

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ZONING AND FRANCHISES

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December 2, 2014
Start: 2:13 p.m.
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HELD AT: Committee Room - City Hall

B E F O R E: MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Daniel R. Garodnick
Jumaane D. Williams
Donovan J. Richards
Antonio Reynoso
Ritchie J. Torres
Vincent M. Ignizio
Vincent J. Gentile
Ruben Wills

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

Randy Mastro, Legal Counsel
Gibson, Dunn, & Crutcher
Outside Legal Counsel for Cablevision

Lisa Rosenblum, Executive Vice President
Government and Public Affairs
Cablevision

Jennifer Love, Senior Vice President
Security Operations
Cablevision

Harlan Silverstein, Legal Counsel
Law Firm of Kauff, McGuire and Margolis
Cablevision's Outside Labor Counsel

Jody Calemine, General Counsel
Communication Workers of America

Gay Semel, Counsel for District 1
Communication Workers Of America

Jerome Thompson
Former Cablevision Employee

Diedre Viegas, Technician
Cablevision in Brooklyn
Elected Representative for Local 1109
Bargaining Committee

Ruben Cruz
Cablevision

Elizabeth Parkin
Cablevision

Tiffany Oliver, Senior Coordinator
Construction Department
Cablevision - Brooklyn

Alicia Damone
Cablevision

Margaret Barnes
Cablevision

Dominic Montenegro
Cablevision, Long Island

John McCaughrean
Cablevision

2 CHAIRPERSON WEPRIN: All right. Good
3 afternoon, everyone. My name is Mark Weprin. I'm
4 Chair of the Zoning and Franchises Subcommittee. I
5 thank you all for your patience. I know we have a
6 lot of people here, and I know it was difficult
7 getting in the rain. Hopefully, everybody has
8 settled in. I don't know why they're sitting so far
9 away from me, but somehow here are the following
10 members of the committee have joined me today:
11 Donovan Richards, Dan Garodnick, Antonio Reynoso, and
12 who else is here? Ritchie Torres was here. Where
13 did he go? Oh, there he went. Oh, sorry, Ritchie.
14 Ritchie Torres. I'm joined by Anne McCaughey, the
15 Counsel, and other members of the committee as well
16 as other members of the Council I'm sure will be
17 joining us. And I want to welcome everyone here
18 today. Before we get started, I just want to set a
19 couple of ground rules. I know there are people here
20 on the bride's side and the groom's side, and I just
21 want to make sure everyone gets along.

22 So we are going to have to limit any--
23 Please, no applause, no cheering, no booing. No
24 matter how stupid you think what you just heard is,
25 please keep it to yourself. Sometimes in these

2 meetings when people have a thing, they say we make
3 them do jazz hands. I look at this crowd. This
4 doesn't look a jazz hands crowd. I'm just saying.
5 So what I would like to ask is to please keep quiet.
6 You know, you'll have a chance. You know you'll have
7 a chance. Someone will be speaking, who are speaking
8 will get a chance to speak, and will describe. And
9 we certainly can see the presence of both red shirts
10 and the blue shirts. So we know you're here in
11 force, but I'm going to ask that you please be quite,
12 and respect the people who are testifying as well as
13 your colleagues and our colleagues who are here
14 today. So, if you would do that for me I would
15 appreciate it. Otherwise, I will have to have the
16 Sergeant-At-Arms, and he's a very mean guy, come and
17 ask you to leave.

18 So with that in mind, I'll go back again
19 and I'll put my glasses on. So, good afternoon.
20 Okay. As I said, my name is Mark Weprin, and we are
21 here today because the Subcommittee will receive
22 testimony from representatives of Cablevision as well
23 as the Communications Workers of America, and other
24 members of the public. Cablevision, as you know,
25 holds a franchise to provide cable television and

2 related services in Brooklyn and the Bronx in New
3 York City serving approximate 700,000 residents and
4 40,000 small businesses. The City has a Franchise
5 Agreement for the Bronx and Queens-- Excuse me,
6 Bronx and Brooklyn, and it's set to expire July 18,
7 2020. The Franchise Agreement by the Council and
8 with the City in accordance with the provisions of
9 the New York City Charter reads the following:

10 According to the Collective Bargaining--
11 With respect to Collective Bargaining, a franchise
12 should recognize the rights of employees to bargain
13 collectively through representatives of their own
14 choosing in accordance with applicable law. The
15 franchise shall recognize and deal with
16 representatives duly designated or selected by the
17 majority of its employees for the purpose of
18 collective bargaining with respect to rates of pay,
19 wages, hours of employment and other terms,
20 conditions or privileges of employment, as required
21 by law. Franchisees shall not dominate or interfere
22 with or participate in management control or give
23 financial support to any union or association or its
24 employees.

1 In 1935, the United States Congress
2
3 enacted the National Labor Relations Act, which
4 protects the rights of employees and employers, and
5 encourages both parties to collectively bargain.
6 This Act also created the NLRB, which investigates
7 charges made from employees, unions, and employers by
8 covering a range of unfair labor practices. We had
9 had a hearing in the City Council. It was actually
10 across the street on February 26, 2013 because it had
11 come to our attention, and it was widely reported of
12 a dispute between Cablevision and some of its
13 members. As union representatives, the Council had a
14 subcommittee hearing. This subcommittee heard
15 testimony from representatives of Cablevision, and
16 the union. The union alleged that the permanently
17 replaced workers who were fired at the time, or were
18 replaced at the time, were done in an improper day.
19 Cablevision representatives denied any improper
20 actions with respect to the permanently replaced
21 workers testifying that the workers were placed on
22 recall list. Making them eligible for reinstatement
23 as positions became available.

24 In the several months that followed, that
25 subcommittee hearing, as it turns out each of those

22 workers had been reinstated by the company from the recall list. Cablevision also denies allegations that it is not negotiating in good faith, which they were accused of doing, just surface bargaining by the union. But in May of 2014, the NLRB filed a complaint against the company alleging that it had engaged in unfair labor practices by interfering with restraining and coercing employees from exercising their rights under the NLRA and failing to bargain collectively in good faith with the union. I won't outline all those charges here today of the original complaint. The trial was before the NLRB Administrative Law Judge in the fall of 2013, and decision has yet to come, although we do expect one shortly.

A second NLRB allegation on November 6, 2014, NLRB issued a second complaint against Cablevision. This complaint resulted from a series of unfair labor practice allegations made by the CWA against the company in regards to its alleged effort to eliminate the Brooklyn Workers' Union. The Union claimed, among other things, Cablevision high level management met with the Brooklyn workers to hear their grievances, and then blamed the unions for

2 these problems i.e., lack of pay parity, and with
3 other cable workers. The wrongful termination of
4 Jerome Thompson, who I believe we will hear from
5 later today, one of the leaders of the Brooklyn
6 Workers' effort to organize into CWA. And a legal
7 Cablevision sponsored vote by a polling company,
8 Honest Ballot Association, to determine if the
9 Brooklyn workers still supported the union.

10 Specifically, the second NLRB complaint
11 charged that Jerome Thompson was fired as retaliation
12 for his union activity, and the company was
13 intimidating workers, including through Jim Dolan's--
14 James Dolan's direct threat to the workers and if
15 they did not return to the union, they would not
16 receive raises and would be denied training and
17 access to new technologies. That vote held by
18 Cablevision conducted by the Honest Ballot
19 Association on union representatives was an attempt
20 to undermine the union. And the company improperly
21 conducted surveillance of workers as they voted-- of
22 the workers as they voted, and that Cablevision
23 unilaterally changed the terms and conditions. That
24 obviously is denied by Cablevision, and today we are
25 hoping to hear from both sides just to get exactly

2 what is going on, what has happened, and that is why
3 we are here today.

4 So we're going to start with
5 representatives of the employer, Cablevision, and the
6 only one testifying, although I know he's joined by
7 other people, is Attorney Randy Mastro who is
8 representing Cablevision, former Deputy Mayor. I
9 want to welcome him back to City Hall. Mr. Mastro,
10 if you could introduce the people who are with you
11 for any consultation or whatever else. And whenever
12 you're ready to give your testimony, we are ready to
13 hear it.

14 RANDY MASTRO: Certainly, Mr. Chairman.
15 Good afternoon, Mr. Chairman and members of the
16 committee. I am Randy Mastro from Gibson, Dunn &
17 Crutcher, a long time outside counsel for
18 Cablevision. With me are Lisa Rosenblum,
19 Cablevisions Executive Vice President of Government
20 and Public Affairs; Jennifer Love, Cablevisions,
21 Senior Vice President of Security Operations; and
22 Harlan Silverstein of the Law Firm of Kauff, McGuire
23 and Margolis, the company's long-term outside labor
24 counsel.

2 Mr. Chairman, we're here today at the
3 committee's request, but strongly believe that this
4 second hearing to review Cablevision's Franchise
5 Agreement is an inappropriate use of this Council's
6 resources because the Council has no role to play in
7 administering franchises and making these franchise
8 decisions. So let's be honest about why we are all
9 here because the Communications Workers of America
10 and the Working Families Party are once again seeking
11 to pressure Cablevision into acceding to the union's
12 collective bargaining demands. The CWA and the WFP
13 have infiltrated our City Government at all levels.
14 It's unseemly for the Council acting at their behest
15 to insert itself into private labor negotiations. It
16 serves no legitimate governmental purpose. It won't
17 work, and it has to stop.

18 At the outset, I want to make one thing
19 crystal clear, Cablevision, which has contributed so
20 much to our local economy and created thousands of
21 local jobs employing a diverse workforce, is in full
22 compliance with all of its franchise obligations
23 including any arguably relating to collective
24 bargaining. The company continues to bargain in good
25 faith with CWA over contract terms covering some 270

2 employees having held 40 bargaining sessions. Having
3 reached agreement in principle on 54 key terms and
4 continuing negotiations on the few outstanding
5 issues. To be sure, one of those remaining issues is
6 wages, and while this will no doubt continue to be
7 one of the most difficult to resolve, Cablevision has
8 made multiple significant proposals for wage
9 increases and is hopeful that agreement can be
10 reached in the context of an overall collective
11 bargain agreement.

12 At the same time, in September, a
13 majority of Brooklyn employees polled voted that they
14 do not want the CWA to represent them. And in
15 October, a petition signed by more than 100 of them
16 was filed with the National Labor Relations Board
17 asking for an official vote on union decertification.
18 But the CWA wants none of that. Filing a series of
19 unfair labor practice charges with the NLRB that have
20 obstructed and delayed that vote from occurring. So
21 now, those employees are being denied their right to
22 have that vote. Cablevision is committed to
23 protecting these workers' legal rights, and asks all
24 member of this Council who care about workers' rights
25 to join us in calling for that vote to take place

2 now. Let these workers decide. Let these workers
3 vote.

4 As this Council is well aware,
5 Cablevision has long been a good corporate citizen, a
6 major New York employer of a diverse workforce.
7 Indeed in New York City alone the company has 2,000
8 employees more than 80% of whom are minorities. The
9 company has invested literally billions of dollars in
10 network infrastructure to provide city residents a
11 state-of-the-art system with the most advanced video
12 voice and broadband services anywhere in the country.
13 And under its Franchise Agreement with the City,
14 Cablevision contributes \$40 million annually in
15 franchise fees plus another \$100 million in other
16 benefits including \$76 million to support Brooklyn
17 and Bronx community access programs, \$17 million in
18 telecommunications infrastructure, \$4 million to
19 provide wifi in city parks, and free service to
20 hundreds of schools, libraries, and municipal
21 buildings. And it wired areas of the Bronx and
22 Brooklyn, as members of this committee well know,
23 when other providers refused to take that business
24 risk, and our entire city is now the better for it.

Notwithstanding this history of service to the city, this Council has now held two hearings fixating on Cablevision's private labor negotiations with a union that represents only 270 employees in a regional workforce of 15,000. Cablevision has been the target of a sustained political attack orchestrated by the CWA, the WFP, and their political allies in the Mayor's Office to try to influence these private labor negotiations. This chamber should not allow itself to be misused in furtherance of such a blatantly political campaign. Collective bargaining is first and foremost a matter of private negotiation between management and labor. Without any other party's intervention, Cablevision and the CWA have already reached agreement in principle under a vast majority of key terms. Including many issues material to the union such as union security, due check-off, binding arbitration, layoff protection in connection with contracting, educational assistance, and medical and dental benefits. The party's substantial progress has been acknowledged in the CWA's own communications to its member describing a recent bargaining session as quote, unquote

2 "productive" and expressing quote, unquote, "hope of
3 soon resolving any remaining issues."

4 The negotiations have at times been
5 contentious. Indeed, the CWA has filed numerous
6 baseless unfair labor practice charges against
7 Cablevision, and Cablevision has filed charges
8 against CWA. But to the extent either party seeks to
9 address for matters relating to these negotiations,
10 federal law provides the exclusive remedy. The
11 redress for matters relating to these negotiations is
12 a matter of federal law. The union's complaints have
13 not even reached the NLRB itself yet let alone the
14 courts where they will ultimately have to be
15 resolved. They are merely under review by an
16 administrative law judge, and ad the end of the day,
17 Cablevision expects to be vindicated whether before
18 the Board or in the courts. These are the
19 appropriate fora for addressing these allegations.
20 There is no reason for the Council to inject itself
21 into collective bargaining between a private employer
22 and its employees, particularly this late into the
23 negotiations. And the fact that the Council appears
24 to have done so at the best of the CWA and WFP, to

2 which so many of its members are indebted, cast a
3 pall over these proceedings.

4 There are council members here who have
5 claimed that Cablevision's alleged labor obligations
6 under its City Franchise Agreement are a governmental
7 hook for holding these hearings. But in the process,
8 they have mischaracterized both the facts and the
9 law. Indeed, the City Charter, as interpreted by our
10 State's highest court in *Council City of New York v.*
11 *Public Service Commission of the State of New York*
12 and Cablevision's Franchise Agreement itself preclude
13 the Council from having any involvement in the
14 process of selecting and evaluating the status of
15 franchisees. Thus, there is no basis for the Council
16 holding these hearings concerning Cablevision's
17 franchise, which isn't even up for renewal until
18 2020, six years from now. The language and structure
19 of the Franchise Agreement, which Mr. Chairman you
20 quoted, make clear that the Council has no role in
21 adjudicating this dispute. The Agreement provides
22 that the company shall recognize employees' rights to
23 collectively bargain quote "in accordance with
24 applicable law" end quote. The NLRB is the sole
25 governmental body authorized to determine whether an

2 employer has committed any unfair labor practice.

3 Indeed, the U.S. Supreme Court has expressly held in
4 Wisconsin Department of Energy v. Gould that state
5 and local laws purporting to debar government
6 contractors for NLRA violations are preempted by
7 federal law as administered by the NLRB.

8 Moreover, the mere issuance of complaints
9 to be investigated by the NLRB obviously cannot in
10 and of itself constitute a violation of the Franchise
11 Agreement. Only after the NLRB makes a final
12 determination and all appeals are exhausted is such
13 an issue even potentially implicated. And even at
14 that point, the Franchise Agreement requires that
15 Cablevision be given written notice and an
16 opportunity to cure, which presumably the company
17 would do. But here none of those events has
18 transpired or is it anywhere near transpiring.
19 Moreover, even if such a violation were ultimately
20 found, it would not permit revocation of an existing
21 franchise, and the City has never made any such claim
22 concerning any franchisee.

23 Indeed, the executive agencies
24 responsible for overseeing franchises have even
25 suggested that Cablevision franchise is implicated in

2 anyway by such a labor dispute. Nor could there ever
3 be any such suggestion under well-established rules
4 governing the franchise process under well-
5 established federal preemption law. The CWA accuses
6 Cablevision of being anti-union, but nothing could be
7 farther from the truth. Indeed, Cablevision has a
8 proven track record of working cooperatively and
9 productively with unions including the more than 25
10 different unions at Newsday, a Cablevision
11 subsidiary, and Madison Square Garden, formerly a
12 Cablevision affiliate, and now a separate company
13 with the same controlling owner. And Cablevision has
14 continued to enjoy the support of many of those
15 unions throughout these hearings, as you well know,
16 Mr. Chairman, from the testimony that was given
17 previously.

18 Since this committee's last hearing, the
19 CWA's smears of Cablevision have become even more
20 outlandish and desperate. For example, the CWA
21 blasts as quote "anti-union animus" end quote
22 Cablevision's recent termination for cause of Jerome
23 Thompson, who also happened to be a union shop
24 steward at the time. And who you, Mr. Chairman, you
25 said would be testifying here later. So I need to

1 speak briefly to this. Mr. Thompson had a well
2 documented and long history of violating company
3 policies, for which he received ample warnings
4 including crashing two company vehicles in avoidable
5 accidents, failing to report the first accident to
6 his supervisor, excessive personal use of a company
7 cell phone, and repeated disruptive unprofessional
8 and insubordinate behavior in multiple contexts. As
9 a result, he was terminated for cause and no other
10 reason. No employer private or governmental would
11 have tolerated such repeated misconduct over such a
12 long period of time. And the CWA has
13 mischaracterized this September 2014 straw pole of
14 Brooklyn Bargaining Unit employees. In which, a
15 majority of those polled expressed opposition to
16 continued representation by the CWA. Which has
17 characterized that poll as an illegal attempt to
18 undermine the union's authority in ongoing
19 negotiations. That is simply untrue.

21 Cablevision decided to conduct this poll
22 only after learning that more than 100 of its
23 Brooklyn employees, nearly 40% of the represented
24 workforce, signed a petition seeking a vote of
25 decertification. And further learning that a paid

2 union employee was intimidating Cablevision employees
3 who dared to question union representation. Notably,
4 the NLRB requires only 30% of employees to sign such
5 a petition in order for a decertification election to
6 be held. But here, nearly 40% signed that petition.
7 Casting further doubt on its credibility, the Union
8 had earlier informed Cablevision that 189 employees
9 had signed a petition quote "supporting the union"
10 end quote, when, in fact, the petition really stated
11 that the employees supported a particular union wage
12 position, not union representation itself.

13 The totality of these circumstances
14 called into question by the union continued to enjoy
15 majority support among represented employees. Before
16 taking an independent straw poll, Cablevision fully
17 informed employees in advance that it would be non-
18 binding, voluntary, and confidential. A vote by
19 secrete ballot simply to gauge employee preferences.
20 It was conducted by an independent organization, the
21 Honest Ballot Association, which has existed for over
22 100 years. Has earned an exceptional reputation for
23 integrity and reliability, conducted more than 25,000
24 elections, including labor organization elections.
25 And has never had one of its votes invalidated ever

2 in 100 years, 25,000 votes. In this particular poll,
3 nearly 93% of the employees in the Brooklyn
4 Bargaining Unit participated.

5 And by a vote of 129 to 115 the majority
6 expressed their preference to end representation by
7 the CWA. And I have to add a union encouraged
8 employees to participate in the poll, and only
9 questioned its legality after learning the results.
10 Despite the outcome of the vote, Cablevision
11 continues to recognize the CWA as the employees'
12 bargaining representative, and continues to negotiate
13 with the union in good faith. The CWA in contrast
14 was hell bent on denying employees the right to hold
15 an actual binding decertification vote despite the
16 employees' documented preferences. So it has filed
17 baseless charges with the NLRB to obstruct and delay
18 that process.

19 Today, we simply want you to know the
20 facts that these workers wish to exercise their
21 rights to undermine their own future, and to vote one
22 way or the other whether to continue with this union
23 or decertify it as their representative. That is a
24 basic fundamental right to these works worthy of
25 protection, and you see so many of them here. The

2 entire upper balcony basically. The front rows of
3 this chamber, and more than 50 of them who couldn't
4 even get into this hall because they were not
5 permitted to enter when others were. They are here
6 today to say it to you. They're here today to say it
7 to you. They're screaming to you: Let us decide our
8 fate. Let us vote.

9 Now, given that the Council has no role
10 to play here, and the union's allegations are
11 meritless in any event, it's particularly suspect to
12 see the WFP once again playing the role of political
13 bully, interloper, and manipulator. It is no secret
14 that the WFP has used questionable methods to achieve
15 political objectives. The WFP manipulated a local
16 campaign finance system back in 2009 by funneling
17 excessive income contributions to local candidates
18 endorsed. As a result, it ultimately shut down its
19 corporate arm, and is now the subject of an ongoing
20 State Grand Jury investigation in which two local
21 campaign aids have already been criminally charged.
22 And one New York Daily newspaper's editorial board
23 described the WFP as quote "a union front started by
24 big labor to serve big labor" end quote that's
25 becoming quote "a patronage mill masquerading as a

2 principled alternative" end quote. Against that
3 backdrop, this committee should be proceeding with
4 particular caution when pressed by the WFP to use the
5 Council's good auspices to press their management on
6 behalf of the WFP's union allies.

7 What should give this committee even more
8 pause is what happened last week. When the
9 Department of Investigation issued a report finding
10 that the Mayor's Office and the City Department of
11 Education violated DOE rules and the State's
12 Education Law by permitting the CWA to use a public
13 school for a quote "union meeting" end quote with the
14 Mayor himself. It was essentially an anti-
15 Cablevision rally orchestrated in advance by the
16 Mayor's Office and the CWA's Legislative and
17 Political Director Bob Master that barred members of
18 the press and public from attending. The DOI report
19 included that the violations were so serious that
20 quote "The conduct described herein may violate the
21 conflicts of interest provisions of the New York City
22 Charter." End quote.

23 As one New York Daily Newspaper editorial
24 put it just yester, the Mayor quote "crossed the
25 line" end quote by quote "secretly conspiring to City

2 resources to rally workers against a private New York
3 business." end quote and his quote "interference in
4 a private labor dispute against a major New York
5 employer is troubling." end quote. And just today,
6 the Citizens Union, the City's most revered good
7 government group wrote to the Conflict of Interest
8 Board asking it to investigate this matter. As a
9 result, we call upon this committee to pursue
10 questioning on that troubling subject with the same
11 vigor with which it has approached this non-issue
12 holding yet another issue on Cablevision's franchise
13 status at the behest of the CWA and WFP.

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

2 Cablevision will continue to collective bargain in
3 good faith and meet all of its legal obligations.
4 And it will continue to protect its workers'
5 fundamental right to our democracy to decide their
6 own future, whether that be through union
7 representation or decertification.

8 Those employees, many of whom are here
9 today, want to vote on decertification. We hope this
10 Committee will hear from them today. Listen to their
11 pleas and support their cause because what's at stake
12 here today is not simply the agenda of a well-
13 connected and self-interested union and political
14 party. What's at stake are the fundamental rights of
15 workers to decide their own destiny. So I end where
16 I began. Let these workers decide. Let these
17 workers vote. Thank you, Mr. Chairman. I will take
18 any questions you or member of the committee may
19 have.

20 CHAIRPERSON WEPRIN: Thank you, Mr.
21 Mastro, and I want to thank the audience because I
22 know that this is a very emotional dispute for a lot
23 of people, and you guys are quiet. And I even jazz
24 hands. Look at that. Go ahead. You can be proud of
25 your jazz hands. But thank you because I know a

2 couple of comments did elicit a little bit of
3 response, but for everyone behaving I really
4 appreciate that. I realize the extra room didn't
5 hear my warning ahead of time. So you're now--
6 We're trying to keep this calm and peaceful. So
7 thank you, Mr. Mastro. I want to just mention we've
8 been joined by the following council members:
9 Council Member Lancman, Council Member Williams, who
10 is a member of the subcommittee as well; Council
11 Member Rodriguez, Council Member Mark Levine, Council
12 Member Brad Lander, Council Member Vincent Gentile,
13 and Council Member Julissa Ferreras. Oh, and Darlene
14 Mealy. Sorry, Darlene. From Brooklyn, who is here
15 as well. I do notice on the list a lot of people who
16 you brought up from MSG who root for a team at MSG
17 and I want to make sure they don't use a bias because
18 of the 4 and 14 record in any of their questions.
19 So, I just want to be clear on that.

20 Let me start off with a few questions.
21 We have a number of members who want to ask
22 questions, and I know a lot of them are going to ask
23 really good questions that's really going to rile up
24 the crowd again. I ask you to please be quiet. Let
25 me ask this question, Mr. Mastro, because you

2 referenced the vote on September 10th I believe it
3 was, the poll that was done. And you said that the
4 reason you did that was there was a petition. You
5 heard that the members of the union had wanted to
6 decertify, and you wanted-- They wanted to find out
7 for themselves. Is that the-- So this is the way
8 they went about doing that? They decided to call to
9 have this poll. Was that the rationale?

10 RANDY MASTRO: Again, Mr. Chairman, there
11 had been a petition signed by more than 100 workers
12 from this bargaining unit petitioning the NLRB to
13 permit a decertification vote. Nearly 40%, much more
14 than the 30% threshold needed, and Cablevision became
15 aware of two other things. It became aware of the
16 fact that there had been-- Since that petition,
17 there have been threats and intimidation, and workers
18 who have been threatened for speaking out against
19 their union. Number one. Number two, the union made
20 representations in response to that. It turned out
21 to be the demonstrably false. The union represented
22 that, in fact, 187 workers supported the union, but
23 when one actually read what the union was referring
24 to, it was it supported a particular wage position.
25 No, not union representation.

2 So Cablevision decided in support of
3 workers' rights to express themselves, decided that
4 it would be appropriate to hold a poll. And it did
5 more than that. It went out and hired one of the
6 most respected reputable independent polling agencies
7 in the history of this country. It has never had a
8 vote rejected ever, but it does polling for unions
9 because it is so good at doing independent unbiased
10 fair polls. And guess what the results were?

11 CHAIRPERSON WEPRIN: interposing] Yeah,
12 you had said.

13 RANDY MASTRO: The results were a clear
14 majority in favor of decertification.

15 CHAIRPERSON WEPRIN: Well, what--? So
16 what was the purpose of doing the poll? Was it just
17 to-- I mean you had a petition. You knew that had
18 to hold 100 people. I mean what were you hoping to
19 get out of this poll? I mean one way or the other,
20 what was the goal here.

21 RANDY MASTRO: Well, understand, Mr.
22 Chairman, and I think you do understand it that the
23 petition was filed by more than 100 of the workers in
24 this union asking for a decertification vote. The
25 union responded with blocking and tackling, filing

2 unfair labor practice charges that derailed the vote
3 from occurring while those charges are investigated.
4 Cablevision in the face of seeing union intimidation
5 of workers, seeing the union misrepresenting the
6 position of union members decided that a poll was
7 appropriate. And that the NLRB, the public, and
8 these workers had a right to know that more than a
9 sufficient number of them supported decertification.
10 And that that vote should go forward. This is a
11 fundamental basic right of workers. But the first
12 right is the right to decide whether to vote for a
13 union. The second fundamental right is the right to
14 decide whether to decertify your union more than a
15 year later. And that's a right. These workers are
16 being denied, and they're being denied unfairly by a
17 union blocking and tackling at the NLRB. Now, the
18 NLRB will ultimately decide that question.

19 CHAIRPERSON WEPRIN: [interposing] Right.

20 RANDY MASTRO: And hopefully these
21 workers, a majority of whom in that poll of those
22 polled-- 93% of them were polled said they wanted to
23 vote to decertify. More than 100 of them having
24 signed a petition to the NLRB saying let us vote to
25 decertify. Nearly 40%, much more than needed for a

2 decertification vote. Hopefully, they will get that
3 right.

4 CHAIRPERSON WEPRIN: [interposing] Okay.

5 RANDY MASTRO: You ask me the question, I
6 give you the answer. That's why it was done. As a
7 responsible response, as an action of an employer
8 protecting workers' fundamental rights.

9 CHAIRPERSON WEPRIN: Okay. You're
10 filibustering on me a little bit.

11 RANDY MASTRO: No, I'm not. You ask me a
12 question, and I'll give you the answer.

13 CHAIRPERSON WEPRIN: [interposing] No,
14 you're right, and you have a fine answer. I will
15 admit, Mr. Mastro, being a little skeptical of the
16 motives of Cablevision to do this as a fight for
17 American workers. Only because if the goal really
18 was hey let's assess this. There's a problem here.
19 Obviously, all these people are upset. Why wouldn't
20 you have called the union in ahead of time and done
21 it with the union involved? Also, if you could
22 comment-- If Mr. Mastro, you could comment. Mr.
23 Dolan, Chairman and CEO of Cablevision, a big guy,
24 came to the Brooklyn shop supposedly the day before.
25 That's what we were told. Maybe it's not true. The

2 day before the vote. The CEO of the company showed
3 up there to talk about this vote, and how important
4 it is. Then the next day they have a vote.

5 The union, you mentioned, found out about
6 it, but you didn't tell the union and say, hey, come
7 on down. You want to watch it. We've got Honest
8 Ballot Association, and I'll vouch for Honest Ballot
9 Association. I know them from a lot of a lot of co-
10 op votes and other things. So I'm not-- Even
11 though it's a funny name sometimes, but it's a-- I'm
12 not disputing Honest Ballot, but it just seems to me
13 the way this was set up wasn't set up in such a great
14 way to find out whether the workers of the company
15 really wanted this. It sounded like it may have been
16 a little, you know, to get the right answer.

17 RANDY MASTRO: Actually, the exact
18 opposite.

19 CHAIRPERSON WEPRIN: [interposing] Okay.

20 RANDY MASTRO: First of all, what was
21 said at that rally is what was said in the 24 hours
22 by both sides to workers that is something that is
23 capable of being verified. And the representations
24 that were made by the union as to what Mr. Dolan said
25

2 when he addressed the workers were just flat out
3 wrong and false.

4 CHAIRPERSON WEPRIN: But he was there.

5 The--

6 RANDY MASTRO: [interposing] Let me just
7 finish.

8 CHAIRPERSON WEPRIN: Okay.

9 RANDY MASTRO: You know, this was not to
10 be a campaign by either employer or labor union.
11 This was to genuinely find out where the workers
12 stood in the face of conflicting accusations. And,
13 therefore, both the employer and the union within a
14 short period of time, in that 24 hours, each were
15 made aware that the poll would go forward. And the
16 union, in fact, encouraged its represented workers to
17 vote in the poll. And that's exactly what Mr. Dolan
18 did. He told the workers wherever you stand, vote in
19 that poll, and the union took the same position. But
20 guess what? Just like a lot of us who have been
21 involved in elections, when the vote didn't come out
22 the right way, maybe somebody felt differently
23 afterwards. It didn't turn out for the union. But
24 the fact of the matter is at the time, this was done
25 in exactly the right way to gauge workers' support.

2 To make sure that no one influenced anyone. But it
3 wasn't a campaign. It was a true straw pole by an
4 independent organization.

5 CHAIRPERSON WEPRIN: [interposing] Right.

6 RANDY MASTRO: It was a chance to
7 genuinely figure out where the workers stood.

8 CHAIRPERSON WEPRIN: Right. You're a
9 good lawyer. [laughter] But it's hard for me. It's
10 just I'm just--

11 RANDY MASTRO: [interposing] It's also
12 the reality.

13 CHAIRPERSON WEPRIN: Okay, all right.

14 RANDY MASTRO: [interposing] It's also
15 the reality.

16 CHAIRPERSON WEPRIN: Yeah. It just seems
17 to me if I was trying to assess how the workers
18 really felt, I would have tried to-- You know,
19 you're right, the union may have representatives
20 there, but the CEO of the company shows up. I assume
21 this isn't normal. He doesn't normally show up at
22 events. That's a pretty big deal. I mean the guy is
23 a very well known famous guy who they all know. I
24 just think that that in and of itself to me sounds
25 like you're trying to have the workers go one way or

2 the other. But that it just seems to me that if you
3 really want an honest assessment, there are better
4 ways to do this. We don't have to argue in the way
5 you did that.

6 RANDY MASTRO: [interposing] We don't
7 have to argue, Mr. Chairman, but I just have to say I
8 you genuinely want to assess where the workers stand-
9 -

10 CHAIRPERSON WEPRIN: [interposing] Okay.

11 RANDY MASTRO: --you would expect both
12 the union and the top official at Cablevision to
13 encourage all the workers to vote. And that's
14 exactly what happened in that 24 hours. So at the
15 end of the day-- And again, many of the subjects
16 you're going to ask us about here today are the
17 subject of ongoing litigation. And the place to
18 litigate them is before those appropriate bodies like
19 the NLRB and the courts.

20 CHAIRPERSON WEPRIN: [interposing] Right.

21 RANDY MASTRO: But you ask me a question,
22 I give you an answer. That's what I would expect a
23 responsible leader of a company to do. That's what I
24 would have expected the union to do. Both saying
25 participate in the straw poll, and they both did and

2 the vote came out as clear majority in favor of
3 decertification.

4 CHAIRPERSON WEPRIN: I'm not here as a
5 trier of facts. So, you right, and I'm not looking
6 to do that. It just strikes me-- And I understand
7 there is terrible bad blood between the union and
8 management. You know, ads were taken in the paper,
9 and they were calling each other names. You know,
10 it's out of hand. Both sides I think sometimes get a
11 little too emotionally involved. But it just seems
12 to me, and I'm just saying it's my honest assessment
13 and it only means my opinion. But if you really want
14 just an honest vote, you could have done it in a way
15 that would show everyone hey look we're doing this
16 completely fairly. We're not bringing the chair of
17 the company in. We're not-- We're just telling you
18 what to do. And Bob Masters is a pretty intimidating
19 guy, but Jim Dolan is a big guy. I know he's a
20 Princeton guy and you're a Yale guy. So you guys may
21 have that issue between you all. But I don't even
22 think he has the same ability to intimidate workers
23 about having the CEO of the company come. Just for
24 what it's worth. Let me ask this question also
25 because you mentioned the baseless claims that are

2 before the NLRB currently. Do you expect Cablevision
3 to win in that NLRB ruling when it comes down?

4 RANDY MASTRO: Again, those issues are
5 going to be litigated before the NLRB, and ultimately
6 the courts, which decides. Right now the procedural
7 posture is that there are complaints that are being
8 reviewed by an administrative law judge. It hasn't
9 even reached the NLRB yet let alone the courts and
10 the appellate courts, federal appellate courts that
11 ultimately decide these questions. Do I expect, do
12 we expect based on the facts as we know them that
13 Cablevision will be vindicated at the end of the day?
14 Absolutely. Without question.

15 CHAIRPERSON WEPRIN: Okay. Thank you let
16 me you another question since we discussed for all
17 the people who are here today. The workers that are
18 here, the guys in the blue shirts who are sitting on
19 your side, you mentioned that they-- Are they from
20 the actual union, the group that voted or are they
21 from other places in Cablevision? I'm just curious.

22 RANDY MASTRO: Mr. Chairman, many of the
23 individuals here--

24 CHAIRPERSON WEPRIN: [interposing]
25 Please.

2 SERGEANT-AT-ARMS: Quiet in the chambers.

3 RANDY MASTRO: And I know, Mr. Chairman,
4 you'll want to ask the same question of the red
5 shirts later--

6 CHAIRPERSON WEPRIN: [interposing] Yeah.

7 RANDY MASTRO: --and see how many hands
8 are raised then. But the fact of the matter is that
9 many, if not most, of the individuals who are here
10 today displaying "Let Brooklyn Vote" are from that
11 bargaining unit. And I have to say this. I have to
12 say this. All of them are Cablevision employees in
13 the region, which can't be said of the red shirts.
14 Please ask the red shirts. And they're all here
15 because there are kind of spurious accusations that
16 have been made here besmirch the company, and all of
17 their reputations. So some of these folks are
18 brothers and sisters who come here to support those
19 in Brooklyn who want to vote to decide for
20 themselves. And they are all Cablevision employees
21 in this region, which cannot be said of the red
22 shirts. Many of whom are from Verizon and other
23 unions.

24 CHAIRPERSON WEPRIN: Right, now a lot of
25 them-- We'll ask the question later on, too. I was

2 just curious who they were, and makes me wonder with
3 the red shirts we have, who is running the company
4 today? [laughter] Are they all on their-- Everyone
5 on their-- ? Are they al on their day off? I'm
6 just curious. Are these people all on their day off,
7 or are they getting off from work?

8 RANDY MASTRO: Anyone who wanted to come
9 here today from the company red shirt, blue shirt, no
10 shirt--

11 CHAIRPERSON WEPRIN: [interposing] No
12 shirt, we wouldn't allow in the Chamber.

13 RANDY MASTRO: --was permitted to come
14 here today, and it was treated as perfectly fine for
15 people who wanted to express themselves either way to
16 be able to do that. And hence, you see red shirts.
17 You see a sea of blue shirts. You see a lot of
18 shirts, and you see some people without shirts, but
19 who wanted to be here to hear these proceedings.

20 CHAIRPERSON WEPRIN: Okay. I'll tell you
21 what, I know there are a lot of people who have
22 questions to ask and--

23 [Pause]

24 CHAIRPERSON WEPRIN: All right. I'm
25 going to let the members of the subcommittee to ask

2 their questions first. Vinny Gentile is the first
3 name on my list here.

4 COUNCIL MEMBER GENTILE: Thank you, Mr.
5 Chairman. Thank you Mr. Mastro.

6 RANDY MASTRO: It's a pleasure to see you
7 again, Council Member.

8 COUNCIL MEMBER GENTILE: Good to see you.
9 Great. I'm just curious. Before that vote of 129
10 to 115 took place, did you or did the company
11 institute the wage and benefit increases for the
12 Bronx workers prior to that vote in Brooklyn?

13 RANDY MASTRO: There had already been
14 agreements with the workers not represented by the
15 CWA in that discrete 270-person bargaining unit in
16 Brooklyn. There had already been agreements reached
17 on certain wage increases and other conditions of
18 employment.

19 CHAIRPERSON WEPRIN: So Randy, could you
20 just move the mic a little closer to you?

21 RANDY MASTRO: Sure.

22 CHAIRPERSON WEPRIN: Okay.

23 COUNCIL MEMBER GENTILE: So in effect,
24 the Brooklyn workers who were taking this so-called
25 decertification vote or another vote, were looking at

2 the benefits and wages that the Bronx workers had
3 already-- were granted by the company?

4 RANDY MASTRO: Well, the question you
5 asked is when there are different bargaining units,
6 some of whom represented by unions and some not. You
7 know, there are agreements reached with some while
8 the others are continuing to go negotiate. Of
9 course, that's always the case.

10 COUNCIL MEMBER GENTILE: But the case has
11 been that they've been trying to negotiate in the
12 Brooklyn-- CWA has been trying to negotiate with
13 the Brooklyn workers with Cablevision over a period
14 of time here while the Bronx workers were getting
15 those wages and benefits increases?

16 RANDY MASTRO: But the Bronx wage
17 increases you're referring to Councilman, occurred 2-
18 1/2 years ago. You know, discrete and distant in
19 time from the issues we're talking about today. So,
20 there is no connection between that and what happened
21 subsequently. And in the Bronx as you are also well
22 aware, the workers there voted not to certify the
23 union as their bargaining representative.

24 COUNCIL MEMBER GENTILE: So the Brooklyn
25 workers signed a petition and filed it with the NLRB

2 more than 100 of them asking for an official vote on
3 union decertification?

4 RANDY MASTRO: Yes.

5 COUNCIL MEMBER GENTILE: My question is
6 everyone at the company knows the tension that's
7 going on there. And despite the tension, Mr. Dolan
8 and the company decides to step right in the middle
9 of it, and hold its own vote. Rather than join those
10 other workers in contacting the NLRB, and let the
11 NLRB resolve the issue that those 100 workers were
12 asking to resolve. Instead of doing that, despite
13 all the tension, you decided to walk right in the
14 middle of it. And decide to do your own vote.

15 RANDY MASTRO: Well, actually again, the
16 reason for conducting the poll was to determine-- a
17 genuine interest in determining what the views of the
18 workers were on the decertification question. Since
19 there had been this petition by more than 100 of
20 them, they filed. There have been some union
21 actions, and disinformation and claims that, in fact,
22 most workers supported them. And it was a genuine
23 effort to understand where the workers stood.

24 COUNCIL MEMBER GENTILE: But that's why
25 we have the NLRB.

2 RANDY MASTRO: And I have to say, but
3 Council Member, it is the case that the NLRB will
4 ultimately decide the union complaint about the
5 decertification. But that is a long, arduous
6 process, and it means that these workers who
7 genuinely, 100 plus of them signing a petition asking
8 for decertification their rights are being denied
9 while that process has to play out. Because the
10 pendency of the NLRB complaint delays and obstructs
11 the vote from going forward. And the fact of the
12 matter is that-- Well, you said, and I know you
13 didn't mean it this way: Shouldn't Cablevision have
14 joined in at the NLRB on the decertification
15 petition? It's not the way it works.

16 COUNCIL MEMBER GENTILE: I understand.

17 RANDY MASTRO: But workers in that
18 bargaining unit, more than 100 of them, 40% of them
19 said they wanted to decertification. That's not up
20 to Cablevision or its management. That's up to those
21 workers, and they expressed themselves. And then,
22 they have a genuine interest to understand where the
23 workers stood after they have been blocked from
24 having that vote by baseless NLRB complaints. A poll
25 was taken, and the poll showed, in fact, that a clear

2 majority of these workers wanted decertification
3 vote.

4 COUNCIL MEMBER GENTILE: Right, but you
5 were not under any obligation to take the poll or
6 take the vote.

7 RANDY MASTRO: Not under an obligation
8 that than--

9 COUNCIL MEMBER GENTILE: [interposing]
10 And in fact, the way it's--

11 RANDY MASTRO: [interposing] Other than
12 Councilman, a commitment, a commitment to understand
13 the reality and the truth. And I think that speaks
14 well of Cablevision.

15 COUNCIL MEMBER GENTILE: [interposing]
16 With the result--

17 RANDY MASTRO: It's not something I would
18 criticize. It's something that I would applaud
19 because these workers have spoken loudly multiple
20 times that they want the right to vote to decertify
21 their union and that's being blocked. Let them vote.

22 COUNCIL MEMBER GENTILE: Mr. Mastro, Mr.
23 Mastro, you know there is the overarching structure
24 of the NLRB--

25 RANDY MASTRO: [interposing] Yes.

2 COUNCIL MEMBER GENTILE: --and what
3 Cablevision is doing is sort of taking it in its own
4 hands, and in essence not only just increasing the
5 tension, and not resolving any issue.

6 RANDY MASTRO: Not in the least,
7 Councilman, for the following reason. There are now
8 proceedings before the NLRB, and they will be
9 litigated. And we are not here today to litigate
10 them, and we will not litigate those issues that are
11 before the NLRB or in court--

12 CHAIRPERSON WEPRIN: [interposing] Get
13 closer to the mic.

14 RANDY MASTRO: --here today. But,
15 Councilman--

16 COUNCIL MEMBER GENTILE: [interposing]
17 Push the mic closer.

18 RANDY MASTRO: --is it a responsible
19 thing for an employer to have done when there is
20 conflicting information about the status of a
21 bargaining unit and its representation, and whether
22 they want to decertify their union? Yes, it was a
23 responsible thing to have a genuine understanding of
24 the truth.

2 COUNCIL MEMBER GENTILE: Let me ask you--
3 I don't know how much time I have here, but--

4 CHAIRPERSON WEPRIN: [off mic]

5 COUNCIL MEMBER GENTILE: Oh, I'm almost
6 done? Okay. Let me ask you something. You had
7 mentioned that the DOE and the State Education Law
8 indicated that there was a violation, or the DOI
9 indicator was a violation for having a meeting in a
10 school. Isn't it-- Just to be clear, the violation
11 was the fact that it wasn't open to the public. Not
12 the fact that the meeting was there.

13 RANDY MASTRO: When you have a meeting--

14 COUNCIL MEMBER GENTILE: [interposing]
15 But that's- that was the violation, to be clear.

16 RANDY MASTRO: I want to be crystal clear
17 because what DOI said was there was a clear violation
18 because members of the public and the press were
19 excluded. It was not just excluding members of the
20 press, or some prominent New York Press from this.
21 It was that at the time they were being excluded, in
22 fact, the people holding the meeting thought it was
23 pro Cablevision folks who wanted to attend. And they
24 were excluding it on the basis of their beliefs. So
25 it goes to core principles that when you're using

1 public space, it has to be an open public meeting
2 number one. Number two, DOI went on to say somehow
3 they couldn't figure out whether there was a second
4 major violation. Whether this was political activity
5 on a public space. Because despite the prepared
6 remarks that the Mayor had made, which showed he went
7 there for political activity, they didn't-- They
8 couldn't confirm what the Mayor actually said at the
9 event, or they never even questioned the Mayor. Now
10 while I have great respect for the Mayor, an
11 investigation that doesn't even ask the Mayor what he
12 said, ends up saying we can't say for sure whether
13 there was political activity that went on there even
14 it was an anti-Cablevision rally. Now, let me say
15 this, that's why the DOI report concluded,
16 Councilman, in no uncertain terms that there may have
17 been conflict of interest violations that occurred
18 here including political activity on public property.
19 And Councilman, that's why this matter and Citizens
20 Union has said it--

22 COUNCIL MEMBER GENTILE: [interposing] To
23 be clear--

24

25

2 RANDY MASTRO: --and editorial reports
3 have said that it should be referred to the COIB for
4 further investigation.

5 COUNCIL MEMBER GENTILE: Well, I also see
6 the conclusions in front of me here by DOI, and may
7 indicate that--

8 RANDY MASTRO: [interposing] A major
9 violation.

10 COUNCIL MEMBER GENTILE: --that place of
11 disclosure on the event flyer and denial of access to
12 the newspaper were inadvertent violations. Just to
13 be clear. That was part of their conclusion results.

14 RANDY MASTRO: [interposing] And just to
15 be clear. I know you want to read from page 12 that
16 there may have been violations of a Conflict of
17 Interest Board Rules, and that's something that
18 should have been referred to the Conflict of Interest
19 Board, and that it has to resolve. Because it seems
20 very clear that there may have been political
21 activity. There was an anti-Cablevision rally. The
22 Mayor and the union and that's political activity on
23 public property. And if that's what transpired
24 there, then the Conflicts of Interest Board should
25 get to the bottom of it. That is something that this

2 Council should be holding hearings on as well,
3 instead of on private management member--

4 COUNCIL MEMBER GENTILE: [interposing]
5 Mr. Mastro.

6 RANDY MASTRO: --collective bargaining
7 negotiations.

8 COUNCIL MEMBER GENTILE: --let me finish
9 out because I think we're actually playing a long-
10 term game here all the way down the road. And so,
11 what happens today, tomorrow or next week, I think is
12 also looking toward what happens a couple of years
13 from now. And sometimes the best defense is a good
14 offense. So, I'm curious. Is the aggressiveness now
15 in which the company has acted, and now defends what
16 they've done, really anticipation of or to avoid a
17 possible cure letter that would come down at the time
18 of a license renewal?

19 RANDY MASTRO: Actually, Councilman,
20 we're not playing any game, and you saying that term
21 is what gives us cause and so many in the public
22 cause about why these hearings are even happening.
23 Because this isn't a game. You should be used a
24 political pawns by the CWA and the WFP. This is--

2 COUNCIL MEMBER GENTILE: [interposing]

3 We certainly don't think it is.

4 RANDY MASTRO: --this is real life. This
5 is real life for these workers who are screaming out
6 to you and to the NLRB that they want a
7 decertification vote, and they're being denied that.

8 COUNCIL MEMBER GENTILE: Well, pawns--

9 RANDY MASTRO: [interposing] This isn't
10 about--

11 COUNCIL MEMBER GENTILE: --pawns could be--

12 -

13 RANDY MASTRO: No one on this side of the
14 aisle is playing a game. This is real life for these
15 workers and this company and its reputation, which
16 has been besmirched--

17 COUNCIL MEMBER GENTILE: [interposing]

18 Okay, we'll see that--

19 RANDY MASTRO: --by this union and this
20 political party.

21 COUNCIL MEMBER GENTILE: We'll see that--

22 We'll see that in the totality of the testimony that
23 we hear today. But there can be pawns used on both
24 sides, but we'll see the totality of the testimony,

25

2 and we'll make that determination here at least among
3 ourselves. Okay, thank you.

4 CHAIRPERSON WEPRIN: We're going to keep
5 moving. Mr. Mastro, I just want to caution you a
6 little bit just to be careful in just-- into
7 attacking the panel because it will just drag things
8 on, and make things a little more nasty. Obviously,
9 this is a Council that cares about workers to make
10 sure they are being treated fairly. Who cares about
11 public servants, Cablevision's workers or public
12 servants. All of them trying to get services to the
13 public. That is obviously an interest to the
14 Council. So this is not about us being browbeating
15 or anything. This is us trying to get to-- to hear
16 the facts, and get them straight.

17 RANDY MASTRO: I appreciate that, Mr.
18 Chairman. I'm just asking you to pursue with the
19 same diligence the cause of so many of these workers
20 for a decertification vote. The concerns about the
21 misuse of public property for political events.

22 COUNCIL MEMBER GENTILE: [interposing]
23 All right.

24 RANDY MASTRO: And I think that as long
25 as we are here I would think with the great respect I

2 have for you and this chamber and this committee that
3 you would be wanting to ask questions about that,
4 too.

5 CHAIRPERSON WEPRIN: Well, the day is
6 young, Mr. Mastro. The day is young.

7 RANDY MASTRO: I'll be waiting for those
8 questions, Mr. Chair.

9 CHAIRPERSON WEPRIN: [interposing] Okay,
10 Mr. Mastro.

11 RANDY MASTRO: I am committing them to my
12 mind. [sic]

13 CHAIRPERSON WEPRIN: Okay, Mr. Mastro,
14 let me move on. What I'm going to do is we are going
15 to put a seven-minute time limit. We will give the
16 extra two minutes there to each of the members. If
17 you can't finish all your questions in the seven
18 minutes, we're going to come back if you want to
19 still be here and answer questions. It's just that
20 we have a number of people to ask questions, and I
21 want to make sure everyone does. What I would like
22 to ask you, Mr. Mastro, as we are doing some sports
23 references is to do the answer four-corner offense
24 and more triangular offense to a point. Like you
25 don't go on too much because only because I have them

2 on a clock, and then I'm going to hear about it from
3 them. So if you could just try to make the answers
4 concise, it would be helpful.

5 RANDY MASTRO: Mr. Chairman, I'm going to
6 answer the questions to make sure that this is a
7 complete record. So I'm going to give it to you
8 straight, and I'm going to give it to you in a way I
9 feel I need to give it to you.

10 CHAIRPERSON WEPRIN: Well, I don't expect
11 that that, but if you could somehow try to make them
12 as possible, I would appreciate it. Thank you, sir.
13 I would like to call on Mr. Williams. Jumaane
14 Williams.

15 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
16 Chair. Mr. Mastro, I think you would be one of the
17 most disrespectful people that have ever come before
18 the City Council and the hearing. Questioning our
19 authority, and ability to call a hearing is
20 ridiculous. And I came here actually to try to get
21 to the bottom of certain things, but I found most of
22 what you said to be disingenuous at best. I don't
23 think you're doing your company a good service, by
24 putting these spurious remarks and accusations.
25 First, well, that you were the Deputy Mayor to Mayor

2 Giuliani, it's not surprising that a lot of what you
3 said is asinine, imbecilic, and empty-headed, just
4 like some of the comments he made that-- [laughter]

5 RANDY MASTRO: [interposing] That was
6 very respectful, Mr. Councilman. Very respectful.

7 COUNCIL MEMBER WILLIAMS: Well, I'm
8 giving back what you gave me. Okay.

9 CHAIRPERSON WEPRIN: [interposing] Okay,
10 guys--

11 COUNCIL MEMBER WILLIAMS: You had also--

12 CHAIRPERSON WEPRIN: --please just try to
13 -- try to be respectful, please.

14 COUNCIL MEMBER WILLIAMS: I will but to
15 say and accuse of us I guess of essentially being
16 lackeys of the Working Families Party, it is no
17 secret that the Working Families has questionable
18 methods to achieve its political objectives. The
19 Working Families have manipulated our local campaign
20 finance system back in 2009 by phony and excessive
21 in-kind contributions. None of that has been proven.
22 I know you brought the case. It has not been proven.
23 So for you to mention that here I believe is asinine,
24 imbecilic and empty headed, and has no business being
25 in this testimony given today. You made a definitive

2 statement that has not been proven. And the case
3 that is here now is even dumber than the one that you
4 brought before. So please let us not mix up--

5 RANDY MASTRO: [interposing] Is there a
6 question Mr. Williams?

7 COUNCIL MEMBER WILLIAMS: No, I'm
8 talking.

9 CHAIRPERSON WEPRIN: Please guys.

10 COUNCIL MEMBER WILLIAMS: This is my time
11 now. So you will listen to what I'm saying, and you
12 will answer the questions that I ask period.

13 RANDY MASTRO: Well, ask a question of me
14 then.

15 COUNCIL MEMBER WILLIAMS: Well, no,
16 you're not going to take my time. That's not how it
17 works. My question is since the Brooklyn workers
18 both unionized, the National Labor Relations Board
19 has twice filed complaints against Cablevision for
20 engaging in a host of unfair labor practices. Is
21 that true?

22 RANDY MASTRO: Have there been any
23 complaints filed involving unfair labor practice?
24 Yes, that's true.

2 COUNCIL MEMBER WILLIAMS: If NLRB charges
3 are sustained, Cablevision will not be in compliance
4 with its obligations under the Franchise Agreement,
5 correct?

6 RANDY MASTRO: No, that is not true.

7 COUNCIL MEMBER WILLIAMS: Okay, what--
8 It's not true that you would be in compliance if it's
9 found that you have-- Those complaints are
10 substantiated, you're saying you will still be in
11 compliance with the Franchise Agreement?

12 RANDY MASTRO: Yes, for multiple reasons,
13 and I will briefly describe some of them. First of
14 all, Cablevision has been recognizing collective
15 bargaining in compliance with all applicable laws.
16 It has been bargaining in good faith, and over 40
17 sessions and reached agreement on multiple terms. So
18 it's in compliance regardless of what happens down
19 the road, but the agreement provides that there has
20 got to be notice and an opportunity to cure even if
21 there were a potential violation. And I have to say,
22 Councilman Williams, you know, the speech you gave at
23 the beginning is really--

24 COUNCIL MEMBER WILLIAMS: [interposing]
25 All right, are you going to answer my question? I

2 don't want to hear anything else besides what I'm
3 asking.

4 RANDY MASTRO: I am. I am, but you're
5 asking questions right off the memo that the WFP
6 circulated to you and other members of this
7 committee--

8 COUNCIL MEMBER WILLIAMS: [interposing]
9 That's not true. I have never seen a memo.

10 RANDY MASTRO: --before--

11 COUNCIL MEMBER WILLIAMS: [interposing]
12 I'm not doing this. I'm not doing this--

13 RANDY MASTRO: --and we don't know who or
14 how far they are on that campaign. [sic]

15 COUNCIL MEMBER WILLIAMS: --at all. Mr.
16 Chair, I'm not doing this at all. I am never going
17 to work with this man on this at all.

18 RANDY MASTRO: [interposing] You don't
19 know who is

20 COUNCIL MEMBER WILLIAMS: Mr. Chair, I'm
21 not doing this at all. I'm never going to work with
22 this man on this.

23 RANDY MASTRO: You don't know who else is
24 on that campaign. [sic]

2 COUNCIL MEMBER WILLIAMS: You are not
3 going to over-talk when I'm talking.

4 RANDY MASTRO: [interposing] We are not
5 going to speak over what I am talking today.

6 COUNCIL MEMBER WILLIAMS: This is not
7 your hearing. Period.

8 CHAIRPERSON WEPRIN: Okay.

9 RANDY MASTRO: Do you know, Janelle
10 Quarles?

11 COUNCIL MEMBER WILLIAMS: It is not your
12 hearing.

13 RANDY MASTRO: Do you know Janelle
14 Quarles? Do you know Janelle, Mr. Williams?

15 COUNCIL MEMBER WILLIAMS: It is not your
16 hearing, sir.

17 RANDY MASTRO: Well, don't answer the
18 question then, but she handed me--

19 COUNCIL MEMBER WILLIAMS: [interposing]
20 I've never seen or heard this kind of talk.

21 RANDY MASTRO: --a memo before this
22 committee hearing encouraging you to ask questions
23 like that, but in that memo she admitted--

24 CHAIRPERSON WEPRIN: All right, Mr.
25 Mastro--

2 COUNCIL MEMBER WILLIAMS: [interposing]

3 All right, Chair,

4 CHAIRPERSON WEPRIN: --you'll have.

5 We're going to be here awhile

6 RANDY MASTRO: [interposing] I know.

7 CHAIRPERSON WEPRIN: -but just one
8 second. Don't do that now. Wait until he's done--

9 RANDY MASTRO: [interposing] All right.

10 CHAIRPERSON WEPRIN: --and then you'll
11 have a chance later on if you want to mention it.

12 RANDY MASTRO: I'll wait-- I'll until
13 he's done, but--

14 CHAIRPERSON WEPRIN: No problem.

15 RANDY MASTRO: --[interposing] what was
16 in that memo, and I'll go.

17 CHAIRPERSON WEPRIN: Just one second.
18 Let him finish.

19 RANDY MASTRO: Go ahead, Mr. Williams.

20 COUNCIL MEMBER WILLIAMS: You don't have
21 to tell me to go ahead because this is not your
22 hearing. So you have to get that straight. I know
23 what you used to be right now you are here for our
24 hearing to answer our questions. And you believe
25 that the cases before the NLRB right now will not be

2 sustained? They will not be sustained, is that
3 correct?

4 RANDY MASTRO: It has to go through first
5 an ALJ, which an ALJ is considering it now. Then it
6 goes to the NLRB, and then it goes to the federal
7 courts, and we believe that at the end of this
8 process Cablevision will be vindicated in every
9 respect absolutely vindicated.

10 COUNCIL MEMBER WILLIAMS: If you're not
11 vindicated, would you agree not to reapply for your
12 franchise in 2020?

13 RANDY MASTRO: With all due respect, it's
14 a question that totally misses the mark. Obviously
15 not. I've already said that no matter what happens
16 before NLRB--

17 COUNCIL MEMBER WILLIAMS: [interposing]
18 If you're not vindicated--

19 RANDY MASTRO: --no matter what happens
20 before the NLRB--

21 COUNCIL MEMBER WILLIAMS:--if you are not
22 vindicated, would you agree not to reapply for your
23 franchise in 2020?

24 CHAIRPERSON WEPRIN: Let him answer the
25 question.

2 RANDY MASTRO: Councilman, if you want me
3 to answer the question, I'll answer the question--

4 COUNCIL MEMBER WILLIAMS: [interposing]
5 Yeah.

6 RANDY MASTRO: --instead of interrupting
7 me.

8 COUNCIL MEMBER WILLIAMS: Well, you're
9 taking a lot of my time off. That's what you're
10 doing.

11 RANDY MASTRO: Okay, Mr. Williams,
12 please.

13 COUNCIL MEMBER WILLIAMS: Uh-huh.

14 RANDY MASTRO: The short answer to your
15 question is obviously not--

16 COUNCIL MEMBER WILLIAMS: [interposing]
17 Okay, can you--

18 RANDY MASTRO: --and I've already said
19 that even if the NLRB were to find a violation, it
20 would not result in any adverse action being able to
21 be taken against Cablevision--

22 COUNCIL MEMBER WILLIAMS: [interposing]
23 Okay, thank you.

24 RANDY MASTRO: --under their franchise.

25 COUNCIL MEMBER WILLIAMS: Thank you.

2 RANDY MASTRO: That's the fact. That's
3 the law. A federal law preempts that--

4 COUNCIL MEMBER WILLIAMS: [interposing]
5 Thank you for answering my question. I appreciate
6 it.

7 RANDY MASTRO: --under the Franchise
8 Agreement just to be crystal clear.

9 COUNCIL MEMBER WILLIAMS: [interposing]
10 Now onto Mr. Jerome. Mr. Jerome in the NLRB
11 Complaint alleges that Jerome Thompson, leader of the
12 unionized effort, was fired in retaliation of his
13 support of the union. And I understand you're saying
14 that he had a long history of problems within the
15 company. Why did it take so long to fire him and
16 why was he fired around the time when people were
17 unionizing if there were problems that existed
18 beforehand?

19 RANDY MASTRO: Okay. The premise of your
20 questions is wrong. He was fired for cause for a
21 long--

22 COUNCIL MEMBER WILLIAMS: Wait, wait,
23 wait, wait, don't. My question was if he had a long
24 history with the company, why was he fired around the

2 time unionizing started as opposed to beforehand?
3 That's my question.

4 RANDY MASTRO: It wasn't. It wasn't
5 around the union organizing started. So the premise
6 of your question is wrong.

7 COUNCIL MEMBER WILLIAMS: [interposing]
8 So when was he---

9 RANDY MASTRO: And the reality is the
10 following: The reality is that he had a long history
11 of employment related issues. He received repeated
12 warnings, which is the process that Cablevision
13 follows for employees. He received a final warning
14 long after the union had already been certified for
15 this bargaining unit. And in 2014, he had a series
16 of incidents after having receive final warning. He
17 had two car crashes unreported to his supervisor in
18 the first instance. He had unauthorized use of his
19 cell phone more than 25 times what someone in the
20 company normally has. Including while he was on
21 vacation in Las Vegas, he had multiple instances--

22 COUNCIL MEMBER WILLIAMS: [interposing]
23 Okay.

24 RANDY MASTRO: --of unprofessional and
25 disgraceful conduct--

2 COUNCIL MEMBER WILLIAMS: [interposing]

3 Okay, you answered my question. My time is up

4 RANDY MASTRO: --as he was part of the
5 workforce-- [sic]

6 COUNCIL MEMBER WILLIAMS: So let me just
7 way this. I consider myself to be a fair person, Mr.
8 Chair. I'm sorry. I actually asked some of the
9 representatives if I can-- I don't know if it's
10 allowed legally, but if I can see some of the
11 paperwork that had on Mr. Thompson because I've heard
12 because I've heard that they have problems before. I
13 still have yet to see that, and I haven't heard back
14 whether it was legal or not. I actually came in to
15 actually hear what you had to say, but a lot of what
16 I'm hearing is disingenuous. You're saying that the
17 raises that were given in January 2012 has nothing to
18 do with what's happening now. I think Cablevision
19 has been terrible actors. He was first fired as part
20 of the 22 two years ago. There have been numerous
21 times where Cablevision has displayed themselves as
22 bad actors. And my hope was that some of that had
23 changed right now, and I was trying to come here to
24 get more information about where you were versus were
25 CWA is. But I can see clearly, from the foolishness

2 that has been spewed by you. that it is my
3 understanding that Cablevision is still being bad
4 actors when it comes to negotiations here. And I'm
5 sorry, not just for the people unionizing, but the
6 people in the blue shirts. And I thank you guys for
7 being here as well because I know everybody wants to
8 have a good job and good pay. So I'm glad that
9 you're here. But also know that what happens to one
10 unit can spread all across. And so I know that many
11 people got raises while one unit did not. Thank you.

12 CHAIRPERSON WEPRIN: Okay. Thank you.
13 You want up.

14 RANDY MASTRO: Mr. Chair.

15 CHAIRPERSON WEPRIN: All right, thank
16 you. Thank you, audience. No, the audience is being
17 good. Mr. Mastro, do you want to respond to that I
18 see.

19 RANDY MASTRO: Yes. Mr. Chairman, I just
20 wanted to point out that Janelle Quarles of the
21 Working Families Party, the Legislative Campaign
22 Director, sent a memo to many Council Members that
23 urged them to ask certain questions of the type that
24 Council Member Williams asked, and admitted the
25 following: Quote, "The City cannot enforce

2 violations of federal labor law." end quote. The
3 City Cannot cancel the current franchise based on
4 Cablevision's violations of the labor language" end
5 quote. In the Franchise Agreement, but that the WFP
6 wanted the Council to press an investigation of these
7 issues to quote "Increase pressure on Cablevision"
8 end quote to give into the CWA's collective
9 bargaining demands. I just wanted that to be part of
10 this record so we are all crystal clear. Thank you.

11 CHAIRPERSON WEPRIN: Thank you, Mr.
12 Mastro. I know you don't want to hear my advice, but
13 I know you are a very aggressive fighter for your
14 client. But try not to let things get under you
15 skin, okay because--

16 RANDY MASTRO: [interposing] Nothing is
17 getting under my skin.

18 CHAIRPERSON WEPRIN: --we've got more
19 here. Okay, we've got more people coming. They're
20 not all going to say nice things. I know. I'm just
21 saying.

22 RANDY MASTRO: I'm asking question not
23 speaking.

24

25

2 CHAIRPERSON WEPRIN: I just can see where
3 it will spin out of control. You'll make my job
4 really tough between these guys and you.

5 RANDY MASTRO: Sure.

6 CHAIRPERSON WEPRIN: So let's all be on
7 your best behavior. Okay. Council Member Reynoso
8 followed by Council Member Richards, by the way.

9 COUNCIL MEMBER REYNOSO: Thank you very
10 much. Mr. Mastro, thank you for being here. I
11 wanted to ask why are you here? If we have no role
12 to play in administering your franchise, why do you
13 even care to be here?

14 RANDY MASTRO: That's a good question.
15 And the answer to the question is Cablevision as a
16 responsible party that is responsive to government is
17 here at your invitation. But we would be remiss if
18 we came here and didn't express to you our views on
19 the scope of your authority whether you should even
20 be having hearings like this and what the law is in
21 this area. So we are here to answer your questions,
22 but we would have been remiss had we not said at the
23 outset we don't understand why yet another hearing is
24 being held on the status of collective bargaining
25 negotiations between a private entity and play--

2 COUNCIL MEMBER REYNOSO: [interposing]

3 Okay, and for us--

4 RANDY MASTRO: --and labor.

5 COUNCIL MEMBER REYNOSO: So you answered
6 the question. Thank you. You did a good job. The
7 second part is if there is no real role for us to
8 play here, you don't need to be here, by the way.
9 You could just not show up, but I think that there is
10 a role that we do play. Do you know what an
11 authorizing resolution is?

12 RANDY MASTRO: Of course I do. I'm a
13 former--

14 COUNCIL MEMBER REYNOSO: [interposing]

15 Thank you

16 RANDY MASTRO: --Deputy Mayor, and you
17 granted an authorizing resolution on franchises as
18 you know--

19 COUNCIL MEMBER REYNOSO: [interposing]

20 Okay so we as City Council.

21 RANDY MASTRO: --as the City Council.

22 COUNCIL MEMBER REYNOSO: Mr. Mastro, why
23 is it that you can't answer questions--

24 RANDY MASTRO: [interposing] I'm
25 answering them.

2 COUNCIL MEMBER REYNOSO: --the way
3 everyone else does.

4 RANDY MASTRO: I'm answering your
5 question.

6 COUNCIL MEMBER REYNOSO: Give us the
7 respect we want to give you?

8 RANDY MASTRO: Okay.

9 COUNCIL MEMBER REYNOSO: You've got to
10 respect us, and we'll respect you. If you don't do
11 it, then we're going to get into a shouting match and
12 that is--

13 CHAIRPERSON WEPRIN: Okay.

14 COUNCIL MEMBER REYNOSO: --not what we're
15 trying to do.

16 RANDY MASTRO: Yu asked me if I knew what
17 an authorizing resolution was?

18 COUNCIL MEMBER REYNOSO: I just--
19 Exactly. You can say yes or no.

20 RANDY MASTRO: I do know what an
21 authorizing resolution is.

22 COUNCIL MEMBER REYNOSO: Thank you.

23 CHAIRPERSON WEPRIN: Okay, good.

24

25

2 COUNCIL MEMBER REYNOSO: Okay, in the
3 Franchise Agreement, was there an authorizing
4 resolution, yes or no?

5 RANDY MASTRO: There was an authorizing
6 resolution to grant franchises to cable providers.
7 yes.

8 COUNCIL MEMBER REYNOSO: Is there an
9 authorizing resolution regarding bargaining
10 collectively?

11 RANDY MASTRO: No.

12 COUNCIL MEMBER REYNOSO: Okay. so--

13 RANDY MASTRO: [interposing] Not the way
14 you have put that, Council Member.

15 COUNCIL MEMBER REYNOSO: The right to
16 bargain collectively is there an authorizing
17 resolution that requests that-- Not requests but
18 mandates that the workers have a right to bargain
19 collectively?

20 RANDY MASTRO: I have-- Councilman, I'm
21 not sure of your specific reference, but if you were
22 asking whether in-- what is in cable franchise
23 agreements is a provision is a provision about
24 collective bargaining. There is such a provision
25 that--

2 COUNCIL MEMBER REYNOSO: [interposing]

3 Thank you.

4 RANDY MASTRO: --the Chair read at the
5 outset of the hearing.

6 COUNCIL MEMBER REYNOSO: So there is an
7 authorizing resolution, right, that resulted in the
8 contract that specifically states rights to bargain
9 collectively, franchise, i.e., Cablevision shall
10 recognize the right of its employees to bargain
11 collectively to representation of their own choosing
12 in accordance with applicable law. Do you know what
13 I'm reading here?

14 RANDY MASTRO: You're reading Section
15 17.1 of the--

16 COUNCIL MEMBER REYNOSO: [interposing]
17 How does that-- What does it say? Right after 17.1,
18 what are the words that it says? The right to
19 bargain collectively. And that was--

20 RANDY MASTRO: [interposing] And I did
21 say that already, Mr. Reynoso.

22 COUNCIL MEMBER REYNOSO: Okay, go ahead.
23 I apologize. You're right. Go ahead.

24 RANDY MASTRO: I did say that there is
25 such a provision, and I explained earlier why I

2 believe that Cablevision is in complete compliance
3 with it--

4 COUNCIL MEMBER REYNOSO: [interposing]
5 Okay, I didn't ask you whether you were in
6 compliance. I asked you if that resolution if that
7 was in there, and you said that my question wasn't
8 being asked correctly, but obviously it's in there.
9 And the measure was adopted by what body?

10 RANDY MASTRO: The City Council.

11 COUNCIL MEMBER REYNOSO: The City
12 Council. So the City Council--

13 RANDY MASTRO: [interposing] It's an
14 Authorizing Resolution Granting a Franchise and then
15 it's entirely--

16 COUNCIL MEMBER REYNOSO: [interposing] I
17 asked you a question, and you answered it.

18 RANDY MASTRO: --up to the Administering
19 to decide whether to grant-- who to grant them to,
20 and then how to administer it.

21 COUNCIL MEMBER REYNOSO: [interposing]
22 And the City Council plays that role.

23 RANDY MASTRO: And that's what the New
24 York Court-- [sic]

2 COUNCIL MEMBER REYNOSO: The City Council
3 plays that role, and we play that role. So we do
4 matter.

5 RANDY MASTRO: And this is--

6 CHAIRPERSON WEPRIN: Let him finish the
7 question, and then you can answer.

8 COUNCIL MEMBER REYNOSO: Exactly. So we
9 do matter, and this is real. And now I wanted to ask
10 you another question.

11 RANDY MASTRO: [interposing] Can I
12 respond to that?

13 CHAIRPERSON WEPRIN: Let him answer that
14 question then you can--

15 COUNCIL MEMBER REYNOSO: The question was
16 whether or not there is a provision in their contract
17 for the right to collectively-- The right to-- I'll
18 read it exactly. The right to bargain collectively?

19 CHAIRPERSON WEPRIN: I think he said yes
20 to that.

21 COUNCIL MEMBER REYNOSO: He said yes.

22 RANDY MASTRO: Yes, but Council Member--

23 COUNCIL MEMBER REYNOSO: And that was
24 adopted by who?

25 RANDY MASTRO: Council Member--

2 CHAIRPERSON WEPRIN: This is where-- this
3 is where the answer is going to get long.

4 RANDY MASTRO: Okay.

5 CHAIRPERSON WEPRIN: But let's let him
6 answer that question.

7 RANDY MASTRO: Okay.

8 CHAIRPERSON WEPRIN: Because I know he'll
9 explain that one.

10 RANDY MASTRO: The City Council passed an
11 Authorizing Resolution.

12 COUNCIL MEMBER REYNOSO: You've got to
13 get closer to the mic. You've got to get closer.
14 Really close.

15 RANDY MASTRO: The City Council passed an
16 Authorizing Resolution permitting the City
17 Administration to grant franchises. Then it is the
18 exclusive providence under well-established law, New
19 York Court of Appeals, City Council v. New York State
20 Public Service Commission that the Administration has
21 exclusive authority to decide who to grant a
22 franchise to and how to administer the franchise.
23 And whether there is problems under the franchise
24 agreement, and whether to revoke or renew entirely,
25 exclusively the franchise of the executive branch.

2 That's what our New York's highest court has said.

3 So you did your job already when you passed the
4 authorizing resolution. You have no right--

5 COUNCIL MEMBER REYNOSO: [interposing]

6 Right.

7 RANDY MASTRO: --in the administration of
8 the franchise.

9 CHAIRPERSON WEPRIN: Thank you.

10 COUNCIL MEMBER REYNOSO: I never said did
11 we have the authority to administer a franchise. I
12 asked if we adopted a resolution, an authorizing
13 resolution adopted by the City Council that
14 specifically speaks to the right to bargain
15 collectively. And we are calling you in here to
16 speak to something that we asked the Administration
17 to adopt. So we do have a purpose in this Council
18 and you are misrepresenting that. Now, I have
19 another question.

20 RANDY MASTRO: And you did pass an
21 authorizing resolution.

22 COUNCIL MEMBER REYNOSO: You don't need
23 to answer anything. There was no question there.

24 CHAIRPERSON WEPRIN: That's fine. Just
25 take note. He has another question.

2 COUNCIL MEMBER REYNOSO: The next
3 question.

4 RANDY MASTRO: Please.

5 COUNCIL MEMBER REYNOSO: Is are you a
6 member of the NLRB?

7 RANDY MASTRO: Pardon me?

8 COUNCIL MEMBER REYNOSO: Are you a member
9 of the NLRB right now?

10 RANDY MASTRO: No, I am not.

11 COUNCIL MEMBER REYNOSO: So what gives
12 you the authority to call these claims baseless?

13 RANDY MASTRO: Okay, your question is
14 what is Cablevision's--

15 COUNCIL MEMBER REYNOSO: [interposing]
16 No, no, no. In your testimony it specifically states
17 that these are baseless claims. Are you a member of
18 the NLRB?

19 RANDY MASTRO: No.

20 COUNCIL MEMBER REYNOSO: You are not.

21 RANDY MASTRO: [interposing] Mr. Council
22 Member, I'm not an NLRB--

23 COUNCIL MEMBER REYNOSO: What gives you
24 the authority to--

2 RANDY MASTRO: --but our law firm is
3 representing Cablevision before the NLRB, and we have
4 told the NLRB as their counsel that these charges are
5 baseless, and we are vigorously defending against the
6 complaints--

7 COUNCIL MEMBER REYNOSO: [interposing]
8 You are--

9 RANDY MASTRO: --and we intend to win.

10 COUNCIL MEMBER REYNOSO: Exactly. You
11 intend to win, but these claims are not baseless
12 until the NLRB states it, not you.

13 RANDY MASTRO: If they're not founded on
14 anything so why are you--

15 COUNCIL MEMBER REYNOSO: [interposing]
16 You are not the authorized agent.

17 CHAIRPERSON WEPRIN: Mr. Mastro, you are
18 just stating your opinion is what you were doing, and
19 the opinion of your clients.

20 RANDY MASTRO: [interposing] Your opinion
21 is not fact. The fact is that the NLRB decides
22 whether or not those claims are baseless and you--

23 COUNCIL MEMBER REYNOSO: [interposing] I
24 have said that.

2 RANDY MASTRO: --constantly chose the
3 word and statement that specifically speaks to what
4 is for you, and not what is fact. And we are a body
5 that is significant. If not, you would not be here.
6 The owner wouldn't spend his money on you to sit
7 there when he could be using it for something else,
8 maybe a yacht. And the other thing is also you are
9 not an NLRB member so don't call the claims baseless
10 until the NLRB does. So let's wait for that to
11 happen, and then you can make your statement. Thank
12 you very much for your time.

13 CHAIRPERSON WEPRIN: Thank you and that
14 doesn't need a response, Mr. Mastro. Mr. Richards,
15 Donovan Richards from Queens County

16 COUNCIL MEMBER RICHARDS: Good afternoon.

17 RANDY MASTRO: Good afternoon,
18 Councilman.

19 COUNCIL MEMBER RICHARDS: First off I
20 want to start by saying that you're an embarrassment
21 to your company. You're a huge embarrassment, and
22 I'm not-- I don't get into name-calling, but I've
23 sat here and listened to you. And one thing my
24 mother and my father always taught me is when I go
25 into somebody else's house, I should respect them.

2 And if I'm in your house you have every right to act
3 the way you are. But you're in our house. The
4 members of this Council had every right to inject
5 themselves in workers' rights. This is one of the
6 reasons we were elected, the primary reason we were
7 elected as council members in New York City. And I
8 think I couldn't stand here in good faith and not
9 represent the people of my district. I will go into
10 just a few questions. I want to go to Brooklyn for a
11 second. I'm a Queens council member, and I want to
12 know why-- what was the reason for you guys not
13 authorizing raises or anything for your Brooklyn
14 members? Why was it that the Bronx members in
15 particular, and I'm not pitting-- I don't want to
16 pit the boroughs against each other because you have
17 to be very cautious when you're in these particular
18 battles. Because it's something called divide and
19 conquer, and we've seen this for many years. So I
20 know that perhaps-- Maybe the first question I
21 should ask is who paid for those T-shirts? [crowd
22 laughter]

23 SERGEANT-AT-ARMS: Quiet please.

24

25

2 COUNCIL MEMBER RICHARDS: And I think I
3 would love to hear who paid for those particular T-
4 shirts that the workers have?

5 CHAIRPERSON WEPRIN: Did you-- You
6 asked a question before that. Did you not want to
7 ask that question.

8 COUNCIL MEMBER RICHARDS: Well, I'll take
9 two.

10 CHAIRPERSON WEPRIN: But the first
11 question was why-- Repeat that question about
12 offering a raise.

13 COUNCIL MEMBER RICHARDS: So why is it
14 that the Bronx in particular receive raises and the
15 Brooklyn members did not? And was there-- I find it
16 very hard to believe that members, people in New York
17 City would vote to decertify being part of a union
18 when we all know that being part of a union in
19 particular will bring you certain benefits.

20 CHAIRPERSON WEPRIN: Okay.

21 COUNCIL MEMBER RICHARDS: And obviously,
22 some raises. So I just find it--

23 CHAIRPERSON WEPRIN: [interposing] Let
24 him answer.

2 COUNCIL MEMBER RICHARDS: And I want to
3 be clear--

4 CHAIRPERSON WEPRIN: [interposing] Let
5 him answer one at a time.

6 COUNCIL MEMBER RICHARDS: --the Working
7 Families Party has not had a damn thing with any
8 question I'm asking today. And I respect them. I
9 respect the CWA. but I also have been taught to
10 think, and based on that, I would like to hear your
11 answer?

12 RANDY MASTRO: Okay, Mr. Chairman. I'm
13 not sure which question--

14 CHAIRPERSON WEPRIN: Well, I guess it
15 just goes by where you start. Start with the first
16 question about the pay raise.

17 RANDY MASTRO: Okay. The difference
18 Councilman is that back in 2012, certain parts of the
19 workforce and I've had direct negotiations with the
20 company and there were terms and condition--

21 CHAIRPERSON WEPRIN: [interposing]
22 You've got to get closer to that mic.

23 COUNCIL MEMBER RICHARDS: Don't be shy
24 with the mic now.

2 RANDY MASTRO: Oh, I'm not shy, Council
3 Member.

4 COUNCIL MEMBER RICHARDS: Okay.

5 RANDY MASTRO: You've learned that
6 already.

7 CHAIRPERSON WEPRIN: We will stipulate to
8 that.

9 RANDY MASTRO: The discrete bargaining
10 unit in Brooklyn where there are about 270 employees,
11 they have had since 2012 a bargaining representative,
12 the CWA. So you have to negotiate terms through the
13 CWA. You can't directly impose terms and conditions
14 once you have a bargaining representative. So the
15 simple answer to your question is that's the process
16 that's been going on through 40 bargaining sessions
17 with 54 agreements on major terms. And the few that
18 remain I think it's fair to say, and it's what the
19 CWA told its members, negotiations have been quote
20 "productive" and the CWA is hopeful of resolving
21 them. But that's the collective bargaining process.
22 You can't directly when you're an employer impose
23 terms and conditions without going through the union.
24 So that explains the difference between the two.
25 Thank you.

2 COUNCIL MEMBER RICHARDS: Second
3 question. Who paid for the T-shirts?

4 RANDY MASTRO: I personally do not know,
5 but I hope you'll ask the same question of who paid
6 for the red T-shirts?

7 COUNCIL MEMBER RICHARDS: Those red T-
8 shires have been around for a long time, prior to the
9 blue.

10 RANDY MASTRO: I'm going to wait to see
11 if-- I'm going to wait to see if you guys ask the
12 same question--

13 CHAIRPERSON WEPRIN: I'm keeping track of
14 the questions that he gave you.

15 COUNCIL MEMBER RICHARDS: All right, and
16 I don't want to take too much time, Mr. Chairman. I
17 think you've been very generous to this gentleman.
18 Are there any further negotiations sessions being
19 scheduled as of now?

20 RANDY MASTRO: It's my understanding that
21 the parties continue to try to schedule negotiating
22 sessions. We'll continue to have them, you know.

23 COUNCIL MEMBER RICHARDS: So when is the
24 next one scheduled?

2 RANDY MASTRO: I don't have the answer to
3 that. I don't know if there's a date for one. I
4 know that Cablevision has proposed many more dates
5 for potential sessions than the union has been able
6 to accommodate, but I believe that--

7 COUNCIL MEMBER RICHARDS: Please don't
8 use those generalities unless you really are giving a
9 date.

10 RANDY MASTRO: I am being told that the
11 date is December 16th for the next bargaining
12 session.

13 COUNCIL MEMBER RICHARDS: So December
14 16th? Okay, Mr. Chairman, I want to thank you. You
15 know what? I do want to add the last comment I have
16 to make is I wish James Dolan would have hired you as
17 a New York Knicks Coach. Perhaps he would have had a
18 better record with your vigor. Thank you.

19 CHAIRPERSON WEPRIN: Thank you. You
20 don't have to comment on that. As your counsel, I
21 advise you not to comment on that, as a matter of
22 fact. [crowd comments] That was Michael. Sorry
23 about that. That other person is Michael. All
24 right, we're going to move onto Council Member Mark
25 Levine from Manhattan.

2 COUNCIL MEMBER LEVINE: Thank you,
3 Chairman, Weprin. Mr. Mastro, speaking for myself, I
4 have not been manipulated or infiltrated or used as a
5 pawn or brainwashed as you implied. I'm here and
6 this committee is here, and this hearing is underway
7 for one simple reason, which is I and we are
8 concerned about the labor practices of your company.
9 Period. And we're here to ask tough questions. You
10 may not like that, but I think it would be a
11 dereliction of duty if we didn't ask these questions.
12 And as for this memo that you continue to refer to
13 from CWA, I haven't seen it. I haven't received it.
14 I learned of its existence from you. I'm not sure
15 why you keep mentioning it. I guess you're trying to
16 get something into the record, but someone
17 misinformed you on the facts of that one.

18 Council Member Richards asked a question
19 of the T-shirts that at first struck me as odd, but
20 I'm starting to understand the implications, and I
21 can't help but noting that you didn't answer. Are
22 you telling us that the employees bought these T-
23 shirts with their own money? I can explain why I
24 care about this if you'd like.

2 RANDY MASTRO: Sir, no, I actually
3 answered, but I don't know who paid for the T-shirts.
4 So that was my answer. So that is my answer. I
5 don't know who paid for the T-shirts. And I don't
6 know who paid for the red T-shirts, and I hope you'll
7 ask--

8 COUNCIL MEMBER LEVINE: [interposing]
9 I'll ask. I'll ask. I promise.

10 RANDY MASTRO: --these new people here
11 [sic] who paid for the red T-shirts. Okay. All
12 right?

13 COUNCIL MEMBER LEVINE: Well, we'll--
14 So among the concerns and questions that I have about
15 your influence on the employees since this
16 decertification vote, your possible expense of
17 company resources in favor of your stated goal of
18 getting certification. I just want to put that on
19 the record. Mr. Dolan visited, as you mentioned, the
20 garage prior to the night before the straw pole.
21 What was the message he delivered? Was he
22 threatening employees or promising them something?

23 RANDY MASTRO: Not in the least, and I
24 think that the accusations that have been made by
25 union in that regard are completely false,

2 demonstrably false, and the message that was conveyed
3 as I understood at that session, and I think others
4 will testify about or be prepared to testify about.
5 Was to encourage everyone to vote in the straw pole
6 regardless of what your position was on union
7 decertification. And, in fact, the union took
8 exactly the same position and urged members to vote
9 in the straw pole, and only expressed opposition
10 after they lost the vote. Those are the facts.

11 COUNCIL MEMBER LEVINE: And prior to when
12 that speech was delivered, when was his previous
13 visit to that garage?

14 RANDY MASTRO: He makes tours of garages
15 periodically and speaks to workers periodically. So
16 it was not-- it was not the first time. It won't be
17 the last time. He's very, you know, hands-on person
18 who cares about his company, and his workers. And he
19 makes visits periodically to plan some bases and that
20 happens periodically.

21 COUNCIL MEMBER LEVINE: You've made
22 repeated reference to your plans to appeal the NLRB
23 position.

24 RANDY MASTRO: I have not. I have said
25 that there's a process that has to be followed,

2 Councilman, where the ALJ decides first. Then it
3 goes to the NLRB. Then it goes to the courts, and I
4 have said that I and the company expects to be fully
5 vindicated. And they can be vindicated at any stage
6 along that way, but expects to be fully vindicated.

7 COUNCIL MEMBER LEVINE: Do you accept the
8 authority that NLRB puts into it, this matter. [sic]

9 RANDY MASTRO: No. The NLRB is the body
10 that by law reviews complaints in the first instance.
11 Ultimately, it's up to the courts to decide whether
12 the NLRB got it right. But again Cablevision expects
13 to be fully vindicated when these complaints are
14 fully litigated through the NLRB and the courts.

15 COUNCIL MEMBER LEVINE: You're an
16 attorney so you know that words matter, and you've
17 made repeated reference to the DOI allegations
18 regarding the recent mayoral meeting. Am I correct
19 that the word inadvertent was how they described the
20 incident, DOI. I didn't hear you mention that.

21 RANDY MASTRO: The DOI conclusion was
22 that there was a violation of DOE rules and State
23 Education Law, and that it appeared to be
24 inadvertent. The violation they were referring to
25 was a violation of having excluded members of the

2 public and the press from attending that meeting.

3 The DOI report went on to say that it couldn't reach
4 a conclusion on whether there had been a wholly
5 separate violation of City Conflict Rules involving
6 the use of public resources, and public position for
7 political purposes. And it went on to say that there
8 may have been a violation of Conflict rules and
9 that's why groups were respected such as the Citizens
10 Union have today called upon DOI and the Conflict of
11 Interest Board to review the matter, and investigate
12 the matter.

13 COUNCIL MEMBER LEVINE: Okay. I'm just
14 going to close with one last question on the T-shirt
15 topic. I've noticed that there are two classes of T-
16 shirts here. We've got those that say Let Brooklyn
17 Vote and Let us Vote, about maybe 90% saying let
18 Brooklyn vote, and not to assume that then the other
19 10% are those who are part of this bargaining unit.

20 RANDY MASTRO: Since I don't know the
21 origins, I don't know the answer.

22 COUNCIL MEMBER LEVINE: You can see the
23 conclusion that we're drawing from that, though,
24 unless the T-shirts are misleading.

2 RANDY MASTRO: Councilman since-- [crowd
3 comments]

4 SERGEANT-AT-ARMS: Quiet please.

5 RANDY MASTRO: Councilman, I don't know
6 the answer to your question. So I don't know how you
7 could draw any conclusions when you don't have any
8 information.

9 COUNCIL MEMBER LEVINE: Okay. Thank you.

10 CHAIRPERSON WEPRIN: Thank you, Mr.
11 Levine, and I'd like to now call on Council Member
12 Lander. Again, I advise both the members and the
13 panel to make sure not to make it personal.

14 COUNCIL MEMBER LANDER: Thank you, Mr.
15 Chairman. Thank you for being here today, Mr.
16 Mastro. So you've acknowledge that your client
17 entered into a Franchise Agreement that contained
18 Section 17.1, the right to bargain collectively. And
19 I just want to make sure we have the last sentence in
20 evidence here that paragraph 2: Franchisee shall not
21 dominate, interfere with, participate in the
22 management or control of or give financial support to
23 any union or association of its employees. Yes?
24 Your client entered into a Franchise Agreement that
25 contained that clause?

2 RANDY MASTRO: Cablevision entered into
3 the Franchise Agreement that has been referred to
4 earlier and quoted earlier by the Chair.

5 COUNCIL MEMBER LANDER: So your cute
6 answer about your unawareness about the providence of
7 the T-shirts notwithstanding if your clients had paid
8 for the T-shirts supporting an association of
9 employees that might be considered to be a violation
10 of Section of 17.1 of the Franchise Agreement?

11 RANDY MASTRO: Right. [crowd comments]
12 Both the assumption of your question and your
13 conclusions are wrong.

14 COUNCIL MEMBER LANDER: So you've
15 indicated that you think actually this entire section
16 is preempted by Federal Labor Law. Did your client
17 share that opinion when they entered into the
18 Franchise Agreement?

19 RANDY MASTRO: What I said, Councilman,
20 was that under U.S. Supreme Court precedent there was
21 a cause in case that a punitive action or a
22 debarment, a loss of a contract as a matter of state
23 or local law that federal preemption bars that from
24 occurring. It doesn't mean that you can't have a
25 contract provision where folks have certain

2 obligations and that they act responsibly under those
3 contracts. But the question that was asked earlier
4 by another councilman and that has been raised
5 directly or indirectly in these hearings. The answer
6 is simple. Federal law preempts the same from having
7 an application of law that would impose a different
8 remedy than those allowed under federal law, or an
9 additional remedy. So the answer to your question
10 is--

11 COUNCIL MEMBER LANDER: [interposing] So
12 based on your advice--

13 RANDY MASTRO: --the City could not as
14 far as the law and the Supreme Court stands, the City
15 could not revoke or take punitive action against
16 Cablevision. The NLRB is the one who decides on
17 labor disputes like this, and unfair labor practice
18 charges, what the remedy has to be. And I have to
19 add Councilman besides that--

20 COUNCIL MEMBER LANDER: [interposing] The
21 NLRB decides--

22 RANDY MASTRO: --besides that, besides
23 that--

24 COUNCIL MEMBER LANDER: --on these
25 disputes and what the remedy has to be?

2 RANDY MASTRO: Besides that--

3 COUNCIL MEMBER LANDER: Because you've
4 indicated before that you don't actually respect the
5 NLRB's decisions as--

6 RANDY MASTRO: [interposing] That's
7 right.

8 COUNCIL MEMBER LANDER: --to remedy.
9 That you'll pursue that in court?

10 RANDY MASTRO: Absolutely incorrect,
11 Council Member.

12 COUNCIL MEMBER LANDER: So you disagree
13 with Mr. Dolan that the NLRB has turned into a tool
14 of big labor, as he informed the New York Times?

15 RANDY MASTRO: Council Member Lander, the
16 NLRB is the adjudicatory body and the regulatory body
17 that go ultimately before the courts--

18 COUNCIL MEMBER LANDER: [interposing] And
19 I asked if you agreed or disagreed with Mr. Dolan
20 that the NLRB has turned into a tool of big labor.

21 RANDY MASTRO: Let me answer the
22 question. Thank you.

23 CHAIRPERSON WEPRIN: Let's not struggle
24 now. Let's try to finish the answer. Let him answer
25 it and we'll get back to that.

2 RANDY MASTRO: Where the NLRB will
3 ultimately be asked to decide the issues in this
4 complaint and then it will go to the courts. And we
5 are defending-- My law firm is defending Cablevision
6 in those cases, and we are doing that in the highest
7 traditions of the practice. But the fact of the
8 matter is that it's the NLRB that will decide what
9 the remedy is if any unfair labor practice charge
10 were found to have been sustained at the end of the
11 day. And under Supreme Court precedent the Wisconsin
12 case that I cited to you and gave you the citation,
13 local and state laws that attempt to impose different
14 remedies or additional remedies are preempted by
15 federal law.

16 COUNCIL MEMBER LANDER: So on your
17 advice, your client actually didn't have anything to
18 worry about from Section 17.1 and could essentially
19 ignore it from the beginning because they need not
20 based on your legal advice fear any consequence of
21 willful violations of it. Because any city action to
22 address it would be preempted under your federal law.
23 That's a pretty clear-- You know, it's a good point.
24 That was your advice to them don't worry about
25 Section 17.1--

2 RANDY MASTRO: [interposing] No, that's-
3 - that's actually.

4 COUNCIL MEMBER LANDER: --no remedy is
5 called for there. [sic]

6 RANDY MASTRO: It's actually not what I
7 said, Councilman and I explained already that the
8 contract provision is something that Cablevision is
9 respecting, in compliance with, and, you know,
10 something--

11 COUNCIL MEMBER LANDER: [interposing] Do
12 you believe it's respecting by Mr. Dolan declaring
13 that the NLRB has turned into a tool of big labor.
14 That indicates a respect for the NLRB role in this
15 process that you just said supersedes the City's
16 role.

17 RANDY MASTRO: I have nothing to answer.

18 CHAIRPERSON WEPRIN: You don't have to
19 answer, but you seem to be choosing to ignore that
20 one question, which is fine, but--

21 RANDY MASTRO: No. No, Mr. Chairman,
22 that's not right either.

23 CHAIRPERSON WEPRIN: Okay.

24 RANDY MASTRO: The fact of the matter is
25 that Cablevision is litigated before the NLRB and

2 respecting the NLRB Cablevision is here today to talk
3 about and address the questions that you have about
4 the franchise and compliance with that provision.
5 We're respecting this contract. We are respecting
6 the NLRB. There is nothing inconsistent about that
7 in pointing out what the state of law ultimately is
8 and who has the authority to decide these questions,
9 and whether they preempt local law. There is nothing
10 inconsistent about that. So you can try to find an
11 inconsistency, but there is none.

12 COUNCIL MEMBER LANDER: I just think it's
13 convenient to say that the City Franchise Agreement
14 is irrelevant for remedy purposes and point to the
15 NLRB. And then, when we discuss the NLRB's remedy,
16 and I point to the fact that Mr. Dolan has said the
17 NLRB has turned into a tool of big labor, you won't
18 answer whether you agree with that or don't agree
19 with that. I don't know if it's a contradiction or
20 not a contradiction. It is convenient.

21 RANDY MASTRO: Councilman--

22 COUNCIL MEMBER LANDER: You can refuse to
23 answer. I've asked you four times about that, and
24 you haven't answered. So you can say, Councilman
25 over and over again it still doesn't--

2 CHAIRPERSON WEPRIN: [interposing] All
3 right, Brad. One second let him finish.

4 RANDY MASTRO: Okay, let's try to be
5 accurate because I know you do want to be accurate.
6 The fact of the matter is that I did not say that the
7 Franchise Agreement is irrelevant. The Franchise
8 Agreement is what it is, and there are clear rules in
9 the Franchise Agreement for how the City goes about
10 identifying what it considers to be an issue under
11 the Franchise Agreement. And it gives notice and an
12 opportunity to be cured. I am pointing out to you
13 that when it comes to an unfair labor practice, and
14 applicable-- compliance with the applicable laws, it
15 is the NLRB and ultimately the federal courts that
16 make that determination. And in that context,
17 Cablevision will have to be responsive to the NLRB.

18 COUNCIL MEMBER LANDER: And I'm looking
19 forward to finding out when the NLRB ALJ rules
20 whether as the NLRB investigators charged after a
21 lengthy that Mr. Dolan did, in fact, indicate that
22 the workers could have a pay raise if they voted to
23 be certified. That they get 14% average wages if
24 they didn't choose a union, and 3% if they did. That
25 they would be passed over for training opportunities

2 if they formed a union and didn't if they would. If
3 they fired 22 workers for their union organizing
4 activities. I agree, we need to see all of those
5 things because there's a systematic pattern of unfair
6 labor practices. And if I had a little more time, I
7 was going to ask you why you think this is in the
8 Franchise Agreement at all? But from my point of
9 view, I'll just say I think it's in the Franchise
10 Agreement because there is a recognition that
11 systematic unfair labor practice activity by
12 corporations whose CEOs indicate that they believe
13 the NLRB has turned into a tool of big labor. Who
14 can pay big money to hire excellent corporate
15 attorneys to litigate first in front of the NLRB and
16 then in court. And can stall out a worker's rights
17 to work, to bargain while they're bargaining in bad
18 faith. And I'll point out a whole series of unfair
19 labor practices that the NLRB found in its complain--
20 and I also look forward to the ruling on those--
21 relate to bargaining in bad faith. You sustain the
22 bad faith bargaining. You litigate and litigate and
23 litigate to draw it out. You then invest in an
24 illegal and another unfair labor practice the effort
25 to decertify. We didn't really get to the fact that

2 the shirts say "Let Brooklyn Vote" and you're
3 pretending as though we could let Brooklyn vote. In
4 fact, it's the NLRB that is denying the
5 decertification election because they believe you've
6 engaged and your client has engaged in repeated
7 unfair labor practices. It all adds up very, very
8 simply to union busting. That's why the NLRB--

9 CHAIRPERSON WEPRIN: [interposing] Okay.

10 COUNCIL MEMBER LANDER: --seeks to enable
11 unions to organize. And that's why the Franchise
12 Agreement is designed to provide some modest
13 additional support in case well-healed corporations
14 seek to abridge their workers' rights to organize.

15 CHAIRPERSON WEPRIN: [interposing] Thank
16 you, Brad.

17 COUNCIL MEMBER LANDER: Thank you very
18 much, Mr. Chairman.

19 CHAIRPERSON WEPRIN: Okay.

20 COUNCIL MEMBER LANDER: Thank you for
21 your indulgence.

22 CHAIRPERSON WEPRIN: Thank you. I'm
23 going to give you the chance to respond.

24 RANDY MASTRO: Thank you.

2 CHAIRPERSON WEPRIN: You don't have to do
3 as long an answer as he gave a question.

4 RANDY MASTRO: I don't need to. The
5 factual predicates of his speech are false, and they
6 will be proven as such before appropriate
7 authorities. Number two, the fact of the matter is
8 that a reality check, as this committee should know,
9 because other union representatives came her to your
10 last hearing and told you so. Cablevision, Madison
11 Square Garden, Newsday, they've enjoyed excellent
12 working relationships with their unions. This is
13 about one well-connected union. One well-connected
14 political party, and trying to put pressure on
15 Cablevision in this one discrete bargaining unit.
16 So, Council Member Lander, I reject categorically
17 everything you said in that speech. It's wrong on
18 the wrong on the-- they're wrong on the facts.

19 COUNCIL MEMBER LANDER: [interposing]
20 They're not allegations? They're not allegations
21 made by the National Labor Relations Board because
22 that's all I said--

23 CHAIRPERSON WEPRIN: [interposing] Okay.

24 COUNCIL MEMBER LANDER: I didn't say that
25 they had happened--

2 CHAIRPERSON WEPRIN: Thank you, Council
3 Member. And we will hear from union reps who will
4 lay out these allegations again. Just for the record
5 just a reminder as you mentioned MSG as a separate
6 company from Cablevision--

7 RANDY MASTRO: [interposing] Yes, it is.

8 CHAIRPERSON WEPRIN: --and this is
9 regarding Cablevision.

10 RANDY MASTRO: It's ultimate common
11 ownership but--

12 CHAIRPERSON WEPRIN: [interposing] Right.

13 RANDY MASTRO: --a separate company,
14 correct.

15 CHAIRPERSON WEPRIN: Okay, as you
16 mentioned.

17 RANDY MASTRO: And you're well aware,
18 this committee is well aware of the excellent
19 relationships--

20 CHAIRPERSON WEPRIN: All right, don--

21 RANDY MASTRO: --with you that
22 Cablevision has enjoyed.

23 CHAIRPERSON WEPRIN: All right, don't
24 start because then it's just going to get responses.

25 RANDY MASTRO: Hey, I've got all day.

2 CHAIRPERSON WEPRIN: All right, well--

3 RANDY MASTRO: I've got all day to answer
4 questions.

5 CHAIRPERSON WEPRIN: --I'm glad you feel
6 that way because we finished the first round--

7 RANDY MASTRO: [interposing] Thank you.

8 CHAIRPERSON WEPRIN: --and we're going
9 back to Council Member Jumaane Williams. So where to
10 put-- This is for Jumaane. This the second and last
11 time.

12 SERGEANT-AT-ARMS: Quiet on the floor.

13 CHAIRPERSON WEPRIN: We're going to keep
14 you-- Yeah, we're going to put a second five-minute
15 clock on the second round. How is that?

16 COUNCIL MEMBER WILLIAMS: Sure.

17 CHAIRPERSON WEPRIN: Jumaane, whenever
18 you're ready.

19 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
20 Chair, and Mr. Mastro--

21 RANDY MASTRO: [interposing] Yes, sir.

22 COUNCIL MEMBER WILLIAMS: --just back to
23 one of the first things I've seen, which I believe as
24 a sitting attorney you actually should be ashamed for
25 what you said here about the Working Families Party.

2 Particularly as a person who brought the case, and to
3 mention, you said-- The things that you said were
4 made as statements of facts. And as an attorney, you
5 probably know you shouldn't do that because none of
6 those things have been proven. And so, I think you
7 owe an apology on the record for making a statement
8 that you know is not factual.

9 RANDY MASTRO: [interposing] Well,
10 actually--

11 COUNCIL MEMBER WILLIAMS: Particularly
12 about a person who brought it, and also how do you--

13 RANDY MASTRO: [interposing] Actually,
14 Councilman, as an officer of the court, I have an
15 obligation when I bring a case to bring that case in
16 good faith because I believe the allegations that are
17 made. And, in fact, we proved them in that
18 courtroom.

19 COUNCIL MEMBER WILLIAMS: Honestly, they
20 have not been proven.

21 RANDY MASTRO: [interposing] We proved
22 that in court.

23 COUNCIL MEMBER WILLIAMS: They have not--
24 Okay, they have not been proven period.

2 RANDY MASTRO: We're not here to make a
3 case.

4 COUNCIL MEMBER WILLIAMS: And so to me--

5 CHAIRPERSON WEPRIN: [interposing] We're
6 not here to discuss that case, or anything else on
7 that. So let's-- let's not go there.

8 RANDY MASTRO: We proved that to the best
9 our ability.

10 COUNCIL MEMBER WILLIAMS: And also,
11 let's-- And you have also brought cases--

12 CHAIRPERSON WEPRIN: [interposing] Let's
13 just let that comment go. Hold on.

14 COUNCIL MEMBER WILLIAMS: So, you
15 probably should have recused yourself from
16 representing this company if you're going to bring
17 some of that stuff up. And I would say to the
18 Cablevision, you know, you kind of threw fuel on the
19 fire here for no reason. I have no problem saying
20 that I think that unionizing for the most part is a
21 good thing. But I also am a fair person. And so I
22 really want to get, to understand both sides. And
23 that doesn't seem like what you came to do. You came
24 to throw fuel on the fire. I've met with CWA a
25 couple of times. I've asked them very difficult

2 questions as well. I've met with Cablevision. I've
3 asked them difficult questions because I really want
4 to understand what's happening. And it's just a
5 shame that that's what we heard today. It was really
6 just to showboat by Mr. Mastro I guess and to pump
7 his chest. And it really just put fuel on the fire
8 for no reason. I think we could have had a dialogue
9 and really get your side a little better. That
10 didn't happen here. Everything I hear it seems like
11 the tight case for what union busting is that I've
12 read in the history books. So I just have to say
13 that, but I do have a couple more questions. So I
14 just wanted to be clear because you said that-- You
15 made it clear that the day before the vote, Mr. Dolan
16 did appear. You said that he has appeared in other
17 sites. I wasn't clear on the answer of how often
18 that happened, and when was the last time he did it
19 before that.

20 RANDY MASTRO: Okay. Councilman, I don't
21 have an exact count, but I would be happy to follow
22 up later and give you other instances where Mr. Dolan
23 has gone and visited plants or sites. It's something
24 that he does periodically.

2 COUNCIL MEMBER WILLIAMS: But you don't
3 think that that particular visit was to push people
4 to vote one way or the other?

5 RANDY MASTRO: It absolutely was not. It
6 was to encourage everyone to vote regardless of what
7 your views were. Just as the union urged its
8 supporters to vote

9 COUNCIL MEMBER WILLIAMS: [interposing]
10 Did he make--

11 RANDY MASTRO: --in that straw pole.

12 COUNCIL MEMBER WILLIAMS: Did he make
13 mention about what would happen if the union came or
14 did not come?

15 RANDY MASTRO: Not at all, and that will
16 be proven--

17 COUNCIL MEMBER WILLIAMS: [interposing]
18 Okay.

19 RANDY MASTRO: --in the appropriate forum,
20 and it's a demonstrably false allegation by the
21 union.

22 COUNCIL MEMBER WILLIAMS: Okay. Back to
23 Mr. Thompson. Um, I understand that he was fire
24 three times. I just want to be clear because I keep
25 on this. I heard that it was because of issues that

2 he had before. My understand is the first time he
3 was fired it was immediately after the Brooklyn votes
4 unionized in January 2012. Is that correct?

5 [Pause]

6 RANDY MASTRO: Yeah, I'm not sure what
7 you were referring to earlier, Councilman Williams.
8 Mr. Thompson was among the 22 workers who, you know,
9 refused to return to work and, therefore, were
10 replaced. And then subsequently reinstate--

11 COUNCIL MEMBER WILLIAMS: [interposing]

12 Hold on, hold on, hold on. Let me be clear. I want
13 to be clear.

14 RANDY MASTRO: But let me--

15 COUNCIL MEMBER WILLIAMS: [interposing]

16 No, no, no. No, no, no. Actually, as I said, I'm
17 the Council Member so I get to--

18 RANDY MASTRO: So you get to cut me off
19 when I'm speaking? [sic]

20 COUNCIL MEMBER WILLIAMS: [interposing]

21 Yes, that's exactly what I'm saying.

22 RANDY MASTRO: Okay, if that's how you're
23 going to play. If that's how you're going to play.

24 CHAIRPERSON WEPRIN: Okay. Let Mr.
25 Mastro lead. [sic]

2 COUNCIL MEMBER WILLIAMS: So let me-- let
3 me be clear because of what you said beforehand is
4 that he was fired for cause because of longstanding
5 history. That is what you said.

6 RANDY MASTRO: You're conflating
7 different concepts, Councilman. If I can please
8 finish what I was saying.

9 COUNCIL MEMBER WILLIAMS: Oh, boy.

10 RANDY MASTRO: If I can please finish my
11 answer. If I can please finish my answer. You asked
12 me about whether there were three incidents in which
13 he was fired or almost fired. And I was not familiar
14 with the first instance that you referred to. I
15 don't know whether there is any reality to that or
16 not. I am aware that he was among the 22 workers who
17 refused to go back to work and they were replaced.
18 And ultimately, all 22 were reinstated. And the
19 process worked the way it was supposed to work, which
20 is employment actions were taken. There were
21 complaints. There was back and forth, and
22 ultimately, Cablevision reinstated those 22 workers.
23 In Mr. Thompson's case he was ultimately fired,
24 terminated for cause based an ten plus year history

2 of different employment-related unprofessional
3 behavior, and violation of company policies.

4 COUNCIL MEMBER WILLIAMS: [interposing]

5 But you also-

6 RANDY MASTRO: And multiple things--

7 COUNCIL MEMBER WILLIAMS: [interposing]

8 What you also said is that he was not fired, and it's
9 on the record, and what you also said is that he was
10 not fired around the time they were trying to
11 unionize. And by your own description, he was fired
12 around the time they were trying to unionize.

13 RANDY MASTRO: No, I meant-- Councilman
14 Williams, please. Don't misstate my testimony.

15 COUNCIL MEMBER WILLIAMS: No, it's--
16 It's going to be in the record. So I-- hey.

17 RANDY MASTRO: I said I don't know what
18 you're referring to--

19 COUNCIL MEMBER WILLIAMS: [interposing]
20 No, sir. No, sir.

21 RANDY MASTRO: --around the time.

22 COUNCIL MEMBER WILLIAMS: No, sir. You
23 said that he was not fired around the time they tried
24 to unionize.

2 RANDY MASTRO: I know what I said.

3 Please, let me just say this.

4 COUNCIL MEMBER WILLIAMS: You said that--

5 RANDY MASTRO: [interposing] Let me just
6 finish. Let me just finish.

7 COUNCIL MEMBER WILLIAMS: Okay, my time
8 is up, you know, I'm glad that it's going to go on
9 the record and it's going to be transcribed.

10 RANDY MASTRO: [interposing] I just want--
11 - I just want to--

12 COUNCIL MEMBER WILLIAMS: Mr. Chair, I
13 just want to--

14 CHAIRPERSON WEPRIN: Let him finish. Let
15 him finish.

16 COUNCIL MEMBER WILLIAMS: Mr. Chair, I
17 want to--

18 CHAIRPERSON WEPRIN: [interposing] Let
19 him finish. Let him finish.

20 COUNCIL MEMBER WILLIAMS: Mr. Chair--

21 CHAIRPERSON WEPRIN: Let him finish, and
22 then I will have you, Mr. Mastro.

23 COUNCIL MEMBER WILLIAMS: What I'm going
24 to ask you to ask them or to provide us is what they
25 said they would, which was the last time that Mr.

2 Dolan appeared at this garage or in another garage.
3 I'd like-- I'd like to understand that, and I know
4 about that. [sic]

5 CHAIRPERSON WEPRIN: Okay.

6 COUNCIL MEMBER WILLIAMS: I did have one
7 more question. Then I'll stop.

8 CHAIRPERSON WEPRIN: Okay.

9 COUNCIL MEMBER WILLIAMS: And I will say
10 I'm also dangerously close--

11 RANDY MASTRO: [interposing] And I was
12 just answering the last question, please?

13 COUNCIL MEMBER WILLIAMS: --to becoming a
14 Mets because of the--

15 CHAIRPERSON WEPRIN: [interposing] Just
16 one second. Let the-- Is that the question?

17 COUNCIL MEMBER WILLIAMS: No, it isn't--

18 CHAIRPERSON WEPRIN: Let him finish him
19 finish his last question. You can answer them all
20 as sort of a broad answer to this. But go ahead.

21 COUNCIL MEMBER WILLIAMS: The question
22 here is I wanted to know if it was true that workers--
23 - Each worker was issued a PIN number in order to
24 vote in the poll that you were referring to?

2 CHAIRPERSON WEPRIN: All right, Mr.
3 Mastro, go ahead you have it.

4 RANDY MASTRO: I don't know-- I don't
5 know about PIN numbers per se, but I know that there
6 were efforts made by the Independent Ballot
7 Association that's been doing this for 100 years to
8 take extra steps to ensure confidentiality so that
9 no one would know who was voting and how they voted
10 at the time they voted. So there was absolute
11 protections for confidentiality and--

12 COUNCIL MEMBER WILLIAMS: [interposing]
13 You don't know if a PIN number was issued in order to
14 vote?

15 CHAIRPERSON WEPRIN: He said it. You
16 said it as--

17 RANDY MASTRO: [interposing] It was
18 whatever. It was whatever their process was.

19 COUNCIL MEMBER WILLIAMS: Okay, thank
20 you.

21 RANDY MASTRO: If their representative is
22 here, they might be able to answer that. But, for a
23 secret ballot confidential election, that would not
24 be an uncommon thing to have done. But the fact of
25

2 the matter is--and I have to go back to his earlier
3 statement--

4 CHAIRPERSON WEPRIN: Go head.

5 RANDY MASTRO: I did not say what the
6 Council Member is saying I said. The record will
7 speak for itself.

8 CHAIRPERSON WEPRIN: Okay.

9 RANDY MASTRO: I said I wasn't sure what
10 he was referring to in 2012, but that I was aware of
11 the circumstances in which he ultimate was
12 terminated. It came after repeated warning over more
13 than a decade, and a final warning given to him
14 earlier. And then in 2014, a series of acts
15 including two car crashes, one of which not reported
16 to his superior, excessive cell phone use,
17 unprofessional destructive behavior--

18 CHAIRPERSON WEPRIN: All right.

19 RANDY MASTRO: --that caused the company
20 to terminate him for cause after having repeatedly
21 given him warnings, and opportunities to repair the
22 relationship.

23 COUNCIL MEMBER MILLER: Thank you, Mr.
24 Mastro. I'm sure in the record it will say that he
25 was not fired for and of those reasons. [sic]

2 RANDY MASTRO: [interposing] Now, here's
3 the last, the last thing I have to say.

4 COUNCIL MEMBER MILLER: But that's good.
5 I hope after all of this--

6 RANDY MASTRO: [interposing] Mr.
7 Chairman, Mr. Chairman.

8 CHAIRPERSON WEPRIN: I'll get to you.
9 I'll get to you.

10 COUNCIL MEMBER MILLER: --all the work,
11 we'll be able to come back together because this
12 worker was did not leave like. [sic]

13 RANDY MASTRO: [interposing] Mr.
14 Chairman, Council Williams asked me--

15 COUNCIL MEMBER MILLER: Okay, thank you.

16 RANDY MASTRO: --Council Member Williams
17 asked me--

18 CHAIRPERSON WEPRIN: We're going to get
19 to you, Mr. Mastro. Go ahead.

20 RANDY MASTRO: I just have to do this one
21 thing.

22 CHAIRPERSON WEPRIN: Yeah.

23 RANDY MASTRO: Council Member Williams
24 said he wanted to know if Mr. Dolan showed up on this
25 occasion, and how unusual he thought that was, and he

2 wanted to know when else Mr. Dolan showed up. Just
3 last week, Mr. Dolan, I received information. You
4 know, he went to two different sites, and at those
5 sites he addressed workers and presented awards to
6 certain workers. He does this on a regular basis.
7 Okay, he did this twice last week.

8 CHAIRPERSON WEPRIN: Got it.

9 COUNCIL MEMBER MILLER: Okay, Mr. Chair
10 so they are able to find out when he did it since the
11 vote, but they don't know when he did it before the
12 vote.

13 CHAIRPERSON WEPRIN: Well--

14 RANDY MASTRO: [interposing] We'll get
15 you information about it.

16 CHAIRPERSON WEPRIN: Well, we're going to
17 -- we're going to try to get that information from
18 you.

19 RANDY MASTRO: I have-- I have told you
20 very clearly that he periodically--

21 CHAIRPERSON WEPRIN: Got it.

22 RANDY MASTRO: --over the years has
23 visited--

24 CHAIRPERSON WEPRIN: We understand, Mr.
25 Mastro. We got that down, all right. I'm going to

2 call on Mr. Lander again and I think that may be the
3 least question, and I have two questions of my very
4 own at the very end. Mr. Lander.

5 COUNCIL MEMBER LANDER: Thank you, Mr.
6 Chairman and I'll just indicate that I have been
7 informed by workers that prior to this night before
8 the vote it had been at least 15 years since Mr.
9 Dolan was in that garage. So I'll look forward to
10 your answer as to when it was.

11 [audience member yells]

12 COUNCIL MEMBER LANDER: I was-- In your
13 answer after my final question, you disputed all of
14 the things I said, but I had been careful as I think
15 the record will reflect to indicate that I don't know
16 how the ALJ will adjudicate. And that I don't have
17 all of the facts of the case. So now I need to go
18 back and make just make sure that I understand what's
19 true. So did the NLRB assert after investigation
20 that Cablevision engaged in unfair labor practices
21 when Mr. Dolan went to the Bronx twice to indicate
22 that workers would get better wages if they did not
23 unionize than if they did unionize?

24 RANDY MASTRO: The NLRB is--

2 COUNCIL MEMBER LANDER: [interposing] Did
3 the NLRB assert that?

4 RANDY MASTRO: Excuse me one second. The
5 NLRB is pursuing an investigation of those
6 allegations. There has been no ruling by an ALJ or
7 the NLRB--

8 COUNCIL MEMBER LANDER: [interposing]
9 I'll take that as yes they did assert it after
10 investigation of the Brooklyn office. Did the NLRB,
11 the NLRB Brooklyn office assert after investigation
12 that Cablevision engaged in unfair labor practices by
13 multiple instances of bargaining in bad faith?

14 RANDY MASTRO: The same answer. The
15 allegation unproven and no ALJ finding, no NLRB
16 finding.

17 COUNCIL MEMBER LANDER: The NLRB Brooklyn
18 office did assert it, though? That's what you're
19 defending in court? I'm not sure what you're
20 defending in court otherwise.

21 RANDY MASTRO: There's a complaint that
22 has been-- Yes, there is a complaint with that
23 allegation that's being investigation and will be
24 determined by an ALJ.

2 COUNCIL MEMBER LANDER: Did the NLRB's
3 Brooklyn officer assert after investigation that
4 Cablevision engaged in unfair labor practice by
5 conducting a non-binding pole that the NLRB's
6 Brooklyn office found to be outside of what's
7 acceptable under the National Labor Relations Act,
8 and therefore, an unfair labor practice?

9 RANDY MASTRO: The same answer. The
10 allegation being pursued under investigation--

11 COUNCIL MEMBER LANDER: [interposing]
12 Did the NLRB assert after investigation that
13 Cablevision engaged in unfair labor practices by
14 firing 22 workers for union activity?

15 RANDY MASTRO: The same answer.
16 Allegation being pursued through investigation and now
17 before an ALJ.

18 COUNCIL MEMBER LANDER: And did the
19 NLRB's Brooklyn office assert after investigation
20 that Cablevision engaged in unfair labor practice
21 even more recently when Mr. Dolan went to Brooklyn to
22 both offer the workers better pay raises if they
23 voted to decertify, and threatened to deny them those
24 raises if they maintained the union?

2 RANDY MASTRO: The same answer.
3 Allegation being investigated to be determined by an
4 ALJ.

5 COUNCIL MEMBER LANDER: Oh, just so we're
6 clear about what I said. What I said was that the
7 NLRB's Brooklyn office has asserted after
8 investigation all of those things, and I look forward
9 to the NLRB's finding. I understand that even after
10 the NLRB makes those findings, you are going to
11 appeal them in court. And spend much more time and
12 money fighting them and stalling out the workers'
13 rights to be negotiated with in good faith. But just
14 for the record, that was what I had asked about.

15 CHAIRPERSON WEPRIN: Mr. Mastro, did you
16 want to respond to that or not?

17 RANDY MASTRO: Actually, what I think I
18 said was that the ALJ makes the determination and
19 then it goes to the NLRB. Then it ultimately goes to
20 the courts.

21 COUNCIL MEMBER LANDER: It automatically
22 goes to the courts.

23 RANDY MASTRO: Either side would likely--
24 Either side would likely go to the courtside based on
25 an adverse ruling.

2 COUNCIL MEMBER LANDER: It automatically
3 goes to the courts, or you'll bring it to the courts
4 if the--

5 RANDY MASTRO: [interposing] No, I said
6 that--

7 COUNCIL MEMBER LANDER: -- NLRB find that
8 those unfair labor practices were substantiated?

9 RANDY MASTRO: --I said, Council Member
10 Lander-- Let's be crystal clear.

11 COUNCIL MEMBER LANDER: I asked a
12 question.

13 RANDY MASTRO: I said, and I'll repeat it
14 that either side would likely go to the courts based
15 on an adverse ruling. You are making assumptions
16 about what rulings will be had--

17 COUNCIL MEMBER LANDER: [interposing]
18 Yes, I am and I assuming that a majority--

19 RANDY MASTRO: I'm just saying-- I'm just
20 saying--

21 COUNCIL MEMBER LANDER: That's fair.
22 I'll be on the record about this.

23 RANDY MASTRO: -- you know what happens
24 when you assume, Council Member Lander.

2 COUNCIL MEMBER LANDER: You can call me
3 whatever names you want, Mr. Mastro. I haven't
4 called you one yet.

5 RANDY MASTRO: I'm not--

6 COUNCIL MEMBER LANDER: I am assuming
7 that your client will be found to have engaged in all
8 these unfair labor practices. You're sure right. I
9 am.

10 CHAIRPERSON WEPRIN: For the record, you
11 need to finish that, by the way.

12 RANDY MASTRO: I finished.

13 COUNCIL MEMBER LANDER: I think it was
14 fairly clear what he was saying, Mr. Chairman.
15 [laughter] All right, I just have one final
16 question. You've spoken to knowledge of what the
17 Decert in numbers on the Decert Petition. These are
18 petitions as I understand then under National Labor
19 Relations Law are supposed to be secret. How did you
20 learn or how did your client learn how many people
21 signed the Decert Petition?

22 [Pause]

23 RANDY MASTRO: Those who were involved in
24 the Decert process, as I understand it and they have
25 the right to do that. You know, they disclosed what

2 information publicly about what they had done and how
3 many signatures they collected. That's perfectly
4 appropriate, and for you to suggest otherwise, is to
5 denigrate the hard work of more than 100 individuals
6 here from this unit who said they want a
7 decertification vote and signed a petition to the
8 NLRB asking for a decertification.

9 COUNCIL MEMBER LANDER: Can you point me
10 to where they said it publicly?

11 RANDY MASTRO: What I meant by that was
12 they disclosed--

13 It would be helpful if you could because
14 if not--

15 RANDY MASTRO: What I meant by that was
16 they disclosed--

17 COUNCIL MEMBER LANDER: To the employer.
18 Because I'll just remind you the final section of
19 17.1, which I know your client wasn't concerned about
20 because you told him there wouldn't be any remedy
21 under the Franchise Agreement--

22 RANDY MASTRO: [interposing] Do you have
23 a question?

24 COUNCIL MEMBER LANDER: --is Franchisee
25 shall not dominate, interfere with, participate in

2 the management or control of or give financial
3 support to any union or association of its employees.

4 RANDY MASTRO: And Cablevision hasn't and
5 didn't--

6 COUNCIL MEMBER LANDER: [laughs]

7 RANDY MASTRO: --and those are the facts.

8 CHAIRPERSON WEPRIN: Okay.

9 COUNCIL MEMBER LANDER: Could you let the
10 record reflect that I'm amused by this fine answer?

11 CHAIRPERSON WEPRIN: Yes. I think-- I
12 think the mic has picked up on that. Yes. Thank
13 you, Mr. Lander. Before we're done, I just want to
14 ask. It's been a while Mr. Mastro. Mr. Mastro, at
15 the beginning you talked in your testimony I believe
16 it was when you were answering the questions about
17 how there has been some progress made in the
18 negotiations with the union despite the fact these
19 disputes are going on.

20 RANDY MASTRO: Yes.

21 COUNCIL MEMBER LANDER: Could you
22 describe what progress has been made, and what issues
23 are outstanding and how often you had met to
24 negotiate?

2 RANDY MASTRO: Yes, I would be happy to
3 do that because I think it's important to understand
4 the context here. Cablevision is a major employer in
5 New York City, in New York State and this region.
6 15,000 employees. There's a discrete bargaining unit
7 and issue here of 270 employees in Brooklyn.
8 Otherwise, it has had no issues with any of those
9 15,000 other employees. There have been over 40
10 bargaining sessions. 40 at this point and another
11 scheduled. 54 Key terms have been resolved, and
12 among those key terms are such important issues to
13 the union. The material to the union as: Union
14 security, dues check-off, binding arbitration, layoff
15 protection in connection with contracting,
16 educational assistance and medical and dental
17 benefits. Some of these have a direct economic
18 benefit to those members.

19 What remains outstanding a few issues,
20 but the principal one that remains outstanding is on
21 the issue of wages and what that level will be. And
22 I am not going to litigate in these hearings issues
23 that are the subject of collective bargaining, and
24 the subject of unfair labor practice charges that go
25 both ways. Both the union and Cablevision have made

2 them. But the fact of the matter is that the union
3 has tried to describe this wage issue as one of wage
4 parity, when in reality it's an issue of parity plus.
5 Cablevision has already agreed to certain terms, some
6 of which have an economic benefit to this bargaining
7 unit that are in excess of what other employees in
8 the workforce are getting. Those have an economic
9 value. The union's position is one that really
10 amounts to parity plus based on the wage level that
11 was negotiated and given to certain other workers.
12 For today's purposes, we're not going to get into
13 issues that will be subject to litigation. But the
14 reality is even from the union's perspective other
15 than the pressure tactics and political tactics that
16 are being brought to bear now, the union told its
17 members only weeks ago how quote "productive" the
18 talks have been and how quote "hopeful" the union was
19 that they would be resolved. So that's where these
20 issues should be resolved in collective bargaining,
21 and to the extent there are grievances at the NLRB.
22 Thank you.

23 CHAIRPERSON WEPRIN: Okay. Well, we'll
24 get to ask the union some questions about that
25 ourselves. I want to thank this panel. Thank you

2 for participating Mr. Mastro, there is some water in
3 that container, if you want a glass of water before
4 you leave. We've been joined by Council Member Corey
5 Johnson, by the way, who is with the panelists now.
6 And we thank you very much. You are excused as a
7 panel.

8 RANDY MASTRO: Thank you, Mr. Chairman.

9 CHAIRPERSON WEPRIN: And we are going to
10 move on.

11 RANDY MASTRO: Thank you members of the
12 committee. Thank you.

13 CHAIRPERSON WEPRIN: Well, thank you.

14 All right, I would like to now call up a panel. I
15 trust this is okay. Is this the first name? Oh, Gay
16 Semel from CWA. Is it Jody Calemine? Jerome
17 Thompson, the famous Jerome Thompson, I might add,
18 and Diedre Viegas [sic]. Okay.

19 [Pause]

20 CHAIRPERSON WEPRIN: I'm not-- I don't
21 know how long your statements are. I assume they're
22 a reasonable length, your opening statements. We'll
23 get into questions, but I'll let you read your
24 statements. But let's try to keep it as short as

2 possible on the statements. I know some of the
3 members will have some questions.

4 GAY SEMEL: Other people have it. Mr.
5 Chairman. Do you have our testimony?

6 CHAIRPERSON WEPRIN: Did you pass it out
7 already or not yet?

8 GAY SEMEL: The Sergeant-At-Arms--

9 CHAIRPERSON WEPRIN: The Sergeant-At-
10 Arms, this gentleman, Mr. Sicora has testimony to
11 pass out to the panel whenever you're ready.

12 JODY CALEMINE: Thank you. Good
13 afternoon Chairman Weprin and members of the
14 subcommittee and Council. My name is Jody Calemine.
15 I am General Counsel for the Communication Workers of
16 America. It is an honor to be here today especially
17 to sit with these heroes at this table. To
18 introduce, I'm going to just briefly introduce our
19 panel and talk a bit about what's at stake. I became
20 General Counsel for the International Union just this
21 past July. Prior to that, I spent 11 years at the
22 U.S. House Committee on Education and Labor. I
23 served in various capacities there including Staff
24 Director for the Committee Democrats. In my time at
25 the House Committee we did a great deal of oversight

2 and legislative work on collective bargaining and
3 labor disputes of all kinds, in all industries, in
4 all regions of the country. So I appreciate your
5 interest in these issues.

6 The matter before you today involves a
7 cable company, Cablevision that promised the City
8 that it would respect its employees' rights to
9 collectively bargain. And the question is has
10 Cablevision broken that promise? I won't go into any
11 great depth about the importance of that promise. I
12 think it reflects the values of this city, respect
13 for human rights, the workers' rights, fair economy,
14 and support for a stable, productive workforce. For
15 the benefit of businesses and the customers and city
16 they serve. Breaking this promise is no small
17 matter, and yet breaking this promise is exactly what
18 Cablevision is doing. In fact, breaking is probably
19 not a strong enough word for what Cablevision is
20 doing in response. [sic]

21 In 2012, Cablevision techs in Brooklyn
22 gathered to form a union. They do so with federal
23 law and with Franchise Agreement on their side. They
24 did so with every expectation that the company would
25 bargain in good faith. They did so with the hopes of

2 getting a better deal for themselves and their
3 families. Once unionized, the company could respond
4 in one of two ways: Either respect the employees'
5 choice and bargain in good faith a contract, or defy
6 both federal law and the company's promise to the
7 City. As you will hear, Cablevision chose the latter
8 course. One of the important lessons from my years
9 of studying labor disputes was that a union busting
10 campaign does not always end the day after workers'
11 vote for a union.

12 It often continues into bargaining for a
13 first contract. If a company is hell bent on getting
14 rid of a newly formed union, it will find ways to
15 delay bargaining. Give workers the impression that
16 bargaining is futile, and drive them into
17 decertifying the union before any contract can be
18 reached. They squeeze the workers and run out flock.
19 Such a campaign is what Cablevision has undertaken in
20 Brooklyn. The company has no apparent intention of
21 reaching an agreement with its workers. The
22 bargaining has been set up to fail by the company.
23 And while those talks get dragged out in bad faith,
24 management has sought to undermine the union support.

2 The company has pulled practically every trick in the
3 book to frustrate bargaining and bust the union.

4 But it has also gone above and beyond
5 those typical tactics doing some things I frankly
6 have never seen before. The billionaire CEO's
7 personal involvement, and personally perpetrating so
8 many unfair labor practices against his own employees
9 is something I have never seen before. Often an
10 employer might try to attribute an unfair labor
11 practice to an over-zealous manager. But this anti-
12 union campaign with all of its disregard for the law
13 comes shamelessly, unapologetically straight from the
14 top. The suggestion by the CEO to the employees is
15 that he would try to pay off the union to go away.
16 Suggesting that the union can be bought off with his
17 money is something I have never seen before. You
18 actually have to dig back decades to into case law to
19 find similar examples of unscrupulous employers. The
20 mass firing of 22 people who asked to speak to
21 management about the need for good faith bargaining
22 under its own open door policy is particularly
23 egregious.

24 One of the worst examples of intimidation
25 and flaunting of the law I have seen. I will let

2 others at this table describe in greater detail these
3 and other aspects of the company's anti-union
4 campaign. You will hear from Gay Semel, CWA District
5 1 Counsel, who will explain the complaints issued by
6 the NLRB. You will hear from Diedre Viegas a 15-year
7 Cablevision employee, and an elected member of the
8 Bargaining Committee that has been working for three
9 years to secure a first contract for the 280 workers
10 in Brooklyn. And you will hear from Jerome Thompson,
11 and 11-year Cablevision employee and a vocal union
12 supporter. This past September he was fired for his
13 union activity and he is fighting to get his job
14 back. Their testimony will show this case to be one
15 of the most egregious cases of union busting in the
16 country today. Made all the more remarkable by the
17 fact that it's happening right here in New York City.
18 So I thank you very much for your attention to this
19 issue, and I will yield to Gay Semel.

20 CHAIRPERSON WEPRIN: Thank you very much.
21 Ma'am, you may go ahead.

22 GAY SEMEL: Good afternoon, Chairman
23 Weprin and members of the committee. Thank you for
24 holding this important hearing, and thank you for
25 your time. My name is Gay Semel. I am Counsel to

2 District 1 of the Communication Workers Of America.

3 I have held this position for more than 28 years.

4 Before working for CWA, I worked as an attorney for

5 Region 2 of the NLRB. Before I discuss the situation

6 at Cablevision, I want to say a few things about the

7 National Labor Relations Board and how it works. The

8 NLRB is the United States Government agency charged

9 with administering the Federal National Labor

10 Relations Act. Unfair Labor Practices, called ULPs

11 are violations of this federal law. The Board has

12 two wings, the regional offices, which investigate

13 and prosecute the cases.

14 And the administrative law judges who

15 adjudicate the cases. The five-person board in

16 Washington, D.C. over sees the ALJs and hears appeals

17 from their decisions. Thus far the regions in

18 Manhattan and Brooklyn have issued three complaints

19 against Cablevision. The first two were issued in

20 April of 2013. Before issuing an complaint, and this

21 is really important, the region doesn't have a

22 position. They investigate the unfair labor practice

23 charges as they are filed, and the board, attorney or

24 attorneys that investigate-- that are assigned to

25 the case investigate the cases. Both sides produce

2 position statements, witnesses and other evidence to
3 the region. After the region completes its
4 investigation, the Regional Director decides how to
5 handle the case.

6 The important thing, the really important
7 thing is to understand that the complaint is issued
8 only after the region has conducted a thorough
9 investigation. So once the complaint is issued, it
10 becomes the Regional Director's case. The
11 allegations of Federal Labor Law violations that I
12 will describe in the next several minutes are not
13 mere allegations by CWA, but thoroughly investigated
14 complaints issued over the last 18 months by the NLRB
15 Regional Directors in Manhattan and Brooklyn. It is
16 the federal government, not CWA that is charging
17 Cablevision with these violations, the federal
18 government that is in charge to administer the
19 Federal Labor Law regarding Labor Relations such
20 1935.

21 Another very important thing to
22 understand is that once a Regional Director issues a
23 complaint, there is a very high likelihood that the
24 region will prevail on most, if not all, of the
25 allegations contained in the complaint. The win rate

2 before the ALJs and the Board is very high. In 2012,
3 the Regional Offices won 90.1% of their cases in
4 whole or in part. If you to their appeals, if the
5 case is appealed beyond the Board, the win rate for
6 the agency is even higher. It's almost 95%. So
7 although Cablevision says that they plan on appealing
8 up the line, the great likelihood is that they are
9 going to lose over and over and over again. They are
10 not appealing because they think they're going to
11 win. They're appealing to drag things out.

12 Now let's turn to the multiple
13 allegations in the three complaints against
14 Cablevision. In February 2013, a year and ten months
15 ago, this Committee held a hearing on the many unfair
16 labor practices that had been committed by
17 Cablevision up to that point. For some of you that
18 saw it, the first part of my presentation will be
19 familiar. Others not. I will try to do this as
20 quickly as possible, and then discuss the current
21 situation.

22 The first complaint issued by the
23 Manhattan Region concerns events at Cablevision in
24 the Bronx. The Brooklyn workers had chosen CWA as
25 their collective bargaining representative on January

2 26, 2012 by a landslide vote of 180 to 86. That vote
3 has to be respected. In the aftermath of that vote,
4 interest in unionization spread throughout the
5 Cablevision footprint. Support for the union was
6 especially strong in the Bronx. So to stop the Bronx
7 unionization drive, Cablevision gave huge raises to
8 every one of the 15,000 plus Cablevision workers in
9 the company's footprint with the exception of
10 Brooklyn. The raises ranged from \$2,000 to \$9.
11 Excuse me from \$2.00 to \$9.00 an hour, an average
12 14%. I'm not making this up. This is their
13 testimony at the trial.

14 In the Spring of 2013, James Dolan,
15 Cablevision's CEO, held meetings with the Bronx
16 workers to pressure them not to unionize. At the
17 first meeting he told them about the raises he
18 planned and he promised to improve benefits, and he
19 asked for their complaints so that he could settle
20 them. At the second meeting held right before the
21 vote in the Bronx, Dolan threatened the Bronx workers
22 that if they voted for the union, he would reduce
23 their wages and benefits. They would lose
24 opportunities to advance in the company, and they
25 would be left behind like the Brooklyn workers. Oh,

one more point about this. All of this is on tape.

It's not like-- I am not telling you things that I

overheard. This was all on tape. It was all

presented at the Board. So after the barrage of

promises and threats, the Bronx workers not

surprisingly voted against the union. All of this

was illegal, and it was sort of stunning. Other

employers have fought unionization, but years later

they hire other people to commit their ULPs. Only in

the Cablevision cases in my 15 plus years of

experience have I seen a CEO of a company commit his

own unfair labor practices.

In Brooklyn, Cablevision proceeded to

commit a massive number of ULPs. On January 30,

2013, Cablevision fired 22 workers who sought to

speak to management, any manager under the company's

open door policy. A group of about 60 workers wanted

to convey to management a short message about their

frustrations with the slow pace of bargaining towards

the first contract. After which they had planned to

go to work. Rather than meet them, Cablevision

management kept the group work waiting. After the

group had dwindled down, management directed the

remaining 22 workers into the conference and held

2 them there for 20 minutes while they hired
3 replacement workers. I mean this is sort of unheard
4 of and outrageous. It's really disgusting.

5 Cablevision then told all 22 workers that they were
6 permanently replaced. Jerome Thompson, who will tell
7 you about his firing this year, was one of those 22.

8 After the 22 workers were fired, CWA
9 organized a massive campaign to get them back, and
10 thanks to the help of many community religious and
11 elected leaders including members of the City Council
12 the 22 workers were brought back to work after
13 several months although without back pay.

14 Cablevision's goal was to get rid of the union and
15 the firing of the 22 workers was meant to scare them
16 into voting the union out. On the same day, the very
17 same day that Cablevision fired the 22 workers, it
18 distributed a memo informing the Brooklyn workers
19 that it was getting close to the one-year period
20 under which they could decertify the union, and
21 giving them the phone number of the NLRB in Brooklyn.
22 And suggesting to them that if they wanted to
23 decertify, they could call the region.

24 The message was clear: Protect
25 yourselves. Get rid of the union. A Decertification

Petition was filed, as Cablevision has suggested, and it was dismissed by the Regional Director. Not by the union, by the Regional Director of NLRB because of Cablevision's many unfair labor practices.

Cablevision has also unlawfully surveilled workers in union activity, unlawfully changed their terms and conditions of employment among other things.

Further, the region's complaint accused Cablevision of engaging in bad faith surface bargaining. What that means is that the region accused Cablevision bargainers of going through the motions of bargaining with no real intent to reach an agreement.

Cablevision was running out the plan. [sic] Waiting to get to the point where the workers could decertify and trying to scare them into it. The Brooklyn region issued a massive complaint that was consolidated with the complaint issued by the Bronx region. That's the first complaint, and those are the two complaints that were discussed at the last hearing here. They were tried together before the Administrative Law Judge in the fall of 2013.

Cablevision had three law firms defending them. The trial lasted 4-1/2 weeks, and usually on every single

2 day of the trial, they had at least 8 to 10 lawyers
3 in the hearing room.

4 Meanwhile, bargaining, or should I say
5 bad [sic] faith bargaining continued in Brooklyn.
6 After giving all Cablevision workers other than
7 Brooklyn raises averaging 14% in 2012, Cablevision
8 finally made an offer-- A wage offer to the Brooklyn
9 workers on September 11, 2013. Cablevision offered
10 then 3-1/2%. 14% versus 3-1/2%. Keep those numbers
11 in mind because we'll get back to them. After the
12 briefs were filed and bargaining limped along,
13 Cablevision began a new drive to get rid of the
14 union. And that's the new issues that we're talking
15 about.

16 CHAIRPERSON WEPRIN: If you can just sum
17 up. If you can just try to wrap it up a little bit.
18 I know you have a ways to go.

19 GAY SEMEL: I do have a ways to go.

20 CHAIRPERSON WEPRIN: We want to hear from
21 Mr. Thompson, and other people want to testify.

22 GAY SEMEL: Okay. I'm going to try to
23 rush through this. So two sweeping complaints and
24 thousands of hours of lawyers' time did nothing to
25 deter them. And in the summer of this-- the middle

2 of this past summer, Cablevision began its new
3 campaign. And that Cablevision vision did was high-
4 level managers came to the Brooklyn facilities and
5 they asked the workers, We're understand that you're
6 unhappy. We want to know why. And the workers said,
7 we want parity. We want promotions. We want a
8 contract. And they said, Well, that's meaningful.
9 We've got to go talk to the union about it. And then
10 the fired Jerome Thompson, one of the leaders of the
11 organizing effort, and one of the 22 formerly fired
12 workers. That was step two.

13 Jerome will tell his own story, and I
14 just want to make two points about this. First, all
15 of the actions for which Jerome was fired as opposed
16 to laundry list that they told you about, and that
17 they gave to the union. All of those things that he
18 was actually fired for are protected activity, and
19 it's illegal to fire him for him. Cablevision fired
20 Jerome for using the word "slavery" and for playing
21 union songs in non-work areas, and at non-work time.
22 These were songs that were actually pretty great
23 songs that Jerome and two of the other Brooklyn
24 workers wrote and recorded. Playing union music in
25 non-work areas and at non-work time is protected

2 activity. It is illegal to fire a worker for
3 engaging in protected activity. And firing him for
4 using the word slavery is simply outrageous.

5 The other quick point I want to make is
6 that while Jerome was fired for using the word slave
7 ship, another worker who had made really outrageous
8 racial statements about her pro-union workers on
9 Facebook was given a private slap on the wrist and
10 was given expanded duties. Nobody on the union side
11 is asking for that worker to be fired, but we are
12 making a point that Cablevision treats pro-union and
13 anti-union workers very differently.

14 The third and perhaps most shocking step
15 in Cablevision's renewed anti-union campaign is
16 something we have already discussed here, which is
17 the meeting held on September 9th by James Dolan. We
18 do not think it was an accident that the meeting was
19 scheduled for Primary Day. Without prior notice,
20 James Dolan held a mandatory meeting of all Brooklyn
21 workers at one of the Brooklyn garages. Workers from
22 the other two facilities were bussed into the meeting
23 and Council Member Lander is correct. All of the
24 workers have told me that they have never seen him
25 there before. Dolan told the workers that he was

2 confused about what they wanted. He knew that there
3 had been a decertification attempt, and he understood
4 that many signed it.

5 He also knew they had a petition, and he
6 was genuinely confused. So he was going to do
7 something. He was going to have his own vote, and
8 that's what he was going to do the next day. But
9 before the vote, he also told the workers that if
10 they voted for the union, he would work very hard to
11 get a contract, but he was not going to change his
12 mind. They would meet with the union even more, but
13 they were not changing their mind. But if they got
14 rid of the union, he would give them all the good
15 things that all the other workers in the Cablevision
16 system were able to get it. He even suggested that
17 he would reimburse the union for expenses if that
18 would convince the union to go away.

19 Step four took place the next day. Dolan
20 hired a private organization called the Honest Ballot
21 Association to conduct the vote. I'm not going to
22 comment on the Honest Ballot Association, but
23 contrary to what Dolan promised, this was not a
24 confidential vote. All of the workers were getting
25 PIN numbers that were tied to their worker numbers so

2 that any vote could be looked at. Further, the
3 people from the Honest Ballot Association, hovered
4 around the workers as they voted. And many people
5 felt that they were being watched when they were
6 voting.

7 Not surprisingly, the union lost to
8 Dolan's sham vote, 129 to 115. Dolan then took out a
9 full-page ads in the New York Times in the Post the
10 next day announcing the results. Every aspect of
11 this shame vote was illegal and the NLRB has since
12 issued another sweeping complaint detailing the
13 multiple ways in which the process violates Federal
14 Labor Law. The vote was a charade aimed at changing
15 the narrative about what has happened in Brooklyn
16 Cablevision for the last the three years.
17 Cablevision wants you and the rest of the political
18 establishment and the general public to believe that
19 the real problem is that workers no longer want the
20 union. When, in fact, the real issue is massive and
21 repeated violations of Federal Labor Law by
22 Cablevision and its CEO James Dolan. We have no idea
23 what the real results were in the Cablevision straw
24 pole, but we are not surprised that some workers
25 voted no. After three years of outrageous illegal

2 behavior and billionaire CEO's pledge that it would
3 never get raise parity as long as they stuck with the
4 union. It is an amazing testament to the strength
5 and commitment of the many Brooklyn workers who voted
6 for the union in the face of Cablevision's many
7 flagrant violations of the National Labor Relations
8 Act.

9 CHAIRPERSON WEPRIN: Okay, just sum it
10 up. We've got to-- You're going to have to
11 summarize the last couple of.

12 GAY SEMEL: Okay.

13 CHAIRPERSON WEPRIN: I know you've got a
14 few more pages there.

15 GAY SEMEL: Yes, I do.

16 CHAIRPERSON WEPRIN: And it's going to
17 take too much time.

18 GAY SEMEL: Yeah, but I think I should go
19 to--

20 CHAIRPERSON WEPRIN: Because we'll have
21 the NLRB decision at least provided by the time we're
22 done.

23 GAY SEMEL: But I think I should get as
24 much time as-- I think I should get as much time as
25

2 Mr. Mastro took. And I doubt that you'll have a lot
3 of questions for us.

4 CHAIRPERSON WEPRIN: Okay, well, his
5 testimony was shorter, but thank you.

6 GAY SEMEL: The only speech contained is
7 are the threats and promises made to the Brooklyn
8 workers to convince them that to vote against the
9 union was sham vote. He's knows what he's doing is
10 illegal, because lawyers know it's illegal. In this
11 context it is impossible to have a fair vote, but
12 Cablevision is not seeking to follow the law. They
13 are hoping to change the narrative. In response to
14 the Brooklyn region issued a third seeking complaint,
15 and the trial is scheduled for January 2015.

16 I just want to make one point to all the
17 Cablevision workers who are here. I understand that
18 Cablevision gave you the day off to attend this
19 hearing, and we welcome you, all of you. But when
20 Brooklyn first voted for CWA almost three years ago,
21 you did so in overwhelming numbers, 180 to 86. When
22 you voted for the union, you did so because you had a
23 vision of achieving dignity on the job, respect, and
24 fair treatment. What you go instead is an unending
25 campaign to defeat that vision, to convince you that

2 the only way you can get ahead in Cablevision is to
3 give up solidarity with your brothers and sisters.
4 To give up collective action. But as an individual,
5 you only have the power one against the might of a
6 powerful company. Remember, they can take away as
7 easily as they can give.

8 I do have more to say, and I'll try to
9 deal with it in answers to your questions, but I do
10 want to ask one thing, and point out that what we are
11 asking the Council to do today. We urge you to draft
12 a resolution, a letter to the New York City
13 Department of Information Technologies and
14 Telecommunications, which administers Cablevision's
15 franchise. Advising them that the Council has
16 investigated and found significant evidence that
17 Cablevision is in violation of the Labor Rights of
18 the Franchise Agreement. We ask you to urge the
19 Department to commence its own investigation into
20 whether the franchise is being violated, and how its
21 Labor Rights provisions should be enforced. Thank
22 you for your time.

23 CHAIRPERSON WEPRIN: Thank you. I didn't
24 mean to cut you off. I just want to keep it moving
25 as much as possible.

2 GAY SEMEL: Okay.

3 CHAIRPERSON WEPRIN: Mr. Thompson. You
4 ready.

5 JEROME THOMPSON: Good evening.

6 CHAIRPERSON WEPRIN: Okay.

7 JEROME THOMPSON: Good afternoon.

8 CHAIRPERSON WEPRIN: You said good
9 evening. I heard you.

10 JEROME THOMPSON: I would like to thank
11 you Chairman for convening this important hearing. I
12 would also like to thank all the Council Members who
13 are here today for your time. My name is Jerome
14 Thomson, Jr. I was illegally terminated by
15 Cablevision for my union activities. My story is not
16 the run of the mill story of the worker being
17 punished for standing up for his rights, although
18 those stories are bad and unacceptable. As you will
19 see, Cablevision has repeatedly shown contempt for
20 the rule of law and contempt for its unionized
21 employees. I have been fired three times by
22 Cablevision. Three years after a vicious anti-union
23 campaign, Brooklyn Cablevision workers voted 186 to
24 80 to be represented by the Communications Workers of
25 America.

2 I am proud to say that I was a leader of
3 that effort to become union. Shortly thereafter,
4 Cablevision tried to fire me the first time. The
5 story they gave wasn't true. Dozens of my co-workers
6 demanded that they reverse my discipline, and the
7 company was forced to back down, and I did get my job
8 back. Almost two years ago, I was among 22
9 technicians that were permanently replaced, which to
10 us meant we were fired. We didn't have benefits, and
11 we weren't getting a paycheck. Cablevision took this
12 action because of our union activity. As this
13 Committee knows, after tremendous pressure from
14 elected officials and community groups, management
15 was forced to rehire all of us. But Cablevision's
16 blatant disregard for the law seems to know no
17 bounds.

18 Three months ago, management began a new
19 campaign to get rid of the union. High-level
20 managers came out to Brooklyn for the first time to
21 ask us why we were unhappy. And then to tell us that
22 it was all the union's fault. At one of those
23 meetings, they brought a branding expert to talk
24 about Cablevision rebranding strategy of the optimum
25 brand. In trying to explain branding, the branding

2 expert showed us an image of a ship. And he told us
3 to think about this ship having crossed the ocean,
4 and seeing another ship. At first the people thought
5 the ship was a friendly ship, but then it unfolds a
6 pirate flag, and everyone knows what that means.
7 Things will not end well. And this is what the
8 branding is all about, and this is what the branding
9 expert told us.

10 In describing the ship, the branding
11 expert talked about the bad conditions of the ship.
12 He said the ship was overcrowded, uncomfortable,
13 tight quarters. And I, and I think many of my co-
14 workers immediately thought of a slave ship. At the
15 end of his presentation, he asked if anyone had any
16 questions or comments. So I raised my hand politely,
17 and I explained that there was a third ship on those
18 waters, a slave ship. I said the American economy
19 was built on slavery and that slavery was also the
20 greatest stain on the American brand. I pointed out
21 Cablevision's vision optimum brand might similarly be
22 tarnished by the discriminatory treatment of the
23 Brooklyn workers. I also said that I was concerned
24 about this, as a Cablevision employee.

2 A few days later, I received a letter
3 from the company thanking me for my participation in
4 this discussing. Despite this letter, about two
5 weeks after that, management fired me. They gave me
6 a host of reasons including the fact that I had been
7 late ten years earlier. But the real reason why I
8 was fired because I talked about slavery, and because
9 I played union music and company barbecues. By the
10 way, the union music that I was playing, it was music
11 that me and some of my co-workers performed to
12 document our struggle. The Labor Board has issued a
13 complaint about my termination, and hopefully I'll be
14 getting my job soon. But Cablevision didn't fire me
15 just to get rid of me, although clearly that is
16 something that they wanted to do as they've done it
17 three times.

18 No, they fired me because they wanted to
19 send a clear message to my co-workers: Stand up for
20 equality. Stand up for fair treatment. Fight for
21 your co-workers. Support the Union. Then you, too,
22 will get fired. Cablevision fired me as part of
23 their campaign to get rid of the union. In closing,
24 I would like to ask that you demand that Cablevision
25 rehire me, and start bargaining a fair contract. All

2 we are asking for is respect, dignity, and a fair
3 contract. This has gone on far too long.

4 Cablevision has done very well in New York City.

5 James Dolan, the CEO of Cablevision is a billionaire.

6 It's not too much to ask him just to obey the law.

7 Thank you.

8 CHAIRPERSON WEPRIN: Thank you, Mr.

9 Thompson. We've got lots of hands in the air. Ms.
10 Viegas.

11 DIEDRE VIEGAS: Good afternoon, Chairman
12 Weprin and members of this committee. On behalf of
13 our members at Cablevision, and on behalf of our
14 bargaining team I would like to thank this committee
15 for taking the time to listen to our story. I would
16 like to say I did buy my own red dress. The company
17 didn't buy it for me. The union didn't buy it for
18 me.

19 CHAIRPERSON WEPRIN: The record will
20 note.

21 DIEDRE VIEGAS: My name is Diedre Viegas,
22 [sic] and I'm a technician at Cablevision in
23 Brooklyn. I'm also an elected representative serving
24 on Local 1109 Bargaining Committee. For three
25 frustrating years, we have faced high paid management

1 attorneys who sit smugly across the table from us.
2 For three years, I've seen Cablevision's management
3 do many things, but rarely have I seen anything that
4 looked like bargaining. It's painfully obvious their
5 job is run up the clock and say no and not bargain.
6 And let me be clear reaching an agreement there would
7 be easy because the union is not asking for a penny
8 more in wages than other workers at Cablevision. We
9 are asking to be treated the same as the rest of the
10 footprint. We are asking for parity.

12 Every time we ask for simple parity,
13 management has one answer. No. Let me explain how
14 we got here. After we on our union election,
15 Cablevision gave every single technician in their
16 footprint gigantic raises averaging 14% each. Some
17 of those people are here today. Westchester, Long
18 Island, Bronx, Connecticut, New Jersey and the list
19 goes on. And that's what we mean when we say the
20 footprint. Those are all the places that they gave
21 raises to. Tens of thousands of people they gave
22 raises to except for us in Brooklyn. Most reasonable
23 people would draw the conclusion that paying Brooklyn
24 workers less than everyone else was simply a

2 punishment for having the audacity to form a union.

3 Of course, that assumption would be right.

4 But James Dolan wanted this punishment to
5 be beyond clear to even the casual observer. So
6 three years ago, Mr. Dolan screamed from the rafters
7 that he was punishing us. In fact, when our
8 colleagues in the Bronx tried to join the union, the
9 CEO of the company went to their garage and told them
10 that he was punishing Brooklyn for joining the union
11 and if they went union, too, they would be punished
12 as well. And if this wasn't enough, recently Dolan
13 came to our garage, and I've been there 15 years, and
14 I've never seen Dolan before that day. And he
15 informed us that he was having a poll to determine
16 whether or not we still wanted to keep our union. In
17 a speech he told us that if we voted for the union,
18 the company would not change its mind and would not
19 give us the same raises he gave everyone else in the
20 footprint.

21 But if we voted the union down, he would
22 try to convince the union to walk away. Then give us
23 all the good things. You know, it didn't make a lot
24 of sense to us. The next day, during Dolan's sham
25 vote, the company hired by Cablevision to conduct the

2 vote literally watched over our shoulders as we
3 voted. Also, each one of us was given a special PIN
4 number to vote, which was tag to our tech number.
5 This mean that our votes were not confidential and
6 how we voted could easily be traced. The original
7 vote with the union won 180 to 86 was nothing like
8 this. Then, our vote was confidential. Dolan's vote
9 felt like we were voting in a totalitarian society
10 where everyone knows how you vote, and everyone knows
11 what the outcome is going to be.

12 Ladies and gentlemen of this committee,
13 as I wrap this up, I ask you to put the maximum
14 pressure on Cablevision. This company is breaking
15 the law. I know this committee, which oversees
16 Cablevision franchise wants to help. My request is
17 that you deliberate between various options. Please
18 choose the most aggressive one. A mere letter to
19 Dolan won't cut it. This committee oversees the
20 franchise, which allows Dolan and Cablevision to
21 operate. I ask that the City put maximum pressure on
22 Cablevision so that they stop punishing us for
23 exercising our right to join a union. Dr. King told
24 us the ark of the moral universe is long, but it
25 bends towards justice. I ask that this committee

2 help bend the arc toward the Brooking at Cablevision.
3 Thank you.

4 CHAIRPERSON WEPRIN: Thank you very much.
5 Thank you all. Let me ask a couple of questions and
6 I know Council Member Lander has a bunch of
7 questions. Let me first ask two questions that I
8 promised to ask. All the red shirted people--Ms.
9 Semel, I don't know if you're the person to answer
10 this--who are they and where do they come from.

11 GAY SEMEL: An overwhelming majority of
12 them come from the Brooklyn unit in Cablevision, and
13 some of the others are people from other locals.

14 CHAIRPERSON WEPRIN: Okay. And some of
15 those shirts truthfully look a little more worn than
16 the blue ones. I've got to say they've been worn.
17 But where are the red shirts from and who paid for
18 them?

19 GAY SEMEL: I have no idea. There are no
20 special shirts for this event. People may have
21 gotten red shirts in the past and they have their own
22 red shirts. But you can see there's no-- These are
23 just red. I've got a red shirt. I bought it myself.
24 So it's sort of there's no special shirt here.

2 CHAIRPERSON WEPRIN: Okay. No problem.

3 Let me move on. Let me ask Mr. Thompson a couple
4 questions on what you said. When you told me-- You
5 mentioned that when you were let go, they gave you a
6 list of reasons one being a lateness ten years ago.
7 And you talked about the slavery comment and the
8 music. Was that mentioned in the reasons, or is that
9 not included in the reasons?

10 JEROME THOMPSON: That was the defining--
11 That was the reason why I was fired because of the
12 slavery comment.

13 CHAIRPERSON WEPRIN: It said that in thee
14 paper?

15 JEROME THOMPSON: In my Termination
16 Report it said I was-- I wasn't being terminated for
17 being late ten years ago. I was being terminated for
18 the slavery comment that I made at the branding
19 meeting. I was being fired for playing loud music at
20 a couple of barbecues.

21 CHAIRPERSON WEPRIN: Wow. Okay. Also,
22 Mr. Thompson, I know had you ever met Mr. Dolan
23 before, before September 9th, when he came to the
24 shop?

25

2 JEROME THOMPSON: I have never met Mr.
3 Dolan.

4 CHAIRPERSON WEPRIN: Were you at
5 September 9th-- then when he came on September 9th?

6 JEROME THOMPSON: No, I was terminated at
7 that point, so I was trying to get my life together.

8 CHAIRPERSON WEPRIN: Okay. So that was
9 already after. I apologize. That's true. Okay.
10 Sorry about that. Okay, Mr. Lander, I know you had
11 some questions. Please, whenever you're ready.

12 JEROME THOMPSON: Just a few. So thank
13 you. First, I'll follow up on the shirts. Just a
14 question here. Do either the workers or the union
15 have a Franchise Agreement with the City where worth
16 many millions of dollars that contains a provision
17 that you're obligated not to interfere with your
18 member's or employee's ability to organize and
19 bargain.

20 GAY SEMEL: No.

21 CHAIRPERSON WEPRIN: I didn't think so.
22 So, even if you had paid for the members of the
23 union's red shirts, it's really not what's in
24 question at all. It's not a blue shirt versus red
25 shirt. If Cablevision paid for those blue shirts,

2 then I believe they violated a section of the
3 Franchise Agreement. So it's just not a tit for tat.
4 Now, Mr. Mastro said that this case, you know,
5 assuming the NLRB... Well, it will be appealed to a
6 judge after the NLRB, and I asked him if it was his
7 plan to appeal. And he tried to make it seem as
8 though either side would certainly appeal whatever
9 happened. Do you generally appeal from the NLRB to
10 court?

11 GAY SEMEL: Usually, not. I just want to
12 be very clear about this. This is not an appeal.
13 He's made it sound like it was a process. In other
14 words, first there is the decision and then it goes
15 to the next thing and the next thing. That's not
16 true. Complaints were issued after very thorough
17 investigations. Then they're tried. In my
18 experience, most times both sides will accept the
19 ALJ's decision, and that will be the decision.
20 Appeals are experience. I mean that's something that
21 somebody in the union usually does. But sometimes
22 you do appeal. And so there would be an appeal to
23 the board. In my history at 30 years, I have never
24 appealed a case to the Court of Appeals.

2 COUNCIL MEMBER LANDER: So Mr. Mastro--
3 Oh, go ahead, sir.

4 JODY CALEMINE: I was just going to say
5 in addition to being expensive, appeals take a lot of
6 time, and time is on Dolan and Cablevision's side
7 when it comes to running out the clock on these
8 things.

9 COUNCIL MEMBER LANDER: And I assume at
10 this point where we are in the contract, that this
11 bargaining unit is not generating substantial revenue
12 for the CWA Legal Department to take this case far
13 into the future. You know, I don't think so. So,
14 you know, and you pointed out that 90% of the time
15 the NLRB allegations are upheld. So I just think
16 it's clear that Mr. Mastro's clarity that this would
17 be appealed to the NLRB and then to the court is
18 because he expects to lose, and to appeal. And that
19 the resources of Cablevision to pay for legal
20 representation to continue stalling this out while
21 engaging in bad faith bargaining seems fairly
22 straightforward from his answer and those statistics
23 that you just gave. And I did hear that like 90% of
24 the time you said that the allegations of the NLRB
25 District Director are upheld.

2 GAY SEMEL: Correct. It's even higher
3 with the Court of Appeals. It's almost 95%.

4 COUNCIL MEMBER LANDER: Thank you. I
5 also want to also make sure I understood the raises
6 that all of the other workers in the footprint
7 received of 14% came after union organizing drive in
8 Brooklyn?

9 GAY SEMEL: Correct.

10 COUNCIL MEMBER LANDER: So it would seem
11 to me not only that withholding the Brooklyn workers'
12 raises is punishment, but that it's a good argument
13 that it's a good argument that it was the organizing
14 drive itself that pushed Cablevision to give
15 substantial raises to the rest of the workers in its
16 footprint. Which is a great testimony to the impact
17 of organizing, and of their courage and what happens
18 when workers stand up. Obviously, it horribly
19 unfortunate that they are the only ones denied the
20 fruits of that organizing. But I think it's worth
21 making clear that there is at least a good case. We
22 won't have evidence of this, but it's not only an
23 issue of punishing them for their organizing, but an
24 issue of their organizing have tremendous impact on

2 the raising the wages of other Cablevision workers.

3 Yes?

4 GAY SEMEL: I would agree with that
5 completely.

6 COUNCIL MEMBER LANDER: And finally, I
7 guess I for the record want to make clear to you, and
8 this especially goes to the two Cablevision workers
9 who like with us today, and all the other ones who
10 were here. You know, first I want to thank you for
11 what you've done over the last couple of years, and
12 the courage that it takes to stand up. And then to
13 continue in the face of just real nasty, mean, small-
14 minded union busting tactics. You know, for me
15 that's why I'm here and still here deep into this
16 hearing. It's not, you know, for the reasons Mr.
17 Mastro suggested. I think it's actually for the same
18 reasons that the provision itself is in the Franchise
19 Agreement. And the same reason people want to have a
20 National Labor Relations Board exist.

21 Working people don't have a level playing
22 field when they seek to organize and bargain with
23 their employers. And everyone knows it for all the
24 reasons that we've discussed here. And it takes
25 great courage to stand up in the face of that power

2 that an employer has over you. And then to continue
3 in the face of being fired, seeing your co-workers
4 fired, being threatened, being cajoled, being
5 essentially bribed. And still recognizing that it's
6 important to stand up for that basic legal right to
7 organize. That is a kind of courage that this
8 Council when it has the power wants to honor and
9 respect. And I just want to say thank you for having
10 it. Thanks to the workers for being here.

11 [applause]

12 CHAIRPERSON WEPRIN: Let's not have
13 applause, but--

14 COUNCIL MEMBER LANDER: [interposing] I
15 don't know what will happen really.

16 CHAIRPERSON WEPRIN: --how about the jazz
17 hands. You know, it's better than that pizza car.

18 COUNCIL MEMBER LANDER: Well, thank you,
19 Mr. Chairman. And Mr. Chairman, I do want to say
20 that you've done an excellent job of chairing a
21 challenging hearing, and making sure that a range of
22 voices could be heard. And I know that it's still
23 going to go on for a long time after this. So I will
24 wrap up just to say that I'm here because whether or
25 not the Franchise Agreement and the Council's power

2 and relationship to it gives us the ability to put
3 the pressure on. It's sufficient that you ask. The
4 courage that you have shown merits this Council
5 standing up to do whatever it can to stand with you.
6 And I hope you will maintain that courage, and
7 continue on in your efforts. Thank you very much.

8 CHAIRPERSON WEPRIN: Yes, thank you very
9 much, and Mr. Thompson I agree with that sentiment as
10 well. Anyone? No one? Okay. Well, we're going to
11 thank you all. Thank you very much to this panel.
12 There are a number of other people here to testify.
13 So, I just want to let you know that. So we're going
14 to excuse this panel. Thank you very much.

15 JEROME THOMPSON: Thank you.

16 CHAIRPERSON WEPRIN: All right, I'm going
17 to call names. I don't know exactly for or against,
18 but they say Cablevision so I assume they are in
19 support of the Cablevision people. But I'm going to
20 read the names if they're still here. We're going to
21 call four up at a time, and we're going to limit
22 people to three minutes a piece because of time. So
23 if you can sort of summarize your comments that would
24 be great. Tiffany Oliver. Are you here, Tiffany
25 still. Elizabeth Parkin, Dominic Montenegro, and

2 Ruben Cruz. How many have I got out of that group?

3 Ladies, how many? Any of the people that I mentioned
4 here? Dominic and Ruben are here?

5 [background discussion]

6 CHAIRPERSON WEPRIN: Do I have three
7 only? I can get a fourth if you want. Alicia
8 Devore. Oh, no, DAMONE. Sorry. I got a new letter.
9 Is Alicia still here? Okay, come on, Alicia. Thank
10 you. Come on up here. That last chair. I'm not
11 going to decide who goes first. You guys are going
12 to have to do that.

13 [background conversation]

14 CHAIRPERSON WEPRIN: Just wait. I'm
15 sorry. Okay. Sorry about that. Dominic, if you can
16 just hang on a few minutes, I'll get back to you.
17 I'll just pull your card. Okay, so you guys can
18 decide. We're going to limit you to three minutes
19 each. I'm sorry about that. Whenever you're ready.

20 RUBEN CRUZ: Hi, my name is Ruben Cruz.
21 I am an employee for 24 years on the Cablevision.
22 And one thing I want to share with you guys is I'm
23 hoping that in spite of all these three years that
24 we've been through it's been hectic. A lot of people
25 haven't reached so many agreements. Right now, I'm

2 kind of the unpopular guy. That's the way I feel
3 now. However, we do have a voice, and unfortunately
4 that voice has been smeared. It's been cast. We've
5 been in the shadows for a long time. Yes, we are the
6 guys that said no, don't let it cost you that vote.
7 [sic] Okay, and there has been a lot of sentiments
8 changed. Not on my part for the people who voted no,
9 but for others. And that said a lot.

10 By hearing their voices, we went also and
11 decided to get a petition. Just a regular piece of
12 paper, a real big binder. Get everybody's signature
13 aboard and see how everybody feels about this union
14 that came in that was invited not by us but, of
15 course. We respect they have their personal opinion.
16 You know, I'm not disrespectful of you guys, you
17 know, but for us we obviously think we don't need it.
18 The company has been wonderful to us, by the way.
19 And so we thought to submit this petition to you
20 guys, and ever since-- a long three years nothing has
21 come out of it. And haven't you just considered it,
22 or does it give us the right to us to vote, to give
23 us a second chance.

24 We feel that we have a momentum. Yes,
25 that pole was taken. You know why? Because there

2 was a large percentage of us that signed that and
3 submitted that petition to the city by our legal
4 right. Okay, and that vote right now is being
5 smeared and is not even give the opportunity for us
6 to do it. All right, there's a lot of political
7 influences as well. As you've heard. You've seen
8 the Mayor in padded meetings with the union. All
9 right, not with us. Did the Mayor reach out to the
10 guys that say no. I want to meet with you guys. All
11 right, because we voted for that Mayor also. So we
12 also have a right. We also have a right to vote. We
13 also have a right to our opinion, and our opinion was
14 expressed by that petition, and we want it on
15 honored.

16 CHAIRPERSON WEPRIN: Thank you. Go
17 ahead.

18 ELIZABETH PARKIN: Hi.

19 CHAIRPERSON WEPRIN: Hi.

20 ELIZABETH PARKIN: My name is Elizabeth.
21 Thank you for letting me say something. I came to
22 work for Cablevision in the year 2000. I left. I
23 came back, and I did that without a union. A union
24 didn't help me get my job back. I came back and I
25 got it. We didn't have a union at Cablevision, and

2 you hear a lot of lies back and forth from both
3 people's side. When the union got into our company,
4 there was like a selective few of us, and I was one
5 of them who called the Labor Board myself.
6 Cablevision didn't ask me to do anything. I called
7 them because I wanted to know what we could do to get
8 the union out. The company didn't ask me.
9 Management didn't ask me.

10 It was a selective few of us who didn't
11 want the-- The union came to our job before, and
12 they were voted out. They came back again. They won
13 from the vote. Fine. We said what we could do. We
14 were going on four years now. We were told that
15 after a year, if we had no contract, we had a right
16 if we got so many people to sign to do it to
17 decertify the work. And it was four of us that did
18 it, and I was one of the four that was done with
19 doing it. I don't want a union. I don't feel like I
20 need one, and it doesn't matter who bought my shirt,
21 whether I bought it myself or whoever gave it to me.
22 I represent what it says because I said that we
23 followed all the rules that the Labor Board told us
24 we needed to follow, and we still-- Calabrese came
25 to our-- He's the CWA man. He came to our warehouse.

2 He sat down with us, and said, Yeah, we down with you
3 all.

4 We going to do the vote over. My
5 personal belief is that if CWA is so solid that there
6 are so many of us that want a union, then what's
7 wrong with us getting another vote? We complied with
8 everything that NLRB said. Give us that vote. If
9 the union wins we will bow out gracefully and go.
10 Let us have that chance. Mr. Dolan he didn't-- We
11 didn't call him and say, Oh, could you come do a
12 vote. My question to him was, Well, do you care
13 about the people who don't want the union. Because
14 as quiet as it's kept, and whether they have a red
15 shirt, a blue shirt there are people that don't want
16 the union. But because they don't want to argue
17 since CWA has come into our facility there's been so
18 much arguing and controversy.

19 It's not like they're trying to work to
20 settle nothing. It's argument and lies going on all
21 the time. So there is so much wars we are kind of
22 hating to come to work. I only come there because I
23 have to. Not because I want to. But I think that I
24 also have a right that if I don't want to be part of
25 a union to say. The company has no bearing on my

2 brain. I was born an only child myself, and I follow
3 what I believe in, and I don't believe I need a
4 union, and I don't want one. So it was me who went
5 through all of the three young ladies that was with
6 me. The company didn't encourage us to do nothing.
7 I did it because I wanted to do it.

8 CHAIRPERSON WEPRIN: Thank you,
9 Elizabeth. Good timing, too.

10 SERGEANT-AT-ARMS: Quiet, please.

11 TIFFANY OLIVER: Good afternoon. My name
12 is Tiffany Oliver. I'm a Senior Coordinator for the
13 Brooklyn Construction Department and my shirt says,
14 "Let Brooklyn Vote" and I'm a Brooklyn Employee. It
15 was said earlier that the Brooklyn shirt wasn't
16 Brooklyn employees. And today, we're going to read a
17 letter that was attached with the petition that was
18 given to you with the 100 signatures that you have.
19 Thank you. This was sent to all the City Council
20 members that are sitting up there today.

21 There was a time when unions were useful.
22 There may have been a time that in order to get a
23 fair wage or fair hours, unionizing was a good way to
24 go. However, unions have outlived their purpose.
25 Unions have strayed away from their original purpose.

2 Unions no longer care about their members. Nowadays
3 unions are only out for themselves. Unions only care
4 about their power and control, which we saw today.
5 Unions only raise the cost of the services and
6 products that companies provide, which in turn raises
7 everyone's cost of living. Unions require businesses
8 to pay employees based solely on seniority, and not
9 performance, creating a socialist type of
10 environment. Unions punish those that are motivated
11 to work, and reward those that are lazy. When people
12 are paid based solely on seniority, the quality of
13 their work will falter every time because there is no
14 longer an incentive for someone to excel in their
15 trade. The result is always poor quality in service.
16 As I saw my City Council because they wasn't here to
17 listen to me who voted for them. As quality in
18 products decline, customers go elsewhere. As
19 customers go elsewhere, the company go out of
20 business.

21 I'm an employee of the Brooklyn
22 Cablevision offices. I represent 93% of those who
23 wanted a fair vote to decertify CWA 1109. We put in
24 for the decertification in February 2013, and after
25 we did that, CWA filed a whole bunch of ULPs after we

2 put the decertification in to stop our Decert. And
3 we put it in again October 2014. And again, after we
4 put it in, CWA put in a lot of baseless ULPs. Since
5 then, the union has put forth numerous ridiculous
6 ULPs against the company so that we don't get our
7 vote. The union has also put out false advertisement
8 that all employees want the union. The union has
9 also attacked me for being a racist employee, and I'm
10 black because I said the "N" word on Facebook on my
11 own time after work non-working hours. Facebook is a
12 public social media format. It has nothing to do
13 with the job, and whether I was reprimanded or not is
14 not CWA's or the other employees' business. It's
15 between me and the company.

16 CHAIRPERSON WEPRIN: If you could just
17 wrap up.

18 TIFFANY OLIVER: All right, no problem.
19 So you understand that it is our right that we are
20 all here today in unity so that we can get our
21 decertification vote.

22 CHAIRPERSON WEPRIN: Thank you. I just
23 want to point out before we get to the last panelist,
24 that I know a lot of people have left the panel. But
25 you are actually on live television right now.

2 TIFFANY OLIVER: Oh.

3 CHAIRPERSON WEPRIN: Okay, in the corner
4 I think behind me is the one on you. You can say hi
5 mom if you want. [laughter] So I know a lot of
6 people are watching. Believe it or not, there are
7 people out there who should watch this because I've
8 seen a lot of comments that have been popping up on
9 the Internet. So some people are watching. So I
10 want to just hear the record is established people
11 are watching. Some are back in their offices right
12 now watching. So you shouldn't feel lonely over
13 there--

14 TIFFANY OLIVER: [interposing] Well,
15 you, this is the thing--

16 CHAIRPERSON WEPRIN: --and I don't feel
17 lonely up here and I'm sitting here all by myself.

18 TIFFANY OLIVER: --the face is more
19 important than, you know, back offices.

20 CHAIRPERSON WEPRIN: No, I understand and
21 it's a long day and some people had to leave, and I
22 apologize for them. But I know they had other
23 appointments, but believe me, people are listening to
24 what you have to say. Yes.

25

2 ALICIA DAMONE: Okay. Good evening. My
3 name is Alicia DAMONE. I'm a 13-year employee at
4 Cablevision. I will tell anybody from day one,
5 Brooklyn has stood out on a limb for us. Brooklyn
6 was the voice for everyone in the company. Now, I'm
7 here to be the voice for Brooklyn, and when I say
8 that, I'm saying I started to take this shirt off
9 because I saw all the back and forth about the shirt.
10 And I'm like this is nothing about the color of the
11 shirt you're wearing. I'm wearing white underneath
12 here. I bleed for my brothers and sisters in the
13 company. This is a family company. It's not
14 slavery. It's not you're going to sit here and we're
15 going to go cotton picking.

16 We're not doing this. I'm here because of
17 my brothers and sisters in Brooklyn. When the union
18 came into play, I know a lot of people were hurt
19 behind a lot of things that was going on within the
20 company. There were a lot of things that were not
21 being heard. Higher management, and when I say
22 higher management, I'll say Jim Dolan. He was behind
23 the door being told by people that he hired, I'm
24 sure, everything is going to be okay. I've got
25 everything covered. Not knowing that they really

2 didn't at that point in time. It was Brooklyn who
3 came out and said I'm going to have the union come
4 out. They brought the union out. All of sudden,
5 voices are heard.

6 Jim Dolan came to us to find out what was
7 going on. He didn't want to hear from his management
8 that he hired. He wanted to hear from the people.
9 He came, he heard, and he went ahead and made
10 changes. I would tell anybody and every last one of
11 you here I don't care red, blue, white, green,
12 whatever color shirt you have on. We are here to
13 stand tall along with you guys. I told management
14 from day one we beat the union out of the Bronx and
15 I'm going to help my brothers and sisters and
16 Brooklyn beat the union, too. At the end of the day,
17 I have a lot of family in Brooklyn who does not want
18 the union there. I speak to them on a daily basis,
19 and though they're not my blood relatives, but when I
20 work with you, you become my relative.

21 Let me explain one other thing,
22 Councilmen, I am very passionate about what I have to
23 say. I speak passionately. This company is a
24 family-oriented business. Yes, it takes a lot for
25 people to get fired from this company. I've seen it.

2 You are pretty much going to fire yourself. The
3 company is not out to fire you. They will help a
4 person more than trying to get rid of you, and I've
5 seen it.

6 SERGEANT-AT-ARMS: Quiet please. Quiet.

7 ALICIA DAMONE: I didn't have to come
8 here today. I had two young men that I needed to be
9 home attending to doing schoolwork with. But I came
10 here because I believe in what's going on. I believe
11 let these people vote. At the end of the day, if
12 they want the union, it's going to be, and if they
13 don't, it won't be. Let them decide, and let them
14 have a vote.

15 ELIZABETH PARKIN: That's on our
16 petition.

17 CHAIRPERSON WEPRIN: All right, well
18 thank you, Ms. DAMONE. Let me ask some questions.
19 Well, first let me just say that I admire your
20 bravery as well. I do think it does take some
21 pressure to come here, and you did well, and you guys
22 look great in those shirts. Let ask you first about
23 the shirts. So where did you get them?

24 ALICIA DAMONE: I got them from other
25 employees.

2 CHAIRPERSON WEPRIN: What's that?

3 ALICIA DAMONE: I got them from other
4 employees. They was handing them out yesterday and
5 today.

6 CHAIRPERSON WEPRIN: So yesterday they
7 gave them out at work?

8 ALICIA DAMONE: Yes, uh-huh.

9 CHAIRPERSON WEPRIN: Okay. Just in
10 reference to the slavery comment, and obviously I
11 wasn't there. I don't understand it, but my
12 impression just listening to what Mr. Thompson said,
13 I don't think he was saying that he was treated like
14 slaves. I think he just had a problem with the
15 metaphor being used--

16 ALICIA DAMONE: [interposing] I know.

17 CHAIRPERSON WEPRIN: --of a boat coming
18 across the sea, and using that as a metaphor, which
19 it elicited other ideas of other boats that have come
20 across the sea. That was my impression the way he
21 said it.

22 ALICIA DAMONE: Yes.

23 CHAIRPERSON WEPRIN: You all voted
24 against the union in this vote. Did any of you vote
25 for the union in the first vote?

2 ALICIA DAMONE: No.

3 ELIZABETH PARKIN: No. This is like the
4 second or third time that the unions came to
5 Cablevision.

6 CHAIRPERSON WEPRIN: Okay.

7 ELIZABETH PARKIN: The first time we all
8 voted no-

9 CHAIRPERSON WEPRIN: [interposing] Right.

10 ELIZABETH PARKIN: --and kicked them out.
11 Then they came again.

12 CHAIRPERSON WEPRIN: But when it was
13 voted yes, you guys were no?

14 ELIZABETH PARKIN: Yeah, we voted yes.

15 CHAIRPERSON WEPRIN: You all voted no?

16 ELIZABETH PARKIN: We went into overdrive
17 with the Labor Board on the phone.

18 CHAIRPERSON WEPRIN: [interposing] Right.

19 ELIZABETH PARKIN: I know I did because I
20 wanted to know how, what, why, when or how. So we
21 was told that if a year came. So we waited for the
22 year. We got our petitions because there are other
23 people, and some of them sit in red. But they don't
24 want to say that they don't want the union because

25

2 they don't want the reprisal of people jumping on
3 them.

4 CHAIRPERSON WEPRIN: Okay. Let me call
5 on. Is Brad here? Oh, yeah, here you are. You
6 moved on me.

7 SERGEANT-AT-ARMS: Quiet please.

8 CHAIRPERSON WEPRIN: Council Member
9 Lander from Brooklyn.

10 COUNCIL MEMBER LANDER: Thank you, and I-
11 -

12 CHAIRPERSON WEPRIN: [interposing] With
13 all the Brooklyn references, I want to get my street
14 right up. I've got a Brooklyn member here. [laughs]
15 A kid from Queens, but my Brooklyn street craft.
16 [sic]

17 COUNCIL MEMBER LANDER: Thank you, Mr.
18 Chairman. I also want to say that I respect your
19 courage for coming out, and I appreciate it. And I
20 also wanted to stick around and hear you after I
21 stayed for the prior panel. I disagree with some of
22 the sentiments that you had indicated about the value
23 of unions and whether they create socialist work
24 places or not. But you are clearly entitled to those
25 opinions and entitled to your voted and entitled to

2 be listened to in this Council. Ms. Damone, I was
3 interested in a couple of things that you said
4 indicating that Brooklyn went out on a limb and that
5 the union organizing in Brooklyn identified important
6 issues that were going unaddressed in the company
7 previously. So I assume that's some mix of wages and
8 training and working conditions?

9 ALICIA DAMONE: It was a mixture of
10 things, and like I said, I'm a firm believer that
11 upper management had no clue what was going on. And
12 hence, they've taken care of things, and they have
13 come down to address our issues.

14 COUNCIL MEMBER LANDER: After the union
15 organizing, they went ahead and made changes to
16 address many of those issues?

17 ALICIA DAMONE: Yeah, but let me be clear
18 when you say that because sometimes people's eyes are
19 closed to certain things, and it takes certain
20 situations to open them. So absolutely I believe
21 that it opened up a lot of eyes. But I do want to
22 make reference to-- There was a lady up here in the
23 last panel for CWA. She made reference that Jim
24 Dolan and threatened people that if you go for the
25 union, that pretty much you was going to be fired.

2 Like he made threats. That was never the case. I
3 was there at that meeting. I spoke to Mr. Dolan
4 directly myself on a couple of occasions, not just
5 once. That man never--

6 ELIZABETH PARKIN: [interposing] Never.

7 ALICIA DAMONE: --threatened one person
8 not even our Brooklyn brothers and sisters.

9 Questions were asked in the Bronx about our brothers
10 and sisters in Brooklyn. And he said I would love to
11 have them. However, they are already in the union.
12 It has to be up to the bargaining based on--

13 COUNCIL MEMBER LANDER: [interposing] So
14 this is my question. So he indicated to you that
15 workers that chose not to be in the union would get
16 the benefits that you're describing the pay raises?

17 ALICIA DAMONE: No, I never said that.

18 COUNCIL MEMBER LANDER: And workers that
19 were--

20 ALICIA DAMONE: [interposing] That's not
21 the words.

22 COUNCIL MEMBER LANDER: --in the union
23 would not. He said because there were issues that
24 would be subject to collective bargaining?

2 ALICIA DAMONE: No, these are not--
3 Okay, I'm going to--

4 COUNCIL MEMBER LANDER: [interposing] I'm
5 trying to understand. I'm fine with you.

6 ALICIA DAMONE: That, that, that's fine,
7 and I'm going to repeat what I said exactly. He
8 never-- The question was about getting our brothers
9 and sisters out of this union agreement, out of the
10 union agreement. It was made by employees in the
11 Bronx. Jim Dolan could not specifically answer any
12 questions, but, of course, at the end of the day,
13 everybody was hoping the company-- it's for
14 everybody to be one-- of one accord. No one wants--
15 I'm sorry.

16 COUNCIL MEMBER LANDER: I'm listening. I
17 apologize. Please.

18 ALICIA DAMONE: I'm trying to-- [laughs]
19 And he--

20 COUNCIL MEMBER LANDER: Take your time.

21 ALICIA DAMONE: You have to excuse me
22 because when I told you I'm passionate about this, I
23 am. Okay.

24 SERGEANT-AT-ARMS: Quiet, please. Can
25 you be quite, ladies and gentleman. Quiet, please.

2 ALICIA DAMONE: No one is sitting here
3 trying to swindle anyone. I've heard many people.
4 I've worked in many different corporations. I know
5 what a swindle is. No one in this organization is
6 trying to swindle. No one is swaying no one any kind
7 of way. Again, the business is based family-
8 oriented. This is family. You want to see your
9 family living well, right? You want to see your
10 family doing well. Well, that's all we want, and
11 that's--

12 COUNCIL MEMBER LANDER: I'm not
13 questioning your motives at all. It's just it
14 sounds--

15 ALICIA DAMONE: [interposing] Right, but
16 now and when I say that, I'm speaking even-- Dolan
17 is not here, but I'm going to talk for him as if I
18 know him personally. That man wants-- I looked in h
19 is eyes. I asked him the questions.

20 SERGEANT-AT-ARMS: Quiet.

21 COUNCIL MEMBER LANDER: All I'm saying is
22 it sounds from what you said, the union organizing
23 opened management's eyes to make changes, but those
24 changes have been denied solely to the folks who have
25 chosen to continue to stay in the union.

2 ALICIA DAMONE: Well, again because I'm
3 not a lawyer--

4 ELIZABETH PARKIN: [interposing] That's
5 something that is in negotiations in Brooklyn. So
6 obviously he can't make offers like that. That would
7 be totally illegal, and violate any NLRB law.

8 ALICIA DAMONE: Right, it's a bargaining
9 agreement, correct?

10 COUNCIL MEMBER LANDER: Well, if it's
11 under bargaining he can offer them the same exact
12 deal that you had. Anyway, we don't need-- I don't
13 want to reopen this.

14 ELIZABETH PARKIN: [interposing] Yeah,
15 but the meetings that we sat in with Mr. Dolan--

16 COUNCIL MEMBER LANDER: He has not
17 offered them anything like what you had.

18 CHAIRPERSON WEPRIN: Hold on one second,
19 ladies.

20 ALICIA DAMONE: I don't know what's being
21 offered in those meetings. Unfortunately, I'm not a
22 part of those meetings.

23 COUNCIL MEMBER LANDER: [interposing]
24 Three percent. To be clear 3% raises.

25 ALICIA DAMONE: Excuse me?

2 COUNCIL MEMBER LANDER: Three percent
3 raises. That's what he talked about.

4 ALICIA DAMONE: Three percent? Is that
5 all he's offering on the table?

6 COUNCIL MEMBER LANDER: For wages, yes.

7 ALICIA DAMONE: But is that all he's
8 offering on the table because--

9 COUNCIL MEMBER LANDER: [interposing] You
10 can do the math.

11 ALICIA DAMONE: --I mean the company is
12 not just wages. It's benefits and everything else
13 that comes along with this. I need to understand
14 more so I can understand where you're coming from
15 when you're talking about this.

16 COUNCIL MEMBER LANDER: I'm just trying
17 to understand-- Anyway, so I appreciate that.

18 ALICIA DAMONE: [interposing] Okay.

19 COUNCIL MEMBER LANDER: I think you've
20 helped us understand that situation. I just also
21 want to make sure you're come and you're wearing the-
22 - you're advocating the let us vote here today. And
23 I want to make sure you understand we don't-- We are
24 not allowing or denying the vote. Who is it that's
25 allowing or denying the vote?

2 ALICIA DAMONE: The NLRB.

3 COUNCIL MEMBER LANDER: The NLRB is
4 denying the hold the decertification election because
5 they are alleging substantial unfair labor practices
6 by the company.

7 ALICIA DAMONE: And perhaps hopefully--
8 hopefully they're watching this on live TV as well--

9 [background conversation]

10 CHAIRPERSON WEPRIN: One at a time. One
11 at a time.

12 ALICIA DAMONE: --to understand, too, that
13 they should allow Brooklyn to go ahead and vote.
14 Maybe at the hearing everything that we have to say
15 on live TV they'll understand. Let them vote.

16 COUNCIL MEMBER LANDER: And you
17 understand that the reason why decertification
18 elections are often not allowed by the NLRB in cases
19 of unfair labor practices is out of a desire to make
20 sure that companies don't engage in unfair labor
21 practices in order to pressure people out of voting
22 for unions. And precisely enable corporations to
23 bargain in bad faith and engage in unfair labor
24 practices. And then decertify the union because, of
25 course, no worker signs up for a union to be involved

2 in interminable bargaining and divisiveness in their
3 company.

4 ELIZABETH PARKIN: And we started trying
5 to decertify them when we found out they want it.
6 Not even when-- We haven't even talked with
7 management. Our minds was already made up.

8 COUNCIL MEMBER LANDER: And I'm not-- and
9 I'm not-- I have no question about your motives. I
10 have some real questions about Cablevision's motive.
11 I don't have any questions about your motives, and
12 I'll just included this. This goes to the T-shirts
13 as well. I don't doubt that any of you are wearing
14 them because you believe it and want to wear them.
15 But, you know, as I said before--

16 ELIZABETH PARKIN: [interposing] No, I
17 want another vote.

18 COUNCIL MEMBER LANDER: But, you know, as
19 I said before, it's-- You know, it's a violation of
20 the Franchise Agreement for the company to have paid
21 for them, if they did. That doesn't mean you don't
22 mean it. That doesn't mean it doesn't express your
23 sentiment, but it still is a violation of the
24 Franchise Agreement--

2 ELIZABETH PARKIN: [interposing] It would
3 be if they paid for it, but how do you know who paid
4 for it?

5 COUNCIL MEMBER LANDER: --for the company
6 to give financial support to a union or association
7 of its employees.

8 ELIZABETH PARKIN: [interposing] We
9 don't know who paid for it.

10 ALICIA DAMONE: You're making an
11 accusation or something.

12 CHAIRPERSON WEPRIN: [Shushing panel
13 members] One person.

14 COUNCIL MEMBER LANDER: Can you tell me
15 who did because then I will know it wasn't them? Do
16 you know who did pay for them?

17 ELIZABETH PARKIN: I don't know.

18 COUNCIL MEMBER LANDER: You don't know.

19 Okay. So, I'm going to continue to assume it was the
20 company that paid for them.

21 ALICIA DAMONE: [interposing] Well, you
22 can assume. That's called an assumption.

23 COUNCIL MEMBER LANDER: That is an
24 assumption--

25 ALICIA DAMONE: [interposing] Correct.

2 COUNCIL MEMBER LANDER: --but I'm putting
3 it right out there.

4 ALICIA DAMONE: Yes, which is an opinion.

5 COUNCIL MEMBER LANDER: Okay. Yes it is,
6 and if you can give me information that helps me
7 understand otherwise, I would be very glad to have
8 it.

9 ALICIA DAMONE: Okay.

10 COUNCIL MEMBER LANDER: All right.

11 CHAIRPERSON WEPRIN: Thank you.

12 COUNCIL MEMBER LANDER: Thank you very
13 much for coming out today, and thank you, Mr.
14 Chairman.

15 CHAIRPERSON WEPRIN: Thank you, Mr.
16 Lander. Ladies and gentlemen, thank you very much.
17 Very nicely done. I would like to call-- I have
18 three other names here. I don't know if they're all
19 here, but let's see. Dominic. We'll try again.
20 Dominic is still here, right? Okay. Margaret Barnes
21 and John McCaughrean or McKahan? It's one of yours.
22 It's spelled like your name. Are they all here?
23 Now, is anyone else here to testify who I have not
24 called their name who would like to join us up here
25 now? Speak now or forever hold your peace, as they

2 say. Oh, here. Yeah, I guess. If you signed a
3 paper, that's you. Yeah. Okay, great. Whenever
4 you're ready. I don't know. You want to do ladies
5 first or you guys what to do-- ? Whatever. However
6 you want to do it. Again, we've put a three-minute
7 clock on you just to keep moving. You won't even
8 need that three minutes, huh? Okay. All right, God
9 bless. Whenever you're ready. Make sure to state
10 your name when you speak.

11 MARGARET BARNES: [off mic] Good
12 evening. My name is Margaret Barnes.

13 FEMALE SPEAKER: Turn on your microphone.

14 CHAIRPERSON WEPRIN: Is the mic on?

15 MALE SPEAKER: No, it's not on.

16 MARGARET BARNES: Good evening. My name
17 is Margaret Barnes. I work with Cablevision and I
18 want to say thank you to the members that decided to
19 stay, and stay awake. I also want to say thank you
20 for giving us this last couple of minutes to say what
21 we have to say. I would like to say that while I
22 respect the legitimate recent complaint of my co-
23 workers that were here during the time of our past
24 management, I don't agree with the issue of the
25 union. Not because it couldn't help some folks, but

2 the union is notorious for misconduct. With the
3 union, I don't have any control of my work life. The
4 CWA as far as I and others are concerned is
5 untrustworthy.

6 They had members come from their office
7 to try to entice us to become members. Going as far
8 as offering us steak dinners, rides home. Would like
9 to come to my house and have private discussions.
10 These are not acceptable ways to do things.
11 Calabrese was supposedly collecting names and number
12 supposedly to present our names to the union, which
13 never got there because he was posturing himself to
14 become the next president. They put him out. The
15 CWA outed him themselves. Now, if you can't trust
16 your own people who work for you, why should I trust
17 them? They have attempted threats and intimidation.
18 I mean all I'm saying is we deserve better.

19 We don't deserve a councilman who is so
20 openly on the side of CWA. He didn't even bother to
21 hide his behavior, and the majority of them who are
22 no longer sitting here to give us the respect and
23 honor that we gave them. As soon as they finished
24 drilling that lawyer-- Now, maybe he wasn't on the
25 point where you felt he should have been. I don't

2 know. I'm not a lawyer. I can't compete, but I
3 noticed that you didn't give our team the same
4 recognition that you gave the union. The union
5 members came up here, and they had a nice little walk
6 through the park, flowers and perfume, and then they
7 left. And they made sure that they sat down quickly,
8 and your people left.

9 I see that gentleman up there that was
10 snide to the sister that was sitting here. He tried
11 to make her feel bad about the T-shirts again. How
12 many times can you all ask a question about T-shirt.
13 Ask me about money. Ask me about time. About me
14 about a ticket. Ask me about if I'm being treated
15 better by the management that is there now. Ask if I
16 will continue another three years to wait for the
17 union to drag this situation out. If you care
18 confident in what you got to say, and what you can do
19 for us, let the vote go through, and then if you can.
20 Now, in the end, I'm going to be ahead of the game
21 because if the union comes in, I'm going to get
22 what's due to me. If the union gets put out, I'm
23 going to get what's due to me.

24 CHAIRPERSON WEPRIN: Okay.

2 MARGARET BARNES: But I need it to be
3 done as soon as possible. We're tired of this.

4 CHAIRPERSON WEPRIN: Okay, thank you very
5 much. Sir.

6 DOMINIC MONTENEGRO: Good afternoon. My
7 name is Dominic Montenegro. I'm an employee from
8 Long Island. I'm a 14-year employee.

9 CHAIRPERSON WEPRIN: A little closer to
10 the mic, I guess.

11 DOMINIC MONTENEGRO: I'm a 14-year
12 employee. I'm here in favor of the company. I
13 started with the company as a field technician, and
14 after about four years in the field unfortunately due
15 to a back injury that required surgery that put my
16 career with Cablevision in doubt. After I recovered
17 and returned to work, it became clear to myself that
18 I wasn't going to be able to continue in that
19 position. And I thought my career with Cablevision
20 would be over. So, I approached management with what
21 I felt about it, you know, that I couldn't continue.
22 And I thought that they would give me a pat on the
23 back and I would walk out the door.

24 But it was explained to me that they
25 appreciated the commitment, my dedication, and valued

2 for what I had done for the company over the four
3 years that I had worked as a technician. And they
4 wanted to see what they could do. Ultimately, I was
5 able to transition into the office. And it was at
6 that point that I really realized how much the
7 company values their employees, particularly when you
8 give 100% to them, they're going to do the same back.
9 And over the years since then, I've seen nothing but
10 an open door policy to management with any issues or
11 concerns I've had. And any time I've gone to them,
12 I've had some sort of tangible results. And that's
13 management on any level whether it's my immediate
14 manager or a high-level manager. I've always been
15 encouraged to take my concerns and points of view to
16 management.

17 [Pause]

18 DOMINIC MONTENEGRO: And, you know,
19 basically I'm just-- Again, I'm here just to speak
20 for the company, and my experience has been
21 wonderful. I think that I've looked at other
22 companies over the years, and I've found
23 Cablevision's compensation benefit package to be as
24 competitive as any company I've seen out there. And
25 that's without union representation. So I think

2 Cablevision treats its employees extremely well, and
3 I'm proud to be a Cablevision employee. And I say
4 let the Brooklyn techs vote.

5 CHAIRPERSON WEPRIN: Just one thing. You
6 live in Long Island, or you work out of Long Island?
7 What's your position?

8 DOMINIC MONTENEGRO: I work in the,
9 what's call the RCC. It's the Regional Control
10 Center. Basically, my department supports all field
11 service operations particularly in Suffolk County
12 where I work out of.

13 CHAIRPERSON WEPRIN: Okay.

14 DOMINIC MONTENEGRO: Thank you.

15 CHAIRPERSON WEPRIN: Is it-- It's
16 McCaughrean?

17 JOHN MCCAUGHREAN: McCaughrean.

18 CHAIRPERSON WEPRIN: Okay. This is Anne
19 McCaughey. You know, so it's like very similar.

20 JOHN MCCAUGHREAN: Well, it's a pleasure
21 to meet you and thank you for giving me your time. I
22 just want to start off by saying I am a Cablevision
23 employee. I have been an employee for over two years
24 now. So I am fairly new, and I did come in actually
25 after this has begun with our brothers and sisters in

2 Brooklyn. I transition to Cablevision from the
3 military, which I still am currently a member of the
4 Reserves, which is quite a bit of a hardship to find
5 a company that is willing to train you and invest
6 time into somebody who also has other obligations,
7 and at any point in time you may leave. Now,
8 understandably, it is protected by the law, but you
9 do get a certain sense, and I have in the past
10 received certain senses of frowning upon it.

11 I never once received any kind of disdain
12 for any kind of obligations I have had on the other
13 side dealing with the military. For one, for
14 Cablevision they have treated me well. Their benefits
15 packages, as most employees do say, is better. For
16 one, I do not get charged as much as I would for
17 Tricare. Tricare is out government's healthcare
18 benefit. I pay around \$300 less by using Cablevision
19 healthcare plan than I would for one offered to
20 service members and veterans. Which to me honestly
21 screams that it is a family organization. That they
22 are dedicated to its employees, our families, and a
23 better relationship. Throughout my time at
24 Cablevision, I've had certain problems, family

2 problems, family issues while I'm actually on the
3 job.

4 I work in field service. So it's a
5 little hard sometimes when you find out that your
6 older mother falls downstairs and well, she needs
7 somebody to get to her before the ambulance comes.
8 And you're actually in someone's house. But my
9 management staff they have always been there to
10 reroute other people to help you, and to cover you,
11 to console you. To be there for you in every step of
12 the way. I have had plenty of opportunities to
13 train, to encourage myself, to be better at what I
14 do. And from that, I mean they're encouraging us to
15 seek further education. They provide a lot of
16 educational benefits for us whether it be tuition
17 assistance programs for us to further our careers.
18 Honestly, something like that really screams as a
19 family organization.

20 Now, I know we're in here for union
21 versus non-union. I know this is not the Council's
22 decision-making, but it does go towards the
23 franchising rights. And the fact that it really
24 doesn't seem like the company is violating any kind
25 of franchise rights. T-shirts, yes, yes, yes. We've

2 all heard about it. It was not given down from
3 management. We probably decided to do it on
4 ourselves because we do take our company's interest
5 in mind. Because they are a family organization.
6 And what I would do for my brothers and sisters, we
7 would do for each other. That's my personal opinion
8 on it, and that is really what I have to say. Thank
9 you for your time, and thanks for hearing us out.

10 CHAIRPERSON WEPRIN: Thank you. I mean
11 it is not our decision to make whether this is a
12 violation here. Obviously, the NLRB will make that
13 determination. Hopefully, soon, and hopefully at one
14 point we'll be able to proceed with trying to settle
15 things down. And move ahead for all the workers
16 either union or non-union. Whatever it happens.

17 I want to thank all of you for coming.
18 I'm just curious. Has Jim Dolan visited your office
19 in Suffolk County?

20 JOHN MCCAUGHREAN: Yes.

21 CHAIRPERSON WEPRIN: He's been out there?

22 JOHN MCCAUGHREAN: Yes, he's come out
23 there.

24 CHAIRPERSON WEPRIN: Okay. Well, nice to
25 know. Okay. I have no other questions for you. I

2 appreciate your testimony. I know we did ask a lot
3 of questions. We had a lot of-- You know, the
4 reason this hearing is being held is to try to get
5 the facts straight on what happens in Brooklyn, and
6 what is happening with the union and the management.
7 So that's why most of the questions were asked of the
8 first speaker, who is the lawyer for Cablevision, and
9 who had the facts. You know, then the union stated
10 their facts, and Mr. Thompson stated his story. So
11 we got to hear that, but those weren't as much in
12 dispute as the idea of how this came about.

13 So I do appreciate everyone for coming
14 down, for your very good behavior. I've got to say
15 everyone really did come through. I was a little
16 concerned at the beginning this morning that the reds
17 and the blues would go to war. But no, everyone
18 behaved themselves. I thank you all for coming. I
19 really do appreciate you taking the time, and being
20 so patient. So with that mind in mind and there is
21 nobody else here to testify, we are going to close
22 this hearing. I thank everyone for participating,
23 and with that in mind, the Zoning and Franchises
24 Subcommittee is now adjourned. Thank you. [gavel]

C E R T I F I C A T E

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



Date December 5, 2014