

**Testimony to NYC Council Committee on Rules, Privileges, and Elections**

**re Nomination to Corporation Counsel**

**November 20, 2024**

Good morning, Madam Speaker, Chair Powers and members of the Committee. I thank you for holding this hearing and for considering my nomination to serve as the 82<sup>nd</sup> Corporation Counsel. I also would like to express my gratitude to the Administration for this nomination.

I have long believed that public service is a noble calling and I have lived out that belief through my thirty-three years at the New York City Law Department. In that time, I have served as an Assistant Corporation Counsel, a Deputy Assistant Chief, an Assistant Chief, a Deputy Division Chief, a Division Chief, Equal Employment Opportunity Officer, M/WBE Officer, Managing Attorney, First Assistant Corporation Counsel, and since June 2<sup>nd</sup> of this year, Acting Corporation Counsel. I have worked directly or indirectly with all 24 of our divisions and with most of the various City offices and agencies in fulfilling the Law Department's mission to provide legal representation to the City of New York in the tradition of excellence and dedication, in the furtherance of the operation of its government. As both First Assistant and more recently as Acting Corporation Counsel, I am familiar with the pressing legal matters and challenges facing the City, which makes me uniquely qualified to seamlessly assume this role should I be confirmed.

The Law Department has approximately 70,000 active matters, excluding our extensive legislative and counseling work. Our portion of the Judgment and Claims payouts in FY 24 totaled nearly \$1 Billion. Our Municipal Finance Division handled \$20.4 Billion in bond transactions in FY24 and already has completed more than \$12 Billion in bond transactions in FY25. Our Tax and Bankruptcy Division protected more than \$4 Billion in City tax receipts in FY24. Our Environmental Law Division handles a wide array of environmental issues including protection of the City's upstate drinking water supply, the largest in the nation. These are just a few samplings of the important work done by the Law Department.

I am immensely proud of the Law Department, both its employees and its work. It is because of this work that I desire to become the 82<sup>nd</sup> Corporation Counsel. I spoke earlier of the Law Department's mission. I now cite our vision "To be the finest public law office providing the highest quality representation." An organization's vision is necessarily forward thinking. Meeting and sustaining the Law Department's vision takes continuous dedication and effort. We must train new staff in municipal law, we must equip existing staff so that they can grow into new roles taking on greater responsibilities, and we must support all staff when they face challenges and obstacles, because no matter how hard or difficult things get, we can accomplish much if we do it together. There remains much work to be done.

The Law Department's clients are all of the elected officials of the City of New York, the City's agencies and entities, and at times, individual City employees. Our efforts enable the day-to-day functioning of this municipal corporation. I have had the privilege of serving under nine former Corporation Counsels. Despite any and all difficulties that may have existed during their tenures, each would share that being the Corporation Counsel is one of the best legal positions there is because of the breadth of the legal issues handled by the Law Department.

It would be the honor of a lifetime to serve as the 82<sup>nd</sup> Corporation Counsel. I am committed to working tirelessly on behalf of the City and its residents as we look to continue to build upon the legacy of the Law Department. Thank you again for your time and consideration. I welcome your questions.

In the Summer of 2021, I was told by a doctor I had the antibodies and didn't need the vaccine.

NYC DOE told us we could test weekly or get the vaccine. I chose testing. Then we were told it was a mandate. I went back to that doctor who still stood by what he told me but he said he could not write a letter.

My religious advisor, a Rabbi, also would not write a letter for the religious exemption. Then I learned that when applying for Religious Exemptions, a letter from a clergy is not required. I attempted to apply for the Religious Exemption on November 13, 2021, when the courts ruled that the process the DOE provided and the UFT agreed to, was not legal, and there were people were allowed to reapply. In my case the system would not allow me to submit, even though I asked for support from DOE HR, and the UFT. I finally mailed my Religious Exemption to Court Street but wasn't notified regarding my submission. I have confirmation they received it from the Post Office.

I did sign the waiver under duress, on November 30, 2021, to keep my health insurance because a week after I was removed from payroll my 16 year old son tore his ACL and required surgery.

I did contact the union and asked what happens if I don't sign the waiver and the answer was, "we don't know what the DOE will do, nobody knows."

I did file a Grievance with my union but that was denied after step 1.

January 2022, I went into mortgage forbearance. We were still feeling financial burdens from when my husband lost his job due to COVID in 2020. My children all supported my decision to not comply, and all worked various jobs. My children also didn't understand, why was I mandated, and lost my job, when their own teachers in Nassau County were not mandated. They knew of teachers who told them they didn't get vaccinated. To this day, we have not been given an explanation for why only New York County educators had the mandate.

I returned to waitressing, babysitting and other odd jobs to put food on the table.

February 10, 2022, Mayor Adams lifted the mandate for performers/entertainers. To me, this sent a message that special treatment is made for people when money is involved and this has nothing to do with public health.

I applied again for a Religious Exemption in August 2022. My Religious Exemption was denied by the DOE, stating I did not meet the criteria and it would place a burden and an undue hardship. When I asked for an explanation, I did not receive one from DOE. I reached out to the UFT for assistance, and they stated I could submit a Grievance, which took almost a year, for them to finally deny me.

Also, on August 11, 2022, the Health Commission, Dr. Vasan, publicly stated we are no longer in a health emergency. If that was the case why the mandate continued to stay in place.

Being officially resigned from the DOE in September 2022, the mandate still in effect in NYC Department of Education, I was able to get hired as a daily sub in the same elementary school my kids had attended in Nassau County, making 1/4 of the salary I was making as guidance. I was behind in many bills and had accumulated much debt.

When the mandate was lifted February 2023 (a year after it was lifted for the entertainers) and we were told we could work, we had to reapply, without receiving any backpay. My guidance position was no longer available.

I applied to many schools with vacancies but was only called to one interview.

November of 2023, I learned to retire with my 30 years and age 55, and to transfer the time from Long Island, I had to return to the DOE. I returned as a substitute teacher with the DOE and then I applied to become a para. I am currently working in the DOE, but I am making much less than I was as guidance counselor, and it has taken a financial toll on the entire family.

I am currently 55 years old, mother of 3 adult children, ages 19, 21, 22. When I was removed off payroll I had 29 years 4 months of service. 15 of those years I was a Guidance Counselor, 14 of those years, I was a SAPIS. I started working as A SAPIS in 1992, when I was 22 years old,

I had 3 children while working all those years, as well as going back to school to receive my Masters in School Counseling, to become a Guidance Counselor, so I could provide better for my family.

I have always been a dedicated employee. I rarely took off work, missing many events for my own children throughout the years. When the DOE removed us off payroll I had 76 days in my bank. I was not even allowed to use these before being taken off payroll.

I loved being a Guidance Counselor. I know I have helped hundreds of students throughout the years. I still keep in touch with one of my first students, who is now a mom herself.

I appreciate you taking the time to read this, and I am hopeful the committee votes to pass resolution 5 to not only reinstate us to the positions we were in when we were removed off payroll, but also be allowed to request backpay through the court system, as Mayor Adams, had stated in a town hall, we should get due process.

I also, respectfully request that Muriel -Goode Trufant, does not become the new corporate counsel. Ms. Trufant is in favor of the mandates. By this time the city has already spent an excessive amount of money in appeals for legal cases that have been going on since the mandates were implemented in 2021. Some courts have granted in favor of the unvaccinated but the city continues to appeal.

Respectfully,

Debby Hartz

Dedicated NYC Educator 1992-2021

Removed from payroll for not complying with the NYC COVID 19-vaccine mandate

## **Testimony to the NYC Council Committee on Rules, Privileges and Elections**

Submitted by Diane Pagen, LMSW, School Social Worker forced out in October 2021 over the  
NYC Covid Vaccine Mandate  
November 21, 2024

I ask that the Committee on Rules, Privileges and Elections NOT approve the nomination of Muriel Goode-Trufant to head the NYC Law Department. I also ask that its members insist on the need for the Council to support the passing of Resolution 5.

Ms. Trufant's testimony to the Committee further solidified workers' expectation that the Law Department will continue to expend resources to fight our displaced workers if she heads it. In her hearing, Goode-Trufant told CM Joann Ariola that the Law Department is appealing mandate cases to "uphold the city's ability to take similar measures during future public health emergencies." Goode-Trufant in her current role at the NYC Law Department has actively used her position not to use the law to help the City of New York, but to systematically persecute City workers that have declined the COVID shot. She continues to pretend that the now known to be fraudulent mandate was a legitimate policy, and instructs her lawyers to do the same. I am firmly in opposition to Mayor Adams' most recent nomination of Muriel Goode-Trufant for the Corporation Counsel.

Goode-Trufant intends to continue to pretend that we are in fall of 2021 or spring of 2022, when the public did not know the scope of how much information was being withheld from us to justify the NYC vaccine mandate. *We now have Jay Varma on video recorded September 2024 saying that he forced the mandate by convincing "weenie De Blasio" to "climb the ladder" up to a forced vaccination under threat of job loss, and saying that unvaccinated immunity and vaccinated immunity to Covid-19 are the same. We now also have Dr. Ashwin Vasan stating on August 11, 2022 that as of that day, that the City did not need a vaccine mandate anymore.*

In my situation, when I was "LWOPed," the DOE gave me continued access to my email and was even included on emails, to mislead me into thinking that my job was being held for me—however, the DOE replaced me with a permanent new social worker in November 2021 without notifying me that I was terminated or that my status as an employee had changed—which would constitute fraud, since DOE intentionally misled me to think that I was not terminated until February of 2022. There appears to be a pattern, at least in this particular group of DOE unvaccinated educators, of educators over age 40 and 50 being replaced with newer, younger educators.

Ms. Goode-Trufant does not intend to acknowledge any of the new information that debunks the narrative that the agencies were acting in the interests of the public health when they threatened, LWOPed, persecuted, and fired mostly older, experienced tenured workers. She has told the Committee as much in her hearing. She intends to run the City dry, both psychologically and financially, to the end, no matter the cost.

Rather than confirm a person who has shown and stated that she intends to destroy us and further waste City taxpayer money on litigation against unvaccinated City workers, the Committee must turn her down and find the right, objective, unbought person for the job.

*Given that the Committee and the full Council is now aware that the former NYC Health Commissioner Ashwin Vasani; the former Covid Advisor to De Blasio Jay Varma; and by evident extension former NYC Health Commissioner under De Blasio Dave Chokshi (who evidently worked closely with Jay Varma in creating the Covid vaccine mandate in fall of 2021) all created, promoted, incentivized, and/or prolonged a severely restrictive and unnecessary public health policy, the City Council and other City entities must require all three of these people to testify under oath and in person about their actions and they must all be investigated. It would furthermore make sense to seek testimony from all former and current members of the Board of Health of NYC.*

Thank you,  
Diane Pagen  
Brooklyn



Good afternoon. Below is testimony I submitted in September 2022 to the City Council's labor committee, which explains my story of how I was affected, and I'm still affected by the Covid vaccine mandates that New York City imposed on its workers. Since submitting that testimony, I have since been terminated from the department of education.

I am submitting this testimony today in opposition to confirming Ms. Trufant as the head of legal. The cities law department is still appealing any victorious lawsuits in favor of those terminated due to the vaccine mandate and is trying to get other cases dismissed that are going through the court system currently. At this point, since the mandate has been lifted, and Dr. Jay Varma has admitted to his role in the false "science" that was used to impose the Covid vaccine mandate, the city should not be pursuing appeals anymore. It is a waste of taxpayer money. All of us who were wrongfully terminated over this issue should be reinstated and compensated immediately. Ms. Trufant's track record shows that she would still be in favor of opposing the reinstatement and compensation of the unvaccinated city workers who are still suffering on so many levels. I respectfully ask that you do not confirm her for this position in the law department. I ask that you, instead, get behind the RESO 5 bill that will be voted on to compensate and reinstate, terminated city workers without having to give up our civil rights.

City Council Labor Committee Testimony 9/9/2022

My name is Kim Modzelewski and I am a NYC DOE Secretary who has been on Leave Without Pay since October 2021 for choosing religious and medical freedom over complying with the Covid 19 vaccine mandate. I have been an active member of my school community from holding the position of President of the PTA to being a member of school leadership teams when my sons were students. I believed in the public school system.

When my sons were older I began working for the DOE first as a sub school aide, then as a paraprofessional and currently as a secretary. I have an unblemished work record for all of the time and titles I have held while volunteering at and being employed by the DOE.

Last school year I applied for a Religious Exemption accommodation and was denied without the opportunity of an appeal process.

This school year I applied again and was denied without the opportunity of an appeal process. I face termination any day. I have asked for explanations of the determination letter denial with no response from the DOE or the UFT. I was told I didn't meet the criteria for a Religious accommodation and I asked what the exact criteria it was that I didn't meet. It is my understanding that the only criteria I need to meet to receive a religious based accommodation is my sacred, sincerely held religious beliefs which are between me and God. These rights are God given and are protected by the First Amendment of the U.S. Constitution, Title VII of the Civil



Rights Act as well as New York State and New York City Human Rights Laws.

I also asked for clarification for the following that was in my Determination denial letter:

“unvaccinated employees cannot work in a Department of Education (DOE) school setting or other site where they would have in-person contact with students, families or members of the public. We cannot offer another worksite as an accommodation as that would impose an undue hardship (i.e. more than a minimal burden) on the DOE and its operations.”

My response to the DOE was “ **there is absolutely no undue hardship reason why my accommodation request for my title of secretary could not be approved especially since I worked fully remote from home (no in-person contact with students, families or members of the public) during the time period of March 2020-June 2020 without any issues. Furthermore, I am entitled to a reasonable accommodation under the protections of both federal and state law.**” I also asked the DOE to provide me with **financial records to support their claim of undue hardship. I still have not received a response to either of these questions.**

I was at the City Council meeting on 9/9/22 and heard the council ask about hybrid work days or remote options for employees to solve the staffing shortages at city and private agencies.

I do not pose any threat to the school community by being unvaccinated. The children are not mandated to be vaccinated and those who are unvaccinated are not deemed as a threat and have been in school, unmasked, since last school year. How can it be acceptable for unvaccinated children to be in school but not unvaccinated adults? I also would like it to be noted that DOE employees have not been mandated to receive the booster even though it is now proven by the CDC and other world health organizations that the vaccine's efficacy wanes after just a few months.

Therefore, it stands to reason why the CDC no longer distinguishes between vaccinated and unvaccinated people for purposes of COVID 19 protocols. The same should be followed by the City with regards to their workers and the NYC DOE on behalf of all of their employees and school community instead of the discriminatory practices that they have been waging against its unvaccinated employees and parents since the beginning of the pandemic.

I worked the entire 2020-2021 school year in person when there wasn't a vaccine available even if I wanted it while other people were working from home on "accommodations"

I thank the City Council members who realize how harmful this mandate is to its citizens, students and employees. We stand ready, willing and able to return to our jobs. Any action to not allow me to fulfill my job duties will be solely initiated by the NYC DOE because of their unconstitutional and discriminatory policies against their employees.

Please let Mayor Adams know the caliber of employees the city is losing due to these outdated, discriminatory and unconstitutional mandates.

Sincerely,

Kim Modzelewski  
NYC DOE Secretary

Dear Council Members,

I am writing to express my strong opposition to the appointment of Muriel Goode Trufant as corporate counsel. As a dedicated and experienced teacher with 20 years of service to the NYCDOE, I was unfairly put on Leave Without Pay on October 4, 2021 then terminated illegally on February 18, 2022, due to my decision not to take covid 19 vaccine. This decision was made without considering my rights as a tenured teacher or the impact on my life and career.

I am deeply concerned about the lack of support from some council members for Resolution 5, which aims to reinstate city workers like myself who were terminated due to the vaccine mandate. It is unacceptable that we were treated as criminals and thrown out of our jobs without due process.

I want to express my gratitude to council woman Joanne Ariola, Councilman Borelli, Councilwoman Vicky Paladino and councilwoman Inna for standing up for us and supporting Resolution 5. Their commitment to JUSTICE and FAIRNESS is truly appreciated.

However, I am appalled by the behavior of Muriel Goode Trufant at city council hearing on November 20, 2024. Her **rudeness and unprofessionalism towards city workers are unacceptable and demonstrates a lack of empathy and understanding.** I urge you to reconsider Trufant's appointment as corporate counsel. Her actions and behavior are not in line with the values of our city, and her appointment could be a slap in the face to all city workers who have been UNFAIRLY treated.

Instead, I propose that you appoint someone who is fair, compassionate and committed to upholding the rights of all city workers. Someone who will work tirelessly to ensure that our city is a place where everyone is treated with DIGNITY and RESPECT.

Trufant's behavior and stance on COVID-19 vaccination policies has raised concerns among city workers and advocates. Her statement about "doing whatever it takes" to keep New Yorkers safe from COVID-19 seems to contradict the fact that certain groups like basketball players, actors, hookers were allowed to work without being vaccinated. Additionally, students were not vaccinated and allowed in school.

Council member Joanne Ariola has clarified that Resolution 5 aims to address inequities in COVID-19 vaccination policies and allow all city workers who were terminated to return to work equally, without signing away their rights. This resolution does not provide back pay or condone anti-vaccination views but seeks fairness for us city workers.

Trufant's actions, such as walking out on public testimony from unvaccinated firefighters who lost their jobs and disrespecting Sophie Medina and Matt Conner of Bravest for Choice, had been deemed unacceptable. Her behavior has sparked outrage and reinforced opposition to her potential appointment.

## **Key Concerns ABOUT TRUFANT**

### **DOUBLE STANDARDS**

### **DISRESPECT**

### **LACK OF EMPATHY**

These concerns raise questions about Trufant's suitability for the position, especially considering the impact of her actions on city workers and their families.

[REDACTED]

York, 11229

[REDACTED]

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/27/04

(PLEASE PRINT)

Name: Muriel Goode - Infant Acting Corp Counsel

Address: Law Department

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JACK LIN

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/20/2024

(PLEASE PRINT)

Name: Raul Rivera

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/20/24

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: \_\_\_\_\_

I represent: Self

Address: \_\_\_\_\_

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