Labor Council, and
8 my brother and sister Teamsters.

9 I am here today to speak about essential workers
10 on strike for a union contract for over ten months at
11 Brooklyn's United Metro Energy owned by
12 multibillionaire John Catsimatidis. \$153 million,
13 that's how much money New York City has sent to
14 United Metro Energy Corporation and John Catsimatidis
15 in the last nine years. Catsimatidis has won
16 contracts to provide heating oil to public schools
17 and other city agencies. But what has our government
18 done to protect the rights of workers who fulfill
19 these city contracts?

20 These workers have been on strike for ten months,
21 just to get the same wages and benefits that other
22 workers in this industry get. They have been
23 illegally fired. They have had their healthcare
24 taken away. The company committed numerous
25 violations of federal labor law, which are not

1
2 pending in Washington DC. Catsimatidis also has not
3 paid his drivers the prevailing wage required by the
4 city and state law. But New York City checks keep
5 flowing to the company.

6 Worker abuse should not be treated as business as
7 usual by New York City Government. When immigrants
8 and workers of color are exploited, New York City
9 public dollars should not be paying for it. In all
10 my years in this union, which is 45, have never been
11 on strike like this in the oil industry. This has
12 been a middle class job where workers treated with
13 respect. These workers are fighting for fair wage
14 for their families but they're also fighting for the
15 rest of us too. When the billionaires keep getting
16 richer by shortchanging the workers, someone has to
17 take a stand and these workers are taking a stand.

18 And I beg, if you don't mind Chairperson De La
19 Rosa, I have with me right now Andre Solon and Ivan
20 Arizaga(SP?), two of the UMEK strikers that would
21 like to make a very brief statement. Here I have
22 Andre Solon.

23 ANDRE SOLON: Yes, my name is Andre Solon, good
24 afternoon. And I work at United Metro in Brooklyn.
25 Thank you to the Committee Chair De La Rosa and other

1
2 City Council members for the opportunity to share my
3 story today.

4 I have been on strike for -

5 SERGEANT AT ARMS: Time expired.

6 ANDRE SOLON: I've been on strike for over 300
7 days. We're fighting for fair wages and fair
8 treatment for our families. My coworkers and I have
9 stayed on the job when the rest of the city was
10 shutdown during the pandemic. We made sure that the
11 hospitals had their heating oil. The ambulances were
12 fueled and the people were safe and warm in their
13 homes. We were called heroes but we were not treated
14 like heroes. We're mainly immigrants and people of
15 color. All we want is to be paid the wages and
16 benefits that other workers in our industry get but
17 our companies owner, John Catsimatidis pays us up to
18 \$8 per hour less than workers that do the same jobs.
19 We voted to form the union all the way back in 2019.
20 We negotiated for a union contract for two years.
21 But it went nowhere. Catsimatidis would not budge.
22 He didn't think we deserved the same wages as other
23 workers in the industry.

24 We decided to go on strike to get justice for our
25 families but Mr. Catsimatidis retaliated against us.

1
2 On the first day of the strike, I got a letter saying
3 I was being permanently replaced. He targeted me
4 because I was the leader. Over the past ten months,
5 eight of us have been fired in retaliation for a
6 strike.

7 New York City bears some responsibility here.
8 Despite what John Catsimatidis is doing to us, New
9 York continues to buy millions of dollars in fuel
10 from the company. We desperately need your help.
11 New York City should not be doing business with
12 companies that abuse workers and underpaid
13 immigrants. Thank you for listening to me today.

14 DEMOS DEMOPOULOS: Thank you. I now have here
15 with me Ivan Arizaga, also terminal worker at UMEK.

16 IVAN ARIZAGA: Good afternoon, my name is Ivan
17 Arizaga and I'm a Terminal Operator at United Metro
18 Energy in Brooklyn. Thank you for holding this
19 hearing today.

20 We have been on strike since April 19th of last
21 year, ten months. We are striking for better wages.
22 We are striking for a better future for our families.
23 After just one week of strike, the company stopped
24 medical benefits. I'm a father of a Type I diabetic
25 son. He couldn't get his medication anymore. It's

1
2 one thing to come after us, it's another thing to
3 punish our families. Good healthcare is no joke for
4 our workers. We're risking our lives breathing in
5 the fuels and a lot of the workers in this job end up
6 with cancer. We are making so much money for this
7 company and its billionaire owner, who can't pay us
8 fairly. Instead of giving us the wages we deserve
9 and ending the strike, the company is hiring less
10 experienced staff they pay the staffs more than they
11 pay us, just to try to break our strike. We are
12 asking our elected officials to do something. John
13 Catsimatidis continues to mistreat us and our
14 children but New York keeps sending him millions of
15 dollars anyway.

16 Our city shouldn't be subsidizing our pay. Our
17 city should be holding this company accountable.
18 Please stop buying oil from United Metro until the
19 workers are treated fairly. Thank you.

20 DEMOS DEMOPOULOS: And I want to thank you for
21 the opportunity.

22 COMMITTEE COUNSEL: Thank you so much Demos and
23 your colleagues. I'm going to now turn it over to
24 Chair De La Rosa for questions. If you have any
25 questions for this panel.

1
2 CHAIRPERSON DE LA ROSA: Well, first of all,
3 thank you all so much for coming here. It takes a
4 lot of courage to speak up, to tell your stories, to
5 talk about the inequities that exist. I would like
6 to express my solidarity as the Chair of the
7 Committee and the commitment to follow-up
8 specifically with the architects as well as the
9 Teamsters. Count on me to support your cause. I
10 will be in touch after the hearing personally to see
11 how I can be helpful and I'm just grateful for the
12 opportunity to hear testimony today. And understand
13 that the inequalities and injustices that exist for
14 workers across the city continue to play out, even
15 after this pandemic and I fully agree with the
16 statements of the Teamsters. We should not continue
17 to contract folks who continue to erode the rights of
18 workers. So, I will follow-up after the hearing and
19 thank you so much for coming today.

20 DEMOS DEMOPOULOS: Thank you so much.

21 COMMITTEE COUNSEL: I'm going to remind Council
22 Members, if you have any questions for this panel,
23 please use the Zoom raise hand function. I'm going
24 to give a few seconds to see if any Council Members
25 have questions.

1
2 Seeing as there are no hands raised, I'm going to
3 now turn to our next panel, public panel. I'm going
4 to be calling on Zach Levitan, Hildalyn Colon
5 Hernandez and Ligia Guallpa. I apologize in advance
6 if I messed up pronunciation. Zach, you may begin
7 when the timer starts.

8 SERGEANT AT ARMS: Time starts now.

9 ZACH LEVITAN: Good afternoon and thank you for
10 welcoming us here today. My name is Zachariah Erin
11 Levitan, Political Representative with United Food
12 and Commercial Workers Local 1500.

13 Representing over 17,000 hardworking essential
14 grocery and manufacturing workers in New York State,
15 we at the UFCW Local 1500 express our sincere
16 excitement to be working with you all. We hope to
17 create a strong working relationship between our
18 local and the Committee on Civil Service and Labor in
19 a way that is proactive and provides the information
20 necessary to lift the floor for all working New
21 Yorkers.

22 UFCW Local 1500 is committed to growing the union
23 grocery workforce in New York. And doing so, we can
24 open line of communication with our elected
25 officials. When a large nonunion grocery store is

1
2 planning on moving into the five boroughs, we would
3 like to work with you to make sure those workers have
4 a voice on the job. We have worked with Council
5 Members in the past to keep low rogue employers out
6 of the city and to welcome employers who are
7 committed to bringing workers to the table.

8 We would appreciate your collaboration to do the
9 same now. Across a multitude of industries where
10 workers are yearning for more democracy in their
11 workplace. UFCW Local 1500 members continue to put
12 their lives on the line to put food on our tables.
13 The health and safety of our members is paramount to
14 us and we urge you to consider their safety the same
15 way we do. Our members and all workers deserve to be
16 treated like the essential workers they are always
17 and you can help make that happen.

18 As you reflect on ways to elevate the voices of
19 working people, please consider how low rogue
20 employers are taking advantage of their employees.
21 How are hourly wage scheduling and discrimination
22 laws used by employers to disempower their workers?
23 These are all issues the Civil Service and Labor
24 Committee can address and use its leverage to lift
25 the floor across industries. We also encourage you

1
2 to address the issue of worker intimidation as well
3 as other egregious violations by employers.

4 Thank you again for the opportunity to be here
5 today and we are so excited to be engaged and we look
6 forward to collaborating with you.

7 COMMITTEE COUNSEL: Thank you. Thank you
8 Zachery. I'm going to now turn to Hildalyn.
9 Hildalyn, you begin when the timer starts.

10 SERGEANT AT ARMS: Time starts now.

11 HILDALYN COLON HERNANDEZ: Thank you. Good
12 afternoon, my name is Hildalyn Colon and I'm the
13 Director of Policy and Strategic Partnerships for Los
14 Deliveristas. Thank you Chair De La Rosa for
15 inviting us and for all the Committee Members.

16 As we mentioned, I represent delivery workers
17 that have organized on the initiative Los
18 Deliveristas Unidos. This is half delivery workers
19 that are actually working for Uber, Doordash,
20 Grubhub, many of the aps that actually operating in
21 our city and serving many of the consumers in our
22 city. Due to this Council and to the support of this
23 Council, these delivery workers were able to achieve
24 new labor rights and I can say this that in 2021,
25 2022 it's not likely to say that. And more than

1
2 65,000 workers wake up with new labor rights that
3 they didn't have.

4 Our fight obviously granting some of the issues
5 that they share, mention about wage theft, about
6 issues access to the bathrooms. About a minimum wage
7 and others. These workers right now are being able
8 to be on the street about educating other workers and
9 I want to recognize the partnership that we have with
10 the Department of Consumer Affairs. They are out
11 there every day, it doesn't matter what the issues of
12 the weathers are and also, for a lot of the City
13 Council members that have come and meet some of these
14 workers, we are here to address that the fight for
15 our workers are not over. The greatest fight is to
16 make sure that workers know their rights and they use
17 it but I think it's more to come. Our campaign is
18 very particular, which is something that we ask the
19 City Council to address is the impact of technologies
20 happen on the workforce and how that relationship is
21 actually going to take place.

22 I think the City Council, they have never been
23 afraid to be the first as we pass the legislations
24 but I think it's also the opportunity of how to do
25 it. And I want to also highlight and encourage and

1
2 continue the City Council to encourage that this is
3 the way to do it, right? Asking workers what their
4 issues are. Asking what the solutions that they have
5 been able to fight through. Have them at the table,
6 right and actually help them to get those legislation
7 through. This is where the ability live and make
8 that happen for us to get these bills done and we
9 hope to continue with the new City Council Member
10 with the Carmen De La Rosa to bring that. We need to
11 have workers at the table. We need to make sure that
12 they be heard and may be actually the ideas that they
13 put forward. As I said, all the legislation that
14 passed were actually workers ideas, right? Like, our
15 workers have the solutions, know how to fight. They
16 know how to do it. They know how to do it well.

17 And they do it every day. I think today, all the
18 workers that have spoke already, show how fighting
19 can be done and how it can be achieved. And I think
20 City Council have an opportunity to set the platform,
21 not only for the city but it is also across the
22 nation because in this fight of Los Deliveristas, the
23 whole nation is watching us, about how this new
24 profile and how this new fight is. Thank you very
25 much.

1
2 COMMITTEE COUNSEL: Thank you so much Hildalyn.
3 I'm going to now turn to Ligia, sorry, I'm so sorry
4 if I miss that.

5 LIGIA GUALLPA: No, it's fine. Yup, so well,
6 thank you so much.

7 SERGEANT AT ARMS: Time starts now.

8 LIGIA GUALLPA: Thank you Chairwoman Carmen De La
9 Rosa and members of the Committee for the opportunity
10 to testify here. Also, on behalf of Workers' Justice
11 Project and Los Deliveristas Unidos along with my
12 colleague Hildalyn Colon and also a member who you'll
13 be hearing soon Santos [INAUDIBLE 2:21:12] at today's
14 hearing.

15 So, my name is Ligia, I'm the Executive Director
16 of the Workers' Justice Project. A workers' rights
17 organization that represents New York City delivery
18 workers through Los Deliveristas Unidos, house
19 cleaners and day laborers, essential workers who are
20 vital to the city's economy. And Workers' Justice
21 Project has been responding to the surge of labor
22 violations in the unregulated industries. As
23 Hildalyn mentioned, in the delivery industry but also
24 in the construction and the house cleaning. We have
25 been witnessing how New York City's most essential

1
2 workers. Not only from delivery but also day
3 laborers and house cleaners have been dehumanized and
4 treated as disposable workers. Just in Brooklyn,
5 just this month, a day laborer worker just died
6 because of the unsafe working conditions that they
7 continue to face in the construction industry. But
8 through powerful worker led organizing WJP has
9 demonstrated that there is a new way to help workers
10 secure worker protections and representation. We
11 have helped our members build those Deliveristas
12 Unidos a new form of worker representation that is
13 representing us as said 65,000 Deliveristas. And
14 we're proud to be partnering with New York City
15 Council to set a new set of labor protections and to
16 really become the first city in the country to
17 regulate this economy.

18 In 2015, we partner again with New York City
19 Council to sustain and fund the Day Laborer Workforce
20 Initiative, which is actually what the Chairwoman has
21 been asking for, which is a new model of workforce
22 development that actually serves the low-wage
23 immigrant workers who work in nontraditional
24 workplaces. Actually setting not only labor
25 standards but actually securing living wages and a

1 path of employment opportunities in the construction
2 and the cleaning industry. Today, you will hear also
3 from a member of Santos Calisto and we look forward
4 to keep working through the Deliveristas as well.
5 The pandemic has completely destabilized the
6 traditional workforce and thousands of New Yorkers
7 are now turning into gig work to make ends meet.
8 This new wave of work poses a new set of labor
9 issues. As you heard, challenges that require a new
10 way of organizing, a new way of representing, and
11 protecting not only our delivery workers but also day
12 laborers, house cleaners.

14 A Workers Justice Project along with those
15 Deliveristas Unidos are ready to continue the
16 partnership with New York City Council to enforce and
17 expand protections for day laborers, cleaners, app
18 delivery workers, and our hope is that the City
19 Council will continue this partnership with us -

20 SERGEANT AT ARMS: Time expired.

21 LIGIA GUALLPA: I'll finish now, as Hildalyn
22 said, meeting with us, partnering and strategically
23 thinking how we can create standards by putting and
24 bringing workers at the table when making these
25 decisions. We also ask City Council to support the

1
2 expansion of the day labor workforce initiative with
3 funding of \$5.3 million in creating that new
4 development and expansion of a day laborer initiative
5 and also deliverista -

6 We look forward to talking to you and hearing
7 from you more as to how we can actually expand and
8 create a new way of protecting workers in the city.

9 COMMITTEE COUNSEL: Thank you so much. I'm going
10 to now turn it over to Chair De La Rosa for questions
11 for this panel.

12 CHAIRPERSON DE LA ROSA: Well, thank you so much.
13 Not so much questions but more thanking you again for
14 taking the time and the opportunity to come here. I
15 have to say that I'm personally inspired by the
16 movement created by the deliverista's. I know many
17 of our colleagues share those same feelings. Thank
18 you for raising your voices to make sure that the
19 laws were changed in order for dignity and justice
20 for workers to prevail. So, thank you so much for
21 being here today. I think there is one question by
22 CM Nurse.

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER NURSE: Hi, good afternoon. Same,
25 I don't have a specific question but I do want to

1
2 just express that – how much, the same way the Chair
3 did, that I am in solidarity with you all. I was a
4 Deliverista, I was a hotel cleaner, I was in the
5 trades. I've been a driver. I've worked in the
6 informal, under the table economy for a long time, so
7 I do know what you all are facing and how much you
8 are really advocating for working people who often
9 have no idea about what they have access to or
10 hotlines or anything like that.

11 So, it's really concerning to me to hear that the
12 Department for Worker Protection is saying they have
13 all the resources we need when we know that on the
14 ground level, that access and information is just –
15 it's not something you're even thinking about. And
16 we know that we need to proactively put people out on
17 the ground to do checkups on things and just pop in
18 and see how things are going. You know next to a
19 business and talk to some workers because people just
20 don't know what's happening behind doors and in
21 workplaces. So, I really appreciate all of the
22 testimony here and I'm really grateful to be on this
23 Committee to witness this.

24 So, I just really hope that as a Council we can
25 work together to really resource and put more people

1
2 on the ground. I mean, even just with the
3 deliverista's and different sectors that are growing
4 even in my district, to South Asian language speaking
5 enforcement officers is not enough. I mean, that's
6 not even close to meeting any type of demands.

7 So, we really have to resource these agencies on
8 the administrative part to support you all and I just
9 want to thank you for all of your testimony and thank
10 you Chair for the style of this hearing today. It's
11 really nice.

12 HILDALYN COLON HERNANDEZ: I just want to say
13 something, that you're right, more resources are
14 needed for the agencies that are battling side by
15 side with workers. But I do also have to address how
16 those resources because what you said is right, on
17 the restaurant, you can go and check in but on the
18 app, no. Now we're dealing with an app that we don't
19 have access to the algorithm and the city don't have
20 the data. We are asking and I know the agencies that
21 will be asking for data in order to put forward the
22 upcoming minimum wage, but I think also we need to
23 start looking about, what is the new frontier of the
24 21st Century it is. It is what the patterns that we
25 have served right and I always say the gig economy is

1
2 the oldest economy in the world. Like, all of the
3 people are here, immigrants have their families
4 experience and we have experienced it but that gig
5 economy is moving to an app world, right? That a lot
6 of our people don't have the technology, knowledge
7 about it. We don't know the zero transparency on
8 that. That's one of the bills that actually we were
9 able to pass last year to actually have transparency
10 and where these tips are going, where this money is
11 going?

12 And I also want to highlight that the things that
13 a lot of our colleagues here we're all bringing about
14 - we seen that already happening in the apps, right?
15 Apps are taking the money away from workers. So, I
16 think part of the strategic thinking that I know this
17 Committee can take on is prepare us on how that 21st
18 Century workforce looks like and how our agencies are
19 going to prepare to kind of like deal with that
20 challenge.

21 Because we're starting to see it as we move
22 forward with the deliverista's and I know our other
23 workers are migrating to the app as a way of an
24 additional income and even be the source of full
25 income. So, I just want to highlight that point.

1
2 COMMITTEE COUNSEL: Chair, I believe Ligia has
3 wants to speak. Jen, if you can unmute her quickly.
4 Ligia, give us one second, you're on mute. Give us
5 one second.

6 LIGIA GUALLPA: And I was going to say, the
7 agency doesn't want resources. There's workers
8 centers that want those resources to do the work.
9 And I just wanted to highlight you know and I have a
10 lot of respect for our brothers in the labor movement
11 but there's a lot of - we're organizing workers that
12 don't have that infrastructure set in place. And
13 while we'll figure out that pathway for unionization,
14 not only of delivery workers but other industries, I
15 think it's important for this City Council in FY23 to
16 sustain that organizing. I think it would have been
17 impossible to build a powerful organizing as those
18 deliverista's Unidos without the sustainability of
19 worker centers like Workers Justice Project and
20 others.

21 So, I want to urge you, there is incredible
22 initiatives that we're going to be advocating,
23 knocking your doors. I think organizing, we always
24 have a say and that it says, like, organize people,
25 organize money is equal power and I think this is a

1 relationship we want to build. Making sure that
2 resources are put on the ground. Worker centers like
3 us, who are requiring that dollar investment to keep
4 on protecting workers who don't traditionally have a
5 union that represents them and organize them.
6

7 So, we look forward to your partnership as Ligia
8 said, build a new way of workforce development and
9 organizing and representation that I think we are in
10 a unique position to built it in a 21st Century in a
11 new economy that is completely changing.

12 COMMITTEE COUNSEL: Thank you so much. Chair, do
13 you have any further questions?

14 CHAIRPERSON DE LA ROSA: No, just thank you so
15 much for coming.

16 COMMITTEE COUNSEL: Just thank all of you. We're
17 going to now turn to our next public panel. I'm
18 going to call on Kevin Elkins, Louis Picani, Fausto
19 Chafla, and Infinite George.

20 I just wanted to flag Fausto, I think you may be
21 requiring translation services and there is a
22 translator on this call, on the Zoom video conference
23 to assist you. So, when your time is on, Ezell will
24 be assisting.

25 Kevin, you may begin when the timer starts.

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SERGEANT AT ARMS: Time starts now.

KEVIN ELKINS: Thank you so much. Thank you Madam Chairwoman for having us today. It means the world that you brought Organized Labor and so many other important labor advocates here to the table as you have done.

The District Council builds this city from the ground up and keeps it running. Our members are highly skilled in everything from concrete form work, metal, and wood framing, drywall, flooring, architectural wood work, roofing and many other skills in between. We're dedicated to recruiting workers from all paths of life and our representatives are diligently reaching out to under represented groups in the trades to ensure our diverse membership resembles our city.

As all of our member can attest and I know this is something all of you agree with, a union career offers life changing opportunities and a strong pathway to the middle class. These union careers would not be possible without the apprenticeship programs offered by unions like ourselves. The District Council is home to six state of the art accredited programs and everything from general

1 building carpentry to the dock builders and
2 timbermen, millerite's, cabinet makers, high rise
3 concrete carpenters and floor coverers. In addition
4 to those apprenticeship programs, we offer four pre-
5 apprenticeship requirement targeted groups targeted
6 towards groups under represented in our trades to
7 again make sure that the carpenters of today and
8 tomorrow look like America in this city.

10 While open shop developers and really this is a
11 huge problem. The city continue to provide or claim
12 to provide, I should say, employment opportunities.
13 These nonunion jobs offered have no training, are
14 more likely to be the location of serious worker
15 construction safety incidents including death.
16 Higher risks of wage theft and thank you to the
17 Council and all those who have advocated on making
18 sure we do everything we can to rid ourselves of that
19 pandemic, and demic, I should say, and temporary job
20 durations where instead of providing a career, it's
21 often a two month opportunity paying minimum wage is
22 that.

23 Our apprenticeship programs on the other hand
24 will allow students to learn state of the art skills
25 while earning a wage. Union apprenticeship programs

1
2 are a proven way to forge a skilled, sustainable and
3 responsible workforce in this city. We believe it's
4 essential we expand opportunities within this city
5 and the Administration. And it will go a long way
6 towards accomplishing the goals set out by the
7 Chairwoman and the rest of the Council Members
8 gathered here today.

9 For example, by keeping the New York City Housing
10 Authority construction jobs public as opposed to
11 disaster we've seen with RAD, by increasing labor
12 standards on city funded projects and lowering the
13 threshold to mandatory apprenticeship crime. The
14 District Council and other trades will be able to
15 open a tremendous more amount of training slots for
16 your constituents and continue to foster a new
17 generation of hard working union members.

18 Finally, I would like to extend an invitation to
19 all the Council Members here and those not here, to
20 visit our training center in Manhattan. It's state
21 of the art, you can see first hand the incredible
22 diverse and skilled workforce of today and tomorrow
23 that make up the New York City District Council of
24 Carpenters.

1
2 Thank you again Chairwoman De La Rosa and the
3 entire Committee for giving me the opportunity to
4 speak here today and we look forward to continuing to
5 work with you.

6 COMMITTEE COUNSEL: Thank you Kevin. Louis, you
7 may begin when the timer starts.

8 SERGEANT AT ARMS: Time starts now.

9 COMMITTEE COUNSEL: Louis, I see that you're on
10 but we cannot hear you. Louis? Okay, we're going to
11 go to our next panelist and we'll circle back to
12 Louis in a little bit. Fausto, are you on? Yes,
13 give me one second. I'm so sorry, we're having -
14 we're going to need an interpreter for this, so.

15 UNIDENTIFIED: Yeah, no, Fausto had to go work.

16 COMMITTEE COUNSEL: Okay.

17 UNIDENTIFIED: So, I will be reading his
18 testimony in English.

19 COMMITTEE COUNSEL: Okay, thank you so much.

20 INTERPRETER: Oh, okay, I got it here ma'am. I'm
21 the Spanish Interpreter, I got a testimony here. I
22 don't know if you allow me to read it instead?

23 COMMITTEE COUNSEL: Would you prefer if our
24 Interpreter read it in English or do you want to -

25 UNIDENTIFIED: No, I can read it, it's fine.

COMMITTEE COUNSEL: Okay, alright, thanks.

SERGEANT AT ARMS: Time starts now.

UNIDENTIFIED: Good afternoon and thank you for the opportunity to testify. My name is Fausto Chafra and I am a proud member of Laborers Local 79.

I used to work for a company called Alba Services as a demolition worker at many projects. I experienced retaliation while working for Alba and was fired after talking to a union organizer. My case was brought to the National Labor Relations Board.

During the case, Alba threatened me with criminal prosecution while I was trying to hold them accountable. Alba was found to have committed unfair labor practices. Alba must now inform its workers of their organizing rights and I will receive back pay. My foreman at Alba was a bully who threatened me multiple times to call immigration. No worker should be treated like Alba treats its workers.

Many of my coworkers were undocumented, and they did not feel free to speak about dangerous and exploitive conditions because if they were fired, they could not receive unemployment benefits. No

1
2 worker should be coerced through fear into working
3 for a bad employer like Alba.

4 I ask the city to protect immigrant construction
5 workers by lifting labor standards, protecting us
6 from retaliation, and making it possible to access
7 basic benefits like unemployment insurance. Alba
8 workers, and all immigrant workers, deserve safety,
9 better wages, and healthcare. Thank you.

10 COMMITTEE COUNSEL: Thank you so much. I'm going
11 to now turn to Infinite George. You may begin when
12 the timer starts.

13 SERGEANT AT ARMS: Time starts now.

14 INFINITE GEORGE: Good afternoon, my name is
15 Infinite George and I am a member of the Laborers
16 Local 79 and I'm glad to be invited to this panel.
17 I'm still a staple in my community in Queensbridge
18 Houses in Long Island City and there we have a
19 marginalized community by income and a community
20 that's constantly being targeted by body shop
21 employment workers, as well as being targeted by
22 their criminal history.

23 When you grow how I grew up in this marginalized
24 community and with issues with the justice system,
25 people to tend to hold that against you and I think

1
2 that these people as well as myself need more than
3 one chance. I needed about two honestly. And to be
4 honest with you all, Local 79 and the Union has never
5 held my criminal history against me. They gave me
6 that shot continuously. I was one the few that
7 needed more than one shot and I'm thankful for that
8 and that shot has helped me to be able to provide
9 exponentially for my family. I am currently a
10 student in my second year, going on third year at the
11 CUNY School of Labor Urban Studies. We are studying
12 labor and community development and then I will help
13 others like myself to help them feel better reenter
14 society with sustainable income. Thank you.

15 COMMITTEE COUNSEL: Thank you so much Infinite
16 George. I'm going to just do one last call, Louis,
17 are you on this audio?

18 Okay, well, we're just going to now turn to
19 Council Member - oh, Louis?

20 LOUIS A PICANI: Yup, I'm here.

21 COMMITTEE COUNSEL: Perfect, great, we got you.

22 SERGEANT AT ARMS: Time starts now.

23 ASHLEY BERGENSEN: Thank you. So, first, I'd
24 like to thank the Council and everyone on the call
25 for participating. We'd also like to thank you to

1
2 the strikers on the United Metro Energy picket line
3 and congratulations to the board for all they've
4 accomplished for labor.

5 My name is Ashley Bergenson, I'm sitting in on
6 behalf of Louis Picani. He did have a meeting. He
7 is the President and Principal Officer at Teamsters
8 Local 456. We represent members in Westchester and
9 Putnam County.

10 The membership of Local 456 fully supports the
11 Teamsters Local 553 in their efforts to obtain fair
12 wages and benefits. It's almost criminal that
13 someone has - sorry. It's almost criminal that
14 someone has the ability to starve the members into
15 submission. We're constantly fighting for all social
16 and economic justice throughout the state, yet we
17 allow the strike to continue by demoralizing the
18 members who so strongly believe an honest days pay
19 for an honest days work. Yet, they are being denied
20 the ability to perform such a function. You owe the
21 people, the members that are being exploited by the
22 rich, a backing to support them and to have the
23 company do what's right.

24 New York City has an obligation to make sure all
25 companies doing business with the tiered prevailing

1
2 wage laws. I'm asking New York City to contact
3 United Metro Energy and demand they give Teamsters
4 Local 553 the respect that the men and women deserve.

5 Mr. Picani will be contacting all the elected
6 officials in Westchester and might be doing with
7 United Metro Energy to do the same.

8 In today's age, when inequities are being
9 addressed at every level, it is shameful that no
10 elected officials have stepped in and with an attempt
11 to rectify this labor dispute. When this meeting
12 concludes, we are asking you to take immediate
13 action, because we can no longer wait for this
14 injustice to be rectified. Thank you.

15 COMMITTEE COUNSEL: Thank you so much. Chair, do
16 you have any questions for this panel?

17 CHAIRPERSON DE LA ROSA: I do. I have one
18 question for the Carpenters. Can you talk a little
19 bit about the impact of the pandemic on your
20 workforce?

21 KEVIN ELKINS: Yes, absolutely. The pandemic has
22 like many other construction industries and
23 industries across the city and country had an
24 incredible impact on our membership. Our hours are
25

1
2 still down tremendously from prior to the pandemic
3 starting.

4 But we've had to adapt as everybody else has and
5 we'll continue to do so. I think if anything, the
6 pandemic has demonstrated the importance of making
7 sure as many people in New York City fall into a
8 safety net like the ones that the union provides.
9 Whether it's the healthcare benefit, the retirement
10 benefits, we have seen the consequences of that time
11 and time again when those workers, especially on
12 these open shop sites, they do not have the same
13 protections.

14 And the minute something like this occurs, it's
15 catastrophic for them. And you know the state has
16 provided a lot of different resources, whether the
17 excluded fund and others, but that shouldn't be where
18 we go, right. That should be the past. The future I
19 think is expanding as many apprenticeship
20 opportunities as possible for those who do not
21 currently have access to the union rights that every
22 New Yorker deserves. And I hope that will sort of
23 the north star going forward.

24 CHAIRPERSON DE LA ROSA: Thank you so much for
25 your comments there. And then, I also wanted to take

1
2 just the opportunity to thank Carla for reading
3 Fausto's testimony as well as Infinite George for
4 talking about his personal challenges and how working
5 at the union has really allowed for a new opportunity
6 and a new chapter in life. I think that that's the
7 goal of union employment, so thank you so much for
8 participating today.

9 COMMITTEE COUNSEL: Thank you to all of our
10 panelists. I do not see any Zoom raised hands from
11 any Committee Members, so I'm going to give it a few
12 more seconds. Committee Members, if you have any
13 questions for this panel, please use the Zoom raise
14 hand function.

15 Okay, I do not see any, so we are now turning to
16 our next panel. I will be calling on Tafadar Sourov.
17 Sourov, I am so sorry for the pronunciation. Please
18 correct me when it's your time to testify. Bernard
19 Callegari, Karla Cruz, and Santos Xobin. Tafadar,
20 you may begin when the timer starts.

21 SERGEANT AT ARMS: Time starts now.

22 TAFADAR SOUROV: Hi, so thank you. My name is
23 Tafadar and I'm on Community Board 11 in the Bronx,
24 and I am a proud member and apprenticeship graduate
25 of Laborers Local 79.

1
2 My union is known to be an engine of economic
3 mobility for workers from underserved communities
4 like mine across the five boroughs. We give people a
5 chance to earn a fair living in an intense industry.
6 And thousands of people of all backgrounds actually
7 apply within minutes every time our apprenticeship
8 program opens up for recruitment, as it is one of the
9 most reputable workforce development programs in this
10 city.

11 You've got marginalized people, whether it's from
12 communities of color, LGBT folks, single mothers,
13 youth, etc., all waiting to apply. Our mission
14 statement, is to organize all workers in our
15 jurisdiction. It's a commitment that keeps us at the
16 forefront of protecting and expanding workers' rights
17 in the construction industry. We stood with workers
18 who exposed pervasive sexual harassment in non-union
19 construction companies. We're fighting alongside
20 immigrant workers to win citizenship rights, and we
21 won Real reentry legislation in Albany that will give
22 workers on parole better opportunities in the
23 construction industry.

24 I want to thank the City Council for passing the
25 Body Shop Bill in November, it's groundbreaking

1
2 legislation that will help stop the coercion of
3 justice affected workers in the construction
4 industry. That's what it looks like to take action to
5 protective action to protect workers, and we look
6 forward to enforcing it together.

7 I want to talk about immigrant workers who also
8 have to deal with coercive employers that exploit
9 documentation status and language barriers. In fact,
10 just today, Alba Services, a notorious construction
11 company, nonunion, terminated three demolition
12 laborers at the Terminal Warehouse project in
13 Manhattan, who spoke up at a rally last week with the
14 Manhattan Borough President about the company putting
15 out a \$5,000 bounty against its employees who filed
16 workers compensation claims.

17 The communities that such workers live in also
18 were devastated by COVID-19 and its impact. I'm from
19 a heavily immigrant community in the Bronx myself.
20 I'm a first generation immigrant from Bangladesh,
21 and I still remember people dying left and right
22 throughout the pandemic. You know, it was neighbors,
23 my mother's doctor and eventually my own father I
24 lost in the pandemic. The low-income communities
25 where immigrants live, have had to contend with food

1
2 insecurity, loss of work and healthcare, backlogged
3 rent payments, and many more factors that aggravate
4 already existing inequality. Economic activity
5 crashed in our neighborhoods after pandemic
6 assistance ended, with less money for struggling
7 families to spend on food and other necessities.

8 I could not be prouder to be in a union that has
9 given me the ability to stand up for my community and
10 my city as an organizer fighting to win legislation
11 for an Excluded Workers Fund. We are going to win
12 breathing room for the essential workers who were
13 left behind from pandemic assistance, while putting
14 money into circulation in distressed communities.
15 With the labor movement and elected officials having
16 their back, those workers can have real options to
17 bring employers to justice who take advantage of
18 their vulnerability. The urgency of our city standing
19 in solidarity with its workers is highlighted by
20 today's violation of federally protected rights for
21 workers' -

22 SERGEANT AT ARMS: Time expired.

23 TAFADAR SOUROV: To organize rights. Weeding out
24 bad actors like Alba creates a fairer economy for
25 workers and employers who play by the rules. And we

1
2 know that this historically diverse and progressive
3 City Council will work with us to protect workers who
4 speak out about bad employers, while creating jobs
5 with Real Entry and labor standards. Thank you.

6 COMMITTEE COUNSEL: Thank you Tafadar. We'll now
7 hear from Bernard. Bernard, you may begin when the
8 timer starts.

9 SERGEANT AT ARMS: Your time will begin.

10 BERNARD CALLEGARI: Thank you. Thank you Council
11 Member and Chair De La Rosa and everyone else for
12 their comments. I don't want to spend a lot of time
13 on that, I know I only have a few minutes.

14 This has been a very emotional few hours just
15 sitting on this and just listening to everyone speak
16 and when I saw my brother Infinite taking the call
17 from his car, I know that he was logged on since one
18 o'clock while he was at work, eagerly waiting to
19 testify. And Fausto being in the conference room
20 here, who came here early and then had to leave and
21 wasn't able to speak.

22 It just reminds me that there are thousands upon
23 thousand of workers in New York City that don't have
24 a voice. And even when there's an opportunity to
25 speak, they may not necessarily always be heard. I

1
2 grew up with Infinite George, so it's very personal
3 to me to see him turn his life around. I grew up in
4 Queensbridge Houses. I moved there in 1979 and it
5 was predominantly because my dad was an alcoholic and
6 he left us and we were homeless, so we got put on the
7 New York City Housing Emergency List and we landed in
8 Queensbridge Houses.

9 Yeah, my mother was an immigrant, right who came
10 here from Scotland and you know she was on welfare
11 and she got a job in the factory making a few extra
12 dollars until she got into an argument with a
13 neighbor and the neighbor threatened to report her to
14 welfare. And I watched how my mom never attempted to
15 work again because she was afraid that we would
16 become homeless.

17 When I think about how far I've come from growing
18 up in Queensbridge and the opportunities that I have,
19 you know I personally was incarcerated. I personally
20 was hooked on drugs, right. I obviously, you know
21 grew up really poor and I have to say like to
22 identify with the workers in this industry, I didn't
23 feel like I was worth a job like my classmates were,
24 right. The people that I saw outside of the
25 projects. Right, I didn't think I was the same. I

1
2 actually believed that I deserved less because of my
3 record or because my mom was on welfare and I know
4 that there are a lot of people either undocumented or
5 formerly incarcerated or just disenfranchised for one
6 reason or another who feel the same way and I guess I
7 just, if I could do anything, I just want to bring a
8 little bit of the humanness to this this discussion
9 because while we're trying to figure out how to get
10 this thing right through policy, there are people
11 starving with jobs. They are working and they are
12 still going hungry, right. So, this is a serious
13 issue and I'm so grateful to be a be a part of the
14 laborers because I know we lead the fight when it
15 comes to this right. I'm part of an organization
16 that believes right in organizing all workers in our
17 craft jurisdiction right and uhm, you know me and one
18 of my coworkers were just in Queensbridge on Friday
19 helping folks sign up for the apprenticeship program
20 and six people showed up, right.

21 And three of those six didn't even believe it was
22 true. They asked us, is this real? Is there really
23 a shot, right? And I know that a lot of people can't
24 identify with that, right unless you grew up -

25 SERGEANT AT ARMS: Time is expired.

1
2 BERNARD CALLEGARI: In that environment. I
3 appreciate the three minutes that I got to speak.
4 Thank you.

5 COMMITTEE COUNSEL: Thank you so much Bernard.
6 Karla, we will now be hearing from you.

7 KARLA CRUZ: Yes, hello, good afternoon and I
8 wanted to thank Committee Chair De La Rosa for
9 putting this oversight hearing together. My name is
10 Karla Cruz and I work for the Mason Tenders District
11 Council as the Assistant Director for Legislation and
12 Policy.

13 Development can be a driving force to the growth
14 of our economy when it's done holistically to
15 includes the workers and communities it directly
16 impacts. Far too often, developmental policies in
17 our city have favored developers and increased their
18 wealth, while leaving construction workers behind
19 with no safety nets or protections.

20 Many construction workers were forced to work
21 under unsafe conditions without healthcare or
22 emergency saving during the pandemic. It doesn't
23 need to be this way. We can ensure there is equity
24 in our city's development. Construction workers need
25 to be at the forefront of developmental policy,

1 especially when these policies have a direct affect
2 on them and their families.

3
4 How can this Council ensure policies help
5 engineer broader development goals such as economic
6 growth, poverty reduction in healthcare communities?
7 By ensuring standards such as compensation,
8 healthcare and other benefits are applied to zoning,
9 land disposition, subsidies and tax abatements.

10 Labor's Local 79 and the developmental community
11 have reached unprecedented agreement setting a new
12 model for how to build permanent affordable housing
13 with union labor, hire locally and create more
14 pathways to the middle class and low-income
15 communities of color. Setting a new standard for
16 moving forward and a standard we hope this Council
17 champions and helps expand.

18 Local 79's partnership with LNM Development
19 includes the building and renovation of 3,200
20 affordable housing apartments in Harlem, East New
21 York and the Bronx by local workers at a pay of \$40
22 per hour, along with healthcare and retirement
23 benefits.

24

25

1
2 This kind of transformative development is the
3 kind we hope to see this Council champion and expand,
4 especially on city contracts. Thank you.

5 COMMITTEE COUNSEL: Thank you so much Karla. I'm
6 now going to call on Santos. Santos, you may begin
7 when the timer starts.

8 SERGEANT AT ARMS: Your time will begin.

9 SANTOS XOBIN: Hello, my name is Santos Xobin.

10 [SPEAKING IN OTHER LANGUAGE 2:52:45-2:52:54] -

11 INTERPRETER: Santos [SPEAKING IN OTHER LANGUAGE
12 2:52:56-2:53:11].

13 SANTOS XOBIN: Okay. [SPEAKING IN OTHER LANGUAGE
14 2:53:12-2:53:16].

15 INTERPRETER: Good afternoon representative and
16 leader of the community.

17 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
18 2:53:20-2:53:27].

19 INTERPRETER: Okay, [SPEAKING IN OTHER LANGAUGE
20 2:53:29-2:53:35].

21 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
22 2:53:36-2:53:39].

23 INTERPRETER: Okay, I'm a member of [SPEAKING IN
24 OTHER LANGUAGE 2:53:53:41-2:53:43].

1
2 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
3 2:53:44-2:53:48].

4 INTERPRETER: And I'm representing more than
5 15,000 workers.

6 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
7 2:53:53-2:53:56].

8 INTERPRETER: That we are members of our
9 organization.

10 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
11 2:54:01-2:54:03].

12 INTERPRETER: I knew about Central six months
13 ago.

14 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
15 2:54:09-2:54:11].

16 INTERPRETER: I've been in the United States for
17 a year.

18 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
19 2:54:14-2:54:16].

20 INTERPRETER: I left my family behind in
21 Guatemala.

22 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
23 2:54:20-2:54:23].

24 INTERPRETER: Hoping to fulfill my goals and my
25 dreams.

1
2 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
3 2:54:27-2:54:30].

4 INTERPRETER: I'm trying to get a better life for
5 my family.

6 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
7 2:54:33-2:54:36].

8 INTERPRETER: Because in my country, the economy
9 is really hard.

10 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
11 2:54:41-2:54:47].

12 INTERPRETER: When I arrived to this country, I
13 found a job that paid me \$120.

14 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
15 2:54:53-2:54:55].

16 INTERPRETER: Like a helper in construction.

17 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
18 2:54:59-2:55:04].

19 INTERPRETER: Yeah, so, a work maid of mine
20 talked to me and told me about Santro(SP?).

21 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
22 2:55:13-2:55:17].

23 INTERPRETER: He told me about labor and justice
24 and he connected me with Santro.

1
2 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
3 2:55:26-2:55:31].

4 INTERPRETER: Yeah, I decided to be a member of
5 Santro.

6 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
7 2:55:38-2:55:46].

8 INTERPRETER: Yeah, uh, because I'm a member of
9 Santro, you know I'm receiving training for more than
10 40 hours and I be able to get my SSD card you know.

11 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
12 2:56:01-2:56:04].

13 INTERPRETER: Also because of Santro, I've been
14 able to get -

15 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
16 2:56:10-2:56:13].

17 INTERPRETER: I've been able to get a better job,
18 okay, that pays me a better salary.

19 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
20 2:56:19-2:56:23].

21 INTERPRETER: And also with better employers and
22 more helpful.

23 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
24 2:56:27-2:56:30].

1
2 INTERPRETER: And they agree you know these new
3 employers; they agree to sign any agreement.

4 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
5 2:56:37-2:56:41].

6 INTERPRETER: Any agreement where they will
7 respect our lunch time, which is a half an hour and
8 our workers rights.

9 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
10 2:56:51-2:56:56].

11 INTERPRETER: Yeah, a lot of us, we depend on the
12 Santro, so we can have opportunities to work.

13 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
14 2:57:04-2:57:08].

15 INTERPRETER: And make our workers rights to be
16 respected.

17 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
18 2:57:12-2:57:16].

19 INTERPRETER: Without the Santro, a lot of us
20 will be without a job and we will be desperate.

21 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
22 2:57:22-2:57:26].

23 INTERPRETER: Because every day is harder to find
24 a job.

1
2 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
3 2:57:30-2:57:33].

4 INTERPRETER: Yeah, and also, it gave us a chance
5 to get access to enter the construction, okay, in a
6 more dignified way.

7 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
8 2:57:46-2:57:52].

9 INTERPRETER: Yeah, for that reason, I would like
10 you to keep supporting and backing up Santro, so it
11 can you know extend more benefits.

12 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
13 2:58:04-2:58:06]

14 INTERPRETER: We'll ask you for support, so many
15 more like me can find jobs.

16 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
17 2:58:14-2:58:18].

18 INTERPRETER: Because we all should have the same
19 opportunity to be able to work.

20 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
21 2:58:23-2:58:27].

22 INTERPRETER: Yeah, with a fair salary, so we can
23 make ends meet. We can find all the day to day - we
24 can get access to all the day to day needs.

1
2 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
3 2:58:42-2:58:48].

4 INTERPRETER: Yeah, we're very proud of our Santro
5 and all the you know fight and achievement that we're
6 getting because of the support.

7 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
8 2:58:58-2:59:05].

9 INTERPRETER: Yeah, there is a lot of thousands
10 of workers that we work on construction, cleaning and
11 also in the food industry.

12 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
13 2:59:15-2:59:17].

14 INTERPRETER: We are expecting to keep counting
15 with your support.

16 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
17 2:59:24-2:59:26].

18 INTERPRETER: And support the immigrant force.

19 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
20 2:59:29-2:59:32].

21 INTERPRETER: That we use our hands to build this
22 city.

23 SANTOS XOBIN: [SPEAKING IN OTHER LANGUAGE
24 2:59:37-2:59:37].

25 INTERPRETER: That'll be all. Thank you.

1
2 COMMITTEE COUNSEL: Thank you so much Santos.
3 I'm going to now turn it over to Chair De La Rosa.
4 If you have any questions for this panel.

5 CHAIRPERSON DE LA ROSA: I do have one question
6 But I also want to thank the panelists who have come
7 so passionately to advocate for worker justice.
8 Thank you all. Thank you Tafadar, Bernard and Santos
9 Calixto. My question is actually for Karla and it is
10 the question I've been asking every one today. How
11 can we as a city work to improve workforce
12 development?

13 KARLA CRUZ: Yeah, so when it comes to the
14 construction industry, I think the first thing that
15 we need to do, especially when it comes on the
16 Council's side is, get away from that narrative, that
17 affordable housing, permanent affordable housing,
18 specifically housing that is publicly subsidized,
19 cannot be built with union labor. Cannot be built
20 for our members.

21 The partnership that I just mentioned to you,
22 literally sets a new standard. I's a model, LNM
23 Development, they do affordable housing and our
24 members earn those jobs but not just our members, we
25 make sure that the agreement welcomes also local

1
2 hiring and we set the wage at \$40 an hour plus
3 benefits. So, I think there's definitely ways where
4 policies where we can really set labor standards and
5 enforce them when it comes to publicly subsidized
6 development. But I think it starts by like I
7 mentioned at the beginning, getting away from the
8 notion that we can't build with good wages. We can't
9 build to make sure that our construction workers have
10 healthcare and emergency savings, because we've shown
11 that we could do it.

12 So, I think to answer your question Chair is,
13 that's where we believe we need to start because for
14 a long time we have been kept outside of the
15 development world and our construction workers don't
16 really have a voice. So, we can just start by making
17 sure that we're in the room. That our workers are in
18 the room. Then, that's how we can figure out what is
19 the pathways to make sure that our construction
20 workers are not continually being exploited,
21 especially on city contracts.

22 CHAIRPERSON DE LA ROSA: Thank you so much for
23 sharing that.

24 KARLA CRUZ: Thank you.
25

1
2 COMMITTEE COUNSEL: Okay, I think we have
3 concluded this panel. We will now turn to our next
4 public panel. I will call on you all and please
5 start your testimony when the timer starts.

6 I'm calling on Angel Ocasio, Jeff Vockrodt,
7 Melissa Shetler, and Patricia Campos. Angel, you may
8 begin when the timer starts.

9 SERGEANT AT ARMS: Your time will begin.

10 ANGEL OCASIO: Good afternoon to members of the
11 City Council. Thank you so much to everyone for
12 taking the time to discuss how to strengthen workers
13 rights in New York City. My name is Angel Ocasio and
14 I am a member of 32BJ and Cleaner in a school in the
15 Bronx.

16 I have been working there for over six years. I
17 also have four children. Three have graduated from
18 New York public school and one who is still in high
19 school. 32BJ represent over 5,000 school cleaners
20 and handy person in New York City public schools. As
21 a shop steward, I am always hearing from my coworker
22 about the improvement school buildings needs because
23 they haven't been upgraded.

24 The condition of our schools, of our buildings,
25 makes our job that much harder. Many people think

1
2 workers' rights are about the rights to organize a
3 union or our wages and benefits. Workers' right are
4 also the right to a healthy and safe workplace. 32BJ
5 and other unions in the New York City public schools
6 together with our allies, have fought for years to
7 remove PCB's, lead, asbestos and other dangerous
8 substance from our schools.

9 When we speak up and when we take action to
10 protect workers rights, we are also protecting the
11 rights of the children and the families we serve. We
12 urge the NYC Council to invest in our schools and
13 protect schools facilities from any cuts in this
14 years budget. When buildings are this old, school
15 cleaners have to put in double the amount of effort
16 to do our job. Not all buildings have air
17 conditioning and it gets hotter during hot summer
18 days to do everything we have to do in the extreme
19 heat.

20 There are school buildings with windows over 40
21 years old and many buildings have very poor energy
22 efficiency ratings. Many roofs are also very old and
23 whenever there is heavy rainstorm, the roofs are
24 leaking. Just a few months ago in October over 250
25 of coworkers to NYC schools had to stay overnight at

1 schools building to protect the school from flooding.
2 Unfortunately, this type of effort is not unusual for
3 cleaner and handy person at the NYC school.
4

5 My coworkers often have to stay overnight to make
6 sure boilers are running properly when the
7 temperatures are below freezing. Otherwise, pipes
8 might freeze and burst, which has happened in the
9 past.

10 Staying overnight at school building to make up
11 for updating facilities means time away from our
12 family and unable to get proper rest between shifts.
13 These struggles are made even difficult because of
14 staffing shortage due to the hiring freeze, which had
15 created and add a strain on my coworkers and me with
16 additional responsibility to clean and disinfect for
17 COVID safety.

18 Council Members please, school facilities need
19 increased investment for energy efficiency, upgrades,
20 not budget cuts. The type of severe weather events
21 are seen, will only keep happening more and more
22 often and they keep testing the limits of our H-
23 school facility. We all work hard to go through an
24 extra mile but the building themselves need to be
25 upgraded.

1
2 32BJ is part of a coalition with other unions
3 working to evacuate for upgrade to our school
4 buildings to bring our -

5 SERGEANT AT ARMS: Time expired.

6 ANGEL OCASIO: Facility to the 21st Century as
7 proposal by the Carbon Free Heath School Initiative.
8 I remember during Hurricane Sandy; our school was a
9 reserve evacuation site and all the cleaning we had
10 to do after the storm. I know climate change is a
11 real threat because Super Storm events like Hurricane
12 Sandy are happening more and more often on our school
13 building -

14 I'm so proud that 32BJ and other unions are
15 taking action of climate change so we can avoid other
16 storms. We need the City Council to support these
17 investments in school facilities, so we can make
18 these much needed improvements for the help of our
19 building and the workers who serve them. I know many
20 students will also be excited to see these upgrades
21 to the school building as well. Doing this
22 improvement will be a major step for our public
23 school and it will better the health, safety to
24 everyone. Thank you.

COMMITTEE COUNSEL: Thank you so much Angel.

Jeff, you may begin when the timer starts.

SERGEANT AT ARMS: Your time will begin.

JEFF VOCKRODT: Good afternoon, Chair De La Rosa and Committee Members. My name is Jeff Vockrodt, and I'm the Executive Director of Climate Jobs New York, which is a coalition of labor unions that spans every sector of New York's economy. Our member unions represent approximately 2.6 million workers in the state and are committed to driving climate action at the scale and pace that science demands, creating good union jobs and careers, and building more equitable communities and a more resilient New York.

I appreciate the chance to talk with you today and to be part of this hearing, which has been both sobering and inspiring. And I want to build on what Mr. Ocasio was just talking about. As you may know, earlier this month we released a report in partnership with Cornell University's ILR School, which is called, Climate for Change, A Climate Jobs Roadmap for New York City.

The report includes recommendations in the energy, buildings, and transportation sectors, as well as work force development, recommendations for

1
2 climate action that expand access to jobs with strong
3 labor protections as well as good, family sustaining
4 wages and benefits. And you'll hear from one of the
5 authors of that report today, Melissa Shetler.

6 I want to focus on one key recommendation of that
7 report, which relates to the right to a safe and
8 healthy workplace, and that is our recommendation to
9 invest in retrofitting New York City school
10 facilities. And there are many reasons to invest in
11 retrofitting schools, an impact on emissions that
12 would be the equivalent to taking 161,000 cars off
13 the road, creating tens of thousands of good union
14 jobs, saving schools more than \$70 million a year in
15 energy costs.

16 But a core reason to invest in New York City
17 schools is the urgency of making schools healthier
18 and safer for students and workers. And the right to
19 a safe and healthy workplace, as we've heard today,
20 is a crucial component of strengthening workers'
21 rights. It's no secret that many public school
22 buildings in New York City are in serious need of
23 repairs and upgrades, from antiquated heating and air
24 conditioning systems, to deteriorating rooftops, to
25 faulty plumbing and outdated electrical grids. And

1
2 that's especially true in too many Black and Brown
3 communities that have been historically underserved
4 and where schools are most in need of investment.

5 The members of the unions on our Carbon Free and
6 Healthy Schools Campaign Steering Committee know
7 those conditions of the school well. From the
8 cleaners and handy persons represented by 32BJ to
9 workers in school kitchens and across the school
10 system represented by District Council 37; to
11 teachers represented by the United Federation of
12 Teachers. And you just heard Angel from 32BJ give a
13 vivid description of what it means to work in aging
14 schools.

15 So, I appreciate the time today. It is time to
16 get serious about investing in New York City schools
17 and promote a safe and healthy place for the school
18 community to work and learn. Thanks again.

19 COMMITTEE COUNSEL: Thank you so much Jeff. We
20 will now hear from Melissa Shetler. Melissa, you may
21 begin when the timer starts.

22 SERGEANT AT ARMS: Your time will begin.

23 MELISSA SHETLER: Thank you so much. I want to
24 begin by thanking Council Member for taking time to
25 hear our testimony. I look forward to continuing to

1
2 work together to find ways to expand worker
3 protections in the city. I'm currently a labor and
4 workforce consultant with the Labor Leading on
5 Climate Initiative at Cornell. The ILR Worker
6 Institute and crafting the set of recommendations for
7 the Climate Jobs New York Report.

8 The recommendations as Jeff said are around
9 climate jobs with high road labor standards looking
10 at transportation, energy, wind, adaptation,
11 resilience buildings unthreaded throughout workforce
12 development that will really serve frontline and
13 historically marginalized communities and lead to
14 union carriers.

15 You know, wind and solar retrofits carbon health
16 schools, all this expansion of safe and health work
17 environments in the city while reducing city
18 emissions is a broad stroke win for workers and for
19 New Yorkers. As these are exciting job
20 opportunities, we have to ensure that they are good
21 opportunities with sufficient worker protections.

22 Given the labor enforcement agencies ability to
23 investigate beyond complaints, I would just say I
24 would encourage a deeper look at construction more
25 broadly in places where the city has contracts. So,

1
2 HPD, NYCHA, EDC, and in the clean energy forces,
3 solar for example, is a newer industry and in the
4 solar workforce. We know that there's a lot of
5 worker misclassification. We all know too well what
6 happens in construction when workers don't have a
7 voice. Worker deaths in nonunion construction
8 industry far outpace unions as well as wage theft and
9 workers misclassification.

10 As tree training was a good start but my OSHA
11 card does not bring me the same protections as my
12 union card. I can learn about hazards all day long
13 but if I tell my supervisor, I don't want to do
14 something that feels dangerous without a collective
15 bargaining agreement, I can be fired for basically
16 trying to protect myself. And as we know if a worker
17 is on probation or has a particular immigration
18 status, this can be an even more dangerous threat
19 with workers being threatened for the calling of ICE
20 or violations of parole.

21 The city can't set wage floors but the city can
22 encourage and grow union membership. As DC37
23 mentioned, Garrido, the investment in training for
24 city workers and a just transition on new
25 technologies and expanding the Office of Workforce

1
2 Development. So, you'll see in our recommendations
3 you know really looking at where we do have existing
4 project labor agreements with community, hiring and
5 targeted justice plans. Are we actually enforcing
6 them? And we need a multiagency approach with
7 cooperation. We learned this on during Sandy Build
8 it Back and it really need to be done robustly. We
9 can remain a market participant to ensure the worker
10 protection. So, franchising can be dangerous in that
11 way if we farm it out. The city no longer can
12 enforce those protections.

13 Looking at things like public installation of
14 charging infrastructure for example. Ensuring that
15 technicians are trained and safe, and also have a
16 voice in the workplace. Using purchasing power, so
17 carbon free and healthy schools expanding to NYCHA
18 and broader retrofits, we can really spur a green
19 tech system manufacturing hubs in the city with labor
20 peace agreements.

21 Looking to EDC projects and offshore wind and
22 ensuring labor standards and pre-apprenticeship
23 programs. And expanding the PLA's along with funding
24 for direct entry pre-apprenticeship programs. So,
25 since that is my background, just to say, but

1
2 Construction Skills, Pathways to Apprenticeship,
3 Nontraditional Employment for Women and Helmets to
4 Hard Hats. These are programs that practice a form
5 of workforce development that includes labor rights
6 and a path to a union career. So, we should be
7 thoughtful about funding programs with job placements
8 that have wage force. We currently don't even have
9 that much, let alone labor and union pathway. And
10 investing in safe and healthy workplaces like Carbon
11 Free and Healthy Schools.

12 So, as we hopefully transition to this green
13 economy, we have to ensure that we're expanding
14 worker protections, providing safe and healthy work
15 opportunities for existing workers and creating more
16 career opportunities for frontline communities.
17 Thank you so much.

18 COMMITTEE COUNSEL: Thank you Melissa. I'm now
19 going to be calling on Patricia Campos. Patricia,
20 you may begin when the timer starts. Hold on one
21 second, you're still muted. Sorry Patricia, I think
22 now you're good.

23 SERGEANT AT ARMS: Time will begin.

24 PATRICIA CAMPOS-MEDINA: Did that work? Okay.
25 Thank you for that. Good afternoon, my name is

1
2 Patricia Campos-Medina, I am the Executive Director
3 of the Worker Institute. We are part of the school
4 of Industrial and Labor Relations extension programs
5 here in New York City. Our programs are in
6 fulfillment of the land grant mission of university.
7 We are the New York State School of Industrial and
8 Labor Relations founded by the New York State
9 legislation. On behalf of Dean, Alex Coben and my
10 colleagues at ILR, I want to thank the City Council
11 Speaker Adrienne Adams and Labor Committee Chair
12 Carmen De La Rosa for holding this critical hearing
13 today.

14 At the Worker Institute, we bring together
15 researchers, educators and students, with
16 practitioner and labor, business and policy making to
17 confront growing economic and social inequities in
18 the interest of working people and their families.
19 The importance of our work making clear during the
20 pandemic crisis, when we became a hub of information
21 and research in support of leaders seeking strategies
22 to combat the crisis of incoming equality.

23 That policy can be viewed in our innovative
24 research and partnership with the Los Deliveristas
25 and the Worker Justice Project that led to the

1
2 innovative solutions implemented by this Council to
3 address the critical conditions of food delivery
4 workers in New York City.

5 We also right now are undergoing industrywide
6 research on the nail salon industry, which will
7 address the concerns of mostly female immigrant
8 workforce studies suffering from the economic impacts
9 of the pandemic but also ongoing concern with health
10 and safety concerns in the nail salon industry. We
11 also do trainings on equity and sexual harassment
12 prevention and we are the leading organization
13 pushing for enforcement and education for the forming
14 issues of sexual harassment, domestic violence as a
15 workplace issue in social justice organizations,
16 labor organizations in public sector.

17 Today, my comments are going to focus on the
18 result of our 2020 national survey of low wage
19 workers focusing on the impact of the pandemic on the
20 experiences at work, hoping that these findings could
21 help guide you as you find policy solutions to the
22 crisis of income equality for working people.

23 We survey – it was a national survey of over
24 3,000 workers with over sampling of New York state
25 workers and New York City workers. In our findings,

1
2 we found what you have heard all through today. That
3 employers are practicing wage theft during the
4 pandemic, and they are stealing wages from Black
5 workers at higher rates than from White workers.

6 Since March of 2020 –

7 SERGEANT AT ARMS: Time is expired.

8 PATRICIA CAMPOS-MEDINA: We also found that women
9 of color are more likely to face direct retaliation
10 when reporting issues of health and safety at work
11 and issues of sexual harassment and domestic violence
12 at work.

13 The findings of the report can be found on our
14 website and I will submit my written testimony for
15 you to review where you can read all the details of
16 the findings. But what we are here to say is that
17 with the School of Industrial and Labor Relations and
18 the Worker Institute, are prepared to serve as a
19 source of data, research, and as advisers on policy
20 innovation that you're seeking to make sure that any
21 recovery implementation to support the voice of
22 workers, to support workers of color, women of color
23 who are impacted in greatest numbers by the ongoing
24 prices of income and inequality made worse by the
25 pandemic.

1
2 I thank you for this opportunity and I will be
3 available and stay for some questions.

4 COMMITTEE COUNSEL: Thank you Patricia. I'm
5 going to turn it over to Chair De La Rosa for
6 questions for this panel.

7 CHAIRPERSON DE LA ROSA: Well, thank you all so
8 much. So many important issues here. I just want to
9 acknowledge agreement with your comments around our
10 schools and the condition of our schools, and my
11 interest and the Committee's interest and hope to
12 continue to look at the issues of climate and
13 sustainability, as well as the issues of the wage
14 gaps, sexual harassment and the treatment of women in
15 the workforce.

16 So, looking forward to meeting with you all
17 offline and continuing this conversation in future
18 hearings. Thank you.

19 COMMITTEE COUNSEL: Thank you Chair. We are now
20 going to turn to our next panel, Cassandra Gomez,
21 Debipriya Chatterjee, and Andy Bowen, you will be on
22 this panel. And Cassandra, you may begin when the
23 timer starts.

24 CASSANDRA GOMEZ: Thank you to the Chair and to
25 the Committee for giving me the opportunity to speak

1
2 today. My name is Cassandra Gomez and I'm a Staff
3 Attorney at A Better Balance. A national nonprofit
4 advocacy organization based in New York City and
5 dedicated to promoting fairness in the workplace and
6 helping employees meet the conflicting demands of
7 work and family. For over a decade, ABB has worked
8 with New York City to enact robust workplace
9 protection laws.

10 We are proud to have drafted and shepherded to
11 passage groundbreaking legislation, including the
12 Earned Safe and Sick Time Act, the New York City
13 Pregnant Workers Fairness Act, and the temporary
14 schedule change law, and to have helped draft New
15 York City's caregiver discrimination law.

16 While New York City has a strong body of
17 workplace rights, the pandemic has shifted work
18 family relationships in all five boroughs. We thank
19 you for considering how to strengthen workers' rights
20 citywide. Through A Better Balance's free and
21 confidential legal helpline, we have spoken to
22 thousands of New Yorkers about their workplace rights
23 and have a birds eye view of workplace issues that
24 New Yorkers face.

1
2 As detailed in our written testimony, the working
3 policy and administrative – the following policy and
4 administrative solutions are crucial steps New York
5 City must take to support workers throughout the
6 ongoing pandemic and into the future. First, the
7 Council and agencies should prioritize outreach,
8 education and enforcement of critical baseline laws,
9 including the Earn, Safe and Sick Time Act, the
10 Pregnant Workers Fairness Act, the Temporary Schedule
11 Change Law and protections from discrimination.

12 Next, the Council must ensure that workers have
13 meaningful access to alternative work arrangements,
14 including telecommuting and part-time work by in
15 part, amending the temporary schedule change law.
16 The Council should also pass legislation to address
17 harmful no fault attendance policies and ensure that
18 workers cannot be subject to discipline for lawful
19 absences, including those related to a known
20 disability, pregnancy related conditions or protected
21 sick leave.

22 Additionally, the Council should consider
23 legislation to support caregivers balancing the
24 competing demands of work and care with reasonable
25 accommodations and limited circumstances and a clear

1
2 right to request accommodations without fear of
3 retaliation.

4 Lastly, the Council should ensure that all city
5 workers have access to comprehensive paid family and
6 medical leave and revise city policies to better
7 serve the needs of workers. While our city has long
8 been on the forefront of protecting workers, we must
9 continue to work together to enact old solutions to
10 pave the path for workers in our city to thrive. We
11 appreciate the Council's interest in strengthening
12 workers rights and welcome the opportunity to work
13 together on the actions outlined in this testimony.

14 COMMITTEE COUNSEL: Thank you so much Cassandra.
15 I will now be calling on Debipriya to give your
16 testimony. You may begin when the timer starts.

17 DEBIPRIYA CATTERJEE: Thank you Chair De La Rosa
18 and Council Members of the Civil Service and Labor
19 Committee for this opportunity and a good afternoon
20 to everyone. My name is Debipriya Chatterjee, and I
21 am a Senior Economist for the Community Service
22 Society of New York, a nonprofit organization that
23 has championed workers' rights for 175 years.

24 Most recently, we helped pass paid sick leave
25 laws statewide and in the city, secured half-price

1 transit fares for New Yorkers in poverty and
2 advocated for the passage of bills that improved
3 workplace protections for food delivery workers.
4 With many of work relation partners who are here
5 today.

6
7 Today, my testimony will be focused on the
8 actionable recommendations for policies to advance
9 and strengthen workers' rights. For most of the past
10 half century, workers' rights and workplace
11 protections have been degraded by corporations
12 seeking to maximize their bottom lines. Workers'
13 rights have happened through dismantling of unions
14 and collective bargaining platforms and the practice
15 of contracting and subcontracting out work and
16 misclassifying workers as independent contractors.

17 The consequences have been far reaching in
18 addition to stagnant compensation, wage theft,
19 inadequate and insufficient [INAUDIBLE 3:23:34],
20 employer provided benefits like paid time off, health
21 insurance coverage and access to retirement accounts.
22 Uses of noncompete clauses, irregular scheduling,
23 discrimination in hiring, promoting, firing, and use
24 a mandatory arbitration to force employees to settle
25

1
2 out of courts have become par for the course for most
3 corporate employers.

4 Unfortunately, because we cannot address all of
5 these problems today, I recommend the following small
6 steps for the Committee. Secure workers' rights and
7 benefits for all low-income workers including app-
8 based gig workers and ensure that all workers have
9 access to paid sick leave, overtime pay, and
10 unemployment insurance. We urge the Council to pass
11 Intro. 1926, which would expand the definition of an
12 employee as covered by the city's Paid Sick Leave
13 Law.

14 Our 2021 Unheard Third survey found that 54
15 percent of app based gig workers said that they lack
16 paid sick leave. Our previous researchers
17 highlighted the consequences of this, nearly four out
18 of every ten app-based gig workers reported that they
19 or a family member had been infected with COVID-19.

20 The second, develop and publicly host a portable
21 benefits model so the benefits would be tied to a
22 worker rather than being tied to their job. This
23 would allow workers to own and access their benefits
24 regardless of the nature of their employment. It is
25 especially important for many low-wage workers who

1
2 may have multiple jobs or being forced to change jobs
3 more frequently, and such a system would allow
4 workers to keep their benefits when they transition
5 between employers or go through periods of
6 unemployment or underemployment. Portable benefits is
7 not a new concept. Social Security is one of the
8 prime example. Mayor Eric Adams, when he was
9 Brooklyn Borough President, and a powerful op-ed in
10 the Daily News arguing and imploring use of a
11 portable benefits modeled on the Black Car Fund.

12 And finally, my third recommendation would be
13 improve awareness and enforcement of existing rights
14 and protections. Seven years after city's paid sick
15 days law took effect, data from our 2021 Unheard
16 Third survey shows that 42 percent of low-income
17 workers covered under the law said that they still
18 did not receive paid sick leave from their employer.
19 DCWP, who testified earlier in the afternoon, to it's
20 credit, has ramped up its public education and
21 enforcement efforts in recent years, especially
22 during the pandemic. But low awareness of city's
23 paid sick leave policy persists, nonetheless. Half
24 of low-income workers we surveyed still haven't heard
25 about the city's paid sick time law. -

1
2 SERGEANT AT ARMS: Time expired.

3 DEBIPRIYHA CHATTERJEE: Increasing awareness is
4 critical. For this reason, we urge City Council to
5 pass Intro. 1797, a bill that would require DCWP to
6 produce posters for voluntary ongoing display at
7 pharmacies and healthcare centers.

8 And lastly, I would like to say pass Resolution
9 supporting the following state legislations: S734,
10 introduced by Senator Biaggi that seeks to prohibit
11 and restrict the most egregious uses of non-competes
12 in the state; S808 that seeks to eliminate sub-
13 minimum wages for restaurant wait staff; S1848A,
14 introduced by Senator Hoylman that empowers aggrieved
15 workers to file claims on behalf of the state against
16 an employer for any violation of State labor law; and
17 finally, to fully fund the NY HERO Act that
18 guarantees workplace protections and hazard pay to
19 essential workers as well as making it easier for
20 small businesses to implement health and safety
21 upgrades. Thank you again for this opportunity to
22 offer our comments and please read our written
23 testimony for more elaboration on this. Thank you.

1
2 COMMITTEE COUNSEL: Thank you so much. I will
3 now turn to Andy. Andy, you may begin when the timer
4 starts.

5 SERGEANT AT ARMS: Time will begin.

6 ANDY BOWEN: Thank you Chair De La Rosa and other
7 Council Members and Staff. My name is Andy Bowen,
8 and I am testifying on behalf of Pride at Work, a
9 nonprofit organization that represents LGBTQ union
10 members and their allies.

11 I am also Principal of Bowen Public Affairs
12 Consulting, which engages in policy advocacy for the
13 cause of furthering economic justice. I'm advocating
14 with Pride at Work, and several partners in labor,
15 non-profits, and government, to advocate for a new
16 City Council initiative, which we are calling, the
17 Pride at Work Initiative.

18 This initiative seeks to address the need for
19 high-road, concentrated employment of LGBTQ New
20 Yorkers by coordinating the work of multiple union-
21 affiliated entities, the Department of Citywide
22 Administrative Services, and workforce programs that
23 work closely with unions, to create multiple pathways
24 into unionized careers, focusing on recruitment of
25 LGBTQ communities in NYC, and primarily BIPOC LGBTQ

1 communities, ultimately with an eye toward this
2 approach being utilized for other populations that
3 are in deep need of stable careers.
4

5 Partners in this initiative include: Destination
6 Tomorrow; 1199 Employment and Training Fund; non-
7 Traditional Employment for Women; Brooklyn Workforce
8 Innovations; Pathways to Apprenticeship; and DCAS.

9 LGBTQ people have in New York and nationally face
10 struggles in finding economic stability and finding
11 work. The most recent New York State Health and
12 Human needs assessment for LGBTQ people, found 36.1
13 of respondents having incomes below 200 percent of
14 the poverty line with respondents of color and
15 transgender and gender nonconforming and nonbinary
16 respondents even more likely to be below the federal
17 poverty line.

18 Next to that, we also know that LGBTQ people in
19 New York face struggles in finding employment. There
20 are multiple statistics that I quote in reports in my
21 written testimony. New York City has started new
22 initiatives to support LGBTQ people finding
23 employment. I've taken a role in helping design many
24 of these. I'm really proud of them. But they
25 largely focus on youth, which is good and also,

1
2 there's a community of adults and statistics and on
3 the ground experience show they have plenty of need
4 for both employment and speaking to the poverty level
5 issue, transformative employment of the assortment
6 that union employment can provide.

7 The proposed initiative, which we submitted
8 yesterday, will take a multi-pronged approach to
9 building affirmative careers for LGBTQ people, with
10 LGBTQ-affirming partners, ideally those funded by
11 this initiative working to create maximally affirming
12 workplaces, access to union jobs and career paths,
13 and supports within workplaces and through supportive
14 unions to do everything possible to ensure unionized
15 job placements remain LGBTQ affirming. This
16 initiative is dearly needed, given disproportionate
17 unemployment levels faced by LGBTQ people, and
18 especially BIPOC TGNCNB people.

19 The City has the ability to support this
20 recruitment into union careers, and I ask dearly that
21 Council support this ask. I'm just going to quote -
22 well, thank you so much for your time and
23 consideration and I look forward to any of your
24 questions.
25

1
2 COMMITTEE COUNSEL: Thank you so much Andy. I'm
3 going to turn it over to the Chair for any questions
4 she may have for this panel.

5 CHAIRPERSON DE LA ROSA: Thank you all so much
6 for your testimony. Really detailed information and
7 I look forward to following up with you all after.
8 Thank you so much for coming.

9 ANDY BOWEN: Thank you.

10 COMMITTEE COUNSEL: Okay, I think we're going to
11 turn to our last panel. I'm going to call on Daniel
12 Wright, James Collins, Lisa Flanzraich, Robert Rendo
13 and Marc Lavietes. Daniel Wright, you may begin when
14 the timer starts. Thanks.

15 SERGEANT AT ARMS: Your time will begin.

16 COMMITTEE COUNSEL: Okay, I'm so sorry, I think
17 Daniel has dropped off, so I will now call on James
18 Collins. James, you may begin when the timer starts.
19 Thank you for waiting.

20 JAMES COLLINS: My name is James Collins. I
21 retired from HRA about 30 years ago. I am here to
22 speak about the rights or rather the lack of rights
23 of former workers, now retired for the City of New
24 York.

1
2 First, who can legally represent and negotiate
3 for retirees? A U.S. Supreme Court case and numerous
4 State cases establish that unions represent current
5 employees, not retirees. The stark conflict of
6 employee interests versus retiree's interests is in
7 the city's plan to totally alter their retirees
8 health plan coverage, is clear to all. You must also
9 be aware that while DC37 approved the plan, the DC37
10 Retirees Association has donated \$5,000 to the
11 organization fighting the plan.

12 Similarly, retirees in the private sector are
13 vulnerable as described in a recent December Wall St
14 Journal article on AT&T retirees. I am not aware
15 that this issue has ever been addressed, so I suggest
16 the Council hold hearings on this topic, inviting the
17 legal community, government officials, as well as
18 retirees to present their views.

19 Second, does New York City really want or need to
20 financially coerce 200,000 of its retirees out of
21 Senior Care into a Medicare Advantage plan they don't
22 want? Does the Council agree with the Mayor that
23 from now on, when an employee retires she has to take
24 the Medicare Advantage plan or pay a \$192.00 monthly
25 penalty to use Judge Frank's term, to enroll in

1
2 Senior Care? \$383.00 per month for a couple. Is the
3 Council comfortable with these inequities here? And
4 what does it say to defenders of traditional Medicare
5 and proponents of Medicare for All here in this City
6 Council and around the country that New York City
7 instead, wants all its retirees in a Medicare
8 Advantage plan and will no longer pay for Senior Care
9 to supplement traditional Medicare? This is a bad
10 policy from every angle that the Council must do
11 whatever lies within its powers to maintain retirees'
12 current real freedom of choice between a premium free
13 Medicare Advantage plan and the premium free Senior
14 Care Plan.

15 SERGEANT AT ARMS: Time is expired.

16 JAMES COLLINS: And oppose the federal waiver
17 that would allow the city to auto-enroll.

18 Finally, I condemn the cruel, callous,
19 hardhearted, shameful action of the union leaders,
20 OLR officials and Alliance leaders who would
21 knowingly throw thousands of vulnerable retirees in
22 their 70's, 80's and 90's, many in terminal medical
23 conditions, or fighting life-threatening illnesses,
24 or suffering from Alzheimer's or other forms of
25 dementia out of a medical plan they have enjoyed and

1
2 used for decades, solely in order to put money into
3 something called a Health Stabilization Fund. And –
4 shame on you, Council Members, if you don't stop this
5 assault on New York City retirees and traditional
6 Medicare. Thank you. Any questions?

7 COMMITTEE COUNSEL: Mr. Collins, we're going to
8 go through the rest of panelists and then we'll give
9 Chair De La Rosa an opportunity to ask questions for
10 this panel. I'm sure she'll have some follow-up
11 questions, so thank you so much for your time. And
12 I'm now going to call on Lisa. Lisa, you may begin
13 when the timer starts.

14 SERGEANT AT ARMS: Your time will begin.

15 LISA FLANZRAICH: Hi, okay, thank you for
16 listening to my testimony. I'm going to read an
17 article written by Leonard Rodberg, Professor
18 Emeritus, Queens College CUNY.

19 New York City government – it was in the Daily
20 News on August 13, 2021. New York City government
21 has decided to save money by forcing its 244,000
22 retirees and their dependents to leave traditional
23 Medicare and move to a private Medicare Advantage
24 Plan. Most retirees today are on Medicare, which
25 covers 80 percent of the cost of their care. The

1
2 city pays for a supplemental Medicaap plan that picks
3 up the rest. Starting January 1st, well, it's
4 actually April 1st, the City retirees will be
5 switched to Medicare Advantage Plan funded by the
6 federal government but run by two private insurance
7 companies. Empire Blue Cross, part of Anthem, a for-
8 profit national chain and Emblem Help, a New York
9 based nonprofit.

10 This so-called alliance report somehow to provide
11 the same quality of care that retirees now enjoy
12 while spending according to current estimates, nearly
13 25 percent less. Anyone who believes that that might
14 like to purchase a bridge in Brooklyn. Since its
15 inception in 1965, Medicare has proven to be a just
16 and efficient system [LOST AUDIO 3:36:39] medical
17 expenses. It provides insurance to everyone over age
18 65, as well as those with chronic illness,
19 disabilities, regardless of race, ethnicity, income,
20 gender identity.

21 As a federally run program, it is a nonprofit
22 system that avoids the high administrative cost
23 associated with private insurance. And since the
24 vast majority of physicians in hospitals accept
25 Medicare, patients have a wide range of choices.

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2 The U.S. Congress failed – alright, let me skip a
3 little. Okay, the U.S. Congress created Medicare
4 Advantage. In reality, it is Medicare disadvantage.
5 Required to provide full coverage with only 80
6 percent of the money, these insurance companies use a
7 variety of measures to limit their spending on actual
8 medical care. Which they refer to as medical losses.
9 They impose numerous copays, which not only shift
10 cost in the patients, but discourage those who might
11 seek care.

12 They limit the choice of physicians and
13 hospitals. Unlike Medicare, they require patients
14 and providers to obtain prior authorizations for
15 tests, treatments and procedures, leading to repeated
16 denials and cuts.

17 SERGEANT AT ARMS: Time is expired.

18 LISA FLANZRAICH: A cat scan will be deemed
19 unnecessary. The 30-days of rehab will be reduced to
20 three. Patients will call all over town trying to
21 find a specialist who will accept the Medicare
22 Advantage Plan. These limitations can be costly and
23 even deadly to patients. Okay.

24 COMMITTEE COUNSEL: Thank you Lisa.
25

1
2 LISA FLANZRAICH: Alright, okay, let me just
3 finish.

4 COMMITTEE COUNSEL: Okay.

5 LISA FLANZRAICH: Alright, alright, you get the
6 point.

7 COMMITTEE COUNSEL: Do you want to continue or?

8 LISA FLANZRAICH: Okay, okay, okay.

9 COMMITTEE COUNSEL: You have like a few more
10 seconds Lisa.

11 LISA FLANZRAICH: Many Medicare providers refuse
12 to join Medicare Advantage Plans because of the
13 hassles and delayed payments. Worst of all, the
14 city's move will harm those least able to protect
15 themselves. City employment data show that White
16 workers are twice as likely as Black workers and 1.6
17 times as likely as Hispanic workers to have the
18 higher incomes that will allow them to pay the extra
19 \$2,000 to \$5,000 to buy their own Medicare plan and
20 remain on public Medicare. Male workers are 60
21 percent more likely than female workers to afford
22 that cost. Okay, thank you.

23 COMMITTEE COUNSEL: Thank you Lisa, appreciate
24 it. I will now call on Robert Rendo. You may begin
25 Robert when the timer starts. Thank you.

1 SERGEANT AT ARMS: Time will begin.

2 ROBERT RENDO: Thank you very much. My name is
3 Robert Rendo, and I am the spouse of a New York City
4 retiree. I also help run an organization called,
5 Protect Traditional Public Medicare.
6

7 Point One, with regard to Municipal retiree
8 healthcare benefits. James Collins, Former Chair of
9 the NGO Committee on Aging at the United Nations,
10 reports that the average monthly premium for a Part D
11 Drug Plan is \$33 a month, while Emblem charges \$125.
12 Why do the city and the unions allow Emblem this
13 excess profiteering of almost \$200 million a year?
14 There should be an immediate forensic audit to find
15 out why retirees have been historically paying so
16 much for drug coverage.

17 Point two, the city and taxpayer are not
18 realizing any true savings with this MAP. According
19 to the Director of the Independent Budget office,
20 Jonathan Rosenberg's October 28 testimony, the MLC
21 and the city plan to utilize the savings from
22 Medicare Advantage to provide the Stabilization Fund
23 with an alternate revenue source. The agreement to
24 move Medicare Advantage continues the use of the
25 Stabilization Fund as an off-budget transfer of city

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2 dollars to a special purpose fund that has little or
3 no budgetary oversight. That is an outrage.

4 Point three, the MLC/UFT attorney Alan Klinger
5 has misinformed the public. When we asked if there
6 would be a public hearing about this plan, Alan
7 Klinger said no. Why would a very large contract
8 that impacts a quarter of a million people not be
9 subject to a hearing? When we asked how much senior
10 care would cost if we did not sign up for this plan,
11 we were told \$180 a month, yet the cost to maintain
12 it is now about \$192 a month plus new \$15 copays for
13 every service where nonexistent before. When we
14 asked if we could continue to receive Part B and
15 IRMAA reimbursements, even if we opt out, stay with
16 traditional Medicare, and buy our own supplemental
17 insurance? Alan Klinger simple told us yes. Those
18 responses were not true.

19 Point four, the city unions and their consultant
20 Segal Company ignorantly articulated that you "go to
21 a provider through the senior care plan." And that
22 is purely inaccurate. The fact is, we go to a doctor
23 through our primary, which is Medicare. Both the MAP
24 and Senior Care, if you opt out, feature additional
25 new copays. But the MLC, claim that the MAP mirrors

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2 the senior care, which again is a patent lie because
3 our current senior care does not charge copays where
4 it's part of a system that requires 87 new prior
5 authorizations.

6 Claire Levitt, Deputy Commissioner of Healthcare
7 Cost Savings, stated in an email with my spouse that,
8 "the new copays are nominal and no one will be
9 disenfranchised." Yet, a National Bureau of Economic
10 Research study known as the health cost of cost
11 sharing, features documented cases of high mortality
12 rates attributable to cost sharing. According to
13 CUNY Professor Dr. Leonard Rodberg, an outcome of
14 this MAP is a two tier healthcare system harming
15 particularly women and people of color.

16 Point Five, where is the transparency at Town
17 Hall and informational meetings? My wife attended
18 four of them back in 2021 and copays were never
19 mentioned in any of them. But what has been
20 mentioned is that we retirees are mere rumps coming
21 from Harry Nespoli in a memo to city union leaders on
22 January 10th.

23 This is City Council's critical chance to show
24 New York and this nation that you City Council—

25 SERGEANT AT ARMS: Time is expired.

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2 ROBERT RENDO: Can create a legacy of decency and
3 integrity instead of the cesspool of indignity and
4 corruption. Thank you.

5 COMMITTEE COUNSEL: Thank you so much Mr. Rendo.
6 We will now be hearing from Marc Lavietes. Marc, you
7 may begin when the timer starts.

8 SERGEANT AT ARMS: Your time will begin.

9 MARC LAVIETES: Hello to everyone, can you hear
10 me?

11 SERGEANT AT ARMS: Yes.

12 MARC LAVIETES: Oh, hello. I'm Dr. Marc
13 Lavietes, I am Secretary of Physicians for a National
14 Health Program. Our New York Metro Chapter. I want
15 to urge City Council to oppose the Mayor's deplorable
16 decision to transfer retirees healthcare insurance to
17 a Medicare Advantage Plan. Medicare Advantage is
18 neither Medicare nor Advantageous. If a person opts
19 to select a Medicare Advantage Plan as Joe
20 Namith(SP?) asks them to do, the Medicare transfers a
21 lump sum of money to a private insurance. You now
22 have private insurance. Private insurance makes
23 money. The less money it spends on you, the more
24 money it puts in its pocket. There's no advantage.

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2 They give free sneakers, free gym memberships. Those
3 are bribes to get you.

4 Everyone likes its Medicare Advantage Plan
5 because they like the gym sneakers but as soon as
6 they become sick, as other people have pointed out,
7 the copayments, the denials, the refusals to pay,
8 people go broke on Medicare Advantage Plans because
9 the advantage plans are private medicine.

10 What I would ask you to do, not only reject the
11 deplorable decision by the Mayor, but you should
12 know, everyone should know that there's a wonderful
13 bill called New York Health. It's both in the
14 assembly, it's Assembly 5248. It's Senate 5474. If
15 you want to give healthcare to everyone at a
16 reasonable cost, support New York Health and do not
17 support the Mayor's deplorable plan. Thank you.

18 COMMITTEE COUNSEL: Thank you so much Dr.
19 Lavietes. I'm going to turn it over to Chair De La
20 Rosa for questions for this panel and I thank
21 everyone for their patience.

22 CHAIRPERSON DE LA ROSA: Yes, thank you so much
23 for coming. I first want to acknowledge your voices,
24 acknowledge the many calls and emails that our office
25 has received on this matter. Acknowledge your

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2 frustration, your concern, your pain. And my
3 appreciation for you coming to the hearing today to
4 express them here.

5 I want to state that for those that don't know,
6 last October, the Former Chair of the Committee held
7 a hearing on the Medicare Advantage Plan. We are in
8 the process of reading up on everything that has to
9 do with the plan as well as the court case that is
10 before the courts. I am committed to writing a
11 letter to the Office of Labor Relations to request
12 more information on this matter and I'm looking
13 forward to continuing to engage with you all on this.
14 Thank you for bringing up the New York Health Act.
15 Before this role, I was an Assembly Member. I
16 cosponsored the New York Health Act and I
17 wholeheartedly understand your support for that bill.

18 I want to ask one question. If there was an
19 ideal solution right now, what would you say is a
20 direction of that solution for us to consider?

21 COMMITTEE COUNSEL: One second Marc, Dr.
22 Lavietes, give us a second to unmute you. Jen, can
23 you unmute the panelist please?

24 LISA FLANZRAICH: Okay, can you hear me? Okay,
25 well, you know we have various groups and people have

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2 said, okay, may the premium affordable. Make it you
3 know; I know it's not going to happen. Why can't
4 this giant company say okay, like \$25 a month? Come
5 on, I mean, okay, you know there are very, very poor
6 people who cannot afford this and they're people of
7 color, Black, Latino, Asian, and women and they're
8 really getting - they're getting kicked in this.
9 It's horrible, horrible. Thank you.

10 ROBERT RENDO: May I say the solution is to keep
11 what we have right now and not give anything up
12 because we gave up a lot when we took on these civil
13 servant jobs. We took on lower pay. We gave the
14 best years of our lives and in some cases since 911,
15 we gave literally our lives away to the city and
16 this, as far as we're concerned is a broken contract,
17 a broken covenant made between the city and the
18 workers who make the city function properly for
19 decades.

20 It's deceitful upon the unions to be siding with
21 the city instead of protecting their members. I
22 direct that toward Mr. Mulgrew(SP?) and Mr. Garrido
23 and the only thing the city should do is keep
24 everything as is and not use a MAP. Not use the
25 federal government to clean up the mess of healthcare

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2 when we should be all be pushing for something better
3 for everybody.

4 And by the way, this affects actives because one
5 day actives, you will retire. Some of you are
6 closer, some of you are further but this affects all
7 of us. Thank you.

8 CHAIRPERSON DE LA ROSA: Thank you. Thank you
9 all for coming and expressing. Thank you.

10 MARC LAVIETES: May I?

11 COMMITTEE COUNSEL: Hold on Chair, I think Dr.
12 Lavietes had a commentary and then after Dr.
13 Lavietes, I'll go back to you James, sorry.

14 MARC LAVIETES: Am I hearing?

15 COMMITTEE COUNSEL: Yup.

16 MARC LAVIETES: Yes, this is a big deal. Just to
17 be in one minute. Every other country of the
18 developed nations in the world has a plan. They're
19 slightly different. They are not all exactly the
20 Medicare for all plan we want but every other country
21 in the world has better longevity, better childcare,
22 better you know, less maternal mortality. We have
23 the worst healthcare and we have the most for profit
24 system. I can't speak to long now but the Medicare
25 program is a good way to go. Let me ask you to go to

1
2 www.pnhpnymetro.org. www.pnhpnymetro.org and contact
3 us.

4 JAMES COLLINS: Well, my response would be a
5 little more nuanced. I have no problem with the city
6 giving people like a choice of a Medicare Advantage
7 Plan. While there is the current ETNA plan, which is
8 in effect now or their new plan that they want to
9 substitute it. I have no problem with having that
10 choice but equally, it should be an equal choice and
11 that's what I just said in my testimony. Zero
12 premium Medicare Advantage, Zero premium Senior Care.
13 That's what I'm looking for. Now, what you should do
14 now is send this back to OLR and again, whose going
15 to negotiate for seniors? I don't know that legally.

16 I know they weren't represented in this plan that
17 came out. They had no say in it. And again, look at
18 that. Go look at the legal, pull some hearing's on
19 that but don't proceed to send 200,000 retirees out
20 of senior care unless they are willing to pay \$191 or
21 \$383 a month. And again, there are people out there
22 with terminal conditions today who are fighting life
23 threatening diseases today that the city wants to
24 change their Medicare plan. That is just obscene,
25 so.

CHAIRPERSON DE LA ROSA: Thank you so much.

COMMITTEE COUNSEL: Thank you. I just wanted to remind anyone, if we have inadvertently missed you, if you have registered to testify today and you have not been called on, please use the Zoom raise hand function now and you will be called in the order that your hand has been raised.

I'll give everyone a few moments. I'm also going to reiterate if anyone has testimony, written testimony that they have prepared and they would like to submit to the Committee for review, please send all written testimony to testimony@council.nyc.gov.

Okay, seeing as there are no more panelists, I'm going to turn it over to Chair De La Rosa for closing remarks and again, thank you all for your patience and hope to see you at a hearing soon.

CHAIRPERSON DE LA ROSA: Well, first, thank you all so much for your patience, for sticking with us for the last few hours. This has been an exciting first hearing. I'm happy that we were able to see the diversity in the voices across our city's workforce.

The Committee will be laser focused on bringing light to many of these issues. Many of the

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2 legislative packages that have been passed in order
3 to advance the right of workers. We will be holding
4 additional oversight hearings. We are always open to
5 your suggestions and your ideas and how we can help
6 strengthen the rights of workers and we will be
7 leading from a lens of dignity and justice for
8 workers of our city.

9 I want to just thank the members of the
10 Administration, the experts, the advocates, the
11 workers, the union leaders who joined us today and I
12 look forward to our future hearing's. And thank you
13 to the staff for this wonderful, wonderful hearing.
14 Thank you.

15 COMMITTEE COUNSEL: Thank you Chair. If you
16 could just adjourn the meeting officially.

17 CHAIRPERSON DE LA ROSA: Yup, the meeting is
18 adjourned. [GAVEL]

19 COMMITTEE COUNSEL: Thank you.

20 CHAIRPERSON DE LA ROSA: Thank you.

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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 March 14, 2022