



TESTIMONY

Committee on Housing and Buildings:
Extending the SST Deadline from 9/1/2020 to 3/31/2021

Presented to

New York City Council, Committees Housing and Buildings
Hon. Robert E. Cornegy, Chair
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Good afternoon Chair Cornegy, City Council members and committee members. My name is Tehmina Brohi and I am the Worker Cooperative Program Manager at Urban Upbound. Urban Upbound is a community based organization dedicated to breaking cycles of poverty for New York City public housing residents and other low-income New Yorkers. To that end, we incubate worker-owned businesses to provide job security and generate wealth.

Two of the cooperative businesses we closely support are OSHA training businesses, and we have witnessed firsthand the economic impact of COVID-19 on the business and construction industry workers. Many community members who work in the construction industry are threatened with imminent job losses if they are unable to complete the additional training required and trainers are holding smaller than normal classes.

Therefore, I am testifying today in support of extending the SST Training Deadline. Extending the deadline will prevent job losses for thousands of construction workers across the city, many already in tough financial situations due to the COVID-19 pandemic.

We know that there is precedent of extending training deadlines in the past in order to prevent massive job loss. We hope that the City Council will earnestly consider the importance of extending this deadline in this very unique situation we find ourselves in during a global pandemic. Thank you for your time.



New York City Council Hearing of the Committee on Housing and Buildings

I would like to thank Committee Chair Robert Cornegy for holding this hearing on a bill to extend the Site Safety Training (SST) full compliance date, and Public Advocate Jumaane Williams, Council Member Carlos Menchaca and Chair Cornegy for their sponsorship of the bill. My name is Alba Lucero Villa, I am the Executive Director of the Northern Manhattan Coalition for Immigrant Rights (“NMCIR”).

Since 1982, NMCIR has been committed to expanding access to critical legal and social services for communities of color, particularly immigrants. Most of the individuals who we serve are low-income workers from the Caribbean and Latin America, and increasingly Africa and the Middle East. Some have lived in the United States for decades, others are recent immigrants. Some are undocumented while others are Legal Permanent Residents or U.S. Citizens that are at risk of deportation despite having status.

Our decades long history of working diligently to educate, defend and protect the rights of immigrants has earned us the trust and respect of New Yorkers across the state, community leaders, government entities and organizational partners. Three years ago, thanks in large part to funding from the Day Labor Workforce Initiative, NMCIR opened the only day laborer center in Manhattan. Now we are a fully operating worker center, with a physical space for workers to meet, an effective hiring hall, and a cadre of organizers, teachers and lawyers. Our staff is committed to dispatching and training workers, fighting wage theft and abuse by negotiating fair contracts with employers, and building our local economy. Not only is NMCIR immigrant led, but 98 percent of our staff are people of color. While NMCIR was not included in the initial SST funding pool, we have been conducting SST training in Spanish to hundreds of workers a year and have a list of hundreds of workers on a waitlist who desperately need access to training.

Through our work, we have been able to give a glimpse of what transformational change looks like and why we need that kind of change to eliminate the disparities within communities of color. We have demonstrated that worker centers in particular, can move the needle in the right direction---one in which we do not simply sew wounds but weave justice into our social fabric. The wounds that systemic racism, marginalization and criminalization have inflicted on communities of color are very deep and cannot be simply sutured. Thus, our work cannot only be about helping people survive; we must support and uplift people so they can thrive

Before the COVID-19 pandemic, NMCIR typically served 8,000 families a year through one-on- one legal consultations, Worker Center services, and educational programs. During the pandemic,

however, we have gotten as many as 4,000 calls for help in a month. The COVID-19 pandemic has exposed many of the systemic failures in our country and the disparity that exists in communities of color. Our communities have been plagued by decades of neglect from different levels of government that created the conditions for us to bear the brunt of the worst of the pandemic.

I am honored to have been appointed to Mayor Bill de Blasio's Labor and Workforce Sector Advisory Council, and in discussing alongside fellow leaders to rebuild a fairer post-COVID-19 city, one thing is clear: the only way forward is to put worker centers at the forefront of leading that effort. As NYC continues to reopen and we reflect on how we can address the disparate impact of COVID-19 on communities of color, we cannot deepen the levels of despair by failing to extend the SST compliance deadline properly fund the grassroots organizations that serve frontline workers who have worked long hours under grueling and dangerous circumstances to keep the City functioning through the worst of the pandemic. The City cannot begin to truly acknowledge the value of immigrant workers without first acknowledging that the support they need does not fit into a box but instead must be culturally appropriate, liberating and without delay.

NMCIR has met the challenges of the COVID-19 pandemic by rapidly adapting our programs to meet the needs of our clients and the communities that we serve. We never ran a pantry, we do not have funds for food, and yet with support from local businesses and individuals, every week we find a way to distribute about 200 meals and grocery boxes. We stayed opened, continued dispatching, distributed PPE to workers, ran weekly worker meetings, and distributed more than \$800,000 in cash assistance.

In mid-march we had a list of 965 workers registered on a waitlist for SST—and that does not take into account the thousands of calls our Worker Center has received in the last five months seeking access to training. NMCIR's worker center supports a bill extending the SST compliance deadline and respectfully requests that as the only Manhattan worker center, we have access the funds to train the hundreds of workers desperately waiting for a chance to rebuild their lives as they help us rebuild New York City.

Thank you.

City Council Hearing to Amend Local Law 196

August 18, 2020

Testimony of Sean Brennan, Chairman

Building & Construction Trades Council of Greater NY's Health and Safety Committee

Good afternoon Mr. Chairman and members of the committee. Thank you for the opportunity to testify regarding this important legislation.

My name is Sean Brennan. I am the Training Director for the Mason Tenders' Training Fund. I also serve as an appointed member of the Site Safety Training (SST) Task Force convened in accordance with Local Law 196. Today, however, I come before the Committee representing the Building and Construction Trades Council of Greater NY as Chairman of its Health and Safety Committee.

A year ago, no one could have predicted this pandemic, or the catastrophic effect that COVID-19 would have on our nation. New York City, in particular, has been severely impacted by the health and economic consequences that this crisis has borne on us all. Vibrant industries, including the construction industry, were brought to their knees as the city unfortunately, but wisely paused and sheltered in place to reduce the spread of the disease and curtail the virus' impact.

The pause eliminated for a significant period of time any in-person gatherings of more than just a handful of people. As a result, the construction industry's training providers across the city shuttered their doors and searched for answers that might permit training to continue in new ways. Some found a workable solution in the growing field of videoconferencing platforms like the very one we're using for this hearing today.

While certainly practicable, these virtual programs do not, however, present a seamless transition from our traditional training methods. A certain level of technical expertise is required for both the provider and the end user for the platform to function in an acceptable way for training purposes. Even those of us who have incorporated virtual training into our programs needed weeks to train our instructional staff in its use. With essentially all staff working from home, new ways to administer these programs and to keep records needed to be developed. And, all of this needed to reach a standard that would meet with Department of Buildings' approval.

And then, there is the cost. In order to provide this service, our program at the Mason Tenders has already spent in excess of \$10,000, and, if we continue to use it, will have a recurring annual cost in exceeding \$12,000.

I believe these issues, particularly the cost, caused a number of the approved training providers in the city to resist implementing this technology.

Training capacity has always been the guiding metric used to determine the suitable compliance dates regarding Local Law 196. Considering the State's and City's prohibition on indoor gatherings, it's certainly reasonable to conclude that no in-person training was being conducted until, perhaps, recently. That means for the better part of the last five months, the only available SST training was being delivered online. While that may sound sufficient, it's not.

In June, three months into the pandemic, a full two-thirds of the approved providers were not providing online training. In fact, to this day, more than half of the city's providers have either elected to forego virtual instruction altogether, or have failed to meet a satisfactory standard for DOB approval. This limitation in capacity is real, it's measureable, and it stands poised to have a disastrous effect on the workers in the construction industry if immediate action is not taken. There just aren't enough classrooms currently available to get all those who need to be trained accommodated by September 1st.

Failure to recognize the critical impact this pandemic has imposed on the city's construction workers' ability to complete their required training would be devastating. If the September 1st final compliance date is not deferred to a later date, thousands and thousands of workers will be forced out of work at a time when employment is absolutely essential to keep working families housed and fed. This simply cannot be allowed to happen to New York's hard working men and women in construction.

Therefore, on behalf of Gary LaBarbera and the Building and Construction Trades Council of Greater NY, I wholeheartedly support this amendment to move the final compliance date for Local Law 196 to March 1, 2021.

Thank you, and I will happily answer any of your questions.

Sean Brennan, Chairman
Health & Safety Committee
Building and Construction Trades Council of Greater NY



**Testimony by Annie Garneva,
Director of Communications and Member Services, NYC Employment and Training Coalition (NYCETC)
at the Committee on Housing and Buildings
August 18, 2020**

Good afternoon and thank you Chairman Cornegy and members of the Council for giving members of the public the chance to testify on this critical issue, especially during this time of heightened public health and economic challenges.

My name is Annie Garneva and I am the Director of Communications and Member Services at the New York City Employment and Training Coalition (NYCETC). NYCETC supports the workforce development community to ensure that every New Yorker has access to the skills, training, and education needed to thrive in the local economy, and that every business is able to maintain a highly skilled workforce. With over 170 members, NYCETC works with community-based organizations, educational institutions and labor management organizations in New York City to improve policy, practices, and outcomes that support economic inclusion for the city's workers, job-seekers and small businesses.

Today NYCETC is here to give voice to the shared concerns of some of the city's nonprofit workforce development providers that make up our membership, particularly those that are supporting historically marginalized New Yorkers to access opportunities within the construction sector. These include members Building Skills NY and The HOPE Programs, who you will be hearing from today.

Today, we are voicing our support for this bill and the extension of the full compliance date for Local Law 196 from September 1, 2020 to March 1, 2021. We believe this extension is necessary to both ensure the spirit of the law - which is to establish stronger safety requirements and skills among New York City's construction workforce - and to make sure that economic hardships created by the ongoing pandemic are not exacerbated through this regulation.

The 3 month shut down that took place due to COVID-19 impacted all industries tremendously, and especially face-to-face industries such as the construction sector. This in turn has meant that job losses have been hardest felt among low-wage workers, persons of color, immigrants, young workers, and less-educated workers - all of whom were already facing outside inequities and historic and systemic marginalization and disinvestment prior to the pandemic. And though the construction

sector is beginning to rebound, its a drop in the bucket relative to pre-COVID levels. As of June, the construction sector was still experiencing a 20 percent decline in overall jobs since February.¹ And overall, the citywide June total payroll job count remained 17 percent (or 777,000 jobs) below the pre-pandemic level of 4.7 million. Again, I emphasize that marginalized communities have faced and continue to face the highest rates of displacement.

Most relevant to the proposed bill being discussed today is the fact that the months-long shut down from the pandemic made it difficult for workers to obtain the additional 10 hours of Site Safety Training (SST) required for all construction workers by September 1, 2020 under Local Law 196. Even now, the vast majority of them still may have difficulty obtaining the necessary training, since many SST courses are still online only and many workers may lack the technology to meaningfully access the internet.

Across our broader membership of 170 workforce development service providers, we see high rates of digital disconnection experienced by clients that has hampered all of our members in their efforts to support their clients through virtual learning and service provision. In a survey of our membership in May, we found that 13% of clients across the workforce system face digital barriers such as not having a device and/or an internet connection, making it incredibly challenging to access remote learning or working options necessary to participate in virtual programming. Among small and mid-size organizations that responded to our survey, which usually support more vulnerable populations with higher barriers to employment, the digital disconnection rate increases to 36%.² By extending the mandated deadline for Local Law 196, the Council would be ensuring that these New Yorkers have a greater chance at meeting this important requirement and accessing much needed economic opportunities; without this extension, the Council would effectively be placing yet another barrier to employment for thousands of New Yorkers already facing the most difficult economic period of our lifetimes.

At a moment like this, it is also important to note that city officials have previously extended deadlines related to Local Law 196 in order to address cases such as this. In 2018, DOB agreed to extend the initial deadline for workers to receive OSHA-30 training from December 1, 2018 to June 1, 2019, since it was widely understood that reaching the deadline without adequate training resources in place would end up leaving thousands of construction workers jobless.

A similar approach should be taken now before it is too late, and we therefore strongly urge you to extend the current September 1 deadline. We know that a meaningful extension will allow organizations such those before you today and many within our Coalition the ability to work with individuals who are still seeking their SST certification courses. Your action on this issue will enable us

¹ No Cure in Sight: The Covid-19 Economic Virus in New York City As the End of Summer Approaches. New School Center for NYC Affairs. August 2020. <https://bit.ly/3g6gnpZ>

² Economic Ripple Effects: Impact of the COVID-19 Crisis on the New York City Workforce Development Sector & Marginalized New Yorkers. NYC Employment and Training Coalition. April 2020. <https://nycetc.org/wp-content/uploads/2020/05/NYCETC-COVID-Report-Economic-Ripple-Effects.pdf>

to keep New York's economic recovery moving and protect the jobs of thousands of construction workers who deserve support in this difficult time.

Thank you for your time and consideration, and continued commitment to working with us to maximize equity in our local economy and career opportunities for those traditionally disconnected from them. We at the Employment and Training Coalition would be happy to answer any questions from the Council to the best of our ability, either today or via follow-up with your staff.