

**New York City Council  
Committee on Civil Service and Labor**

**Testimony by:**

**Daniel Pollak, First Deputy Commissioner,  
Mayor's Office of Labor Relations (OLR)  
Georgette Gestely, Director of the City Employee Benefits Program, OLR  
Claire Cammarata, Director, NYC Employee Assistance Program, OLR**

**on Int. No. 265 – Health Insurance for City Employees  
T2024-2170 – Administration of City Benefits**

**June 24, 2024**

**Introduction**

Good morning, Chair De La Rosa, and members of the Civil Service and Labor Committee. I am Daniel Pollak, First Deputy Commissioner at the Office of Labor Relations. Thank you for the opportunity to testify today. I am here today with Georgette Gestely, Director of the City Employee Benefits Program, Claire Cammarata, Director of the Employee Assistance Program, and Claire Levitt, Deputy Commissioner for Health Strategy. I am also joined by Katrina Porter, Deputy Commissioner for Human Capital at the Department of Citywide Administrative Services.

I will first provide an overview of the benefits OLR administers, then turn it to my colleagues to provide greater detail, particularly regarding the Management Benefits Fund, Flexible Spending Account, and Employee Assistance Program. I will conclude OLR's testimony with some observations on the legislation before the committee.

The Employee Benefits Program consists of five separate programs: the Management Benefits Fund (MBF); the Flexible Spending Accounts Program; the Deferred Compensation Plan (DCP); the New York City Employee Individual Retirement Account (NYCE IRA); and the Health Benefits Program. The Employee Assistance Program operates separately from EBP, as does WorkWell NYC, the City's workplace wellness program.

The largest program is our health benefits program, which covers approximately one-million active employees, pre-Medicare retirees, and their dependents, and over 200,000 Medicare-eligible retirees and dependents, through our health insurance plans.

The 95% of City employees who are unionized have access to additional benefits through their union welfare funds. These funds provide benefits such as dental and vision insurance, frequently used prescription drug coverage, as well as other benefits. They are funded through contributions made by the City to the funds, the amount of which is negotiated through collective bargaining.

Non-represented city employees receive additional benefits through the Management Benefits Fund (MBF). Similar to welfare funds, MBF receives a contribution per employee and retiree similar to the amount received by union funds and uses those funds to purchase ongoing benefits for non-unionized employees.

I will now turn it over to our Director of Employee Benefits, Georgette Gestely, to provide additional details about our employee benefit programs.

### **Employee Benefits Program**

My name is Georgette Gestely, and as Director of Employee Benefits, I am responsible for administering the programs First Deputy Commissioner Pollak described, with the exception of EAP and WorkWell. (Please refer to Slide 2 for a list of the Employee Benefits Program). Before describing the operations of these programs, we think it's important to provide an overview of how the Employee Benefits Program is utilized, particularly with regard to health benefits. While OLR is the entity responsible for management and administration of MBF, FSA, and DCP and the NYCE IRA (with fiduciary responsibility by the DCP board), administration of health benefits involves numerous agencies and entities. (Please refer to Slide 3 describing OLR, DCAS and Agency Human Resources roles in administering benefits)

Pursuant to Executive Order 99 of January 3, 2007, "Consolidation of Health Benefits Program Assistance," the function of providing support to agency employees and the Office of Labor Relations in furtherance of the administration of the City's Health Benefits program, is centralized with DCAS' Bureau of NYCAPS Central. When employees from centralized agencies have issues regarding health insurance coverage, their first point of contact is either their agency human resources department or NYCAPS Central. When employees from non-centralized agencies have similar issues, the first point of contact is their agency's human

resources department. Enrollment in health benefits for active employees and enrollment-related issues like change of address are handled through NYCAPS, a system operated by DCAS. Non-DCAS agencies, such as Health + Hospitals have their own systems for enrollment. For specific questions about their coverage, employees contact their health insurance carriers, who employ teams of dedicated customer service representatives to deal with these issues.

OLR is the primary point of contact for retirees regarding their health insurance coverage. To better serve our retirees, in 2022 we received funding to launch a dedicated call center staffed by OLR employees, which now handles over 85,000 calls per year. 50% related to retiree enrollment and 40% are related to Medicare Part B and IRMAA reimbursement; and the remaining calls are related to retiree health plan coverage information.

#### *Management Benefits Fund (MBF)*

Please refer to Slide 4 for an MBF benefits description. MBF provides supplemental benefits to the non-unionized personnel of the City of New York, which includes all managerial and original jurisdiction employees and retirees. Approximately 18,000 active employees and 10,000 retirees are enrolled in MBF, which provides the following benefits: (1) Dental; (2) Vision; (3) Long-Term Disability; (4) Basic Life Insurance; (5) Group Universal Life Insurance; (6) Superimposed Major Medical Plan (SMMP); and (7) Health & Fitness Reimbursement.

Please refer to Slide 5 for a description of the MBF vendor procurement process. Providers for MBF services such as Dental and Vision are selected through an RFP process. Providers are rated on experience, service levels, breadth of network and cost. All MBF vendors are regularly monitored and subject to contractual service performance guarantees.

Please refer to slide 6. I'd like to take this opportunity to discuss in greater detail a couple of the MBF benefits that we understand the Council is interested in hearing about. The Superimposed Major Medical Plan (SMMP) is a supplemental (last-payer type) plan that provides coverage for those members and covered dependents who have qualifying out-of-pocket medical expenses, which remain after all other health coverages have been applied. This program is administered by Administrative Services Only (ASO), and in the last year almost 13,000 claims have been processed under the SMMP program.

The Fund's Health and Fitness Reimbursement Program provides reimbursement for active and retired members and the member's spouse/domestic partner membership at health clubs and other physical fitness programs such as Citi Bike, Yoga, Class Pass, or similar program. Effective March 1, 2024, the program has reimbursed members and their spouse/domestic partner up to \$500 after each six-month consecutive period, doubling the amount of reimbursement. This program is administered in-house by OLR staff, and in the last year, we processed almost 7,000 claims from over 5,000 unique participants.

#### *Flexible Spending Accounts Program*

Please refer to slide 7. The City of New York offers its employees a Flexible Spending Accounts (FSA) Program, which is allowable under Internal Revenue Code (IRC) Section 125. The Program allows City employees to deposit a portion of their pay check via a payroll deduction on a pre-tax basis into accounts maintained for certain health and dependent care expenses. The Health Care Flexible Spending Account Program (HCFSA) has 4,700 participants. The Dependent Care Assistance Program (DeCAP) has 1,500 participants.

Please refer to slide 8 for the HCFSA claims submission process. Participants can upload HCFSA Claims Form documents electronically via a secure link. Claims received by 25th of the month are reimbursed by the last week of the following month, and payment can be received via direct deposit. Participants receive confirmation letters for all claims processed, quarterly statements and annual statements.

Please refer to slide 9. Pursuant to IRC Section 125, HCFSA claims must be substantiated with: The provider invoice; an Explanation of Benefits (EOB) statement from the health insurance carrier, for medical expenses, or from the Welfare Fund/Union for dental, vision and/or hearing expenses, showing the unreimbursed balance. So participants must provide all these documents to be eligible to use HCFSA funds.

Please refer to slide 10. Moving forward, OLR is working on approaches to improve participant access to account information and improve the employee experience by launching an online portal for flexible spending, which we

anticipate will launch in 2025. On this portal, participants will be able to view claims status and account balance. Additionally, our agency will continue on-site agency presentations for FSA and MBF, including a City Council employee presentation scheduled for September. We are also developing webinars for FSA and MBF and plan to mail an MBF mini-booklet to MBF members this fall.

I hope I have provided useful information to the committee regarding the benefits we administer and look forward to continuing to discuss these issues, I will now turn it over to Claire Cammarata, Director of the Employee Assistance Program.

### **Employee Assistance Program**

Good afternoon and thank you for the opportunity to share more about the New York City Employee Assistance Program (NYC EAP). My name is Claire Cammarata, and I have been Director of EAP since 2021.

The City of New York (NYC) recognizes that experiences of mental, behavioral, emotional and social problems have a serious impact on the health, employment, welfare and social life of the individual, the individual's family, co-workers, and the community. With this in mind, Executive Order 46 was issued in 1992 establishing municipal EAPs to address these issues that NYC employees may face and to provide support and counseling to assist them in seeking help and recovery.

New York City has an extensive network of agency and union based EAPs providing services to all city employees. Each EAP offers distinct services based on

employee's needs, but all the programs work in concert with one another to best serve all NYC employees.

The NYC Office of Labor Relation's (OLR) Employee Assistance Program (NYC EAP), the largest of all New York City EAPs, currently provides services to NYC non-uniformed Mayoral agencies, NYC Housing Authority (NYCHA), NYC Health +Hospitals, and the Department of Correction. In early 2020 the EAP extended its program to the NYC Department of Education (DOE) which led to an expansion of the EAP program and increased staff by over 50%.

Approximately 325,000 city government employees and their family members are eligible for NYC EAP's services. While our program only formally serves those entities I mentioned, EAP never turns down a request for assistance and we have frequently provided services to non-mayoral entities who need it, including the City Council.

NYC OLR's EAP is designed to assist employees and their families in resolving problems that may adversely affect their personal and professional performance. NYC EAP offers counseling and assistance with a broad range of behavioral health topics. The most common concerns brought to the EAP are mental health related (i.e., symptoms of anxiety and/or depression, grief & bereavement reactions, trauma events), work stress (i.e., job demands, poor co-worker relationships, Work-Life balance) and concern for family members (i.e., mental health concerns, substance misuse)

Other services provided by the NYC EAP include information and referral services, case management, extensive follow-up, and insurance authorization. Short-term counseling is also available when the client and clinician agree that the presenting issue can be addressed within a short-term model. If the client needs a referral for longer-term treatment, EAP assists in identifying a provider that accepts their insurance and has availability. All services are free and confidential, and all EAP services are provided by master's level mental health professionals.

The NYC EAP also offers tailored services for supervisors and managers to aid in their response to staff's behavioral health needs. Stress Management, Suicide Awareness & Prevention, Improving Communication in the Workplace, are just a few of the presentations offered to NYC agencies. Supervisory and Managerial consultations, online workshops and staff presentations are provided upon request of the agency.

EAP continues to grow, reaching more clients each year. In 2023, EAP served 39% more (over 27,000) clients as compared to 2022. And specific to our managerial and supervisory support, we have reached over 15% more employees in leadership roles than compared to 2022. Despite all the EAP has to offer and all the services we provide, we want to do more. We are devoted to educating employees about the program and encouraging their utilization of EAP's offerings. To consistently promote the EAP and educate the workforce about our program we offer the following:

- Online and in-person presentations to review the EAP program and services at new hire orientations. Currently we present at all DOHMH

and H+H orientations for new employees. And recently DCAS added an informational video that highlights the EAP program to share in their new hire orientations.

- Biweekly email to agency leadership to distribute to staff. Each email includes a relevant behavioral health topic.
- Attendance at health fairs (in person and virtual), DEI events, wellness events and others.
- Presentations to senior management and supervisors on how to address staff that may benefit from EAP support.
- Collaboration with unions so they can provide information to their members.
- And our website, which is currently being updated to be more user friendly.

I and all my staff at EAP are passionate about the work we do assisting City employees and are constantly working to better serve our clients. I will now turn it back to First Deputy Commissioner Pollak.

### **Proposed Legislation**

Int. No. 265 would require city agencies to make best efforts to expedite the processing of health insurance coverage for city employees who transfer employment from one agency to another, to avoid any lapses in health insurance coverage during such transfer of employment. As mentioned during our testimony, enrollment is handled through the NYCAPS system by city agencies, with assistance and coordination from DCAS, or through other systems for non-

NYCAPS entities like H+H, OLR and DCAS make best efforts collectively to improve processes and disseminate health benefits information to agencies to ensure that coverage is seamless when transfers occur. For our part, if OLR is informed of any lapse in coverage, we immediately seek to restore health benefits retroactively for the affected employee.

T2024-2170 would establish new requirements on the processing of benefit claims, including requiring that claims be determined within 14 days of filing. OLR would also be required to create a City Benefits Help Center, which would be responsible for offering information and guidance to employees about the availability and structure of all benefits for city employees. The bill would also require the establishment of an online portal through which City employees could submit and track their benefits claims, receive information about benefits, and communicate with benefits administrators. OLR would also be required to submit an annual report on employees' utilization of such portal and basic data on claims processing by administrators. Lastly, this bill would require OLR to design and administer a one-time survey for municipal employees to provide feedback on the substance and administration of benefits.

We appreciate the intent behind this bill but do have concerns about the scope of the legislation and the resources it would require given the complex nature of City benefits we described in our testimony. We look forward to continuing to discuss with the Council ways to improve the administration of benefits for City employees. Thank you for your time, and we'll be happy to address any questions you may have.



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MANAGERIAL EMPLOYEES  
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New York City Council

Committee on Civil Service and Labor  
T2024-1992 | Int 0265-2024 | T2024-2170 | Res 0005-2024

Monday, June 24, 2024  
1:00 PM  
City Hall Committee Room

*RE: NYC MEA response to OLR and DCAS testimony.*

Dear City Council Members:

During the hearing, the Office of Labor Relations testified that the Paid Parental Leave (PPL) Program includes bonding with a new child and the leave time has been increased from 6 weeks to 12 weeks.

NYC MEA continues to stand firm that funding for the PPL Program was unfairly imposed on City managers who are not eligible for its benefit.

The funding of the PPL Program consists of 1) two annual leave days being taken from senior managers with twenty-seven days of annual leave and 2) 0.47% pay raise (*effective July 1, 2017*) which was repurposed from all managers. Annual leave days are earned based on the length of time employed by the City. It takes at least fifteen years of service to earn twenty-seven days of annual leave.

The Office of Labor Relations has been disingenuous in the disclosure of PPL funding used with repurposed manager compensation. Repurposing has had a perpetual adverse effect on morale and future financial welfare which negatively impacts retirement income. It is recommended that the City Administration find another source for funding the Paid Parental Leave Program.

We seek:

- the two annual leave days that were taken be restored to the maximum of twenty-seven days per year
- the repurposed 0.47% pay raise should be reinstated and compounded in conjunction with other pay raises over the years
- cost analysis and report of the data showing the benefit costs and justification of the PPL Program has still not been provided by OLR – where is it?

Very truly yours,

Darrell Sims  
President

Alice Wong  
Executive Director

## Cooper Park Residents Council Inc.,

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Vice President – Elisha Fye

Treasurer – Geraldine Lawrence

Secretary – Karen Leader

Sergeant-at-Arms – Tina Mangum

June 20, 2024

To Councilmember Adrienne E. Adams:

My name is Karen Leader and I am a long-time resident of Cooper Park Houses and the secretary on Cooper Park Resident Council's executive board. I submit this correspondence to you and your colleagues on behalf of Cooper Park Resident Council executive board members and our residents. I am responding to the topic "Oversight – NYCHA's Electric Micro Mobility Policy.

While we recognize that NYCHA's implements new rules and policies, ex: the "Pet Policy" and its "Smoke-Free NYCHA Policy", we agree that e-mobility devices have become another mode of transportation. However, the problem remains, where should these devices be stored and charged. Considering, that the already new rules and policies (Pet Policy, Smoke-Free NYCHA Policy), which NYCHA has written on paper, there is no **obvious evidence** of them being enforced. The development of these new rules for these devices will never protect residents' health nor our safety. In reading over NYCHA's "new rules" (which have gone into effect as of March 1, 2024) regarding these electric micro mobility vehicles and devices, there obviously needs to be an amendment to them, beginning with signed guidelines by the resident, maintenance worker and the property manager. It is our request that each e-bike, e-scooter, and lithium-ion battery be registered with management.

Similar to NYCHA's Pet Registration form, there should also be a form for residents to complete who store these devices in their apartment. After the completed form has been submitted to management, a NYCHA maintenance worker should be responsible for visiting the apartment and documenting where the e-micro mobility device or battery will be charged in that apartment. The idea behind this is to insure NYCHA that there is actually proper space in the apartment to store said bike and that the owners/legal tenant meets all of NYCHA's requirements which will be outlined on the form. This will also demonstrate to NYCHA and the resident that there are no known dangerous conditions or hazards that will cause injuries to that family, NYCHA's property or their neighbors. This form should include but not limited to the following:

1. Identify the device being registered.
2. The name of the legal resident and an alternate legal resident that will be present and awake the entire time an e-bike, e-scooter, or the battery is charging in the apartment.
3. Proof of the electrical wall outlet that is available for the lithium-ion battery to be charged in and proof that the electrical wall outlet is in compliance with the designated charging area.
4. The maintenance worker will take of picture showing exactly where the lithium-ion battery is to be charged. The picture must show that it will not be charged within 5 feet of any direct heat source including a radiator nor is it preventing an escape from an apartment entrance door or any other place that could prevent an escape in the event of a fire.
5. Proof that the lithium-ion battery is not refurbished, has not been assembled, or reconditioned in a way that is prohibited by NYC law.
6. Finally, this form should be signed by 3 parties: The responsible resident(s), the maintenance worker who performed the inspection and the property manager.

Thank you for your time and listening ear. We are requesting your support of the above suggestions.

My name is Ageliki Heliotis and when the Covid-19 vaccine mandates were enacted I was a NYC elementary school teacher. I was working all throughout COVID and went back in September until I was forced to leave my job and go on unpaid leave on October of 2021. By that point and time I had given 21 years of my life to the DOE. My profession was everything to me, but not more important than my religious beliefs. Those always did and God willingly always will come first.

I submitted forms for religious exemption, and had an interview and then was denied by the DOE. I have never in my life felt more discriminated against. The first time I really felt that feeling was during that interview in which my religious beliefs were put to trial. I still remember leaving the meeting trembling and hiding in the school bathroom to cry. The funny part is they denied me for a medical exception, not even a religious exemption. Goes to show you how meticulous they were when they were reviewing all of our paperwork. When I reached out to my union they said that the decision was final. I honestly don't think they read my email either explaining how I applied for a religious exemption, but was denied a medical exemption. By March of 2022 I was terminated due to non-compliance.

These events affected me in so many ways, personally and financially. It was due to God's guidance and my family's support that I was eventually able to move forward with my life. To this day I still break down and cry when I have to recall the events that took place.

My unlawful termination also affected us financially. My son lost a year of schooling due to us not being able to financially afford him going. We were very close to losing our home, as I was the main breadwinner at that time. We accrued credit card debts surpassing 20 thousand dollars and lost all of our little saving that we had set aside.

This is what happened to me, but I know of other colleagues who endured much worse. There were those who lost their homes and much worse.

How can the city to whom so many of us gave years of our lives and dedication to treat us so unfairly? How can this happen in NYC, one of the most diverse and accepting places in the world? How can this city so blatantly discriminate against so many of its employees? Please pass this resolution and at least try to make up for some of the damage and wrongdoing imposed on this city's employees.

June 24, 2024

Good Morning

My name is Beth Henry (Huff ), file number [REDACTED] After 25 years of working in my DOE school, I was unlawfully placed on Leave Without Pay in October 2021 for not complying with the covid vaccine mandate. My religious exemption was immediately denied and after being on forced leave for over 4 months I had no choice but to "comply" and returned to work February 2022.

In the UFT contract, Article 16 which talks about leaves, nowhere does it say a leave can be forced on you by your employer. We did not ratify a new clause, a new amendment was not sent out for us to vote on. This part of our contract was 100% violated. I want my back pay for the unlawful harm that has been done to me. I went months without a salary (lost almost \$50,000) I also want the CAR days I would have accrued and time towards my retirement that was taken from me. These demands are non-negotiable and should be granted immediately. Due to Mayor Adams ending the mandate on 2/10/23 I have also filed a notice of claim with the Comptroller's Office within the 90 day window. I had that hearing and of course have heard nothing from them for almost a year now. I reserve the right to collect damages for the pain and suffering I was subjected to by all parties responsible. Please do the right thing and help all that were treated so unfairly and are still suffering financial difficulties because of what was done to us unlawfully.

I look forward to your response to the urgent matter.

Beth Henry

**My name is Betziada Cruz and I served as a NYCDOE elementary teacher for over 20 years. I was fired by Eric Adams. On March 24, 2022, professional athletes and performers were able to go back to work while City workers who worked throughout the height of the pandemic still to this day do not have their jobs back. Due to a list of reasons, I refused to get the Covid “vaccine” which included my right to maintain bodily autonomy, I had and still have natural immunity, there was an obvious lack of information and studies about the effectiveness about this “vaccine” as well as my religious beliefs. I also had a lot of doubt about the validity of this new treatment and did not trust the government as well as the media because of all the tactics that were used to coerce people to take it. If it truly worked as they claimed, they wouldn’t have to try to sell it so hard.**

**I know what is best for me and I am very capable of making my own decisions. I will not be coerced, bullied, threatened, paid, or pressured to do something that goes against my consciousness. This goes against everything I stand for as a person and as a professional. I have never in any way condoned bullying in and outside of the classroom and will not allow anyone to do that to me. As a teacher and as a person, I consistently stress the importance of developing and maintaining a high level of self-respect, self-discipline, self-awareness, strength, courage, and exceptionalism of character.**

**I applied for a religious exemption, sent letters to people at the UFT and the DOE and filed a notice of claim and did not get one single response or acknowledgement that they were ever received. When the mandates were lifted, I never received a letter from the NYCDOE stating how to go about reapplying. Nothing.**

**The past 2 plus years (going on three in October) have literally been tumultuous. Being without a job has been hell and has taken a serious toll on me. This past December, I was in the process of obtaining a position as a Pre-K teacher and the principal was super excited to hire me (I was over the moon excited) but at the end of the process, I found out that the NYCDOE emailed her and stated that I should not be hired or be allowed to be near children because I had a PR code in my file.**

**Receiving this news after all the effort I went through to obtain this position and knowing that I NEVER in my career did anything to deserve this code surprised me. I cried so much. I don't deserve any of this treatment. I emailed OPI at the DOE the next day and they didn't respond until months later. They stated that I no longer have that code in my file but to this day, I am not sure how true that is because I have applied for jobs within teaching and haven't had luck yet.**

**I have worked since the age of 15, paid my way through college as well as obtaining two masters. I have NEVER had to rely on my family for financial support. Six years ago, I bought a house with my parents and since I was fired, I have not been able to help with the cost of our home. My parents are on a fixed budget and were heavily relying on my contribution.**

**Now, my parents had to get loans from other family members to help me and help with the bills for keeping a home in NYC and to continue to pay off my credit card debt. I owe my parents and family members a lot of money and will hopefully pay them back in full when I receive my back pay. All of this has made me extremely depressed. Every day is a struggle. I am looking for a job daily. I worked so hard for my career; a 20-year veteran teacher... jobless.**

**There is so much more that I can say but we truly deserve to be reinstated and made whole. Justice needs to be served quickly. Please pass Resolution 5 to reinstate all NYC workers who were unjustly fired from the positions they were born to do.**

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

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

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

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

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

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

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

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

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

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

When the mandate was lifted February 2023 (a year after it was lifted for the entertainers) and we were told we could work, we had to reapply. My guidance position was no longer available.

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

November of 2023, I learned to retire with my 30 years and age 55, and to transfer the time from Long Island, I had to return to the DOE. I returned as a substitute teacher with the DOE and

then I applied to become a para. I am currently working in the DOE, but I am making much much less than I was, and it has taken a financial toll on the entire family.

I am currently 54 years old, mother of 3 adult children, ages 18, 20, 22. When I was removed off payroll I had 29 years 4 months of service. 15 of those years I was a Guidance Counselor, 14 of those years, I was a SAPIS. I started working as A SAPIS in 1992, when I was 22 years old,

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

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

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

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

Respectfully,

Debby Hartz

Dedicated NYC Educator 1992-2021

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

Testimony 6/24/24

Good afternoon,

My name is Diane Pagen. I'm from Queens and I grew up in Woodside Houses and went to DOE schools throughout my childhood. I'm a social worker and did a lot of financially helping people and pro bono social work in the community before my income was taken from me by NYC. I am a tenured school social worker who was forced out of my job at PS207 because I declined to comply with demands that I take a Covid shot. I was living in District 36 at the time that I was forced onto the DOE's unpaid leave.

I need Resolution 5 to be passed!

The DOE instructed me to apply to job openings as if I were a new employee! I am not a new employee.

DOE created a "leave without pay" category then reneged on the only term DOE itself had to honor. How? When the DOE placed me on Leave Without Pay in October of 2021, it outlined what it said my obligations were under that leave. **Under their terms, my job was to be reserved for me for the duration of the leave.** This was the one condition that DOE had committed to upholding. Yet in 2023, **I discovered that the DOE had hired a new permanent employee into my position at PS207 in November 2021, while I had just begun that unpaid leave.** The City claimed we were on leave, not fired. In my case, it turned out, at the time the DOE was telling me and my coworkers I would be ineligible for unemployment because I was on leave (without pay), actually I had been replaced. A new person had been hired into my position at my school without me being informed. I hadn't been on unpaid leave for more than 60 days when the DOE changed the terms of the leave without informing me and without informing the New York State Department of Labor of my true status. If the Department of Labor had not been misled by the DOE, I would have qualified for unemployment benefits. The DOE shared inaccurate information about my status in order to avoid its obligation to pay unemployment benefits.

The DOE Chancellors and Mayors from September 2021 to the present should have identified that the majority of us who were forced out are part of a protected class, workers over 40, and that removing us without cause is a violation of our federal civil rights.

In conclusion: I need for Resolution 5 to be passed to ensure my reinstatement and my colleagues' reinstatements across City agencies to correct these injustices. I was nearly

made homeless and now have no retirement pension, and starting all over when I should be preparing for retirement!

Thank you.

Diane Pagen, LMSW



Dorca Iris Genao

[REDACTED]  
Stratford, CT 06615

Your Honor,

My name is Dorca Iris Genao, and I am here today to testify regarding the circumstances that led to my termination from my job with The Department Of Education (City Of New York) October 3, 2021. I believe that my rights as a citizen of the United States have been infringed upon, and I wish to explain my position.

In the summer of 2021, my employer and my union (United Federation Of Teachers-UFT) informed me that in order to continue working at my job, I would be required to receive a Covid-19 vaccine. This directive made me feel as though I was being treated as a slave, with my job acting as my owner. Despite the mandate, my employer refused to take any responsibility should any adverse effects occur from the vaccine. As a person who values personal autonomy, especially concerning medical decisions, I was deeply troubled by this requirement.

I believe that every new medical treatment carries inherent risks, and I did not want to subject myself to what I considered to be a medical experiment. As a citizen of the United States, I believe I have the right to refuse medical treatment, particularly since I had already contracted Covid-19 and had developed natural immunity.

Since 2016, I have been a devout Christian, and part of my faith involves not putting vaccines into my body. This is a personal and religious conviction that I hold deeply.

On October 3, 2021, I was forced to leave my job because I refused to receive the vaccine. This decision was not made lightly, but I felt I had no other option to maintain my personal and religious beliefs. As a result, I am currently unemployed and have not been able to receive unemployment benefits.

The financial impact of my termination has been devastating. If it were not for the support of my husband, we would have lost our home. Additionally, I am burdened with over \$50,000 in debt.

I stand before you today to seek justice and to assert my right to make personal medical decisions without fear of losing my livelihood.

Thank you for your time and consideration.

Respectfully,  
Dorca Iris Genao

On September 20, 2021 I was discriminated against, which was after I requested a reasonable accommodation for my “perceived disability” based on my sincerely held religious belief.

On September 21, I appealed the denial for a religious accommodation by providing additional documentation on SOLAS. I never received a response about the denial in writing. I was never given an opportunity to appeal before a City Panel as an active Union Member of the Department of Education.

On October 1, 2021, I received notice that I could no longer enter the school building starting on October 4, 2021, due to unlawful vaccine mandate. I was placed on LWOP without me submitting any signed documentation.

On October 4, through October 14, 2021 unauthorized absences were marked on my payroll portal. I was never informed by anyone in the Department of Education that this was taking place.

On October 18 through October 25th I emailed Chancellor Meisha Porter and Michael Mulgrew pleading them to allow me to work remotely from a Department of Education facility as a tenured teacher, employed for 30 years 10 months. I emailed them every single day and never ever received a response from either of them in return.

On November 15, 2021 the United States Court of Appeal ordered fresh consideration of people’s request for religious accommodation. I made several attempts to reapply for two weeks straight on SOLAS. I contacted Seuna Lee (UFT worker) via email for assistance with reapplying for accommodation. He attempted to help with the necessary steps for a successful outcome. Nonetheless, the application was not able to get processed. Seuna Lee connected me with Karen King (UFT worker) and she attempted to help me with reapplying for religious accommodation, but application did not go through on SOLAS. Then, I contacted HR Connect to help me reapply for accommodation and the response was that I was no longer able to submit an application.

On January 31, 2022, the New York City Department of Education emailed me with notice of termination. I contacted Karen King about the notice of termination letter. She emailed me a 3020a form to complete for a fair hearing as a tenured teacher. I completed the form and emailed it in return to Karen King. The end result, was that I was never granted the opportunity for a fair hearing upon termination. My union failed to represent me and protect my rights, as a paying member in good standing of the Department of Education.

On February 9, I became aware that the Department of Education had my fingerprints with a “no hire” code. The Problem Code is given to employs that have committed misconduct. As a 30 year veteran teacher, I was now the blacklisted person, a criminal listed in the database. As a result, I was not able to find employment in New York City and was not able to collect unemployment and medical insurance was terminated.

On February 11, 2022, the New York City Department of Education terminated me from my teaching position working as an employee for 30 years 10 months. On March 8, 2022, I contacted Karen King about my termination status. Her response was, “ As of right now the DOE is taking the position you are not entitled to a hearing, we are fighting that in court and you will get more information as the court proceeds. As of today, I have not received any information about court proceedings.

The loss of my job as an effective, veteran teacher has caused emotional distress, damages to reputation, impairment of earning power, fortuitous interference with business relations, malicious prosecution, abuse of process, fraud; and retaliation defamation, libel and slander.

As a member of the New York City Public Retirement System, I was unable to contribute 20% to Tax Deferred Annuity for 2022-2024. I was unable to complete 33 years of total service credit. The claim and demand is hereby presented for adjustment and payment. On July 9, 2024 I will be retiring from Department of Education. I was not able to get the recent raise in pay given. I was not able to contribute to tax deferred annuity plan. I was not able to take out my QPP contributions because it shows that I am not active member on system. I will be retiring with emotional heartbreak. Almost as though I have departed in shame. I will be retiring in silence and a permanent scar in my heart by the betrayal of a union that failed to accommodate my religious rights. An unconstitutional act that will never repair permanent damages caused in my life and my family's life.

Evelyn Zapata

[REDACTED]

Public School 83

[REDACTED]

New York, Ny 10029

Jean Jean

Written Testimony June 25, 2024

I was at the peak of my earning career. I worked 17 years, had a masters degree and 30 credits above. I had seniority and tenor. I was the first on the seniority list for the special education list. I was not given an option or guidance. I was stripped of my job, by tenor, by career. This took a financial toll on my family and is still enduring. Lost wages, lost salary steps, lost pension credit, lost medical insurance.

I was a stellar employee. I never had a complaint or misconduct against me.

I began therapy to offset the anxiety and stress caused by losing a job making 100K, just like that. I was stripped of everything I was and desired to be as a teacher. I lost my job security, my ability to earn and provide for my family, I lost my exceptional credit score as bills were late, tax bills, electric bills, car payments all late and incurred late fees which I am still trying to catch up on. I suffered from confusion and anxiousness to make clear decisions. I had insomnia, I had increased blood pressure. The constant thoughts of how and why this was done to me, a devoted hard working stellar teacher with a pristine record. I could find a job comparable in salary to support my household budget. I suffered from manic and depressive episodes where I would lose focus and became irritable. I am not the same person I was when I had a secure job at the DOE. I had a safety net and now I worry all the time about bills, medical and long term medical and financial security.

The fall out from this loss has been tremendous. I attempted to reach out when the mandate was lifted for my position back but since we are starting like a new hire and also no seniority it was difficult to find a job with my 17 plus years experience. I also did not hear back from anyone at the DOE for guidance. I am now working three to four jobs just to make  $\frac{1}{3}$  of my salary at the DOE. I have had a problem code also on my file. I am looking for you to support resolution five and bring back all city workers without having to sign a waiver that stops the right to sue.

Therapy name and address:

Brittany

585 Plandome Road

Suite A

Manhasset NY, 11030

Good afternoon members of the committee.

My name is Jeremy Goepel, I am a former DOE Paraprofessional that was terminated at the beginning of the 23-24 school year. Today I am here to urge you and ALL council members to support and adopt Resolution 0005-2024

Im sure you are all growing tired of hearing our stories of how the vaccine mandate turned our lives inside out, well here is yet another. We will continue to come here and tell our stories until we are made whole again.

When Covid 19 closed our schools in March of 2020, we rose to the challenge of educating our students remotely. We had 3 days to throw something together that had never been done before with very little guidance from the DOE. Knowing our students and their needs, we came up with what we thought would work best for them.

Personally, I was online with the teachers assisting during lessons, on with my student for remote PT/OT sessions and spent time 1 on 1 reading with my student so that his mother could assist with his younger brother's online schooling right next to him. Some school days we worked past our contractual workday. We did this because we cared about the children of our city

The 2020-21 school year brought us hybrid learning for students. For myself I reported in person 5 days a week. We were only required to be tested for C19 at random weekly. Given that I worked in a very small PreK center, I was tested almost every week. I was perfectly fine with the testing policy.

In August of 2021, our mayor at the time decided that all DOE employees must be vaccinated against Covid 19, without a testing alternative. This was done without any negotiations with the UFT. Ultimately the vaccine mandate went into effect and there were 2 options for us. 1. facing termination for non-compliance, or 2. signing an agreement drafted by Martin Scheinman to be placed on LWOP for the remainder of the school year but maintain health benefits

I was vehemently against this forced vaccination policy. I joined lawsuits and participated in countless protest marches across the city. Reluctantly I signed the arbitration agreement and was placed on LWOP for the remainder of the school year. Maintaining health insurance for myself and my daughter was my only reason for signing it.

Others like me that refused the rushed, unproven and experimental shot were villainized by political leaders, the media and the public that had been brainwashed by fear.

We were once celebrated for our tireless efforts to keep the school system running during the start of the shutdowns. We were not allowed to work or participate in

anything outside of our homes. We remained strong and continued our fight for justice, even to this day.

At the end of August 2022, I held up my end of the agreement and received my 1<sup>st</sup> shot and returned to my job. I was never notified to get the 2<sup>nd</sup> dose by the DOE.

I was fired at the beginning of the 2023-24 school year because I failed to meet certification requirements. I was short 1 college credit to obtain my Level 2 Teacher Assistant license. I pleaded to the DOE and NYSED to grant me an extension since I was not working 1 year. Of course, I was denied and consequently fired.

I was taught that when you do something wrong, admit fault and fix it before it gets worse. Instead of engaging in heavy damage control, the mayor and corporate council need to stop appealing the lawsuits won by fired employees. Most of you on this committee supported the mandate, I ask you this question, knowing what is known NOW regarding the vaccine, does it make sense to keep your fellow citizens, neighbors and constituents out of work? These same people have lost their life savings, their homes and more. What kind of city government condones that?

I am here to say loud and clear IT IS TIME FOR THE CITY TO ADMIT IT WAS WRONG AND REINSTATE ALL FIRED MUNICIPAL EMPLOYEES WITH BACK PAY.

Thank you

To Whom it May Concern:

My name is Krista O'Dea and I am a former FDNY Rescue Paramedic. I was employed with the FDNY since 2005. I began as an EMT and upon completion of TOP Class, was sent to Station 38 in Brooklyn where I worked for 3 years before being accepted into medic school. I attended Paramedic Basic 9 at the EMS Academy and graduated in 2008. I worked as a Paramedic at Station 58 in Brooklyn for 5 years and during this time I attended training to become a Hazardous Materials Technician before transferring to Staten Island. In 2015, I was asked to take an off-line role as the ALS Coordinator for Division 5 which includes Staten Island and South Brooklyn. In 2017, I was accepted into the Rescue Medic Basic Training class and was working as a Rescue Paramedic until I was terminated on March 15, 2022.

In addition to my work on an ambulance, I was a Mentor in the FDNY Explorer Program since 2014. I was also trained in the Dignitary Protection Unit, Counter-Terrorism Task Force, as an EEO Counselor, EEO Liaison for Division 5, and as an Alternate Liaison to the Commissioner. In 2009 and 2021 I received a Pre-Hospital Save Commendation and in 2015 I received Paramedic of the Year award. I also published a Call Review Article in FDNY EMS PRO magazine in the June/July issue of 2016, recorded a podcast with then Chief of Staff Elizabeth Cascio for FDNY EMS PRO in March of 2018 and was interviewed in April 2020 for an insight into Covid-19 Emergency Responders.

I have poured my heart and soul into my career with the FDNY and have shown exemplary dedication to my profession. Being a frontline emergency healthcare provider was a calling since childhood. Working in this field not only allowed me to fulfill my passion but has brought about significance and purpose in my life. I truly enjoy being a Paramedic and providing care for my community. I had every intention of serving the City in which I was born and raised in, where my immigrant father worked to support his family and my immigrant great-grandmother worked to support hers. I looked forward to many more years as an employee of the FDNY and as a resource to the community in which I serve.

When the vaccine mandates rolled out for first responders in October of 2021, I immediately filed a religious exemption to the Covid-19 vaccination mandate with the FDNY in a timely

fashion, even though we were only given a week's notice. In December, I received a denial letter from the FDNY to my religious exemption. I appealed this decision. On February 20, 2022, I received an email from The City of NY Employee Vaccine Appeals Panel stating that my appeal has been denied. I was placed on Leave Without Pay (LWOP) which began on February 23, 2022 and on March 15, 2022 I was terminated from my employment of 17 years. My years of service and dedication simply disregarded. My sincerely held religious beliefs ignored and denied without reason.

In March of 2020, two years earlier, I was working 18 hour shifts to service my community. I was going into work when most others stayed in the comforts of their homes. I was walking into sick people's homes when most others would be too scared to do so. I volunteered to work shifts for members who were sick and couldn't work. I watched as my peers fell ill, some extremely ill and who I feared may not survive. My partner became ill and so did I. I recuperated and returned to work, as did many others. How could it be, that 2 full years later, I was terminated from my job? How did I go from public hero to public enemy when I served my community during one of the most challenging moments in our history?

I cannot describe the months of anxiety, worry and stress. I worried how my family would pay the bills, especially since my job sustained our household. I could not fathom how this was happening.

Not only were my religious beliefs disrespected, I was now being punished because of them. I was denied unemployment. I was told I was terminated due to "misconduct." Meanwhile, I have never had any disciplinary infractions. I was a stellar employee and my termination was not due to suspension, insubordination, lateness, AWOL, illegal activities, poor work ethic or any other unsatisfactory work experience. In fact, every single one of my yearly evaluation reports ranked Very Good and Excellent, the two highest rankings. I challenged the denial of my unemployment and failed with each attempt. I was left unemployed and without any assistance. How did this happen in the most diverse, accepting, and tolerant City in the world?

In June of 2022, I was hired as a 911 paramedic with Robert Wood Johnson Barnabas Health in New Jersey. My religious exemption was accepted without issue. There was no panel of

opinions deciding whether my beliefs were valid. I am still employed as a paramedic for Robert Wood to this day, a little over 2 years later.

It was very interesting to me that I could do the same exact job in New Jersey that I was doing in New York City. Just across the bridge, I was able to practice as a paramedic. This begs me to question, what happens in the event mutual aid is requested by New York? According to the Emergency Management Assistance Compact, if I were to be deployed to assist as a paramedic in NY, I “work for the agency that requested” me and would be “under the operational control of that agency.” I then would be working for the very same agency that fired me because of my vaccination status. Additionally, on the EMAC website under License and Reciprocity it states that “Whenever any person holds a license, certificate or other permit issued by any state..evidencing the meeting of qualifications..such person shall be deemed licensed, certified, or permitted by the state requesting assistance.” To clarify, I would be able to work in NYC as an unvaccinated NJ paramedic but am unable to work in NYC as an unvaccinated NYC paramedic.

I hope this letter can put into perspective how the Covid-19 vaccine mandates destroyed the core of this City, the frontline workers. What was done to the hard-working people of New York City was, and still is, absolutely criminal. May I remind the Council that members who lost their jobs 2 years ago, have not been hired back. Yet the City knows that in the case of mutual aid, those who are unvaccinated from other states are able to work within the City. The damage done, however, can be repaired. There is always time to change, to enact a different policy and to hire back all who have lost their careers and livelihoods. I hope the Council can be the force of change needed to restore the City and it’s people.

Sincerely,

Krista O’Dea



## TESTIMONY OF SOLIMAR VELEZ

1. My name is Solimar Velez and I have been an employee with the New York City Department of Education (“DOE”) for the past eight years.
2. I know the facts stated herein to be true based upon my personal knowledge, except for statements which are made on information and belief and, as to those, I verily believe them.
3. I worked for the DOE as a teacher for five years and as an instructional coach for two years. Currently I am working as a teacher for the DOE.
4. For the past two years, I have been training to become an assistant principal.
5. In my position of the year 2021, I came into contact with administrators and colleagues on a daily basis. I only came into contact with a small group of children for one period a day.
6. I possess sincere religious objections to the COVID-19 vaccines that prevent me from getting vaccinated.
7. On September 17, 2021, I submitted my initial request for a religious exemption to the DOE.
8. A true and correct copy of my submission is attached as Exhibit A.
9. On September 19, 2021, the DOE denied my initial application.
10. A true and correct copy of that denial is attached as Exhibit B.
11. I appealed my denial on the same day.
12. A true and correct copy of my arbitration appeal documentation and accompanying emails are attached as Exhibit C.

13. On September 22, 2021, I attended an arbitration hearing. **See the video titled Arbitration Hearing.**
14. During my arbitration hearing, I emotionally and sincerely affirmed that any vaccination is in conflict with my deeply held religious beliefs, and that my objections to vaccinations are not based solely on grounds of personal philosophy or inconvenience or because I fear any side effects. I explained that I believe that God created me with an immune system and that I cannot alter his design. I explained that as a Christian and a member of the body of Christ, my sincerely held religious beliefs are an all-encompassing aspect of my life.
15. I shared Corinthians 6:19 which states that my body is a temple of the holy Spirit, that I do not belong to myself, and that I must glorify God with my body. I explained that my sincerely held religious beliefs do not allow me to have a biological substance injected into my body, that my blood is sacred, and that—according to my religious beliefs—the life is found in the blood. I stated that my own salvation was bought and paid for by the blood of Jesus Christ and that I cannot taint my own blood with vaccines. I also stated that I believe in Jesus Christ’s healing hand.
16. After I made this comprehensive statement, the arbitrator acknowledged, “[t]here’s no doubt that you are a devout believer,” but then proceeded to have the following exchange with me:  
  
Arbitrator: “Could you tell me in simple terms, what is your fear about the vaccine?”  
  
Solimar Velez: “I don’t fear the vaccine. It’s not about the fear. . . .”

Arbitrator: “Alright so then, I’m going to play it straight down the middle. Are you ready to get vaccinated?”

Solimar Velez: “If I get vaccinated, it will . . . condemn me. It will condemn my soul.”

Arbitrator: “On what basis?”

. . . .

Arbitrator: “I just want to know what the fear of the vaccine is. You’re making a religious claim. . . . You must have thought about this. What prevents you from taking the vaccine?”

Solimar Velez: “My religious belief.”

17. It was as if the arbitrator had not listened to my full explanation about why the vaccine conflicts with my sincerely held religious beliefs.
18. The arbitrator also asked me “Do you intellectually understand that the vaccine . . . prevent[s] disease or you spreading a disease?” and questioned whether I was ever vaccinated before.
19. I explained that my parents vaccinated me when I was very young and that prior to accepting the Lord Jesus Christ as my Savior, I was vaccinated. I stated that at the time, I did not know I was tainting my body, but that I have repented for those sins.
20. On September 25, 2021, the arbitrator denied my appeal in a document dated September 22, 2021.
21. The denial stated “I find the lack of vaccinations represents a serious health risk to both staff and students. . . . Specifically with respect to Covid 19 vaccines, neither Pfizer nor

- Moderna used abortion derived cell line [sic] in the production or manufacture of the vaccine and they are not inside the injection people receive.”
22. I did not refer to aborted fetal cells in my personal statement or in my arbitration hearing.
  23. A true and correct copy of the denial is attached as Exhibit D.
  24. On November 30, 2021, I appealed the arbitrator’s denial with the Citywide Appeals Panel.
  25. A true and correct copy of my Citywide Appeals Panel documentation is attached as Exhibit E.
  26. On January 7, 2022, the Citywide Appeals Panel requested supplemental information, which I provided.
  27. The request for additional information is attached as Exhibit F.
  28. A true and correct copy of the supplemental information I provided is attached as Exhibit G.
  29. The Citywide Appeals Panel never invited me to participate in a hearing on my appeal.
  30. The Citywide Appeals Panel denied my appeal on February 15, 2022, stating that it “decided to deny [my] appeal,” that “[t]his determination represents the final decision with respect to [my] reasonable accommodation request,” and that the decision classification was that, “DOE has demonstrated that it would be an undue hardship to grant this accommodation to appellant given the need for a safe environment for in-person learning.”
  31. A true and correct copy of this notice is attached as Exhibit H.

32. On February 19, 2022, I emailed the Panel Appeal Update email address, the Vax Appeal Decisions email address, the DOE's Division of Human Resources, and Chancellor David Banks requesting a summary of how the decision on my religious exemption request was made, as well as the names of the members of the Citywide Appeals Panel who made the decision.
33. A true and correct copy of this email is attached as Exhibit I.
34. I never heard back to this email.
35. The Citywide Appeals Panel never provided me with a more detailed response regarding the denial of my religious exemption request.
36. The DOE terminated me on March 17, 2022.
37. A true and correct copy of my termination letter is attached as Exhibit J.
38. Upon information and belief other classroom teachers have been accommodated, some even under the unconstitutional criteria that the Second Circuit struck down as discriminatory and unlawful.
39. The DOE has never explained why I would be a direct threat to others based on my vaccine status.
40. In early November 2021, I applied for unemployment with the New York Department of Labor.
41. I received two different denials from the New York Department of Labor.
42. The first one, dated January 10, 2022 and a true and correct copy of which is attached as Exhibit K, stated that I was denied unemployment because I was terminated for quitting without good cause.

43. A more thorough explanation by Administrative Law Judge Susanna Iafrate, contained within **Exhibit L**, a true and correct copy of which is attached, stated,

I find that the COVID-19 vaccination policy is justified by a compelling governmental interest. Given the severity of the ongoing COVID-19 health crisis and the need to protect the employees and children placed in the care of the employer, I find there was a compelling governmental interest justifying the vaccine mandate. As a result, I find the employer's directive was reasonable and the claimant's refusal to comply with the vaccine mandate was tantamount to quitting her job without good cause under the Labor Law . . . .

44. Judge Iafrate stated in Exhibit L that I applied for a religious exemption on October 4, 2021, and that I was denied on October 15, 2021, but I applied for a religious exemption on September 17, 2021 and was denied on September 19, 2021. On October 4, 2021, I was no longer allowed in my DOE building, and on October 15, 2021 I received my last paycheck.
45. The second denial, dated February 2, 2022 and a true and correct copy of which is attached as **Exhibit M**, stated that I was denied unemployment because I had been discharged for misconduct.
46. I appealed these denials and wrote a letter to Judge Iafrate explaining that the statements that I had "quit" and that I had been "discharged" for "misconduct" were both false, as I had been on involuntary unpaid leave since October 4, 2021, and the Citywide Appeals Panel denied my religious exemption request because of undue hardship, not because of misconduct.
47. **A true and correct copy of this letter is attached as Exhibit N.**

48. On March 3, 2022, I attended a hearing for my appeal of my denial of unemployment compensation with Judge Iafrate.

49. I told Judge Iafrate that I wanted to read Scriptures supporting my religious beliefs. Before she allowed me to do that, she asked me, “what religion is this?” to which I replied, “Christian, non-denominational.” She then asked if I had ever been vaccinated, and I explained that my parents had me vaccinated when I was a child. She replied, “[y]our parents. Are they the same religion as you?” I responded that they were not, and that I had become a Christian on July 18, 2021.

50. We then had the following exchange:

Judge Iafrate: And do you have these like, Scriptures you want to read from?

Solimar Velez (Ms. Velez): Sure, I have—

Judge Iafrate: Oh no no, what I’m asking you, do you have them? Where are they from?  
Where are these Scriptures coming from?

Ms. Velez: The Holy Bible, Your Honor.

Judge Iafrate: And. . . so as a Christian non-denominational. Is that the name of the religion?

Ms. Velez: Yes, Christianity, and then the denomination is non-denominational.

Judge Iafrate: Non-denominational. Other than um, so this is your interpretation of the Bible, is that what you’re telling me?

Ms. Velez: These are Scriptures I live by, Your Honor.

Judge Iafrate: And has a religious official spoken about the vaccine?

Ms. Velez: I believe that the, I heard that the priest from Catholicism, the pope, he was . . . for that.

Judge Iafrate: He was for the vaccination?

Ms. Velez: Yes, the Catholic pope.

Judge Iafrate: Okay, and you don't believe in the Catholic pope?

Ms. Velez: No.

Judge Iafrate: And explain how this religion prevents you from vaccinating?

Ms. Velez: Your Honor, in Genesis 1:27, it says that God created mankind in His own image. In Peter 2:1, 3 . . .

Judge Iafrate: Wait a minute, God . . . I'm sorry, God—

Ms. Velez: Created mankind in His own image.

Judge Iafrate: And how does that relate to not getting vaccinated?

Ms. Velez: It means that God already created us in all His divinity. He created us with an immune system. He created us with faith, so that we have just the pure faith in Him, and that He can protect us. It means that our bodies don't belong to us. They belong to God.

Judge Iafrate: Wait, does it say that? Or does it say God created mankind in His own image?

Ms. Velez: Genesis 1:27, God created mankind in His own image.

Judge Iafrate: Okay. And what other verses are you citing?

Ms. Velez: 1 Corinthians 6:19-20.

Judge Iafrate: And what does that one say?

Ms. Velez: Don't you realize your body is a temple of the Holy Spirit, who lives in you, and who has given you strength by God? You do not belong to yourself for God bought you with a high price, so you must honor God with your body.

Judge Iafrate: How come you didn't send me these Scriptures?

Ms. Velez: I honestly did not know that this was going to question my faith.

Judge Iafrate: Well this is why you didn't get the vaccine, right?

Ms. Velez: Yes. . . . I can send you the two 10-page letters that I wrote for my appeal.

Judge Iafrate: I don't need the letters that you wrote for your appeal. Are the Scriptures in there?

Ms. Velez: Yes.

Judge Iafrate: Where are they?

Ms. Velez: That I didn't send you. Those are the letters that I gave to the City of New York for the Citywide Appeal. That I did not send.

Judge Iafrate: You didn't send it to me?

Ms. Velez: No Your Honor. I didn't send it to anybody. I didn't think that . . . this [would] be another appeal for a religious exemption.

Judge Iafrate: Well I'm deciding if you get your unemployment benefits, so. . . .

51. We also had the following exchange:

Judge Iafrate: Do you take any medication?

Ms. Velez: No. No medication.

Judge Iafrate: For anything?

Ms. Velez: For anything, no.

Judge Iafrate: Not an Aspirin? You've never taken anything? Never taken an antibiotic for sickness?

Ms. Velez: Honestly, I haven't gotten sick since July. . . . A long time ago when I was a child my mother took me to the doctor. Now I haven't gotten to the doctor.

Judge Iafrate: You haven't taken any medications at all?

Ms. Velez: No, Your Honor. God is good; I've been healthy.

Judge Iafrate: When is the last time you took a medication, anything? An Aspirin?

Ms. Velez: I can't remember Your Honor.

Judge Iafrate: An antibiotic?

Ms. Velez: No.

52. Throughout the hearing, Judge Iafrate sounded irritated with me, and kept heaving exasperated sighs while I was reading my Scriptures. I felt like I was being bullied.
53. I know of other DOE teachers who were terminated for failing to be vaccinated in violation of their sincerely held religious beliefs who were granted unemployment from other administrative law judges.
54. The DOE Self-Service Online Leave Application System still gives me the option to either "Return to Work" or "Resign."
55. A true and correct copy of a screen shot from my SOLAS account indicating this is attached as **Exhibit O**.
56. Upon information and belief, this indicates that I could be reinstated if I chose to violate my sincerely held religious beliefs and get vaccinated.

57. I am a first-generation daughter of immigrants and I have dedicated my entire career to teaching children in the Bronx, my home borough. Before these mandates, I was months away from being promoted to assistant principal at my school and I had just obtained my Advanced School Building/District Leadership Certificates. I have never been subject to discipline in my job of any kind.
58. Due to the DOE's vaccination mandate, I am still suffering emotionally, and financially. It was nearly impossible to get another teaching job in New York City without being vaccinated.
59. For six months I could not sleep and I lived with constant anxiety, depression, and feelings of failure. Many people count on me and I felt like I was letting them down.
60. My brother's wife and child were depending on me to sponsor them so that they can immigrate here from Mexico, and I can no longer afford to do so. As a result, they have been unable to move to the United States.
61. I was previously aiding to pay for the mortgage on my father's house and for I while I couldn't do that either.
62. I was forced to go on SNAP benefits and obtained assistance from church pantries so I could eat.
63. I could not pay for my student loans, and was also am unable to pay for other basic needs and essentials such as my cell phone bill, internet, utilities, and water.
64. Eventually I had to take out my pension monies and pay a hefty tax bill to make ends meet.

65. I faced ongoing coercion and distress, knowing that I could be reinstated if I simply got vaccinated in violation of my sincerely held religious beliefs.
66. Currently I was rehired as a teacher in my former public school however not in as an Instructional Coach since that position was filled.
67. I also had to wait a month to be cleared since the DOE had marked me with a PR [Problem code]. See Exhibit P.
68. The opportunity and position to become an assistant principal was also filled.
69. It is said that for people who returned, their terminated status was rectified to voluntary resignation however my status did not change, I was rehired as a new hire.
70. Underwent an interview and clearance process, for a TESOL position. See Exhibit Q and R.
71. I am still dealing with capricious punishments from the DOE, they have stated that I am not tenured. Changed my position to General Childhood Education without my consent. See Exhibit S.
72. My TESOL license is tenured, see Exhibit T and the DOE cannot take away a tenure or fire a teacher without a 3020A process which was never granted, permitted.
73. Recollecting everything that happened to me and is still happening to me brings back anxiety, fear, emotional pain, and trauma.
74. I declare under penalty of perjury that the foregoing is true and correct.

See link here for all exhibits and video:

[https://drive.google.com/drive/folders/1IRQyMZ5ggPe0X7UUH\\_ID2RH4I0S010CL?usp=sharing](https://drive.google.com/drive/folders/1IRQyMZ5ggPe0X7UUH_ID2RH4I0S010CL?usp=sharing)

Dated: New York, New York  
December 18, 2023  
By: Solimar Velez

## A Testimony on the Deprivation of My Teaching Role Due to Vaccine Refusal

Greetings: I am Twana Adams. I started teaching at the NYCDOE after working in an endocrinology laboratory. I wanted to help push more students into Science Technology Engineering Art and Math fields. However, as a dedicated science teacher in the New York City Department of Education, I found myself faced with a difficult decision in October 2022 that would ultimately deprive my students of a valued educator. My refusal to take the COVID-19 vaccine, a choice rooted in my scientific research, health considerations, and religious beliefs, led to my abrupt dismissal from the classroom.

I vividly recall the day when the principal summoned me into the hallway and bluntly asked, "Are you going to take the vaccine or not? This is the last day you can be at the school if you are not vaccinated." Caught off guard, I felt compelled to remain silent, unwilling to divulge the personal reasons behind my decision. In that moment, my right to medical privacy was compromised, and the entire school community, including friends and family, became privy to the rationale for my departure.

As I spent the rest of the day clearing out my science materials and supplies, a deep sense of dejection overcame me. The uncertainty of when I would be able to return to the classroom weighed heavily, and the prospect of an unpaid leave, coupled with the restriction on employment, only added to the emotional burden. We had to sign a document that we couldn't work or seek unemployment. This was so draconian to deny us making money to survive off and why? I was able to be supported by family members, friends to make payment although I almost applied for bankruptcy behind this. As a female dominated profession, misogyny was at the forefront of not respecting the fact that we are heads of households. As an African American, I know that there are insufficient teachers of color in the system, so deleting me means less students see a role model of color.

This incident comes on the heels of previous experiences of abuse, including time spent in the "rubber room," further compounding the challenges I have faced as an educator. The New York City Department of Education's decision to deprive me of my teaching role due to my vaccine refusal has not only impacted me financially, but socially, mentally and personally. My plan was to teach for two more years but after they dismissed us my pension would be far less than I anticipated and I could not live without being poverty stricken. Those two years make a difference between me living moderately or in poverty. No one deserves to be treated as we have by the city of New York, the NYCDOE and the United Federation of TEachers to name a few.

I stand firm in my convictions, rooted in my professional expertise, personal health, and religious beliefs. However, the manner in which this situation has unfolded has left me feeling disheartened and betrayed by an educational system that should prioritize the importance of teachers and the well-being and educational needs of its students above all else.

## How Covid 19 Mandates affected my life?

I had been a certified, licensed reading specialist with the Department of Education for 24 years, loved my job and greatly enjoyed supporting my students and working with my parents. I never had an unsatisfactory rating in my file or any negative experience or interactions for my entire teaching career. I had a number of years still to go before I could retire and was looking forward to doing my best to help the students in the city.

Before Covid, I had been living a normal, healthy life. I have not been using meditation, been total plant base in my eating habits have followed sound health principles for most of my life.

I got Covid 19 in March 2020 and was happy I had antibodies to the virus. As a teacher, after hearing about the order to be vaccinated I was terrified but hopeful at the plan to be granted religious exemption. I had been testing weekly and

wasn't anticipating what I experienced.

Immediately after receiving information that we can apply for religious exemption, I did so. In fact, I applied on the 9/16/21 the first day I could have applied and I received an automated response on 9/17/21 with a denial of my request. I was devastated. My application included what was requested by the DOE, it had a clergy letter with detailed information about why I was applying and needed an exemption. The response from the DOE, stated I could have appeal my denial. I had until the next business day at midnight. Unfortunately, there was no information about what to do to appeal, no one to help, a tight, short time frame, in addition to technical issues. I was unable to appeal and that was my only chance I had. I couldn't apply to the city wide panel to help.

I signed the waiver to keep my insurance and job with the hopes of going back to work in September 2022 . During the entire school year, I wasn't able to work or apply for jobs

due to the waiver. It was brutal. I couldn't pay my mortgage, we had to make do the best we could, it was quite challenging. The mandate remained in effect until the new school year started in September 2022. I applied for another religious exemption and also for a leave in August of 2022 with the intention of going back to work both were denied.

In October 2022, I was terminated by the Department of Education because I didn't take the vaccine. I couldn't believe my predicament. I began applying for jobs to work with other educational agencies but didn't receive any favorable response. I was highly qualified but no job was coming my way.

Before the school year began in 2023, and after the mandates were lifted, I contacted HR and I was informed that I can go back to work and I must reach out to the principal of the school where I worked last. I contacted the principal and she informed me that I was not on her galaxy. I reached

out to the UFT and head of HR. The UFT said reach to my last principal, I told them I did and they informed them that they can't find me a job. I contacted the Head of HR, he told me he couldn't help and that I apply to the last principal and to send my resume to other schools, I did, but so far I received no response. I sent my resume to schools that had openings for ELA teachers I received no response. I sent my resume to several agencies no response. I applied to other programs but no success whatsoever. It has so depressing.

In late 2023, I was force to retired early from my career, with severe cuts to my pension, TDA, Social Security, Car Days, and significant blows to my emotional, mental and physical wellbeing and everything else I had worked so hard for. I had to get money to pay for my needs and to deal with personal challenges I was facing. Today, I am still devastated and in disbelief at what has happened to me. I truly find it hard to look at a

city school building, school bus, teacher or student. My heart aches, the pain is real, tears flow, I still yearn to finish my way.

June 26, 2024

Dear Committee on Civil Service and Labor:

As a devoted and long-serving educator, I had the privilege of serving the students and families of Southeast Queens and beyond. During my tenure with the Department of Education (DOE), I made significant contributions to the education system. I served as a Citywide Master Teacher for Special Education and later as a Citywide School Administrator for District 79 Alternative Schools & Youth Corrections. However, my career took an unexpected turn when I applied for a religious exemption to the COVID-19 vaccine mandate. Regrettably, my request was denied without any explanation. Despite consistently adhering to safety protocols by undergoing regular COVID testing at my own expense and following strict health measures, I was unfairly placed on disciplinary leave without pay. This decision was made without granting me the opportunity for a required hearing as per New York State Education Law (3020a).

The culmination of this injustice was receiving an email informing me of my termination, effective February 11, 2022, due to noncompliance with the vaccine mandate. This abrupt termination not only took away my means of living, for me and my daughter but also deprived the community, especially students with IEPs, of a passionate and dedicated educator with 20 years of experience in special education programs and services.

Additionally, a subsequent policy issued by the DOE effectively denies reinstatement to former employees like myself, creating a grave injustice and leaving many of us without recourse. Therefore, I am seeking your assistance in addressing this *profound injustice* and the lack of due process. It is vital that the voices of terminated educators unfairly impacted by these policies are heard and that necessary measures are taken to rectify this situation.

Thank you for considering my letter and for allowing me to share my story and advocate for fairness and justice for myself and all affected public servants.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

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

in favor  in opposition

Date: 6/24/24

(PLEASE PRINT)

Name: Daniel Pollak

Address: First Deputy Commissioner

I represent: Office of Labor Relations

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

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

in favor  in opposition

Date: 06/24/24

(PLEASE PRINT)

Name: Katrina Porter, Deputy Commissioner, Human

Address: 1 Centre Street Capital

I represent: DCAS DCAS

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

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

in favor  in opposition

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

(PLEASE PRINT)

Name: Mawuli O'Livier (Moe)

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

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 5

in favor  in opposition

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

(PLEASE PRINT)

Name: Michael Tracy

Address: 125 Maiden Lane

I represent: UFOA - uniformed fire officers

Address: 125 Maiden Lane, Assoc.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

Date: 6/24/24

(PLEASE PRINT)

Name: Georgette Gestely

Address: Director Employee Benefits

I represent: OLR

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

Date: 6/24/24

(PLEASE PRINT)

Name: Christine Gross

Address: \_\_\_\_\_ 10034

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

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

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

(PLEASE PRINT)

Name: JACK W. LIN  
Address: \_\_\_\_\_ Jackson Hts NY

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

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

(PLEASE PRINT)

Name: Jude Pierre  
Address: \_\_\_\_\_ Rosedale, NY

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

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

(PLEASE PRINT)

Name: Alfonso H Ventura  
Address: \_\_\_\_\_ NY NY

I represent: Myself

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

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

in favor  in opposition

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

(PLEASE PRINT)

Name: Tom Lapolla

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

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

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

in favor  in opposition

Date: 06/24/2024

(PLEASE PRINT)

Name: MARLON BETHEA

Address: \_\_\_\_\_ HAURLESTON NY

I represent: NYPD

Address: 1 POLICE PLAZA

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 5

in favor  in opposition

Date: 6/24/24

(PLEASE PRINT)

Name: Sal Maita

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

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

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

Date: 6.24.2024

(PLEASE PRINT)

Name: Daniel Hulkower

Address: \_\_\_\_\_ NY, NY 10011

I represent: former DSNY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 5

in favor  in opposition

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

(PLEASE PRINT)

Name: Diane Pagen

Address: Brooklyn, NY 11216

I represent: myself

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

in favor  in opposition

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

(PLEASE PRINT)

Name: TRINIDAD SMITH

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

I represent: Byram Township NJ

Address: NYC DOE 07821

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

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

(PLEASE PRINT)  
Name: Edmund Wallace

Address: \_\_\_\_\_ NY 1067

I represent: Self

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 5  
 in favor  in opposition

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

(PLEASE PRINT)  
Name: Michael Kane

Address: \_\_\_\_\_ Wadsworth St

I represent: Teachers for Choice

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

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

(PLEASE PRINT)  
Name: Clare Lewis

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

I represent: OP

Address: 22 Cortlandt St

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