

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE LABOR

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September 26, 2023

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HELD AT: 250 Broadway-Committee Rm., 14th

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

COUNCIL MEMBERS:

Erik D. Bottcher
Tiffany Cabán
Eric Dinowitz
Oswald Feliz
Kamillah Hanks
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Julie Menin
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A P P E A R A N C E S (CONTINUED)

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President of NYC Managerial Employees
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NYC Managerial Employees Association

Towaki Komatsu

1
2 SERGEANT AT ARMS: good afternoon and
3 welcome to the New York City Council hearing of the
4 Committee on Civil Service and Labor. At this time,
5 can everybody please silence your cell phones? If you
6 wish to testify, please come up to the Sergeant's
7 desk to fill out a testimony slip. Written testimony
8 can be emailed to testimony@council.nyc.gov. Again,
9 that is testimony@ocouncil.nyc.gov. At this time
10 going forward, no one is to approach the dais. I
11 repeat, no one is to approach the dais. Thank you
12 for your cooperation. Chair, we are ready to begin.

13 [gavel]

14 CHAIRPERSON DE LA ROSA: Good afternoon.
15 I am Council Member Carmen De La Rosa, Chair of the
16 Committee on Civil Service and Labor. Thank you for
17 joining today's hearing to discuss various aspects of
18 the future of the municipal work for city employees.
19 We'll also be hearing the following pieces of
20 legislation: Intro 467 sponsored by myself. This
21 Local Law would require every city agency to generate
22 policy regarding the usage of city-owned mobile
23 phones, city electronic mail, and other forms of
24 communication when employees are not at work. And
25 Reso. 481 sponsored by Council Member Hudson which

2 calls on the New York State Legislature to pass and
3 the Governor to sign A1435, also known as the New
4 York City Telework Expansion Act. In February of
5 this year, Mayor Adams announced a tentative contract
6 agreement with New York City's largest municipal
7 union DC37. This agreement creates a flexible work
8 committee that explored remote work options for
9 municipal employees, and we were encouraged to see
10 that their research culminated in a successful role
11 out of a telework pilot program in our region [sic].
12 It is imperative that the City evolves to meet the
13 needs of municipal employees and demands of a
14 changing workforce. I am eager to learn more about
15 how this pilot program has been effectuated as we
16 want to ensure we implement tele-work in a logical
17 and equitable manner. Is the City exploring
18 incentives for those whose jobs cannot be performed
19 remotely to avoid high turnover in selective titles?
20 Will the City conduct an equity analysis to ensure
21 that titles largely held by women and people of color
22 are certified remote at similar rates as those held
23 by white men? How has telework materially improved
24 the experience of employees who are disabled? These
25 are only some of the questions that must be answered

1 to help implement this program thoughtfully and to
2 ensure satisfaction across the city's workforce. In
3 addition to the telework pilot program, we will be
4 discussing the proposed budget cuts and hiring freeze
5 that the Mayor announced in early September. As our
6 city attempts to provide a safe, humane and dignified
7 experience for asylees [sic] and migrants coming to
8 New York City, the Administration has requested a
9 five percent cut from all agencies by November with
10 total of 15 percent cuts by next April. Although the
11 Mayor pledges that there will be no layoffs as a
12 result of the budget cuts, agencies will not be
13 permitted to hire for open positions unless such
14 positions are related to public health, public
15 safety, or revenue generation. And even though
16 agencies will only be permitted to-- and even then,
17 agencies will only be permitted to fill roles that
18 are-- after a current employee departs. In data made
19 available to us by the Council's Finance Division,
20 the current citywide vacancy rate stands at 6.6
21 percent, far greater than the pre-COVID rate of two
22 percent. We must do everything we can to address
23 government vacancy crisis and ensure we are
24 delivering critical services for New Yorkers in a
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2 timely fashion. That is a priority for this
3 committee and this body a whole. I look forward to a
4 productive discussion with the Administration on the
5 design of a telework pilot, the effects of a hiring
6 freeze, and feedback on proposed legislation. I'd
7 like to take a moment to thank your committee staff
8 for their hard work in preparing for this hearing,
9 Policy Analyst Elizabeth Artz [sp?], Anwa Asawara
10 [sp?]. I'd also like to thank my staff Chief of Staff
11 James Burke [sp?], Legislative Director Keanna Diaz
12 [sp?], and Communications Director Fri Familia [sp?].
13 Okay, with that, I look forward to commencing the
14 hearing. I know that Council Member Hudson who is
15 sponsoring the bill could not be here. She's gone on
16 maternity leave. We wish her all the best, and we
17 look forward to hearing from the Administration.

18 COMMITTEE COUNSEL: We will now hear
19 testimony from the Administration. Before we begin,
20 I'll administer the affirmation. Panelists, will you
21 please raise your right hand? I will read the
22 affirmation once and then call on each of you
23 individually to respond. Do you affirm to tell the
24 truth, the whole truth and nothing but the truth

2 before this committee and to respond honestly to
3 Council Member questions? Thank you.

4 FIRST DEPUTY COMMISSIONER POLLAK: Thank
5 you. Good morning Chair De La Rosa and members of
6 the Committee on Civil Service and Labor. My name is
7 Daniel Pollak. I'm the First Deputy Commissioner at
8 the New York City Office of Labor Relations, and I'm
9 joined by Stella Xu, Assistant Commissioner for
10 Strategic Planning and Human Capital at the
11 Department of Citywide Administrative Services.
12 Thank you for the opportunity to testify today about
13 this important topic. The City of New York has made
14 tremendous progress in creating more workforce
15 flexibility over the past several months. I'm
16 excited to report our efforts. The City in District
17 Council 37 reached a tentative agreement in February
18 that was overwhelmingly ratified at the end of March.
19 The agreement included the creation of a flexible
20 work committee where the parties to the joint goal of
21 establishing the remote work pilot by June 1st of
22 2023. The Committee also agreed to discuss other
23 work flexibility options including flexible and
24 compressed schedules where the priority was on
25 establishing the remote work pilot by that deadline

1 we agreed to. On June 1st, the City and DC37
2 announced an agreement to launch that pilot allowing
3 eligible employees to work remotely for up to two
4 days per week. The term of the pilot agreement is
5 June 1st, 2023 to May 31st, 2025 with an option to
6 automatically renew for an additional year if both
7 parties agree. Under the terms of the pilot, the
8 employing agency determines which employees have the
9 ability to work remotely and how many days per week
10 up to two days. Employee participation is strictly
11 voluntary. The union is providing a list of
12 employees at each agency that has been determined
13 eligible for more remote work and has an opportunity
14 to meet with each agency to discuss that list and any
15 concerns the union has. The Flexible Work Committee
16 which has representatives from City Hall, DCAS, the
17 Office of Management and Budget, OLR, the Law
18 Department, and DC37 including its various locals.
19 It's a collaborative committee which has been meeting
20 regularly since April to create the pilot and now to
21 oversee the rollout in the pilot. The Committee will
22 also continue to meet to discuss other work
23 flexibility options as mentioned earlier. In all,
24 there are about 24,000 DC37 employees who have been
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1 determined eligible for remote work across the
2 mayoral agencies. As of today, 43 agencies have been
3 approved to begin their pilots, and 34 agencies have
4 actually kicked off those pilots with more slated to
5 start within the next month. Lastly, the City
6 expects to add other non-DC37 unions to the pilot
7 upon ratification of their individual selective
8 bargaining agreements, if those agreements include
9 opting into the pilot. I'd now like to speak briefly
10 on Introduction 467. This bill would require each
11 city agency to develop a policy regarding off-hour
12 work-related usage of electronic communications,
13 including phone calls, text messages, and email, and
14 to submit such policies to the Mayor. We appreciate
15 the importance of the underlying concerns behind this
16 bill and that the implementation of remote work and
17 hybrid workforce brings new challenges. However, we
18 need to ensure that agencies are able to communicate
19 appropriately with employees to carry out their
20 operations, and must also be mindful of any impact or
21 requirements related to collective bargaining. We
22 look forward to working with the Council to take a
23 closer look at this issue. Thank you for the
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2 opportunity to testify, and we'll be happy to answer
3 any questions you may have.

4 CHAIRPERSON DE LA ROSA: Okay, I also
5 want to recognize our colleagues who have joined us
6 here today, Council Members Menin, Joseph, and Nurse,
7 and on the Zoom we have Council Members Moya and
8 Cabán, and Council Member Bottcher. I'm going to
9 start off with a few questions. Colleagues, if you
10 have questions, please let [inaudible] know. So, a
11 little bit-- getting into the details of the
12 agreement with DC37, can you outline the scope and
13 design of the telework pilot program? How many
14 employees are currently enrolled in telework pilot?
15 And how many employees are waiting for approval from
16 City Hall?

17 FIRST DEPUTY COMMISSIONER POLLAK: So, as
18 I mentioned there are 24,000 employees who have been
19 determined to be eligible for the flexible work
20 remote work pilot. In terms of awaiting approval
21 from City Hall, I do not believe there are any
22 agencies that are awaiting that. They've all been
23 approved at this point, and there are just a few
24 agencies as I mentioned that are still slated to roll
25 out in the next month or so.

2 CHAIRPERSON DE LA ROSA: Which agencies
3 are those?

4 ASSISTANT COMMISSIONER XU: NYPD,
5 Department of Probation, and there may be a handful
6 of others.

7 COUNCIL MEMBER DE LA ROSA: Those are the
8 ones that are awaiting approval.

9 ASSISTANT COMMISSIONER XU: That are
10 still working with DC37 on having their proposal
11 approved and for their employees to start.

12 CHAIRPERSON DE LA ROSA: And which ones
13 are currently participating?

14 FIRST DEPUTY COMMISSIONER POLLAK: We can
15 provide a list to the Council. There are 34 as I
16 mentioned. So,--

17 CHAIRPERSON DE LA ROSA: Yes, please
18 provide that list. It's important for us to know
19 that. Can you outline the employee eligibility
20 criteria for the telework pilot? So, if an employee
21 wants to be considered, what does that process look
22 like?

23 FIRST DEPUTY COMMISSIONER POLLAK: Sure.
24 So, initially, the determination is made by the
25 agency. So the agency will determine if these

2 certain employees are eligible, and they will notify
3 the employees that they're eligible. There are a
4 number of criteria set forth in the agreement. That
5 includes that they should be employees whose tasks
6 have measurable deliverables, that to the extent that
7 their hybrid duties that the agencies should consider
8 shifting certain duties so that some work should be
9 performed remotely all on one day. The employee's
10 job function should be one that doesn't require
11 continued presence at the work site. There shouldn't
12 be a reduction in services provided to the public,
13 and the employee must have had satisfactory
14 performance evaluations. Those are just some of the
15 criteria involved, and if an employee is not
16 initially selected to be eligible there is a process.
17 They're supposed to escalate that complaint to the
18 supervisor and then to-- yeah, then eventually to the
19 agency head and final determination is made by the
20 agency head as to whether or not an employee can be
21 eligible.

22 CHAIRPERSON DE LA ROSA: So, the breakdown
23 you gave is 34 agencies are currently participating.
24 There's about five or a handful of those that are
25 awaiting, and what are waiting for exactly from those

2 handful of agencies? Are we waiting for like an
3 agency plan, or is there some other final approvals
4 that is needed?

5 FIRST DEPUTY COMMISSIONER POLLAK: So
6 far the process is that DC37 is providing a list of
7 eligible employees and typically that is a meeting
8 between the union and the agency before it kicks off.
9 So those are ones that either the meeting hasn't
10 happened yet or the meeting's happened but they're
11 just, you know, in the time period before it actually
12 starts, but they're all in process.

13 CHAIRPERSON DE LA ROSA: Okay. So, once
14 the Administration-- once it is determined that there
15 is eligibility for an employee to enter telework,
16 what happens then? How is the employee notified, and
17 what is the parameters that are given?

18 FIRST DEPUTY COMMISSIONER POLLAK: So
19 they'll typically be notified by the supervisor. You
20 know, it may work differently at each agency, but the
21 agency, as I said, you know, will [inaudible]
22 determine which employees are eligible, and then once
23 there's final approval they'll notify all employees
24 who are eligible. The employee will then have to
25 fill out a Remote Work Acknowledgment Form setting

2 forth the terms of their remote work including the
3 location, how many days per week, what equipment
4 they'll be using and so on, and then that will be
5 signed by the supervisor.

6 CHAIRPERSON DE LA ROSA: At this time, is
7 the Administration exploring providing monetary
8 compensation or other incentives to employees whose
9 job can't be performed remotely?

10 FIRST DEPUTY COMMISSIONER POLLAK:
11 Monetary compensation is not something that we're
12 exploring. The DC 37 agreement does call for
13 discussion of other flexible scheduling options
14 including compressed work weeks and flexible
15 schedules, and that's something we'll continue to
16 discuss with the flexible work committee.

17 CHAIRPERSON DE LA ROSA: Can you talk a
18 little bit about the appeals process if someone
19 requests telework and they're denied?

20 FIRST DEPUTY COMMISSIONER POLLAK: Sure.
21 As I mentioned, that would start by going to the
22 employee's supervisor to have that conversation.
23 After that, they would go to the human resources
24 department of the agency, and after that if they're

2 still denied they have a right to go to the agency
3 head for a final determination.

4 CHAIRPERSON DE LA ROSA: And I wanted to
5 ask a little bit about vulnerable populations who
6 request accommodations, people who may have some
7 disabilities, older employees who may have been, you
8 know, compromised or have other health concerns.
9 What is the considerations being given to this
10 vulnerable population at this time?

11 ASSISTANT COMMISSIONER XU: So, for
12 reasonable accommodation requests, the employees
13 would go through the standard reasonable
14 accommodation process with their EO officer. Each
15 incidence will be decided on a case by case basis.
16 They engage in a cooperative dialogue with a EO
17 officer, and the EO officer will work with them to
18 provide any accommodations that they may be seeking.

19 CHAIRPERSON DE LA ROSA: What if the
20 person-- what if it's found that an immunocompromised
21 employee or someone who meets the accommodation is
22 denied, then what is the process? They have an
23 appeals process, I understand that, but what is--
24 what other accommodations are made?

2 ASSISTANT COMMISSIONER XU: So, the
3 reasonable accommodation process kind of runs
4 parallel with the telework pilot meaning absent a
5 telework pilot, an immunocompromised-- somebody with
6 a disability could still request reasonable
7 accommodation to tele work. So that's been in place
8 since before COVID and will continue to be in place,
9 that anybody, you know, regardless of whether they're
10 in DC37, regardless if they're eligible to--
11 regardless of their union affiliation would be able
12 to request reasonable accommodation.

13 CHAIRPERSON DE LA ROSA: Ultimately, the
14 agency head has the final determination. So in the
15 case where a supervisor who is charged with approving
16 telework accommodations for employees under their
17 jurisdiction or under their supervision, if that
18 supervisor is requesting telework accommodations,
19 then the fin-- who makes that final Administration--
20 final approval for that supervisor?

21 ASSISTANT COMMISSIONER XU: So if they're
22 going through the reasonable accommodation process,
23 that process falls outside of the supervisor employee
24 relationship, and it would go directly to that
25 agency's EO office, and the EO officer would engage

2 in a cooperative dialogue with the employee and, you
3 know, they would be working together to accommodate
4 the employee where's there's not undue hardship on
5 the--

6 CHAIRPERSON DE LA ROSA: [interposing] And
7 what if it's through the pilot through this remote
8 pilot? It's not a reasonable accommodation, but
9 they're requesting it through the remote pilot.

10 ASSISTANT COMMISSIONER: So, if there--
11 it's not a reasonable accommodation then they
12 wouldn't-- then it would fall into the supervisor's
13 discretion. They don't-- if they're-- if the reason
14 you're requesting reasonable accommodation does not
15 meet the standards, then it would be-- go back to
16 supervisor approving whether or not telework.

17 CHAIRPERSON DE LA ROSA: so, under the
18 DC37 agreement and the pilot, they would have to also
19 file for a reasonable accommodation. It couldn't
20 just be an employee who's looking to work remotely
21 under the pilot?

22 ASSISTANT COMMISSIONER XU: So, the
23 reasonable accommodation process also protects the
24 employee and sets across a schedule, set standards
25 and equipment they may need. And in case the

2 teleworking ends or whatever reason, that employee is
3 still protected through the reasonable accommodation
4 process. So that process protects the employee by
5 making very clear guidelines on what they are
6 entitled to.

7 CHAIRPERSON DE LA ROSA: With the
8 historic I would say rates of vacancies at our city
9 agencies, are we nervous or you know, have
10 hesitations about the ability to actually process and
11 deliver the remote pilot in a-- by the deadline and
12 doing everything that we need to do in order to make
13 sure that folks are reporting to work and getting the
14 accommodations they need?

15 FIRST DEPUTY COMMISSIONER POLLAK: I
16 think, you know, at this point, as I mentioned, we've
17 rolled out the pilot to a very large number of
18 employees and I think, you know, successfully so far.
19 Obviously we'll continue to monitor it. I think our
20 success so far shows we are able to do it, and you
21 know, as we add more unions-- you know, that there
22 are smaller unions at DC37, so focusing on the
23 numbers [sic].

24 CHAIRPERSON DE LA ROSA: And with the
25 vacancy rate you all-- you all know that the remote

2 pilot can still be successful. So, my-- what I'm
3 asking-- what I'm getting towards is if you have five
4 employees in an office who are now carrying, you
5 know, double the work load because of the vacancy
6 rate, if two of those employees are now remote, do
7 you still feel confident that we're going to be able
8 to deliver the critical services that the agency
9 needs to deliver.

10 FIRST DEPUTY COMMISSIONER POLLAK: Yeah,
11 I mean, obviously this is a pilot and the reason it's
12 a pilot is that, you know, we want to monitor this
13 and make sure there's no sacrificing delivery of
14 services, but you know, we-- the reason we did this
15 and agreed to do this is because we do hope that
16 services continue to be delivered at the exact same
17 efficiency while people are working remotely.

18 CHAIRPERSON DE LA ROSA: When the remote
19 work is authorized, is that employee given a last
20 date for remote work? So, are they told you're
21 remote until May 2025, or is there sort of a time
22 period that's assigned to the remote accommodations?

23 FIRST DEPUTY COMMISSIONER POLLAK: It
24 would just be from the term of the pilot unless
25 otherwise remote. So, you know, it could be under

2 the pilot. It could be remote at any time, but if
3 someone's told that they are eligible for telework
4 under the pilot, the presumption is they will be
5 doing it for the entire pilot unless it's removed.

6 CHAIRPERSON DE LA ROSA: And you all are
7 not expecting to revoke the telework pilot based on
8 agency vacancy?

9 FIRST DEPUTY COMMISSIONER POLLAK: I
10 can't speak to what we'll do in the future. You
11 know, but we'll be monitoring the-- how it proceeds
12 and you know, if there's no sacrifice in services we
13 hope to continue it.

14 CHAIRPERSON DE LA ROSA: The agreement
15 with DC37, speak to that at all?

16 FIRST DEPUTY COMMISSIONER POLLAK: It
17 says either party may terminate it upon 30 days'
18 notice.

19 CHAIRPERSON DE LA ROSA: Thirty days'
20 notice.

21 FIRST DEPUTY COMMISSIONER POLLAK: Yes.

22 CHAIRPERSON DE LA ROSA: So, the employee
23 would be notified 30 days before in writing.

24 FIRST DEPUTY COMMISSIONER POLLAK: No,
25 the-- an individ-- so there's different criteria. An

2 individual employee, we specify that it should be as
3 soon as [inaudible]. I believe-- just give me a
4 moment. We do [inaudible] time frame. The
5 termination of the entire pilot, that's-- we actually
6 leave 30 days [inaudible]

7 CHAIRPERSON DE LA ROSA: The union?

8 FIRST DEPUTY COMMISSIONER POLLAK: So we--
9 - that's if we were terminate [sic] the entire pilot.
10 But if we were going to terminate an individual
11 employee's telework, because an agency is-- you know,
12 determines it's not working, that is one week's
13 written notice is the requirement, or 24 hours in the
14 case of emergency--

15 CHAIRPERSON DE LA ROSA: [interposing] So
16 what if the employee has also a reasonable
17 accommodation for health concerns, is the same
18 timeline, a week, and 20-- and 48 hours?

19 ASSISTANT COMMISSIONER XU: No, and
20 that's why, you know, the reasonable accommodation
21 process happens outside of telework.

22 CHAIRPERSON DE LA ROSA: Okay.

23 ASSISTANT COMMISSIONER XU: If the pilot
24 were for some reason to cease if a person has a
25 reasonable accommodation that their reason for having

2 a reasonable accommodation, disability or what have
3 you, it will still have it no matter what's happened
4 to the pilot, and they will continue to have that
5 accommodation.

6 CHAIRPERSON DE LA ROSA: Okay. I'm going
7 to pa-- I have more questions, but I'm going to pass
8 it on to my colleagues for some questions. I know
9 Council Member Menin has one.

10 COUNCIL MEMBER MENIN: Thank you so much,
11 Chair for holding this really important hearing. I
12 have a number of questions. So, you mentioned in
13 your testimony that 24,000 city workers are eligible.
14 What I didn't hear in the testimony is of the 24,000
15 eligible, how many today are availing themselves of
16 this policy?

17 FIRST DEPUTY COMMISSIONER POLLAK: We'll
18 have to look into that I think and get back to you.
19 I think that's the number that we determined eligible
20 on the approved list. You know, as I said, there are
21 nine agencies that still haven't rolled out yet. So,
22 it would include those agencies. You know, within
23 each agency we'll see what information we have. We
24 may not have, you know, the details of this person
25 declined to remotely, for example. We know

2 essentially how many an agency said re eligible to
3 work and that were approved to do so. But we can't
4 know for certain if, you know, this employee declined
5 to, this employee a week after and was for whatever
6 reason determined it wasn't working and they were
7 asked to come back in. We may not have that level of
8 detail.

9 COUNCIL MEMBER MENIN: Okay. I would
10 just ask since this is a hearing on this topic, that
11 this seems like a very basic question to ask, that we
12 should-- that this committee should be provided with
13 this, like, literally most baseline information about
14 how many city workers are availing themselves of this
15 policy. You also mentioned that it's in the
16 discretion of the agencies in terms of how they're
17 determining some of this. Is that the sole
18 discretion of the agency commissioner in each agency?

19 FIRST DEPUTY COMMISSIONER POLLAK: Well,
20 there are guidelines in the remote work agreement for
21 what they have to consider in the process, and what
22 the agreement provides is an agency ultimately has
23 discretion to say whether or not an employee meets
24 those guidelines, but if any agency actually violated
25 the terms of some agreement, didn't consider things

2 at all, and they're treating people arbitrarily, that
3 would be subject to the grievance [sic] process.

4 COUNCIL MEMBER MENIN: Okay. Moving on,
5 I just have two more questions. I want to build upon
6 what the Chair was asking about about the hiring
7 freeze and the PEGS. I'm deeply concerned about
8 this, and I just really want to hear more about how
9 you feel with this hiring freeze, and the fact that
10 we have over 20,000 vacancies, how this is not going
11 to be affecting city services.

12 FIRST DEPUTY COMMISSIONER POLLAK: I'm
13 sorry, do you mean the pilot or the PEG--

14 COUNCIL MEMBER MENIN: [interposing] No,
15 I'm talking about the PEGS now. I'm talking about
16 the proposed hiring freeze, the proposed 15 percent
17 PEGS and its affect-- I mean, if you recent Mayor's
18 Management Report it does show a significant slow-
19 down in many city agency's delivery of services. How
20 is moving forward is there is a proposed 15 percent
21 PEG, and you overlay that with the hiring freeze and
22 the fact that we have over 20,000 city vacancies, how
23 is that not going to be affecting the delivery of
24 city services?

2 FIRST DEPUTY COMMISSIONER POLLAK: So, I
3 would have to defer any questions on the PEG and the
4 hiring freeze to the Office of Management and Budget
5 that issued the policy. They're obviously not
6 present.

7 COUNCIL MEMBER MENIN: Okay. One last
8 question. Okay, according to reports, it's been
9 indicated the agencies will not be permitted hire for
10 open positions, unless they're related to public
11 health, public safety, or revenue generation. Is that
12 correct, and if that is correct, can you please
13 define what constitutes public health, public safety,
14 and revenue generation?

15 FIRST DEPUTY COMMISSIONER POLLAK: Again,
16 I'd have to defer those questions to the Office of
17 Management and Budget. It was issued by that office.
18 It's not a question I'm able to answer.

19 COUNCIL MEMBER MENIN: It's just
20 frustrating because these are incredibly important
21 decisions, and they do, you know, relate to obviously
22 the topic of the hearing. So, would really ask that
23 we be able to get this information to this committee.
24 Thank you.

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CHAIRPERSON DE LA ROSA: Thank you, Council Member Menin, and I agree with your sentiment. I did want to ask about specific agencies. I know there has been some articles I was reading in the press about NYCHA. So, I wanted to ask, it's agency-specific in terms of NYCHA, right? We've heard that there is sort of a different policy at NYCHA when it comes to remote work and what's been offered to workers. Can you speak to that? Why is there differences based on agency?

FIRST DEPUTY COMMISSIONER POLLAK: Sure. So, I can briefly speak to it. The policy that was designed with the remote work committee applies to the Mayoral agencies. So it did not include either NYCHA, Department of Education, or Health + Hospitals. Those entities determine their own policies related to that. NYCHA, we're doing so in bargaining with any union on this issue, and it wasn't subject to our agreement.

CHAIRPERSON DE LA ROSA: You said NYCHA, H+H and the DOE?

FIRST DEPUTY COMMISSIONER POLLAK: Yes.

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CHAIRPERSON DE LA ROSA: Wouldn't you--
would you agree that this creates a two-tier system
of remote work policy for the City?

FIRST DEPUTY COMMISSIONER POLLAK: It
creates different policies at least right now, and I
do know that Department of Education is-- it does
have its own remote work policy that they're working
on or, you know, have been working on. You know,
these agencies, as I mentioned, have different HR
policies. We have different even selective bargaining
agreements with different unions. So they are non-
mayoral agencies that have their own imperatives, and
you know, that's something that we, the Office of
Labor Relations, and DCAS don't oversee for those
agencies.

CHAIRPERSON DE LA ROSA: Got it. When
you first testified, you said that there was about a
handful of agencies that still were waiting approval,
and then I heard you say nine agencies. Do you have
that list now?

FIRST DEPUTY COMMISSIONER POLLAK: So, we
can provide the last-- they-- I just want to note
they're-- they have been approved by City Hall, so
they're just going through the final steps in the

2 process. At this point-- that would be the Office of
3 Chief Medical Examiner, the Office of Administrative
4 Trials and Hearings, Landmarks Preservation,
5 Department of Correction, Department of Consumer
6 Protection, CCRB, CCHR, and ACS, I believe. We'll
7 get a final list to you as we go through the
8 agencies, but we'll send the full list to you after
9 this.

10 CHAIRPERSON DE LA ROSA: Okay. Would the
11 approval of the telework plans for these-- some of
12 these involve other unions other than DC37?

13 FIRST DEPUTY COMMISSIONER POLLAK: No, at
14 this point, it's just DC37. They're the only union
15 that's ratified an agreement containing the telework
16 provision. Other unions, there are other unions who
17 have reached agreements, but if not yet ratified, and
18 upon ratification, they will also go through the
19 approval process.

20 CHAIRPERSON DE LA ROSA: So, for example,
21 the Corrections, you're not in this case talking to
22 the Corrections' union on their telework?

23 FIRST DEPUTY COMMISSIONER POLLAK: This
24 would be about DC37 at this point. You know--

2 CHAIRPERSON DE LA ROSA: [interposing]
3 Okay.

4 FIRST DEPUTY COMMISSIONER POLLAK:
5 Corrections has DC37 members.

6 CHAIRPERSON DE LA ROSA: Yes.

7 FIRST DEPUTY COMMISSIONER POLLAK: They
8 have obviously [inaudible] employees as well.
9 [inaudible] Corrections officers would be entitled
10 [sic] [inaudible].

11 CHAIRPERSON DE LA ROSA: Yeah. Okay.
12 I'm going to pass it over to Council Member Nurse for
13 some questions.

14 COUNCIL MEMBER NURSE: Thank you, Chair.
15 Can you give me a remind-- can you break down a
16 little bit of the timeline in your testimony? You
17 said 34 agencies have kicked off their pilot. When
18 you say that, what date are you referring to? Or
19 what month?

20 FIRST DEPUTY COMMISSIONER POLLAK: That
21 would be sometime since June. So, it went in stages,
22 you know, as they received City Hall approval, as
23 they then met with DC37 to go over their list.
24 Different agencies kicked off in different months.
25 So that would be as of now.

2 COUNCIL MEMBER NURSE: And so, in terms
3 of going back to Council Member Menin's question,
4 when-- what month were people starting to take
5 advantage of this opportunity?

6 FIRST DEPUTY COMMISSIONER POLLAK: I do
7 believe some of these began in June.

8 COUNCIL MEMBER NURSE: In June, okay.
9 And does the Flexible Work Committee or your office
10 have any tracker for monitoring how many people are
11 going to take advantage of this program?

12 FIRST DEPUTY COMMISSIONER POLLAK: So
13 what we have at this time is a list that were
14 provided by agencies of who's eligible. We don't
15 have a tracker as to how many people are actually
16 working, have opted to volunteer to work remotely, if
17 they are eligible.

18 COUNCIL MEMBER NURSE: Can you tell us
19 how you plan to track progress of this pilot? Like,
20 what are the datasets that you're-- what's the
21 information that you're going to be collecting from
22 this? Like, how will you plan to monitor and evaluate
23 and provide analysis on this program so that the next
24 time we have a hearing about it, that we have actual,
25 you know-- we're guaranteed or assured that you'll

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have tools that you will be using to help us understand and do oversight on this stuff?

FIRST DEPUTY COMMISSIONER POLLAK: So, under the pilot, each agency is required to explain how they are going to monitor the effectiveness of the pilot. So, you know, each agency depending on the job, depending on the division would have set forth different criteria, different things they're going to be looking at. So, you know, obviously the Remote Work Committee-- the Work Flexibility Committee as well as the Administration generally will be talking to agencies about what those metrics reveal as the pilot continues roll-out and in place for some period of time.

COUNCIL MEMBER NURSE: And I get that different agencies might have additional or specific things to be looking at in terms of the effectiveness of the pilot, but is there some kind of streamline standards of information that will be able to glean from this or that you all are able to collect?

FIRST DEPUTY COMMISSIONER POLLAK: You know, I think that's something that we'll continue to work on and develop as this rolls out.

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COUNCIL MEMBER NURSE: I think it's just going to be very important, given that this is the first time to make sure that we're adequately setting up the ability to track progress on this, from jumps [sic] that even though each agency has something different, that there's some kind of baseline of what we're collecting, both to tell us the story of who takes advantage of this, why, and how it affects not only different agencies, but just the overall city's ability to offer this and expand it. Thank you, Chair.

FIRST DEPUTY COMMISSIONER POLLAK: Thank

you.

CHAIRPERSON DE LA ROSA: Thank you.

Council Member Joseph?

COUNCIL MEMBER JOSEPH: Thank you, Chair.

When will the Administration start advertising that work remote option will be available for-- to appeal to job applicants who are looking for that hybrid model?

ASSISTANT COMMISSIONER XU: So, over the

summer we did advise our agency personnel officers for their eligible DC37 titles to put that language, which was two sentences, in their job postings. So,

2 you know, and as more unions sign on, you know, we
3 can look into having that be an automatic language
4 that's added, but for now, if they're in a DC37
5 title, agencies were asked to put that blurb onto
6 their job posting.

7 COUNCIL MEMBER JOSEPH: Thank you. And
8 also, we know that because of hiring shortages-- I
9 know the City was looking at residency issues. Is
10 that going to be offered across the board for
11 municipal workers, or just for-- I know lawyers,
12 Administration, city lawyers were being offered that
13 because there was a shortage. Is that being offered
14 across the City?

15 ASSISTANT COMMISSIONER XU: So, I think
16 you're referring to the Hard to [sic] Recruit List.
17 The Hard to Recruit List has been maintained by DCAS.
18 If an agency can show that there is hardship in
19 recruitment for that title, it goes on a Hard to
20 Recruit List, and it makes it residency-exempt. That
21 list has been in existence since COVID. It will be
22 in existence after COVID, and that process will
23 continue. So if anytime an agency feels that it has
24 difficulty recruiting in a particular title, they can
25 petition DCAS General Counsel's Office and they'll

2 make evaluation on its addition onto the Hard to
3 Recruit List.

4 COUNCIL MEMBER JOSEPH: Okay, thank you.
5 What incentives beyond telework on pilot are you
6 considering to retain for retention rates? Be we
7 notice across the City there's a retention rate in
8 agencies, and as my-- Council Member Menin mentioned,
9 services are being lagged behind there's no one to do
10 the work.

11 FIRST DEPUTY COMMISSIONER POLLAK: So,
12 per the DC37 agreement, we are going to be also
13 discussing flexible scheduling which includes
14 flexible arrival and departure times, as well as
15 compressed work weeks with the Work Flexibility
16 Committee.

17 COUNCIL MEMBER JOSEPH: And that would be
18 one way to-- is any other creative ways for retention
19 rate-- for retention?

20 FIRST DEPUTY COMMISSIONER POLLAK: So,
21 those are the scheduling ways we were doing that.
22 You know, certainly, you know, we continue to
23 collectively bargain with unions for their contracts
24 and a big part of that obviously is recruitment and
25 retention. In our agreement with District Council

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37, we include information of an equity fund which has funding set aside to [inaudible] titles with recruitment and retention issues, and you know, with other unions as they reach agreements. We look to prioritize things that would aid in recruitment and retention.

COUNCIL MEMBER JOSEPH: Thank you, Chair.

CHAIRPERSON DE LA ROSA: thank you. I want to recognize Council Member Dinowitz has joined us. I want to ask a few questions about my bill Intro 467, and I wanted to just also just recognize that our now Queens Borough President Donovan Richards first came up with this idea. It's not an original Carmen De La Rosa thought, but I support it and I was happy to re-introduce the Borough President's bill. So, as you know during the pandemic we learned that the lines between working and non-working hours can be blurred, because we're often accessible through our devices. We want to understand a little bit of your position that you've taken on this bill. Does DCAS provide any guidance to city agencies about what constitutes communication during non-work hours, or any guidance to city

2 employees or managers about communicating during non-
3 work hours?

4 ASSISTANT COMMISSIONER XU: So,
5 currently, there is no DCAS-based citywide guidance
6 on this important issue. Each agency has different
7 needs for its operations and, you know, even within
8 an agency different titles can have different needs
9 for their operations. For example, I oversee the
10 Office of Citywide Occupational Safety and Health,
11 and they might have a reason to go for an off-site
12 visit. That may be something you want to know the
13 night before or the morning of so that they can build
14 it into their travel time. So, based on that, those
15 different agency's needs, you know, we're just really
16 looking forward to working with the agencies to see
17 what their policies may stipulate based on their own
18 agency's requirements.

19 CHAIRPERSON DE LA ROSA: And if non-work
20 hour communication is needed, will you consider this
21 overtime and compensation for overtime pay?

22 ASSISTANT COMMISSIONER XU: So, this--

23 FIRST DEPUTY COMMISSIONER POLLAK:

24 [interposing] So, it depends on the circumstances and
25 the title and the employee. So for employees who are

2 covered by the Fair Labor Standards Act, you know,
3 that law, the federal law would govern, and for other
4 employees it would depend on their [inaudible]
5 agreement, what happens in cases where if they
6 preform work off-duty.

7 CHAIRPERSON DE LA ROSA: Okay. Any other
8 questions, colleagues?

9 FIRST DEPUTY COMMISSIONER POLLAK: Chair
10 De La Rosa, I do have some of the information that--

11 CHAIRPERSON DE LA ROSA: [interposing] Oh,
12 great.

13 FIRST DEPUTY COMMISSIONER POLLAK: panel
14 requested earlier.

15 CHAIRPERSON DE LA ROSA: Yes.

16 FIRST DEPUTY COMMISSIONER POLLAK: So,
17 approximately 20,000 employees have already started
18 working remotely. So, of the 24,000 that are
19 eligible, you know, approximately 20,000 have already
20 started. [inaudible] agencies that are still
21 awaiting their start dates, the office of Chief
22 Medical Examiner, and the Landmarks preservation
23 Commission will be starting next week, and the
24 remaining seven are Administration for Children's
25 Services, Commission on Human Rights, the Civilian

2 Complaint Review Board-- [inaudible] entertainment--
3 oh, that would be-- sorry-- Office of Administrative
4 Trials and Hearings, the Sheriff's Office, and
5 [inaudible].

6 CHAIRPERSON DE LA ROSA: Okay, thank you
7 for that, those clarifying points. I did want to ask
8 about, will the City conduct an equity analysis to
9 make sure that title's largely held by women and
10 people of color are approved at similar rates?

11 ASSISTANT COMMISSIONER XU: Yeah. So,
12 right now because the pilot is limited to DC37
13 titles, the work is, you know, determined by who is
14 in DC37. As the more unions sign on and as this
15 becomes, you know, more established practice with the
16 city service, that's certainly something each agency
17 EO Officer can look at as they do in other cases like
18 lay-offs [sic].

19 CHAIRPERSON DE LA ROSA: Okay. I did
20 want to-- I know that Council Member Menin touched a
21 little bit on this, but we are obviously all
22 concerned about the delivery of critical services, a
23 hiring freeze possible, PEGs and cuts to our critical
24 services for the City. When hiring is put on hold,
25 often times, the city workforce is, as I said

2 earlier, given additional rules and responsibilities.
3 Some of these folks will be new hires that are being
4 brought on. This can lead to burnout. Is there any
5 guidance or counsel that you're giving to city
6 agencies about how to prepare for existing possible
7 cuts and hiring freeze that has been proposed? And,
8 again, will this impact at all the remote work pilot?

9 FIRST DEPUTY COMMISSIONER POLLAK: So,
10 there's no guidance that my office has provided at
11 this time. Obviously, the announcement just came. We
12 will note that our office, OLR, does offer the city's
13 employees [inaudible] program. We do, as part of
14 that program--

15 CHAIRPERSON DE LA ROSA: [interposing]
16 What's the name?

17 FIRST DEPUTY COMMISSIONER POLLAK: The
18 Employee Assistance Program. As part of that
19 program, essentially in recent years we have been
20 trying to target [sic] for services. Employees who
21 may be experiencing burnout or other work-related
22 stress to help them with those issues or for them to
23 provide those if needed. So, we will continue to do
24 that now and in the future. In terms of an impact on
25 the telework pilot, you know, at this time there's no

2 impact. [inaudible] continued off of the plot and
3 continue to monitor it to make sure it's meeting the
4 goals of both us and the union. The goal is
5 obviously two-fold. It's to enhance recruitment and
6 retention, to provide more flexibility for employees,
7 and then also to ensure that operations are delivered
8 adequately. So we'll be monitoring it for both those
9 purposes regardless of any upcoming PEGS.

10 CHAIRPERSON DE LA ROSA: This question is
11 more for DCAS. Given that the Mayor has partnered
12 and collaborated with a lot of us to bring the hiring
13 halls to our community, now that a hiring freeze has
14 been announced, will those hiring halls commence,
15 continue?

16 ASSISTANT COMMISSIONER XU: So, thank you
17 for that question. We're obviously very proud of our
18 hiring halls. We held 17 since February [inaudible].
19 You have close to 2,200 job offers. I will note that
20 our September hiring hall was put on hold because of
21 the announcement of a hiring freeze. Right now, the
22 OMB letter had just come out and we're in a period
23 evaluation, and once we have more information about
24 what the implications of the hiring hall are on
25 agency operations, as you have noted earlier, they

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can make exceptions for certain titles, and those are certainly the titles that we actively recruit for the hiring halls, and right now, we can just-- we're just taking a pause to assess to see whether or not they will be continued.

CHAIRPERSON DE LA ROSA: SO, of the 2,200 job offers that have been made, are those impacted at all by the recent announcement, the hiring freeze, or any--

ASSISTANT COMMISSIONER XU: [interposing]
So, the hiring freeze goes into effect October 1st. It's our understanding that anything that's in the pipeline will not be affected, but likewise, I would like to defer those questions to OMB.

CHAIRPERSON DE LA ROSA: Well, again, just re-emphasizing how we all feel here. We know that there is-- you know, there-- we are in a fiscal crisis at this moment, but we also know that it's important for us to deliver the critical services to New Yorkers, and part of that is making sure that we have a workforce that is robust, not only in the numbers, but also in their ability to carry out the critical services to our city. So, I know OMB is not here today, but we're looking forward to really

2 engaging in those conversations as the Council gears
3 up for budget talks. Any other questions? Alright,
4 thank you.

5 COMMITTEE COUNSEL: Thank you, Chair. We
6 will now turn to public testimony. We will be
7 limiting public testimony today to three minutes
8 each. I would like to note that written testimony
9 which will be reviewed in full by committee staff may
10 be submitted to the record up to 72 hours after the
11 close of this hearing by emailing to
12 testimony@council.nyc.gov. For in-person panelists,
13 please come up to the table once your name has been
14 called. For virtual panelists, once your name is
15 called, a member of our staff will unmute you and the
16 Sergeant at Arms will set the timer and give you the
17 go-ahead to begin. Please wait for the Sergeant to
18 announce that you may begin before delivering your
19 testimony. We will be starting with in-person
20 registrants: Dan Kroop, Vinuri Ranaweera, Matt
21 Malloy, and Marianne Pizzitola. I apologize if I
22 mispronounced your name. Please come up to the
23 table. Dan Kroop, when you are ready and the
24 Sergeant at Arms has set the clock, you may begin.

1
2 DANIEL KROOP: Hi, good afternoon Chair
3 De La Rosa and members of the Committee on Civil
4 Service and Labor. My name is Daniel Kroop. I'm
5 President of the Association of Legislative
6 Employees, the staff union here at the New York City
7 Council. ALE is very proud to be the largest union of
8 legislative staff in the country. First off, we want
9 to congratulate our union siblings in the Writers
10 Guild on their tentative agreement. It's very big
11 news, and I also say that we stand in solidarity-- a
12 little bit of trouble with this microphone, aren't we
13 today-- stand in solidarity with striking workers who
14 are out on the line with the UAW and with SAGAFTRA
15 today for a fair contract. These strikes are about
16 making sure that workers see their fair share of the
17 enormous profits created in their industries.
18 Through the collective power of unions, workers can
19 end the historic levels of inequality in the United
20 States today. We're grateful to provide testimony at
21 today's oversight hearing, because ALE believes that
22 the future of municipal work will have four key
23 features. The first is it will be unionized. Unions
24 ensure that worker's voices are heard. Staff in both
25 the City Council and the Public Advocate's Office

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have one union recognition as have a growing number of workers in New York City's massive nonprofit sector in recent years. Yet, the pace of bargaining-first contracts remains too slow, and that's true for both the public and the private sector. Starbucks employees and Amazon workers on Staten Island are two examples of this. Workers deserve a fair contract in a reasonable time frame, not years after unionization. Union contracts change people's lives. They establish just cause which protects workers from capricious mistreatment or dismissal, and they're a powerful mechanism for higher wages, overtime compensation, regular cost of living adjustments, pay parity within jobs, and much more. The NLRD and the Council can do more to secure strong union rights. The Council led the way on this with Local Law Two of 2021 which gave access to just cause protections to fast food workers after one month on the job. there are many other contracts out there in the public and private sector that have much longer probationary periods, which is concerning. Government should set the standard when it comes to working conditions, and I think that's part of the reason why, you know, I recognize the work of the Chair and the Committee in

1 holding this hearing today. Government should be
2 supporting qualified unionized civil servants with
3 high-quality healthcare as well, as well as those
4 means to retire with dignity. So in addition to a
5 unionized future for municipal work, the future of
6 municipal work will be hybrid-enabled. Hybrid has
7 existed in regular form at the Council since the
8 pandemic, but only for some staff. Hybrid means
9 working-person and at home and on-the-go. A large
10 share of workers in this economy could benefit from
11 some hybrid work. Council Members, you're all hybrid
12 enabled already, commuting throughout your districts
13 in the City every day to do your job. The
14 flexibility that hybrid offers in the face of
15 pandemics, disasters, caregiving responsibilities and
16 disabilities makes work more accessible and protects
17 government services from disruption. If I could just
18 have another e0 seconds? Thank you. It's the best
19 of both worlds and should be a joint labor management
20 effort. So, third, municipal work should be
21 sustainable, and in this context sustainability means
22 ending the culture of burnout, which I was pleased to
23 hear the committee and the agency representatives
24 discuss earlier. You know, the culture of burnout
25

1 needs to be replaced with supportive workplaces where
2 staff can perform at their peak, over the long-term,
3 successfully navigate personal and professional
4 challenges, and maintain good health. And part of
5 that is the right to disconnect from mobile devices.
6 There's a growing evidence of science showing that
7 excessive digital communications are detrimental to
8 overall health. And finally, municipal work will be
9 equitable. For ALE this rests on four principles:
10 democratic representation, equal worth, anti-
11 oppression, and fair distribution of resources with
12 the long-term goal to remove disparities within
13 groups with different levels of social advantage. The
14 City will attract the best and most diverse
15 workforces if it integrates equity into all aspects
16 of its strategy and operations. So thank you for the
17 opportunity to testify. We're proud to in solidarity
18 with the New York labor movement, to play our part
19 advocating for improved working conditions, greater
20 respect on the job, and equity. In conclusion, we
21 believe the Council can and must be a productive
22 partner in achieving that vision. I'm happy to
23 answer any questions along with the panel when
24 they're finished. Thank you.
25

2 COMMITTEE COUNSEL: Thank you. Vinuri
3 Ranaweera, please start.

4 VINURI RANAWEERA: Okay, good afternoon.
5 My name is Vinuri Ranaweera and I'm the Vice
6 President of ALE, the City Council's union. ALE
7 represents almost 400 Council Member aides and
8 Finance Division staff. One of our member's top
9 priorities is to standardize hybrid work, and we
10 welcome Council Member Hudson's resolution on the
11 state to pass the New York City Teleworking Expansion
12 Act. This would require city agencies, which we
13 believe the Council is included in, to establish a
14 policy that would allow staff to perform at least
15 some of their jobs remotely. Providing hybrid
16 flexibility for City Council staff is an effective
17 way to retain talent, support caregivers, and
18 increase protective measures against COVID-19 and
19 other viruses. It also allows for more diverse
20 workforce and even more productivity. This clearly
21 matters, as exhibited by the exodus of city workers
22 after the Mayor ended their access to hybrid work.
23 Last year, Speaker Adams extended hybrid work to non-
24 managerial central staff at the Council, including
25 the Finance and Legislative Divisions, but not to

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Council Member aides. This was a significant step forward, but perpetuates the Council's tiered workplace culture where some staff have access to hybrid work, but many who serve Council Members do not. It is well-documented that the City Council has an extremely high rate of staff turnover relatively to other mayoral agencies. Between Fiscal Year 15 to Fiscal Year 23, this citywide average vacancy rate was 3.2 percent, but the Council's was at 11 percent. Giving Council Member aides the same flexibility that central staff already have will help to reverse this trend. Because of the clear benefits of hybrid work, some Council Member offices have already allowed for it, and have created numerous ways to provide in-person services to their constituents while allowing for a couple remote working days. We commend Council Member Hudson's resolution to expand telework and urge the Speaker to standardize its existing hybrid work policy across the board to all council staff. Thank you.

COMMITTEE COUNSEL: Thank you so much for your testimony. Matt Malloy, please begin once the Sergeant cues you.

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MATT MALLOY: Thank you all. Thank you Chair De La Rosa. My name is Matthew Malloy. I'm our union steward representative. It's my reasonability to coordinate with all the shop stewards in all your offices, make sure that they have support and are able to, you know, handle any workplace grievance issues that may come along the way. The City Council staff union ALE is very pleased to testify today in support of Intro. 0467. Our union seeks to be a collaborative partner with the Council to identify ways to make working at the Council a fulfilling experience for all current staff and an attractive prospect for potential applicants. Long working hours was one of the central motivations behind the push to establish a staff union at the City Council. Currently, on top of their regular nine to five schedule, council staff on average work an extra 11.8 hours a week. That rounds up to about 600 hours every year, and yet, they are not compensated for this additional labor. Much of the excess work hours they're experiencing are a product of the fact that council staff are frequently expected to check their work phones and work emails outside of normal business hours. Staff receive and are often expected

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to respond to, you know, communications late at night, early in the morning and throughout the weekend. Depending on the office and supervisor, not responding to work texts or email in a rapid fashion, even outside of business hours, can be grounds for disciplinary action. ALE has already sent formal complaints to ODC and EEO defending staff who are asked to continue working remotely while using sick time to recover from COVID, asked to produce briefing materials on a moment's notice during a federal holiday, and this is indeed not uncommon for staff to be called upon late at night to handle real emergencies like responding to a fire or another, you know, dire act in the district. Currently, there are no protections from discipline or termination for staff who are unable to respond to requests outside of their working hours. And many staff are essentially on-call indefinitely. Even doctors put on call, they get a break, and we are not suggesting that the Council become a nine to five organization where you leave at five on Friday and you don't worry about anything 'til you get back on Monday. We know that that's not the nature of our work, and we are receptive to that, and we understand that, but what

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we are calling for and what we think this bill calls for is to shape the parameters around communications outside of work and what those support systems are going to be like. Because right now, there are no standards. It's a little bit like the Wild West. We're not-- like I'm saying, we're not asking for this to be a see you next Monday kind of job, we get that, but we want there to be standards and support systems. The current system with every staffer being on-call at all times with no disciplinary protections is not sustainable. It leads to severe burnout, and like my colleague Vinuri has pointed out, this is a large reason why the vacancy rates at the Council are so high. We're proud to support Intro 0467. We think the Council should lead the way on this policy and on these, you know, out of work communications, and if the Council is hearing this legislation, if they're calling for this legislation to be passed, then we think that the Council should walk the walk as well. Thank you very much.

COMMITTEE COUNSEL: Thank you very much.

Marianne Pizzitola, please begin once the Sergeant cues you.

2 MARIANNE PIZZITOLA: Good afternoon. I'm
3 Marianne Pizzitola. I'm from the New York City
4 Organization for Public Service Retirees. I got it.
5 Thank you. Thank you, welcome. Thank you, Chair,
6 for holding this hearing. In an ever-changing world,
7 the challenges of this city and this committee have
8 to face to retain and attract employees is ever-
9 increasing. You find yourself having to think outside
10 the box and implement creative ideas that were used
11 in the past sometimes by others. While the Mayor can
12 implemented a no-bid contract, labor might have to
13 come together with you to implement a remote policy
14 instead of having to wait of the lengthy often
15 delayed process of bargaining, or maybe even operate
16 within a side letter until an agreement could be
17 reached. These seem to be urgent times where we are
18 extremely short-staffed as well as even labor
19 relations where it could be hours on the phone before
20 we can even reach somebody there. As this panel
21 questions the Administration on reasonable
22 accommodation and caring for your most vulnerable
23 workers, I ask that you hold the retirees in the same
24 regard. Delivery of critical services for the City
25 is vitally important. The benefits we earned and

2 access to life-saving healthcare is equally as
3 important, and the City should be making
4 opportunities to make City service more attractive,
5 and good healthcare is one of those things. As
6 President of the New York City Retirees, our battle
7 cry has been, "promises made should be promises
8 kept," or this city will continue to struggle to
9 attract and retain great New Yorkers willing to
10 serve. In closing, we have asked for a hearing on
11 Council Member Barron's Intro 1099, and we have not
12 received a commitment from this committee. We've
13 also asked for meetings from several of the members
14 of this committee as well as others in the council
15 and have not received many responses. We do look
16 forward to meeting with each and every one of you.
17 Thank you Chair De La Rosa and this committee.

18 CHAIRPERSON DE LA ROSA: Thank you all
19 for coming today and for sharing your testimony.
20 Valuable information we've heard here. We look
21 forward to continuing the conversation. I don't know
22 if any colleagues have questions. Nope. Thank you.
23 Thank you so much for coming. Thank you.

24 COMMITTEE COUNSEL: Thank you. We will
25 now be calling a hybrid panel. We call Heather James

2 [sp?], Alice Wong, Darrell Sims, and Towaki Komatsu
3 [sp?]. Thank you. We will be calling Alice Wong
4 and Daryl Simms first. I believe that you are both
5 testifying together. The Zoom host will unmute you
6 both at the same time. Whoever is going to be
7 testifying first, please feel free to speak once the
8 Sergeant cues you. Thank you very much.

9 SERGEANT AT ARMS: You may begin.

10 ALICE WONG: Hi, good afternoon. Can you
11 unmute Darrell first?

12 CHAIRPERSON DE LA ROSA: Let me just
13 recognize Council Member Feliz who joined us also.

14 COMMITTEE COUNSEL: Darrell Sims please
15 start when ready.

16 DARRELL SIMS: good afternoon madam Chair
17 De La Rosa, committee members, and attendees. I am
18 Daryl Simms, President of New York City Managerial
19 Employees Association, MEA, and with me is Alice
20 Wong, Executive Director MEA. We would like to thank
21 the committee for providing opportunity to testify on
22 behalf of New York City managers and confidential
23 employees. The MEA supports the New York City
24 Council Resolution 481. On February 14th, 2022, the
25 MEA wrote to New York State Assembly and the Senate

1 endorsing bill A457 and bill S5536, respectively.
2
3 That had become known as New York State Legislation
4 Bill A1435, New York City Telework Expansion Act.
5 This bill was proposed since Resolution 481 for
6 amendment [sic] to New York City Administrative Code.
7 Based on the experience and information expressed to
8 me by the MEA Executive Board and our members, the
9 ability to telework-- for teleworking is one of the
10 main issues confronting the municipal workforce
11 today. The telework option is-- will assist in the
12 retention of existing workforce as well as attract
13 new recruits into the city government employment by
14 providing location flexibility for performance at
15 work. However, MEA expresses concern regarding the
16 potential for managers to be excluded from
17 teleworking when implemented by agencies because
18 managers high-level of work responsibilities and the
19 assumption that continuous in-office presence is
20 required. Unionized city employees may not be
21 dependent on Resolution 481 in order to have a
22 telework option, but because the similar option is
23 being negotiated in collective bargaining contracts.
24 Whereas managers are not subject to collective
25 bargaining agreements, therefore Resolution 481 may

2 be the only means of providing the telework option
3 for managers which would be at the discretion of the
4 agencies commissioners. The MEA strongly believes
5 that there should be amendment-- should be parity in
6 telework options between managerial and unionized
7 employees dependent on work responsibilities.
8 Managers should be assured of similar telework
9 options as unionized employees. As part of MEA's
10 testimony, we will present our endorsement letter
11 addressed to New York State Assembly and Senate
12 expressing our support and advocacy for this
13 improvement in work life experience and the
14 betterment of the New York City managers. In
15 addition, we conducted a telework survey of our in-
16 service managers that support Resolution 481. Please
17 see attached documents that we will provide. Also,
18 MEA supports Resolution 467--

19 SERGEANT AT ARMS: [interposing] Your time
20 is expired.

21 DARRELL SIMS: And I will now relinquish
22 to Ms. Wong to discuss Resolution-- results of our
23 MEA telework survey.

24 ALICE WONG: Good afternoon City Council
25 Members and attendees. I'm Alice Wong, the Executive

1 Director of NYC MEA. MEA surveyed our members
2 regarding work from home and its adoption of a future
3 policy for New York City managerial employees. The
4 survey also included questions related to the
5 retention and job-related support systems. The
6 morale of city managers is low because of no work-
7 from-home option and other extremely important
8 factors such as the absence of pay raises. We found
9 city managers to be significantly impacted
10 financially by not receiving pay raises since October
11 of 2019, especially with inflation being the highest
12 in over 40 years. Another contributing factor for
13 low morale is managers are performing extra work to
14 provide coverage for the high number of vacancy
15 positions without receiving additional compensation.
16 To remedy the high number of job vacancy among
17 municipal employees, the City must adapt to current
18 employees needs by recruitment and providing work-
19 from-home options. Our survey includes that 95
20 percent support work-from-home options, 67 percent
21 say that the work life balance has gotten worse since
22 returning to the office, 74 percent work harder to
23 fill open vacancies and believe that the lack of work
24 from home is a main factor. Forty-six percent are
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seeking job opportunities elsewhere or considering retirement. Seventeen percent of managers have taken on additional work as colleagues leave. Top issues include IT infrastructure, upgrades, and equipment, standardization of work-from-city policy versus those per agency is a concern. Work-from-home policies may not be applicable to everyone. That may be an unfair policy. And then the flexibility of [inaudible] to improve a work life balance. Mental health should be a focus, and then that we should be more competitive in the job market to attract talents and retain current employees. These are the highlights of the survey, and a full report was previously provided to City Council. We look forward to continue development of a working relationship and open lines of communications with City Council, and we thank you for your time and attention to these important matters.

COMMITTEE COUNSEL: Thank you very much.

At this point we call Towaki Komatsu. Please feel free to start once the Sergeant gives you the cue.

TOWAKI KOMATSU: Hi. I'm Towaki Komatsu.

[inaudible] I testified repeatedly City Council to no avail, and I'm also [inaudible]. This public hearing

2 today is about the use of cell phones, I guess,
3 provided by the City for City of New York employees.
4 I'm looking at an email that Eric Phillips [sp?] sent
5 on June 28th, 2017 at 5:41 p.m., I guess outside of
6 work hours where he sent it to Jessica Ramos, however
7 [inaudible] recently pled guilty to a felony for
8 obstruction of justice. Also, Angela Higglegan
9 [sp?], Michael Kaska [sp?], Kayla Arcelenian [sp?],
10 Michael Carrion [sp?], and Emma Wolfe [sp?], the
11 Mayor's-- Bill de Blasio's former chief of staff. In
12 that email, Eric Phillips wrote he didn't threaten
13 Steve, referring to Steven Banks, and in another
14 email message, Ms. Higglegan sends an email about
15 town hall meetings that I was illegally barred from
16 where she wrote, "Why did we use a term threat if he
17 didn't?" So, the point is this public hearing is
18 about the use of cell phones outside of work hours,
19 and in 2017, the City of New York employees were
20 doing exactly that. They were using cell phones
21 illegally to keep me out of public meetings that were
22 public forums. With regards to that point, this
23 hearing itself was originally supposed to be held in
24 City Hall today instead of here. New York State Open
25 Meetings Law Section 107 authorizes a judge to void

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today's hearing on the grounds that it was not conducted in compliance with New York City's Open Meetings Law. So, long story short, this week I'm going to be filing papers and litigation to do exactly that, have a judge void today's hearing and also void the hearing that was just held in City Hall on the grounds that it was not conducted in compliance with New York City's Open Meetings Law. and with regards to the email that I was just reading-- emails I was just reading from, I'll submit that with my written testimony so that all of you can see, you know, exactly who you filed [sic] into office to see I guess what exactly people like you will do in the future to make sure that when people has a view to express in a public meeting such as this, they're not barred from walking through the doors to talk to people like you, whether you agree with that view or oppose it. They still have a first and fourth amendment right to express it lawfully without being discriminated against when they try to walk through those doors. Anyway, thanks for your time.

CHAIRPERSON DE LA ROSA: Thank you so

much.

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COMMITTEE COUNSEL: At this point, I would also like to call Heather James. I don't believe that she is present on Zoom, but if you are, please feel free to speak. Thank you. If there's anyone present in the room or on Zoom that has not had the opportunity to testify, please raise your hand. Seeing no one else, I would like to note that written testimony which will be reviewed in full by committee staff may be submitted up to the record up to 72 hours after the close of this hearing by emailing it to testimony@council.nyc.gov. Chair, we have concluded public testimony for this hearing.

CHAIRPERSON DE LA ROSA: Thank you so much. I want to thank everyone who came out and who delivered meaningful testimony today. The future of the City's municipal workforce is in our hands and we look forward to using the tools at our disposal to make sure that we're taking into account the needs of the workers, including expansion of remote work and other tools for productivity. We also remain concerned regarding the high vacancy rates the proposed budget cuts that we foresee and have been proposed by Mayor Adams, and so we look forward to

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COMMITTEE ON CIVIL SERVICE AND LABOR

this conversation, and this hearing is adjourned.

[gavel]

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COMMITTEE ON CIVIL SERVICE AND LABOR

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 4, 2023