

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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August 21, 2014
Start: 11:00 a.m.
Recess: 11:16 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Daniel Dromm
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
Daniel R. Garodnick
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
Mark S. Weprin
Jumaane D. Williams
Andy L. King
Inez D. Barron
Chaim Deutsch
Mark Levine
Alan N. Maisel
Antonio Reynoso
Mark Treyger

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

CHAIRPERSON DROMM: Good morning. I'm Council Member Daniel Dromm, Chair of the Education Committee. This morning we'll be voting on an introduction, a Local Law to establish a program in relation to the employment of school bus drivers, attendants, dispatchers and mechanics by qualified employer and a Resolution calling on New York State Legislature to pass and for the Governor to sign legislation that would mandate employee safeguards for experienced bus drivers, attendants, dispatchers and mechanics as part of all current and future bus contracts. The legislation would provide a subsidy to experienced workers who lost their benefits in the last contract by making grants through the bus companies. I believe this legislation would undo a terrible injustice that was committed by the last Administration. There are two predominant public purposes that this legislation serves. First, it protects our children by ensuring that they continue to have experienced people transporting them to and from school. When it comes to our children and their safety, we cannot settle for second best. And as long as--as a long time teacher, I can attest to the value that these workers add to a child's and also to

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2 a teacher's day. Second, it ensures that people's
3 wages and benefits are protected. Some people,
4 through no fault of their own, have had their wages
5 and benefits reduced making it harder for them to
6 meet the cost of everyday life. We heard from some
7 of these dedicated workers at a hearing, and it is
8 with them in mind that I urge you to vote yes on this
9 legislation. And I would like to thank Council
10 Members Miller and Eugene for their work on this
11 issue, and I urge my colleagues to vote yes on both
12 pieces of legislation, and with that, I'm going to
13 ask the clerk to call the vote.

14 COUNCIL CLERK: William Martin, Committee
15 Clerk, Roll Call Vote Committee on Education.
16 Council Member Dromm?

17 COUNCIL MEMBER DROMM: I vote aye.

18 COUNCIL CLERK: Gentile?

19 COUNCIL MEMBER GENTILE: Aye.

20 COUNCIL CLERK: Chin?

21 COUNCIL MEMBER CHIN: Aye on all.

22 COUNCIL CLERK: King?

23 COUNCIL MEMBER KING: Aye on all.

24 COUNCIL CLERK: Barron?

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COMMITTEE ON EDUCATION

COUNCIL MEMBER BARRON: May I be excused to explain my vote?

CHAIRPERSON DROMM: Yes.

COUNCIL MEMBER BARRON: As you've indicated, having had experience in the Board of Education, having spent 36 years with them, you and I and others Alan Maisel in particular, know how important transportation is and the tone that's set on that bus and children coming in is critical to a good start to the day, and I think it's only right that these employees be granted the protections that were taken away by the Administration that was very punitive, and I'm very pleased to vote aye on all.

CHAIRPERSON DROMM: Thank you.

COUNCIL CLERK: Garodnick?

COUNCIL MEMBER GARODNICK: Thank you.

Mr. Chairman, may I have permission to explain my vote?

CHAIRPERSON DROMM: Yes.

COUNCIL MEMBER GARODNICK: Thank you.

I'm going to be voting today no on the intro and yes on the reso. And I wanted to explain my rationale. The goal here, I believe, is admirable and I have great respect for my colleagues who have introduced

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2 this legislation, protect the bus drivers who've
3 either lost their jobs or being forced to take a pay
4 cut as a result of last year's contracts. I think
5 there are all kinds of things that we should do to
6 help these drivers, including asking Albany to change
7 the law to allow us to take seniority into account in
8 the current bidding process, and I support that. But
9 our procurement process needs to maintain its
10 integrity and our constitutional law cannot be
11 ignored. This unfortunately is a legally questionable
12 proposal and it sets a bad precedent. First, the
13 state constitution prohibits New York City from
14 giving money directly to a private corporation unless
15 there is a predominant public purpose. Some examples
16 might include an economic development subsidy for
17 business or a tax break for affordable housing.
18 Giving a grant to supplement the salary of employees
19 in an existing settled contract can only reasonably
20 be viewed as a predominantly private purpose. The
21 public rationale is continuity and quality of
22 service, wage and income inequality and labor peace.
23 Supplementing wages in a signed contract between
24 private actors may be something that we very much
25 want to do, but to call it a public purpose is a

1 stretch. Second, it sets a bad precedent for
2 procurement and it creates an expectation that we can
3 do this for others. The citizen's budget commission
4 warned that if passed, this would undermine the
5 integrity of the city's regular bidding and
6 contracting process. Remember, the bus companies
7 that lost the bid here lost it because they were
8 willing to pay more money to their workers. The 16
9 companies that won the bid were the ones that were
10 willing to cut salaries. We're now supplementing the
11 salaries of the workers of those wage cutting
12 businesses. Have we conducted a fair process here?
13 Also, if the Council can supplement wages on the
14 basis of income inequality or labor peace, then
15 there's absolutely no limit to the areas where we
16 might be tempted or asked to create a grant program
17 for other industries that have pay inequities whether
18 or not a contract exists. Third, despite assurances,
19 there is no guarantee that this would be a one-shot
20 deal. There is an effort, obviously to change the
21 law in Albany to allow for employee safeguards in
22 future bus contracts, despite the Administration's
23 confidence that this will be successful, things do
24 not always work out the way expect in Albany. And if
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2 that effort fails for whatever reason, we might
3 expect that the Administration will be back to the
4 council for more grant money. In that situation
5 there would be no basis to supplement the wages of
6 these workers, but not the rest. Finally, and thank
7 you, Mr. Chairman, for this opportunity, we did not
8 budget this 42 million dollars. We did not account
9 for it in the process that ended in June and the
10 savings achieved in the current contracts have been
11 incorporated into our financial plan for various
12 services. Those will have to be reduced to pay for
13 this, and it is an awful lot of money to be allocated
14 outside of budget deliberations and in a rather
15 accelerated time frame. The intent here is good, but
16 we need to respect the law and not to turn our
17 procurement process on its head in support of
18 otherwise worthy goals. And again, I vote yes on the
19 Reso and no on the Intros. Thank you very much.

20 COUNCIL CLERK: Williams?

21 COUNCIL MEMBER WILLS: Pass.

22 COUNCIL CLERK: Levine?

23 COUNCIL MEMBER LEVINE: Permission to
24 briefly explain my vote, Mr. Chair?

25 CHAIRPERSON DROMM: Yes.

COUNCIL MEMBER LEVINE: Okay, thank you.

In my district the significant number of the children who are riding these buses are special needs, and these are wonderful, wonderful young people, though also challenging to work with, and they need and benefit from professionals with experience and expertise. And they're often spending as much as two hours a day on these buses, and I talk to families who report that the lives of their children are significantly impacted for better or for worse based on the quality of the professional services they're receiving during this bus time. And they are profoundly concerned about the lack of experience now since we've lost so many veteran workers. So, I will be proudly voting yes on this legislation because I do believe it serves the benefit of providing the best care to all children, particularly special needs children during this critical period of the day.

Thank you.

COUNCIL CLERK: Maisel?

COUNCIL MEMBER MAISEL: Yes.

COUNCIL CLERK: Reynoso?

COUNCIL MEMBER REYNOSO: Yes.

COUNCIL CLERK: Treyger?

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2 COUNCIL MEMBER TREYGER: Yes.

3 COUNCIL CLERK: Williams?

4 COUNCIL MEMBER WILLIAMS: May I be
5 excused to explain my vote?

6 CHAIRPERSON DROMM: Yes.

7 COUNCIL MEMBER WILLIAMS: Thank you. I'm
8 going to be voting yes, but I wanted to make sure I
9 explain my vote. I want to align myself with a lot of
10 the comments particularly of my colleague Council
11 Member Garodnick. I am concerned about any flood
12 gates that this may open. I also want to be clear
13 that should this come up again even for the same
14 group of folks, I would not be voting for it. I'm
15 also concerned that people who bidded correctly when
16 asked are going to be punished now by not having
17 these contracts. The thing that most concerns me is
18 we seem to have found a lot of money that we did not
19 have oversight over, and in whatever job I'm in I
20 take it very seriously, and as a Council Member my
21 job now, perhaps if I was a Mayor I might think
22 differently, but my job right now is to have--be a
23 balance to what the Mayor presents us, and from the
24 questions I asked, it seems that they may have even
25 up to a billion dollars that we no nothing about. It

1 makes it seems as if nothing happens if these lose
2 this 42 million dollars. It's coming from the
3 emergency transportation fund, yet we don't have to
4 worry about anything. There's no accounting of what
5 will we lose when we get this. So that concerns me,
6 and if we do have this billion dollars, there's a lot
7 of projects that I believe many of us would also like
8 to see funded a little bit better. So I think it's
9 also our job to make sure that we keep on that
10 question of the funding, what other funding is out
11 there and what other projects we can be filling the
12 gaps on. Still, in the final analysis, what's making
13 me vote yes is I believe our government has done a
14 lot of things that there have been a lot of questions
15 to and assisted corporations at their misfortune of
16 working people, and I'm proud to be part of a
17 government and Administration that will push the
18 envelope in trying to help working people. I do
19 believe this is a little unique in that I believe
20 they were intentionally, this was done intentionally
21 to them. This was particularly egregious and we do
22 believe we may have an answer coming soon. So, it's
23 good to maybe make this a kind of stop-gap measure in
24 hopes that it will be fixed, but we should be honest
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2 about what we're doing and why we're doing it so that
3 transparency and clarity, and I'll be voting yes.
4 Thank you.

5 COUNCIL CLERK: Levin?

6 COUNCIL MEMBER LEVIN: Thank you, Mr.
7 Chairman. I'm going to be voting yes on this Intro,
8 but I also want to express some reservations. You
9 know, we have this year and through our budget and
10 through legislation thus far with the new
11 Administration, with the de Blasio Administration,
12 done many things that have sought to undo some of the
13 damage that was done during the Bloomberg
14 Administration. This was a particularly egregious
15 example where we had hearings Chaired by our
16 colleague Robert Jackson in the Education Committee
17 in the previous term on this new bus driver contract,
18 bus matron contract, and we expressed vigorous
19 descent to how they were playing that out and I think
20 that this is another example where we are seeking to
21 address particular shortcomings that were put in
22 place by the Bloomberg Administration. However, the
23 other times that we've done that, though, this year
24 it's been through the budget process. It's been
25 through budget hearings and deliberations that are

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2 specifically aimed at how we are going to allocate
3 resources and funds in New York City's fiscal 15
4 budget. This is outside of that process. I
5 understand that it's unique. However, I did want to
6 get on the record that I have some concern with this
7 being outside of our established charter mandated and
8 rigorous budget process that we all take very
9 seriously. So, I'm going to voting aye. I think it
10 is the right thing to do, and it is seeking to
11 address particularly egregious shortcomings put in
12 place by the previous Administration, but in the
13 future, I would hope that we can do this through a
14 budget process and not through a mid-year
15 legislation. Thank you. And I vote aye on all.

16 COUNCIL CLERK: Deutsch?

17 COUNCIL MEMBER DEUTSCH: I'll be very
18 brief. I agree with my colleague, Council Member
19 Levin, and I just want to say I will vote aye on all.
20 Thank you.

21 CHAIRPERSON DROMM: Okay, so yes, I'd
22 like to now give Council Member Daneek Miller an
23 opportunity to say a few words about the legislation.

24 COUNCIL MEMBER MILLER: Thank you,
25 Council Member Drommm. Thank you for your leadership

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2 in this hearing and to my colleagues that have voted
3 in the affirmative, we really appreciate that vote
4 because for us to do nothing would continue to
5 perpetuate the injustice that had been placed on
6 these workers and most of all these children based on
7 the past Administration. And for us in this room,
8 that there's absolutely some concern about the
9 procurement process, not just in this process, but
10 moving forward. I think in my short tenure here we
11 have all seen some shortcomings in the procurement
12 process, but and with all due respect to my colleague
13 Garodnick, I beg to differ that services subsidized
14 in many, many ways which has been demonstrated
15 through finance today and on other occasions, but
16 that's not here for debate today. I think it's just
17 as we fix this today, as we bring justice to this
18 unjust situation and we do right by our children
19 today, that there is certainly time obligation and
20 responsibility to address the procurement process as
21 we move forward. And I would hope that we will do
22 that, but today I'm just proud to be a part of this
23 legislation and I thank all my colleagues for voting
24 yes.

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2 CHAIRPERSON DROMM: Okay, and before we
3 announce the vote, I also want to thank staff who
4 worked so hard on this, particularly Asia Schamburg
5 [sp?] who has been--who's absent today because she's
6 sick, Matt Carlin [sp?], Jan Atwell, Joan Polvomi
7 [sp?], Gafar Zallaf [sp?], Christina Perodi [sp?],
8 Medina Nizanitidine [sp?], Latonya Mckenny [sp?],
9 Regina Porera-Ryan [sp?] and Lyle who's filling in
10 for Asia today. They worked hard over the weekend
11 and just trying to get everything right on this and
12 I'm very appreciative of your efforts. And if the
13 clerk will now announce the vote.

14 COUNCIL CLERK: Preconsidered
15 Introduction has been adopted by a vote of 12 in the
16 affirmative, 1 in the negative, no abstentions, and
17 Preconsidered Resolution has been adopted by a vote
18 13 in the affirmative, zero in the negative and no
19 abstentions. Council Members, please sign the
20 committee reports. Thank you.

21 CHAIRPERSON DROMM: Okay, thank you very
22 much. This meeting is now adjourned.

23 [gavel]
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COMMITTEE ON EDUCATION

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 August 22, 2014