

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
JOINTLY WITH THE COMMITTEE ON CONTRACTS

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February 28, 2017
Start: 10:10 a.m.
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HELD AT: 250 Broadway - Committee Rm.
14th Fl.

B E F O R E: ANTONIO REYNOSO
Chairperson

HELEN K. ROSENTHAL
Chairperson

COUNCIL MEMBERS: Andy L. King
Vanessa L. Gibson
Costa G. Constantinides
Steven Matteo
Peter A. Koo
Ruben Wills
Chaim M. Deutsch
Corey D. Johnson
I. Daneek Miller

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

Kathryn Garcia, Commissioner
Department of Sanitation

Bob Orland, Deputy Commission
Legal Affairs
Department of Sanitation

Georgie Gomez
Sims Worker

Jose Garcia
Sims Worker

Jose Deval Lopez
Sims Worker

Juan Paneta
Sims Employee

Jeffrey Gomez
Sims Employee

Thomas Outerbridge, General Manger
Sims Municipal Recycling

George Miranda
Teamsters Union Local 210

James Curbane(sp?)
Teamsters Union Local 210

Brigid Flaherty, Organizing Director
Alliance for a Greater New York

Pamela Docker (sic)
New York City Environmental Justice Alliance

Justin Wood, Director
Organizing and Strategic Research
New York Lawyers for the Public Interest

Eric Goldstein, NYC Environmental Director
Natural Resource Defense Council

[sound check, pause]

CHAIRPERSON REYNOSO: Good morning

everyone. Thank you being here today. I want to welcome everyone to this joint oversight hearing along side Contracts with Contracts Chair Council Member Helen Rosenthal concerning the potential work stoppage at the Sims Metal Management facility in Sunset Park, Brooklyn that it could have on residential recycling in New York City on the impacts it could have on residential recycling in New York City. Local Law 19 of 1989 also known as The New York City Recycling Law requires residents at all residential buildings in the city to source recyclable materials including paper, cardboard, metal, glass and plastic for recycling at all residential buildings. For the last 15 years Sims has been responsible for processing and marketing New York City municipal comingling curbside recyclables. In 2013, Sims in conjunction with EDC and DSNY opened an 11-acre state-of-the-art municipal recycling facility or MRF at South Brooklyn Marine Terminal in Sunset Park, Brooklyn that processes over 15,000 tons of plastic, metal and glass every single month. According to news reports and local Sunset Park—

1 Sunset Park Council Member Carlos Menchaca, since
2 December 2015, employees of the facility have been
3 seeing to join Teamsters Local 210. Two weeks ago,
4 approximately a dozen Sims workers met in a facility
5 parking lot worked with Teamster organizers and the
6 Council Member and had impromptu duality (sic) for
7 the right to unionize. A work stoppage at the Sims
8 MRF for any reason, labor or otherwise, would impact
9 the city's ability to provide recycling services to
10 the residents of New York City. At this hearing the
11 committee seeks to learn more about a possible work
12 stoppage, and whether DSNY has a contingency plan
13 with respect to the recycling material that would
14 otherwise be processed at Sunset Park MFR should a
15 work stoppage occur. Several contract provisions
16 reference labor disputes and work stoppage in this
17 contract. Pursuant to Section 7.02 of the Contract,
18 Sims is prohibited from taking any action that is
19 likely to cause or result in strikes, work stoppage,
20 delays, suspension of contract services or similar
21 troubles. Pursuant to Section 703 when either party
22 has knowledge that an actual or potential labor
23 dispute is delayed or threatens to delay the timely
24 performance of its obligations, it must immediately
25

1 notify the other party including all relevant
2 information with respect thereto. Thus, pursuant to
3 the terms of the contract, Sims is prohibited from
4 taking actions that would result in a strike or work
5 stoppage, and it must notify DSNY if it has knowledge
6 that an actual or potential labor dispute will affect
7 a performance under the contract. Through offers of
8 proof from the NRB we know that there are several
9 things. With me I have about nine referencing, for
10 example, the non-pay raises in retaliation for union
11 and protected concerted activities; onerous working
12 conditions in retaliation for union; promised
13 employees improved terms and conditions, including
14 reimbursement for New York jump suits in violation of
15 Section 8-A (1) and other—and other—and other
16 disputes that are offer up proof for the National
17 Labor Review Board, our Relations Board, sorry. And
18 so, I'm going to hand it over to our co-chair of the
19 day and Contracts Council Member Helen Rosenthal.
20 I've only had like one joint hearing. So it's good
21 to share your faces with me.

22
23 CHAIRPERSON ROSENTHAL: I'm proud of
24 that. Good morning and thank you, Chair Reynoso.
25 It's a pleasure to co-chair this joint hearing with

1 you this morning. I'm Helen Rosenthal Chair of the
2 Committee on Contracts, which I know all of you have
3 been just dying to be at one of these Committee on
4 Contracts oversight hearings. In 2003, the City
5 entered into a multi-year contract agreement with
6 Sims Metal Management estimated at \$1.5 billion to
7 process the city's recyclables. I'm sure you'll
8 update us on numbers. As the sole source vendor for
9 this contract, the City is dependent on Sims to honor
10 the provisions established with the contract and to
11 carry out this important work. The Contracts
12 Committee and I hope this hearing will constructively
13 address reports of potential work stoppage at a vital
14 facility that Sunset Park material would cover a
15 facility in Sunset Park, Brooklyn. It's my
16 understanding that the city's contract with Sims
17 contains several provisions with—which reference
18 labor disputes and work stoppages. Pursuant to
19 Section 7.0 to this contract, as my colleague
20 mentioned, Sims is prohibited from taking "any action
21 that is likely to cause the result in strikes, work
22 stoppage delays, suspension of the City contractor or
23 similar troubles." For Section 2, "Pursuant to
24 Section 7.03, when either party has acknowledged an
25

1 actual or potential labor dispute is delay or
2 threatened to delay the timely performance of its
3 obligations, it must immediately notify the other
4 party including all relevant information with respect
5 thereto." That's legalese. Thus, pursue—pursuant to
6 the terms of the contract, Sims was prohibited from
7 taking actions that would result in strike or work
8 stoppage and it must notify the Department of
9 Sanitation if it has knowledge that an actual or
10 potential labor dispute will affect its performance
11 under the contract. In addition, pursuant to Section
12 7.03 of the contract, Sims is obligated to comply
13 with all of the provisions within the New York State
14 Labor Law. Pursuant to Section 703 of the State
15 Labor Law, employees have the right to form or join
16 labor organizations and to bargain collectively free
17 from interference or coercion by their employer.
18 Section 704(3) what are Sims. (sic) [laughter]
19 Okay, of the New York State Labor Law also considers
20 it an unfair labor practice for an employer to
21 interfere with the formation of an employee labor
22 organization by any means. Today I'm interested in
23 hearing more the Administration of what—about their
24 role in this alleged conflict including any plans in
25

1 place that will ensure the city's recyclables will be
2 collected in the event of a strike at the Sunset Park
3 facility and Commissioner Garcia raised one other
4 thing. Given that we have never been in this
5 opportunity, have this opportunity before with a
6 joint hearing, and with you here, you know, both of
7 us, our commissioners and the Mayor's Commissioner
8 for Gender Equity. And I'd also like to take this
9 opportunity to talk to you a bit about gender equity
10 in this particular area as it's something that it's
11 incredibly important to me at this time, and we look
12 at that issue from a contract perspective on a
13 regular-regular basis. So we understand the
14 testimony that will be given today from all the
15 affected parties including Sims Metal Management and
16 workers at the Sunset Park facility. We thank you
17 all for coming today, and we look forward to a
18 fruitful conversation, and I want to thank committee
19 members Menchaca and Koo for joining us today. Oh,
20 and Matteo is there.

22 CHAIRPERSON REYNOSO: [off mic] And
23 Matteo is here.

24 CHAIRPERSON REYNOSO: [off mic] He's
25 walked in.

CHAIRPERSON REYNOSO: Yeah. [background
comments] Right, he's—he's all over.

COUNCIL MEMBER: [off mic] I though like
he wasn't here. (sic)

CHAIRPERSON ROSENTHAL: Alright thank
you. [pause] So we're going to open a vote for 820-A
in relation to voluntary recycling incentive pilot
programs in public housing. The current law requires
all residents including living NYCHA properties to
separate the recycling materials. However, recycling
rates at NYCHA have been very low for many years. In
2015, the NYCHA Recyclables Program was launched and
including installing recycling bins in our NYCHA
developments by the end of 2016. Proposed Intro No.
820-A would require the Department of Sanitation to
consult with NYCHA and consider implementing a pilot—
a pilot incentive program to increase recycling rates
in public housing. If the department concludes that
such a program is feasible, and would increase
recycling rates in less than three months. Such a
program by 2020, and report on its effectiveness and
whether it should be made permanent after two years.
So I'm talking of the vote to committee members of
the Committee of Sanitation. So Council Member Steven

1 Matteo. [pause] Thank you. We'll leave the vote
2 open as members present themselves. Thank you.

3 [background comments]

4 CHAIRPERSON ROSENTHAL: We also want to
5 welcome Council Member Lander to the hearing.

6 CHAIRPERSON REYNOSO: And now we'd like
7 to introduce our panel that's going to be speaking
8 today. Thank you for being here. Robert Orland, the
9 Deputy Commissioner of New York Department of Public
10 Sanitation, and Commissioner of the Department of
11 Sanitation the Kathryn Garcia

12 COMMISSIONER GARCIA: Thank you, Chair
13 Reynoso, Chair Rosenthal, and members of the
14 Committee on Sanitation and Solid Waste and the
15 Committee on Contracts. Yes, this is the first time
16 I've had a committee on Contracts hearing—for
17 inviting me to appear at this hearing and for your
18 ongoing commitment or promoting fair labor practices
19 and policies. I am here with Bob Orland, Deputy
20 Commission for Legal Affairs for the Department. I
21 have a few opening remarks after which I am happy to
22 answer your questions. As envisioned by the City's
23 2006 Comprehensive Solid Waste Management Plan, the
24 City is currently in the ninth year of a long-term
25

1 service contract between the Department of Sanitation
2 and Sims Municipal Recycling of New York, Sims, for
3 the acceptance, processing and marketing of
4 recyclables. The contract requires Sims to accept
5 recyclables from the department for processing and
6 market at its facility in Jersey City, New Jersey and
7 in the Bronx, Brooklyn and Queens. The Department
8 delivers all metal, glass and plastic that it
9 collects citywide to Sims in addition to
10 approximately half of the paper and cardboard
11 collected in the department's managed waste stream.
12 In Fiscal 2016, the department delivered 267,517 tons
13 of metal, glass and plastic to Sims at a total cost
14 of \$19.86 million and 149,544 tons of mixed paper for
15 a total of \$1.98 million in revenue. The
16 department's long-term contract with Sims ensures
17 that we have a long-term partner for our recycling
18 program, and stable predictable pricing for
19 processing recyclables. This relationship is key
20 component of the city's long-term waste strategy as
21 we work towards our goal to zero waste to landfills
22 by 2030. Each of Sims' facilities barring an
23 uncontrollable circumstance must be able to receive
24 recyclables throughout all 24 hours of each
25

1 designated work day Monday through Saturday and
2 during declared emergencies on Sundays and Department
3 holidays. As Sanitation Commissioner, I am
4 extraordinarily proud to have a workforce that
5 includes nearly 64,000 Teamster Sanitation workers,
6 and I am proud of the close working relationship that
7 the department has with Teamsters Local 831 and their
8 President Harry Nespoli. Together with the Mayor and
9 in furtherance of the policies of this
10 administration, we fully support workers' rights to
11 organize and bargain collectively. Regardless of
12 whether Sims' workers at the Brooklyn facility
13 unionize or not, we expect Sims to provide its
14 contracted recycling services to the City over the
15 long term, and to continue to be a reliable and
16 cooperative partner in our citywide recycling
17 efforts. We also expect that all applicable laws and
18 regulations regarding wages, working conditions, and
19 equal employment policies are strictly upheld. To
20 date, during the term of this contract the department
21 has not had any service disruptions resulting from
22 labor disputes at any Sims facility. Thank you again
23 for this opportunity to testify this morning, and
24 look forward to working with you to accomplish our
25

1 mutual goal of promoting sustainable waste management
2 practices. I am now happy to answer your questions.

3
4 CHAIRPERSON REYNOSO: Thank you,
5 Commissioner, and Commissioner, I wanted to ask can
6 you briefly describe the terms of the DSNY's contract
7 with Sims' Metal Management with the Sims' facility.

8 COMMISSIONER GARCIA: Certainly. So
9 there's four metal, glass and plastic portion of the
10 waste stream. We pay a processing fee of \$75.79
11 dollars per ton. Once the market is over \$132 a ton,
12 we get 45% of the new additional revenue. The
13 markets have been atrocious--

14 CHAIRPERSON REYNOSO: [interposing] Yes.

15 COMMISSIONER GARCIA: --since the oil
16 prices fell, but--and they were much higher actually
17 when the contract was signed.

18 CHAIRPERSON REYNOSO: What's the duration
19 of the contract?

20 COMMISSIONER GARCIA: It's an initial 20-
21 year duration with a ten-year renewal, which is
22 similar to all of our other long-term contracts.

23 CHAIRPERSON REYNOSO: What percentage of
24 the city's residential recycling is processed at this
25 facility?

2 COMMISSIONER GARCIA: So, a little bit
3 less than 20% is delivered there directly, and then
4 additional material is barred but they have—they have
5 the ability to move between the Brooklyn or the New
6 Jersey facility depending on what the tonnage is.

7 CHAIRPERSON REYNOSO: So, to get to—to I
8 guess to the—the reason we're here today, can you
9 just briefly describe the labor provisions in the
10 contracts specifically Section 7.02 and 7.03, and—and
11 what that means to the Department of Sanitation or
12 the responsibilities the Department of Sanitation is
13 encouraged because of that—those sections?

14 COMMISSIONER GARCIA: So and—and I
15 actually would say I'm not going to actually read the
16 things that you've already read in legal jargon.
17 Basically, what it means is that anything that's
18 going to disrupt—disrupt the ability of the
19 Sanitation truck to arrive at a Sims facility and tip
20 their material is basically prohibited under the
21 contract. The loaders specifically dealing with—with
22 the issues of their having a labor dispute at their
23 facility. And so we have not been notified that we
24 think there's any issues with our ability to continue
25 operating as we will. (sic)

1
2 CHAIRPERSON REYNOSO: So, you haven't
3 received any notification from the Sims' facility
4 regarding any potential labor disputes and so forth?

5 COMMISSIONER GARCIA: Well, no because
6 we don't think that there is an operational challenge
7 at this point. If they determine that they think
8 they won't be able to accept our material, then they
9 will notify us.

10 CHAIRPERSON REYNOSO: Does the—does the
11 Section 7.02 and 7.03 specifically request that any—
12 any—any information regarding a potential labor
13 dispute. Not necessarily whether or not operations
14 can continue. I think as I read it by law, and let
15 me just pull it out one more time. It specifically
16 states: Sims is prohibited from taking any actions
17 that would result in a strike or work stoppage, and
18 the fact that I know that we have received nine
19 complaints. Would that not fall under let's say that
20 sentence in Section 7.02. I really think that folks—
21 the other witnesses that you have here today. So I
22 don't actually think that that falls within 7.02 that
23 they have—that they have an ongoing complaint in
24 front of the National Labor Relations Board. I think
25 it's completely appropriate. You know, we would

1 definitely take action based on that you have done
2 anything that violated federal law as we do it with
3 any of our contractors. All of our contractors are
4 required to be in compliance in federal, state and
5 local law, and obviously this administration is
6 incredibly supportive of workers' rights to organize.
7 Right, so--so you're looking to take more of a
8 reactive approach instead of a proactive approach in
9 regards to what's happening at the Sims' facility?
10

11 COMMISSIONER GARCIA: I really don't
12 think that I should. We have never in any of our
13 contracts gotten involved with the specifics of
14 anyone's employment there. Like what are they paid.
15 As long as they are meeting the requirements of
16 paying their minimum wage or in prevailing wages in
17 their facility, as long as they are--are making sure
18 that their facilities are safe and well kept, we do
19 not actually in general in any of our contracts we
20 have get into the specifics of shifts or, you know,
21 healthcare plans or any of that that's not
22 specifically written into the contract.

23 CHAIRPERSON REYNOSO: So should the--the
24 Review Board or the Relations Board make a
25 determination that is not favorable to Sims, for

1 example, and a vendor is in violation of the contract
2 with DSNY? What actions does DSNY take therefore
3 with that?
4

5 COMMISSIONER GARCIA: So if we get to
6 that point, which I really do not anticipate in
7 getting to at all based on our experience with Sims
8 Metal Management over the course of many years, and
9 at many of its other facilities, which are unionized,
10 anticipate that we will get to that point in time.
11 But if we needed to take appropriate action under the
12 contract we would.

13 CHAIRPERSON REYNOSO: And what is
14 appropriate action?

15 COMMISSIONER GARCIA: So if there is
16 something that causes us to not be able to deliver,
17 they have to pay us liquidated damages, which start
18 at \$100 per vehicle and go up to \$300 per vehicle
19 plus our expenses if we have to divert to another
20 facility?

21 CHAIRPERSON REYNOSO: So--

22 COMMISSIONER GARCIA: [interposing] That
23 could add up very fast.

24 CHAIRPERSON REYNOSO: It could.
25

2 COMMISSIONER GARCIA: I think it would be
3 motivating to not do that.

4 CHAIRPERSON REYNOSO: We—we would think
5 just understanding what's happening in recent news
6 reports and claims by members of that facility, which
7 will be speaking shortly after you. You know I'm
8 must concerned that these damages that—or these
9 damages that will be coming through because of a
10 potential labor dispute could make it so that we
11 might not be able to handle our recyclables here in
12 the city of New York one or handle them at all.
13 What—what I guess contingency is there should that
14 happen and Sims not—no longer be able to operate for
15 the City of New York.

16 COMMISSIONER GARCIA: So—so I actually
17 have very little concern about our ability to work
18 around any issues that they have at their Brooklyn
19 facility, and I would hold them accountable for us
20 figuring out what we needed to do, and that they
21 would have to provide contingency on their side. I
22 intend to hold them to the fact that they are
23 expected to accept New York City's recyclables 24
24 hours a day, and if I say it's an emergency on a
25 Sunday or a holiday. I think they had to work like

1 two Sundays ago because I was still collecting after
2 dismissal.

3
4 CHAIRPERSON REYNOSO: The costs that
5 would be attached to a potential strike or labor
6 dispute--

7 COMMISSIONER GARCIA: [interposing] We
8 can hold them accountable under the contract for
9 additional cost.

10 CHAIRPERSON REYNOSO: Would they be able--
11 do they have the capacity--the funding, the money I
12 guess, the financial ability to consider to operate
13 considering what I just heard, which is liquidated
14 damages and any cost that would be incurred because
15 of a need to transfer to another facility and so
16 forth.

17 COMMISSIONER GARCIA: Yeah. No,
18 they're--they're a multi-national corporation. I
19 think they have, which is why we are in contract with
20 them for such a long term is that they have the
21 financial wherewithal to be able to pay for what they
22 are required to pay for. But I think that this is
23 also something in which having worked with them for a
24 very long time that we're jumping way ahead of where
25 we are in this process.

2 CHAIRPERSON REYNOSO: Yes.

3 COMMISSIONER GARCIA: And there are a
4 lot of opportunities for these two parties to work
5 together, and I would anticipate that that is what
6 they will do.

7 CHAIRPERSON REYNOSO: Right, and—and I
8 agree that there are a lot of opportunities that we
9 can have to work together, but considering the
10 reports that have come out so far and the—the—the
11 potential conflicts that I see, I want to—I want to
12 be proactive and get to the beginning of this, right,
13 before it gets out of control and we get to a point
14 where we do have a strike and so forth. To be
15 honest, the—any time a president of any local union
16 states that there is an opportunity here for a
17 strike, I take it very seriously, and I'm a little
18 concerned over the fact that maybe the city is not
19 taking it as serious thinking that this might not be
20 an issue and that we're jumping the gun here.

21 COMMISSIONER GARCIA: So one, I do think
22 that this is premature. I think that one, there
23 hasn't yet been a vote for the employees at this
24 facility to join the union at this point in time,
25 which is the regular process, and then to get to the

1 collective bargaining table it's a regular process.
2
3 I've spent a lot of time at a collective bargaining
4 table with Teamster in my world or on the phone.
5 It's a very productive relationship. It's very
6 effective, but I don't want to mislead you in terms
7 of we always have contingency plans about what we are
8 going to do should there be a disruption at any of
9 the facilities where we take materials both on the
10 recycling as well as on-on-on the refuse side, and
11 also for things that you often don't have a long lead
12 time item. For example, during Hurricane Sandy,
13 Polenta (sp?) went down for two weeks and we had to
14 figure out alternatives at that time on the fly at
15 the same time when we were also dealing with huge
16 amounts of debris in Southern Queens and Brooklyn and
17 Staten Island. So we always are thinking through,
18 but we also—everything is always a little bit
19 different than what your plan, and so we try and make
20 sure those are flexible as we move forward. But, you
21 know, I honestly think that this will be the ability
22 of these two parties to work together. You know the
23 city obviously supports employees' rights to
24 organize, and so we'd like to see that process move
25 forward.

2 CHAIRPERSON REYNOSO: Okay and then
3 before I call out for my colleagues to ask a few
4 questions, does the contingency time take into
5 account vehicle miles traveled and pollution that
6 could be caused by not using a facility that has a
7 barge and instead having to move things through
8 trucks again that we want to move away especially in
9 neighborhood like Sunset Park and North Brooklyn and
10 so forth, where they continuously take—continuously
11 take into account the health hazards that come with
12 possibilities around on this project?

13 COMMISSIONER GARCIA: So I mean
14 obviously to protect the practical. (sic) But we
15 always are looking to minimize the number of truck
16 miles DSNY has to travel because that just costs me
17 money, and in addition we always prioritize barging
18 and rail over—over trucking. Sometimes we don't have
19 that as an ability, but for the most part we think we
20 would continue to use things that would have the
21 least environmental impact as we could, but we will
22 still make sure that we come weekly and take
23 everybody's recyclables. So I don't I don't—I don't
24 want anybody to think that if something happens here
25 that they should not be doing their separating.

2 CHAIRPERSON REYNOSO: Well, I just want
3 to be clear. I'm very concerned that this is the
4 only facility that we have in the city—in the city
5 that's doing this work, and should that get shut down
6 or something happened, that we do have a contingency.
7 I'm glad to hear that it's going to keep happening,
8 but considering the damages and the cost of what can
9 possibly come from this, I don't—I don't—I don't—
10 again, I don't take this lightly, and I really do
11 feel like saying that it's premature or—or saying
12 that the contingency time is in place, and that
13 they're going to come to a mutual agreement
14 continuing the complaints that are going to the
15 National Labor Relations Board and so forth is
16 extremely concerning to me and, you know, now more
17 than ever I really feel good that we—we have this
18 conversation. I kind of want to allow for our
19 contracts Chair Helen Rosenthal to ask some questions
20 of you.

21 CHAIRPERSON ROSENTHAL: This—this plant
22 is in Council Member Menchaca's district. I'm going
23 to ask that he go first and then I'll come back.

24 COUNCIL MEMBER MENCHACA: Thank you to
25 the chairs for that—for that courtesy and welcome--

2 COMMISSIONER GARCIA: Thank you.

3 CHAIRPERSON REYNOSO: --Commissioner
4 Garcia and I-I-I think the first thing I'll say for
5 folks that are listening at home and we just have to
6 say it over and over and again in the midst of all of
7 the legal jargon that there's a real concept that we
8 need to lift up, which is that if you're a New Yorker
9 you have the right to organize and no matter your
10 immigration status, and I think that's an important
11 thing to just keep saying. In the-in the climate
12 that we're in, which is why the concerns are-are so
13 many in-in kind from facility operations and making
14 sure recyclables are-are done, but also on the worker
15 conversation that we support that. But-but the first
16 thing I want to do is really start at the-at the
17 beginning. When were you first alerted that there
18 were-that were issues from-or coming from the workers
19 at Sims?

20 COMMISSIONER GARCIA: The workers were
21 not ever directly in touch with the agency.

22 CHAIRPERSON REYNOSO: Okay.

23 COMMISSIONER GARCIA: So any of their
24 concerns, and I don't believe to date have ever
25 gotten in touch with the agency or anyone who

1 represents the Teamsters directly of the concerns
2 until this hearing was scheduled, which I think was
3 about a week ago.
4

5 COUNCIL MEMBER MENCHACA: A week ago.

6 COMMISSIONER GARCIA: And so what we know
7 is what has been reported either by the union or in
8 the media from the workers' perspective. We are in
9 constant contact with Sims particularly when it's
10 winter time because we do have operational changes
11 almost every day. Things happen. So we are in
12 pretty close contact with them as we are with all of
13 our—with all of our vendors.

14 COUNCIL MEMBER MENCHACA: And so that's
15 the workers' piece. As far as Sims, when was the
16 first piece of communication, if any, from—from Sims?

17 COMMISSIONER GARCIA: So there were
18 direct conversations with Sims probably a few weeks
19 ago asking what is this about. To which they said
20 they're in a process. They would like to organize.
21 We were like, you know, we support the organization,
22 and they're saying they would—they need to go through
23 a process that's clearly defined in federal law, and
24 I was like okay. So--
25

2 COUNCIL MEMBER MENCHACA: [interposing]

3 Can you--?

4 COMMISSIONER GARCIA: --we went through
5 the process, you know, become working guides, go to
6 the table and has things out.

7 COUNCIL MEMBER MENCHACA: And so, walk me
8 through, and--and this is just a little bit deeper
9 from Chair Reynoso's questions about the contract and
10 the obligations--

11 COMMISSIONER GARCIA: [interposing] Uh-
12 huh.

13 COUNCIL MEMBER MENCHACA: --that--that--and
14 if you--especially if you have a language for
15 everybody to understand at what point is a
16 communication required from Sims to communicate a
17 labor dispute. And I--I think what's important here is
18 that the charges lead to the labor dispute, and so I
19 just want to see if there's language there that kind
20 of clarifies your position because we've heard your
21 position saying there's no reason right now for Sims
22 to communicate, there's conversations happening, but
23 I just want to make sure that we go back to the
24 language that you're using to affirm your position
25 today?

1
2 COMMISSIONER GARCIA: Well, I think that
3 the language is really pretty straightforward.
4 You've already quoted it. It says they're not
5 allowed to—I mean and I can read it again.

6 COUNCIL MEMBER MENCHACA: Please. Thank
7 you.

8 COMMISSIONER GARCIA: If the contractor
9 should not should not—shall not employ any labor,
10 materials, take any action during the terms that is
11 likely to cause or result in strikes, work stoppages,
12 delays, suspensions of contract services, or similar
13 trouble by workers employed by the contractor in
14 connection with the contract services. So and that
15 is—that is what it is, and then in the next section
16 whenever any party has acknowledged that an actual
17 pretention (sic) whether it is delaying or
18 threatening to delay the timely performance of the
19 obligations of the contract. So that is when I say
20 we don't think that there is an eminent problem with
21 our ability to deliver materials. It's in Section
22 7.03, which I actually think I've never quoted a
23 contract before in my entire life.

1
2 COUNCIL MEMBER MENCHACA: [laughs] Well,
3 thank you for doing that today. This is important
4 for us, and

5 COMMISSIONER GARCIA: But actually what
6 it's saying it's like I'm—I'm a very simple person.

7 COUNCIL MEMBER MENCHACA: Okay.

8 COMMISSIONER GARCIA: Can a truck come
9 up and can the truck empty itself?

10 COUNCIL MEMBER MENCHACA: Got it.

11 COMMISSIONER GARCIA: And if it can't,
12 then I have a problem, and you have a problem because
13 that is a contract base to the flyers. (sic)

14 COUNCIL MEMBER MENCHACA: Got it and
15 again thanks for that clarity and—and I think the
16 only thing that I want to do, and—and I think the
17 second piece to this really listening to the workers,
18 and I'm hoping that you can kind of stay and listen
19 to their--

20 COMMISSIONER GARCIA: [interposing] I
21 cannot stay today, unfortunately because I did not
22 intend to stay.

23 COUNCIL MEMBER MENCHACA: [interposing]
24 Then there stands to be our—our second—because I

1 think what's important here is the--the strikers--the--
2 the workers can--

3
4 COMMISSIONER GARCIA: They're not
5 strikers and they're actually here.

6 COUNCIL MEMBER MENCHACA: The workers let
7 me--let me--I misspoke. The workers can strike now,
8 and that--and--and I think so the language kind of
9 states--states that the threat of--of a strike is--is--is
10 an alert that should be--that--that should be taken,
11 and I think that this is--I'm just trying to
12 underscore Chair Reynoso's comment. Let's move over
13 to the--and that's a--a statement that I wanted to
14 make.

15 COMMISSIONER GARCIA: Okay.

16 COUNCIL MEMBER MENCHACA: And the second
17 thing is that you've--you've mentioned that there is
18 no vote yet for--for the union. You are going to hear
19 today, and this is--I don't know if this is first time
20 you're going to hear this, but the workers have
21 gotten to a point where a very significant amount of
22 folks have signed union cards with the Teamsters at
23 rates of 60, 70, 80%. Now, with that, knowledge.

24 COMMISSIONER GARCIA: Uhb-huh.

2 COUNCIL MEMBER MENCHACA: With a sense of
3 urgency for all the things that we just started
4 talking about where we are in the climate, and you're
5 still expecting a vote in a time when there are nine
6 charges on the table right now with the courts. Does
7 that influence or change your concept about where--
8 where we are right now as--as striped loons in this
9 conversation?

10 COMMISSIONER GARCIA: So I mean like--so
11 what--so I--I am not a labor attorney, and--

12 COUNCIL MEMBER MENCHACA: [interposing]
13 You don't know anything about it, right?

14 COMMISSIONER GARCIA: Okay--

15 COUNCIL MEMBER MENCHACA: For the record.

16 COMMISSIONER GARCIA: [laughs] But--I--I-my
17 understanding and I live in a very rule based world
18 with a lot of rules in terms of how I run my
19 operation vis-à-vis work with the Teamsters is that
20 it's very prescribed stepped process, and that is
21 overseen at a federal level to make sure that there's
22 no shenanigans, and that you just have to go through
23 these steps, and then you get there, and there are
24 shenanigans, then you get in trouble with the--with
25 the feds, and obviously with us. So, I think it's

1 fabulous the over 70% have signed union cards. I set
2 up the vote because it sounds like you're going to
3 win. So that would be my particular position, but
4 I'm not—I'm not a labor attorney and then--

5 COUNCIL MEMBER MENCHACA: [interposing]
6 Right.

7 COMMISSIONER GARCIA: --if there is
8 something else.

9 COUNCIL MEMBER MENCHACA: And--and--and
10 just for the record, I'm not asking you to respond as
11 a labor attorney. I think one of the--one of the--one
12 of the things that's--that's important here as--as the
13 Commissioner and the Council Member and all the
14 positions we hold, is to really understand those from
15 multiple perspectives, and--and so the kind of process
16 that I'm understanding as a new, you know, fresh
17 council member on--in--in the city is that the--that
18 there is a sense of--of--of process to be followed,
19 and--and a vote right now. This is--now I'm asking you
20 about your experience. A vote after the cards were
21 signed I've had conversations with management
22 directly. We've had a very, very big or long list of
23 conversations about everything that a vote at this
24 point. After--after cards were signed at this level,
25

1 after allegations—they're union busing right now, and
2 in Sims, and—and this is just not the process. And
3 so, maybe you can kind of talk--

4 COMMISSIONER GARCIA: [interposing] And
5 so maybe I reject that. I reject that.

6 COUNCIL MEMBER MENCHACA: [interposing]
7 So this is what I want to hear. I would love to hear
8 people's perspectives.

9 COMMISSIONER GARCIA: I mean I look I
10 feel like it—like I really believe at the end of the
11 day in—in process and in rules and in—and in the
12 ability to vote. You know, that's my personal
13 opinion. I am incredibly support of workers' right
14 to organize and incredibly supportive and work very
15 well with the unions that we have within the agency,
16 and you know, sometimes things changes with unions.
17 I just have a group of employees who voted to change
18 their union and so you go through a vote process, and
19 my understanding is that those are actually overseen
20 by the federal government to make sure that they're
21 clean. So I don't understand why we're afraid of
22 that.

23 COUNCIL MEMBER MENCHACA: Well, is there
24 any moment where a vote is no longer a vote, and the
25

1 purity and the concept of a vote is no longer a vote-

2 -

3
4 COMMISSIONER GARCIA: [interposing] I
5 would hope not.

6 COUNCIL MEMBER MENCHACA: --in this
7 process.

8 COMMISSIONER GARCIA: I would hope that
9 we're in a democracy and in which people still get to
10 vote what they want to vote for regardless. I mean
11 I'm still a little bit optimistic despite where we
12 are in--

13 COUNCIL MEMBER MENCHACA: [interposing]
14 Okay.

15 COMMISSIONER GARCIA: --this particular
16 election cycle--

17 COUNCIL MEMBER MENCHACA: Right.

18 COMMISSIONER GARCIA: --because--

19 COUNCIL MEMBER MENCHACA: [interposing]
20 Yes, me, too.

21 COMMISSIONER GARCIA: Yeah, you know, I
22 try to stay positive, [laughter] we have--you know, I
23 find that having a strong union it usually helps us
24 get our job done most effectively, and so that is my
25 experience and I've primarily worked in city

1
2 government with unions, but I find that having a
3 strong union makes it so that you're more effective
4 as an agency, and so we're—I'm incredibly supportive
5 of that.

6 COUNCIL MEMBER MENCHACA: So my last
7 question and this is just—just kind of—this is a
8 beautiful--

9 COMMISSIONER GARCIA: [interposing] Do
10 you like my Teamster shirt, by the way?

11 COUNCIL MEMBER MENCHACA: I—I—what are
12 you wearing today? [laughter]

13 COMMISSIONER GARCIA: I have my Teamster
14 shirt. I have--

15 COUNCIL MEMBER MENCHACA: [interposing]
16 Look at that. Awesome and you've even got a pen,
17 too. I got one.

18 COMMISSIONER GARCIA: No, no, this is for
19 the department.

20 COUNCIL MEMBER MENCHACA: Okay, right.

21 COMMISSIONER GARCIA: For the department,
22 yeah, and I have another one.

23 COUNCIL MEMBER MENCHACA: Well, they're
24 matching in every sense of the way.

COMMISSIONER GARCIA: Well, it's-it's
always quick and all the colors are the same. We're
working on fashion in the department.

COUNCIL MEMBER MENCHACA: Got you. Well
you--do you want to talk a little bit about Harry and
your relationship with 831 and--and just how important
that is to you.

COMMISSIONER GARCIA: Right, no, I mean I
think that it's incredibly important for us in terms
of-- So I have to tell you that I have a great deal
of respect for him, and literally I think that any
sanitation workers in the department, of which
there's about 6,400, can call him literally 24 hours
a day. You know, he is incredibly responsive, which
is why he has been elected and re-elected. He serves
his--his members very, very well, and makes sure, but
he also works with--works with us. Don't screw up
during snow because you want to hear from me. You'll
hear from him before you hear from me. So I mean
that--that is really something that I think has made
the department stronger going into the future, but it
also is a relationship that is governed by an
enormous number of rules, and an enormous number of
like everyday what are we doing, and how we do it is

1 primarily driven by seniority but, you know, when you
2 don't follow the rules, I'll hear from--from Harry or
3 someone will hear from Harry on that. We talk to him
4 probably in the senior level almost everyday.
5

6 COUNCIL MEMBER MENCHACA: And all that is
7 absolutely beautiful and--and--and I'm going to hand it
8 over to the Chair again, but I'm going to say two
9 things: (1) Getting this right is going to be
10 important on so many different levels. As we look to
11 other contracts in the future that we're building and
12 the leadership here from Chair Reynoso and all--all
13 the workers on--on waste, and--and finally I want to
14 say that--that while we are--we're in--in--in
15 conversations, I am hopeful, too, that there can be
16 some heroes that come out of this conversation. So,
17 I'm--I'm hoping-- and I know management is here as
18 well--that we can still see some--some opportunities
19 here to do the right thing. And in that--that--in
20 that--in that vain, Sunset Park, SBMT--

21 COMMISSIONER GARCIA: Uh-huh.

22 COUNCIL MEMBER MENCHACA: --where Sims
23 is--is--is at right now has a real beautiful future,
24 and the expansion of Sims and--and the concept of Sims
25

1 is a beautiful, beautiful concept and it's-it's-it's-
2 we're living that.
3

4 COMMISSIONER GARCIA: Uh-huh.

5 COUNCIL MEMBER MENCHACA: And these
6 workers and-and I don't know you needed all of that.
7 As I see them organized, they are so invested in this
8 instance in-in-in ways that I just haven't seen
9 workers invest in the concept, which is why I want
10 them to-to win this-this Union battle, but Sims isn't
11 done expanding, and we have a lot more work to do for
12 the fuller vis-fuller vision, but we need this labor
13 dispute be solved and reconciled as we move forward,
14 and I assumed that you know that they are publicly in
15 this public hearing more-you can't get more public
16 than this, that-that's going to have to happen before
17 anything else happens in the future of Sims at SBMT
18 in Sunset Park.

19 COMMISSIONER GARCIA: We know and-and I
20 think that I would hold them to the same as making
21 sure that we get to resolution--

22 COUNCIL MEMBER MENCHACA: Yes.

23 COMMISSIONER GARCIA: --as quickly as
24 possible.
25

2 COUNCIL MEMBER MENCHACA: Okay, me, too.
3 Thank you, Chair Rosenthal.

4 CHAIRPERSON ROSENTHAL: Sure.
5 [background comments] And now I'm going to turn it
6 over to Chair Reynoso.

7 CHAIRPERSON REYNOSO: We just needed to
8 throw it to a vote very quickly. Can-roll call,
9 please.

10 CLERK: William Martin, Committee Clerk,
11 roll call vote Committee on Sanitation. Introduction
12 820-A, Chair Reynoso.

13 CHAIRPERSON REYNOSO: I vote aye.

14 CLERK: Matteo.

15 COUNCIL MEMBER MATTEO: Aye.

16 CLERK: Gibson.

17 COUNCIL MEMBER GIBSON: Aye.

18 CLERK: Constantinides.

19 COUNCIL MEMBER CONSTANTINIDES: Aye.

20 CLERK: By a vote of 4 in the
21 affirmative, 0 in the negative and no abstentions,
22 the item has been adopted by the committee.

23 CHAIRPERSON ROSENTHAL: Thank you and I
24 just want to welcome Council Members Johnson,
25 Constantinides, and Gibson. I want to lay a context

1 for the question that I'm going ask. So, and I want
2 to thank my colleagues for the work that they're
3 doing in raising these questions about the things
4 workers who do work in the Sims--the recycling that's
5 done is so impressive, and I know public school
6 parents from my district visit the Sims Recycling
7 factory regularly, and talk about the work that's
8 done there. So, it's all very impressive, but--but to
9 give you a little bit of context, one of the things
10 that I'm--so as chair of the Contracts Committee, the
11 contracts that I spend a lot of time focused on are
12 ones with the human services sector--

14 COMMISSIONER GARCIA: [interposing] Uh-
15 huh.

16 CHAIRPERSON ROSENTHAL: --where primarily
17 the workers are women, 80% of the workers in Human
18 Services are women, and women of color, and we're
19 doing all we can, the Administration, our work
20 together we're doing all we can to make their lives
21 better. A small plug: If the Governor could step up
22 that would be great, but I'm--so--so let's shift it
23 over for a second to Sanitation, which is really not
24 my world as much. I'm less familiar with it. You
25 mentioned earlier there are 85 workers at this

1 facility. Do you happen to know the--the gender
2 differentiation, how many are men and how many are
3 women?
4

5 COMMISSIONER GARCIA: I--I do not know.
6 I know that we hold them to the Equal Employment Act
7 pretty rigorously because I know that they are also
8 here. I would anticipate that they would be able to
9 provide you with the breakdown of what their
10 employees put the nexus by gender. Just to like back
11 up and this is sort of me on the fly.

12 CHAIRPERSON ROSENTHAL: No, two.

13 COMMISSIONER GARCIA: So, in my world,
14 which is not helping Human Services, I actually think
15 it's a broader question of the work that was
16 traditionally done by women in the home that is now
17 contracted out--

18 CHAIRPERSON ROSENTHAL: [interposing]

19 Yes.

20 COMMISSIONER GARCIA: --to either elder
21 care people or nannies or day care centers. It's
22 still the least paid because it was never paid work,
23 and so the work that was traditionally done by men
24 whether that was in construction or sanitation or
25 police or fire where the salaries are all higher. So

1 I mean I think that this is actually a challenge for
2 both men and women as we go about our daily lives is,
3 you know, I tried and sort of begged and pleaded with
4 high school girls to actually even apply for the
5 sanitation worker exam, and they did not do so in
6 large numbers. You know, regardless or whether or
7 not they passed. They just didn't do so in large
8 numbers, and I think that that's something we need to
9 be continuing to push not only as women, but also as
10 men and that there are great opportunities in sectors
11 that people view as Oscar the Grouch, or being too
12 physical. See, you should join our committee, and
13 there—and that there is really an opportunity for all
14 of us to talk about it. You know, one of the things,
15 though, I—I say when—when—when I think about the
16 difference between PD and Sanitation in terms of the
17 challenges we've had with women is popular culture
18 matters. You know the fact that Cagney and Lacey was
19 on a long, long time ago for those of you who are too
20 young to remember this TV show, but it promoted women
21 as police officers, really smart, getting the job
22 done. There's never been anything like that for a
23 lot of other traditionally male dominated employment
24 sectors. But I do think that there's this underlying
25

1
2 piece when you talk about Health and Human Services
3 where those are often things that women have
4 traditionally done for free. And so they have never
5 been valued in the same way as sort of the—the black
6 field trying to unwind the 1950s paradigm, which I
7 don't think was every really real, but all women sit
8 home and all men went to work, and there still were a
9 lot of women working that just were not as seeing
10 men.

11 CHAIRPERSON ROSENTHAL: Okay, that's
12 fine.

13 COMMISSIONER GARCIA: That's my—that's
14 my little wandering into a whole different topic.

15 CHAIRPERSON ROSENTHAL: [interposing] I
16 see why—I see why we're both on the Commission
17 together.

18 COMMISSIONER GARCIA: [laughs]

19 CHAIRPERSON ROSENTHAL: So that's exactly
20 my point, and you started to answer my second
21 question, which is about growing a pipeline.

22 COMMISSIONER GARCIA: Uh-huh.

23 CHAIRPERSON ROSENTHAL: I mean it's
24 something we think a lot about in the world of women
25 electives, you know, how do we grow a pipeline to

1 have more women want to jump into running for office?
2 I'm just looking at the table.

3
4 COMMISSIONER GARCIA: Yeah, there's only
5 one--well, there's only one more. We got to one.

6 CHAIRPERSON ROSENTHAL: Oh, good for--so
7 glad you're here I can't tell you. It's lonely and I
8 want to welcome Council Member Deutsch. So--so the
9 pipeline you think for you it's--so when you think
10 about the people who apply for this job, it's not
11 necessarily--it's not necessary to have a college
12 education or it's really a right-out-of high school
13 thing.

14 COMMISSIONER GARCIA: Yeah, it really is.

15 CHAIRPERSON ROSENTHAL: [interposing] If
16 we were thinking about someone.

17 COMMISSIONER GARCIA: So--so usually you
18 do--you were only required to have a high school
19 degree. You have to turn 21 because under federal
20 law in order to cross state lines with a commercial
21 driver's license you have to turn 21, but many people
22 will take the exam at 17, 18, 19 knowing that the
23 exam will be around for a while once it's certified
24 by DCAS, and so I mean so there's another interesting
25 thing. A lot of mothers sign their sons up for the

1 exam. The old son and daughter stuff, and so, you
2 know, there's some--there's some cultural challenges
3 about how women see themselves, how mothers and
4 fathers see their children that you still need to
5 work though and overcome.
6

7 CHAIRPERSON ROSENTHAL: Do you think that
8 women--I mean not all men are cut out for this work.
9 Do you think that there would be a challenge for
10 women to do this work?

11 COMMISSIONER GARCIA: No, the women who
12 are on the job at Sanitation are doing exceptionally
13 well. They get promoted faster. They take on more
14 leadership roles. They're just--I start with such a
15 low number, but they--they love the job, and I have
16 yet to meet anyone who found the job too hard. I
17 actually--I don't know if you saw it. On Valentine's
18 Day--I have a husband and wife who work behind the
19 truck together. So we--we were in snow operations so
20 it is a little tricky but, you know, this is--and
21 they're--so there can be love on the job, too.

22 [laughter]

23 CHAIRPERSON ROSENTHAL: Putting that out
24 there.

2 COMMISSIONER GARCIA: And they're-but
3 they are--they are working together, and neither one
4 of them--he's like she's the best partner I ever had.
5 I know that she's always doing the work with me.
6 Most people feel that way out there, whether or not
7 they're choosing to work behind the truck or they're
8 choosing to work on a broom, we don't end up finding
9 that they can't do the work. We find that we don't
10 get them in the door. That is our challenge and then
11 we really, really worked hard, but you're talking to
12 people who don't have a lot of work experience when
13 you're talking to somebody who's 17 or 18 years old
14 and you say this is a really good job, and they're
15 like well, no, I'm going to go off and do something
16 else. They're not sort of at that point yet.

17 CHAIRPERSON ROSENTHAL: But what are the
18 wages? Give me a sense of what the wage range is.

19 So--

20 COMMISSIONER GARCIA: [interposing] So--

21 CHAIRPERSON ROSENTHAL: --here are the
22 wages that these guys are fighting for.

23 COMMISSIONER GARCIA: So, and I--I can't--
24 I--

25

2 CHAIRPERSON ROSENTHAL: [interposing]
3 Sorry we won't--whatever.

4 COMMISSIONER GARCIA: So, I'm--I'm just
5 going to do a range because I know that the contract
6 is like where the--I haven't looked at it recently,
7 and I know we've had some increases based on the
8 settlement is that it's I think around 37, 38 to
9 start, and goes up to 85 after five years, but that's
10 where Sanitation folks make their money--which, well,
11 this has not been a good year--is during snow. Yeah,
12 their wages go up, my wages per hour go down during
13 snow.

14 CHAIRPERSON ROSENTHAL: I'm sorry.

15 COMMISSIONER GARCIA: Oh, well, not
16 really. [laughter]

17 CHAIRPERSON ROSENTHAL: So, wow, what was
18 the starting wage?

19 COMMISSIONER GARCIA: It's a little bit I
20 think under 40 at this point in time.

21 CHAIRPERSON ROSENTHAL: Alright. So a
22 social worker starts around, you know, under 30.

23 COMMISSIONER GARCIA: Alright, so
24 there's some other jobs that actually start much
25 higher, construction labor.

2 CHAIRPERSON ROSENTHAL: Uh-huh.

3 COMMISSIONER GARCIA: Uh-huh, which is
4 that--

5 CHAIRPERSON ROSENTHAL: [interposing] Let
6 me ask--

7 COMMISSIONER GARCIA: --you don't
8 actually even need a high school degree for.

9 CHAIRPERSON ROSENTHAL: Right. So--

10 COMMISSIONER GARCIA: [interposing] So
11 that doubled the starting wage as Advantage offer.
12 See, I feel like people should not--should be looking
13 at those trade titles, all those prevailing wage
14 titles. So this is--I'm--I'm wandering over this.
15 [laughs]

16 CHAIRPERSON ROSENTHAL: We are both--really
17 are out on a limb here, Commissioner.

18 COMMISSIONER GARCIA: But I had a woman
19 who worked for me at DP who was engineer, and
20 engineers actually don't get paid very well by the
21 city of New York. She took the Sewage Treatment
22 Worker exam. Passed the exam. Her salary increased
23 by about \$20,000. She was like I'm so much less
24 stressed, but I lost like 20 pounds.

25 CHAIRPERSON ROSENTHAL: Right.

COMMISSIONER GARCIA: But she's doing—I
don't where she is in the hierarchy at--

CHAIRPERSON ROSENTHAL: [interposing]
Right.

COMMISSIONER GARCIA: --this point in
time, but there's real, you know, the trades and the
prevailing wage titles are very lucrative.

CHAIRPERSON ROSENTHAL: In the contract
itself that you negotiate, are there wage increases
contemplated for every year, or is there one wage and
then ten years later you start to talk about another
wage?

COMMISSIONER GARCIA: So, in-in the
municipal--

CHAIRPERSON ROSENTHAL: [interposing]
That's my experience.

COMMISSIONER GARCIA: --in the
municipal--

CHAIRPERSON ROSENTHAL: [interposing]
yes.

COMMISSIONER GARCIA: --it's--so we are
in the middle of the contract that was settled once
the Mayor came in, and I think they're at 99%--

CHAIRPERSON ROSENTHAL: Yes.

COMMISSIONER GARCIA: --which is really pretty amazing, and you know that there's starting to be talk about we need to get the next round underway--

CHAIRPERSON ROSENTHAL: Great.

COMMISSIONER GARCIA: --and I think the intention of this administration is always to look to the negotiating table, and to make sure that you get a fair wage and increases for the employees as well as making sure that we can afford to pay for it.

CHAIRPERSON ROSENTHAL: Okay, I'm going to sort of digest everything you've said, and I'm got come back with a second round of questions, and I really appreciate your--your taking this very seriously.

CHAIRPERSON REYNOSO: [off mic] I want to pick it up here. (sic)

CHAIRPERSON ROSENTHAL: Okay.

CHAIRPERSON REYNOSO: And before I hand it over to Council Member Brad Lander, I'd like five seconds. When you were--you were asked questions by Council Member Carlos Menchaca in regards to being in a world of rules and process, and you--you believe in them. Just understanding the concept itself is part

1 of those rules and process that are in place to
2 ensure that there is a fail process, and we are—it's
3 saying actual or potential labor dispute and since
4 not being held accountable for that makes it
5 difficult for the other side that also wants a fair
6 process rule based item to get ready to do their job,
7 right? Should Sims be not—to the oversight for Sims
8 not be there, they're allowed to—to do, you know,
9 when—when—when the cats away the mice will play I
10 guess is what we want to say. Sims has got this
11 freedom to—to feel like they have the authority to
12 behave in a way that is not going to be—that's not
13 going to receive oversight, and in doing so putting
14 it so that it isn't a fair process or fair rules for
15 the other side. So, I—I just want to make sure that,
16 you know, we don't just leave this to a system. We
17 actually write things down and put them on contracts
18 so that that system could actually work, and when one
19 player or one party doesn't do their—their part, it
20 could—it could mess up the whole system, and—and make
21 it so that we don't see progress. And that it's why
22 I'm extremely concerned about the fact that it is—the
23 potential is actually a part of the contract, and
24 that again, you had a conversation with Sims. They
25

1 said everything was okay. Then you just walk away
2 with that. I just wish that we would poke a little
3 more there to make sure that that's happening.
4

5 COMMISSIONER GARCIA: I mean we talk with
6 Sims. I also send people to make sure that I don't
7 have any problems. I have supervisors who are
8 completely responsible on all shifts to make sure
9 that all of my trucks are tipping appropriately and
10 there's nothing causing them any problems, and that
11 has been the case during their ride-by to make sure
12 that there is nothing causing any problem for any of
13 DSNY vehicles to be able to move material. I'm going
14 to let Sims speak to defend themselves on that
15 because, you know, we think that we hold them to a
16 very high standard. We think we hold all of our
17 contractors to a very high standard, and they now
18 that they cannot make it so that there's like
19 anything like union busting occurring in the city of
20 New York under New York City's contracts. But I'm
21 going to--I really leave it to--to them to do their
22 own defense. I don't really think it would be
23 appropriate for me to say anything further on that.

24 CHAIRPERSON REYNOSO: So--just so--so what
25 is concerning to me is that I have other transfer

1 stations in my district that have contracts with the
2 City of New York, which I would say are actually
3 union bust and behave poorly, but still receive
4 contracts from the City of New York. What—what
5 standard is there, or what—what grading system I
6 guess I would say, do you have or does the city have
7 to make sure that the people that they're contracting
8 with, with the organizations and the businesses that
9 they're contracting with are actually good players or
10 is it just—I guess that's the end of the question.
11 What is—what is the grading system put forth by you
12 so that--?

14 COMMISSIONER GARCIA: So there—there are
15 two separate types of contracts long term. So
16 there's the long-term contracts, which, you know,
17 because we are making a commitment over a very long
18 period of time there's judgment about the financial
19 stability of those companies, all of that. The one
20 long-term contract for refuse in your district is
21 Waste Management. It's the only one who holds a
22 long-term contract there. The other contracts are
23 commodities service contracts. So they are low-bid.
24 WE do not go and score them because we are not making
25 a long-term commitment to them, but they have the

1 same requirements in the contracts that they must
2 uphold all federal, state and local laws. And so,
3 and I've said this to you before, you have knowledge
4 of anything that is happening at one of these
5 facilities that you think is illegal, I am happy to
6 either work through the contract process or work
7 through partners and other portions of government to
8 deal with anything that you think is going on. But I
9 can't—I can't do it with nothing.
10

11 CHAIRPERSON REYNOSO: It's just difficult
12 to do when we do present those type of cases to the
13 Public Sanitation they kind of wash their hands off
14 because it's OSHA--

15 COMMISSIONER GARCIA: [interposing]
16 You've never—you've never presented it to me.

17 CHAIRPERSON REYNOSO: It's—it's OSHA
18 related. We'll talk about work in transportation of
19 what's known as Five Star where residents are
20 actively organizing against this facility where the
21 city moves forward and gives them an extended
22 contract to do organics, for example.

23 COMMISSIONER GARCIA: Uh-huh.

24 CHAIRPERSON REYNOSO: You know, that—when
25 the—when the residents see that happening to someone

1 they believe is a bad player, and they've seen and
2 testified that is a bad player, the confidence in
3 these contracts and the oversight that the Public
4 Sanitation is given really doesn't match or they
5 don't think they have the backing of city of New York
6 when they see things like that happening.
7

8 COMMISSIONER GARCIA: Oh, I mean I'll
9 tell you that last week I had members of many of
10 those organizations in my office as well as the
11 owners of Brooklyn Transfer to make sure that there
12 was dialogue going on on what were violations, but
13 were not violations because some things that they
14 have identified actually aren't a violation, and to
15 ensure that Brooklyn transfer heard directly from
16 those citizens who live very near that station about
17 things that really bothered them, and things that
18 they actually could do to change and be better
19 neighbors. And so it was all about making sure that
20 there was a dialogue going on, and that they were
21 agreeing to do some things to make it so that they
22 were better neighbors, and I think that they had not--
23 they had not heard directly from the community in a
24 way that was as productive as that. There have been
25 a lot of accusations (sic)back and forth, there have

1 been a lot of reports put together, but this was--
2 You know, what I'm hearing from you is X I can do Y
3 to alleviate that situation. We will have to see
4 whether or not that occurs. This conversation only
5 happened a week ago or so, and we will make sure that
6 we will try to continue to make it so that they are--
7 they are not a burden or as much of a burden on your
8 community. I mean it's been clearly communicated to
9 Brooklyn Transfer that they have to be in compliance
10 with their permits, that we will enforce against them
11 if they are not in compliance with their permit, and
12 that we expect them to be better neighbors. And that
13 there are things that they can do. I was like, you
14 know, there's a point in the meeting where I was like
15 you need to close your damn doors. You know, that's--
16 --this is a really simple thing. It causes a huge
17 problem for--for the neighborhood--

18
19 CHAIRPERSON REYNOSO: [interposing]
20 That's a--a--

21 COMMISSIONER GARCIA: --and they were
22 like--and they were very, very open to that, and I
23 think they've recently been purchased and
24 recapitalized. So I think that they will be able to
25 make some additional investments.

1
2 CHAIRPERSON REYNOSO: Well, that's—that's
3 kind of what I'm talking about. Like we—we're—we're
4 talking about opening and closing doors, but they
5 already have a new contract with Sanitation, right.

6 COMMISSIONER GARCIA: Uh-huh.

7 CHAIRPERSON REYNOSO: They're being
8 empowered, right. We have to do our part to try to
9 force a conversation with Brooklyn Transfer while
10 you're continuing to award them even through their
11 bad behavior. I wish that we would get these things
12 done first, see that they're a good player, and then
13 move forward with being able to give them more
14 contracts because the city almost has almost no
15 standard when it comes to how they're giving out
16 these contracts, these smaller contracts for places
17 like Brooklyn Transfer Station. But I now that
18 Council Member Helen Rosenthal has more questions.

19 CHAIRPERSON ROSENTHAL: Thank you.
20 Sorry, with your indulgence, Council Member Lander,
21 and I do just want to point out that at this point in
22 time, only 20% of the council members talking to are
23 a woman. So, you, I—I'm hearing you talk a lot about
24 the oversight--

1
2 COMMISSIONER GARCIA: [interposing] Uh-
3 huh.

4 CHAIRPERSON ROSENTHAL: --on the
5 Environmental Justice issues, which is great. W hat's
6 the oversight you do to make sure that Sims is being
7 an equal opportunity employer?

8 COMMISSIONER GARCIA: So I mean we will
9 primarily respond to anything where someone had made
10 a claim or brought something before the city of the
11 state--

12 CHAIRPERSON ROSENTHAL: [interposing] To-
13 to react to?

14 COMMISSIONER GARCIA: It's a-yes. That
15 is reactive. We don't actually ask them for gender
16 specific payrolls.

17 CHAIRPERSON ROSENTHAL: That's an
18 interesting idea. We could add it but, you know--

19 COMMISSIONER GARCIA: [interposing] You
20 could. We-well, because I couldn't without doing an
21 amendment and going to the Controller, but I think
22 it's something to look for in the future.

23 CHAIRPERSON ROSENTHAL: Huh, well, it
24 sounds like they would do it without legislation.

1 Yeah, and what would it--so that's what enforcement
2 would look like?

3
4 COMMISSIONER GARCIA: [interposing] They
5 may actually--they may actually, you know, I mean I
6 don't actually know what their gender breakdown is.

7 CHAIRPERSON ROSENTHAL: Right, and
8 definitely--

9 COMMISSIONER GARCIA: [interposing] So I--
10 I would be curious to actually find out.

11 CHAIRPERSON ROSENTHAL: And--and do you--is
12 there any bandwidth within the contract for you to
13 look into the outreach that the contractor does to
14 get more gender equity? It sounds like you've gone
15 to high schools, but would--is this something--who else
16 could be trying to recruit?

17 COMMISSIONER GARCIA: So I mean I--I--I
18 think that there are many non-profit organizations
19 like non-traditional employment for women--

20 CHAIRPERSON ROSENTHAL: [interposing]
21 Yes.

22 COMMISSIONER GARCIA: --a lot of fun--

23 CHAIRPERSON ROSENTHAL: Right.

24 COMMISSIONER GARCIA: --that' is done--
25 have done a lot of outreach and been pretty

1 successful. I wouldn't say overwhelmingly
2 successful, but pretty successful at getting women
3 into traditional male dominated industries. There
4 isn't anything in the contract that specifically
5 requires them to use a non-profit or a--an outreach
6 team in this area--

8 CHAIRPERSON ROSENTHAL: [interposing]

9 Well, that's interesting, but that could be another--

10 COMMISSIONER GARCIA: But I--I think maybe
11 it might be worth waiting and talking to them about
12 what it is they are doing because I--I don't actually
13 know the answer to that.

14 CHAIRPERSON ROSENTHAL: Okay. Alright,
15 and--and given that one-fifth of the Council Members
16 up here really care about this issue, I'm just going
17 to wonder out loud whether or not any of my
18 colleagues are going to ask questions about this? But
19 anyway, I'm done for now. Council Member Lander.

20 COUNCIL MEMBER LANDER: [laughter] Thank
21 you, Chair Rosenthal.

22 COMMISSIONER GARCIA: I think you're on
23 the hot seat.

24 COUNCIL MEMBER LANDER: Well [laughs]--
25

2 CHAIRPERSON ROSENTHAL: [off mic]
3 [interposing] I think that—I think that's his.

4 COUNCIL MEMBER LANDER: I actually want
5 to follow up on—on just sort of a different area of
6 work that Council Member Rosenthal has led on out of
7 the Contracts Committee, but I guess I want to start
8 by saying first of all, even though we're here in the
9 wake of a potential labor dispute, it—that I feel
10 pretty positive about the broad set of goals and
11 values that we are moving forward together, right?
12 That is the challenge, and I want to start by
13 crediting your leadership. Obviously, you know, we
14 want to remove the—the waste, right. People want
15 their garbage and their recycling picked up. We want
16 it handled in a way that does the best we can to
17 address issues of sustainability and recycling. We
18 want all the workers that do it to be treated well
19 with a broader attention to issues of what it takes
20 to support a family, those certainly includes issues
21 of gender equity, but it also includes what you earn,
22 and worker safety, and how you're treated and your
23 right to organize. We want to do all that with as
24 much attention to getting the best value for the
25 taxpayer as we possibly can, but we've got to attend

1 to that broader set of goals, and it's not easy to
2 push all those things forward. And that's why you're
3 trying to do, what we're trying to do, even if we
4 want to see it go faster as Council Member Reynoso
5 talked about in relationship to [coughing] to some of
6 the very troubling things that we see in the private
7 sector on commercial waste hauling. I want to give
8 credit to this administration under your leadership
9 in real significant contrast to the last
10 administration for attending to issues of worker
11 justice and worker safety and the right to organize
12 as a role for government. You know, obviously we
13 always want the law followed, but you've gone further
14 than that. You've spoken about the importance of the
15 right to organize, and put it in the context of
16 broader work that you're doing in the Sanitation
17 Department in your contracting, in your work on
18 gender equity to move that set goals in addition to
19 getting the garbage and recycling picked up, doing it
20 in a way that's sustainable, and attending to
21 taxpayer value, also important goals. And that's
22 only going to happen if we also have the pushing that
23 the workers are doing here. So, I want to appreciate
24 and give credit to the work that the workers

1 themselves are doing, to the work that the Teamsters
2 are going. It's great when wages can be raised
3 because elected officials or grassroots activists do
4 some pushing, but first and foremost it takes worker
5 organizing to improve working conditions. That's why
6 the right to organize is important, why those laws
7 got passed at the federal and state and city level.
8 And I say that as someone who in the past has been
9 very supportive of Sims, you know, and think that
10 they have done a really good strong job at building a
11 recycling facility that has helped the city meet its
12 recycling goals in ways that we were not meeting
13 before. And I want to see all of those things be
14 true, and keep pushing forward, and I want to
15 appreciate the organizing. I want to appreciate
16 those. So-but, what I guess I want to ask about, and
17 this is where it sort of gets at some of the other
18 issues that have been handled in the Contracts
19 Committee. Chair Rosenthal talked about the
20 contracts the city has with Human Service providers--

21 COMMISSIONER GARCIA: Uh-huh.

22 COUNCIL MEMBER LANDER: --and we have
23 tried--she has led on this--to make sure that we are
24 pushing to raise the wages that those workers are
25

1 earning, some of whom are organized and some of whom
2 are not organized. It's cheaper for the city to get
3 those services whether those are home care or day
4 care or social services, if the workers are paid
5 less, and it's more expensive for the city to
6 contract for those services, if the workers' wages
7 are raised, but the workers' wages have to be raised
8 if we're serious about enabling people to support a
9 family, if we're serious about income and equality,
10 and it can get complicated. Another thing I think
11 this body is proud of is the work we've done pushing
12 around Citi Bike whether that's a—I don't even thing
13 they call that a franchise agreement. They call that
14 some odd licensing agreement, but--

16 COMMISSIONER GARCIA: [interposing] A
17 concession.

18 COUNCIL MEMBER LANDER: A concession.

19 COMMISSIONER GARCIA: A concession.

20 COUNCIL MEMBER LANDER: Thank you. I—I
21 thought it was great that those workers organized.
22 They have a better deal as a result. Now, this
23 Council has been pushing in that case to put public
24 resources in where they haven't been before because
25 we want to a citywide system that's equitable, and

1 that treats its workers well, and gets the best value
2 that we can. So, this just gets to my question for
3 here. I understand the—the—the posture that you have
4 taken, which supports the workers' rights to
5 organize, expects the contract to be met, and is
6 going to stay hands off unless and until there is a
7 reason that compels your involvement under the
8 contract. At the same time, it seems to me we have a
9 shared and collective interest in—in the same way
10 that we do in the Human Service contracts, and the
11 same way that we do in Citi Bike in making sure that
12 that set of values about the—about how workers are
13 paid and treated is factored into the goals we're
14 achieving here. And one can imagine a situation
15 where these folks can organize—can negotiate a
16 contract that is still consistent with the existing
17 contract that you have with Sims, and the existing
18 price for recyclables, and one can also imagine a
19 system where just like with Citi Bike or just like
20 with Human Service contracts, there needs to be a
21 look at—at how we're contracting for it, and if our
22 goals include paying workers better, continuing to
23 achieve higher recycling goals amidst a fluctuating
24 market. You know, there might have to be a look at
25

1 what's necessary. This is not only an issue of Sims,
2 its workers and what commodity prices are. It's also
3 a question of what-how the city engages with this
4 field, and if we collectively agree, and we have not
5 yet collectively agreed. But if we collectively agree
6 that workers have to be paid more, it might be
7 something that we have to take some ownership and
8 responsibility for and attention to as well. I
9 recognize that it's premature to get there, and as
10 long as they can deliver on their contract, that's
11 the contract you will have with them, but I don't
12 think it's premature to at least ask that there is
13 some acknowledgement of the broader set of
14 responsibilities and goals that we have, and that we
15 have a collective obligation to get through them.

17 COMMISSIONER GARCIA: So, what I would
18 say because I don't want to speak to this because
19 this is really Sims' place. You should ask them what
20 they pay their workers. You should ask them whether
21 or not they have 401(k)s. You should have them
22 whether or not there are bonuses, and you should ask
23 them whether or not they have a healthcare plan.
24 These are not home health attendants. You are not in
25 that same field, but the specificity you should leave

1 for Sims to discuss, but that's—they are required to
2 pay prevailing wages. And so if there are any trades
3 in their, you may have problems if there's an
4 electrician saying they all must meet prevailing wage
5 law, and that is how—and those are all high. I have
6 some of them I have to pay prevailing wage. None of
7 those folks are making below minimum wage or minimum
8 wage or anything like that. They are way, way above
9 that, and so I think that they—I don't want to mix in
10 apples and oranges. I don't think that there should
11 be the assumption that—that they aren't currently in
12 the marketplace making decent wages. So in sense.
13 (sic) So I think that I don't want to speak more to
14 it because I don't—I don't know the in and outs, but
15 I—I don't think it is analogous to a daycare center
16 or a home health attendant.

18 COUNCIL MEMBER LANDER: Well, let me use
19 a different analogy because I—I-it's, of course, it's
20 not—I'm not saying that they're making the same as
21 home health attendants, but I'll just give a
22 different analogy. When we decided to expand Pre-K,
23 right, to make sure that all 4-year-olds got
24 Universal Pre-K, some of that is done in our DOE
25 classrooms, and some of that is done in contracted

1 facilities and it was important to us not to leave a
2 big pay disparity between unionized workers in DOE
3 classrooms teaching 4-year-olds, and contracted
4 workers in non-profit organizations teaching the same
5 4-year-olds. I mean not the identical 4-year-olds,
6 but broadly, all our kids. You know, pay disparities
7 in that case between two very comparable sets of
8 workers was of concern to this Council and of concern
9 to the City, and we took steps to address it, and
10 making sure in that case they're contracted wages,
11 the wages of the contracted workers were raised. I
12 don't we got to total parity, but we—we made
13 significant strides. I'm not saying the same is true
14 here. Obviously there are different jobs between
15 what folks are doing in the Sims facilities, what
16 they're doing in the contracted private facilities
17 that Council Member Reynoso mentioned, and what your
18 employees are doing in the Department of Sanitation.
19 But this is a public/private system. We're in it.
20 Of course, the first step is for these workers to
21 organize and push and negotiate with Sims, and I
22 totally understand your point that like while that is
23 happening, it would be foolish for you to get
24 involved in it if it doesn't become a contract
25

1
2 dispute that interrupts their ability to meet the
3 contract. But I—just from our point of view. Maybe
4 let me not try to get you on the record here. I
5 guess I want to say what it looks like from—from my
6 seat. We've got a shared and collective
7 responsibility for making sure that the recyclables
8 are picked up, and all our other sanitation work is
9 done in a way, which balances those goals that I
10 mentioned before. You've made it clear that you care
11 about this set of issues, about pay, worker
12 treatment, worker conditions, worker safety pay
13 equity issues including gender equity issues, but
14 also pay disparities between comparable parts of the
15 field. And that's something we have a shared and
16 collective responsibility for, and the workers
17 organizing is what is kicking it off and pushing it
18 here, and those negotiations should obviously take
19 place first. But we can't withdraw ourselves either.
20 It is in a service that we are contracting for,
21 necessary for us to be a part of it. So I hope that
22 as it continues forward that the goals you very well
23 articulated here are ones that you continue to help
24 make sure we are meeting as a city. I'd love for
25 that to be possible without one additional penny of

1 taxpayer money. Don't get me wrong. That is by far
2 the best because the--the contract dispute can be
3 resolved, a good contract is put in place, and they
4 can move forward without us having to spend an
5 initial nickel of taxpayer dollars. But I also don't
6 know how the teachers of the 4-year-olds in the
7 private Pre-K classrooms would have been able to earn
8 more without us being willing to pay for it, and if
9 that becomes an issue that has to be discussed at
10 here, we'll take a look at.

12 COMMISSIONER GARCIA: I'm--I'm going to
13 say that just because Sims is sitting in the room, no
14 I'm not paying you any more. [laughter] I think that
15 you should get to the--I--I they have unionized
16 contracts now with their other facilities, and they
17 are still able to stay within what the city pays
18 them, and so, you know, part of where I really do the
19 base of when I think about this is, you know, the
20 deep respect that I have and the administration has
21 for workers' rights to organize, and also just more
22 broadly around the twin goals of sharing the burden
23 of waste structures. You know there's a garage on
24 25th Street I'd really like, too, and--and making sure
25 that we are achieving really, really high for the

1 building (sic) goals. Like I want us to be the
2 leader in the country of meeting these goals because
3 despite the fact that having a really warm winter,
4 made my lie a little easier. It's freaky that it is
5 this warm at the end of February even though climate
6 change apparently does not exist. There's—it's—it's
7 odd, and I think that like, you know, the city can be
8 a real leader around environmental work, and what
9 we're get—getting done here. And I think that cities
10 also will have to be leaders on this topic. It also
11 impacts us first particularly as a coastal city.
12 We're going to see--when things go the wrong
13 direction we're going to see it first, and it's
14 important for us to—you know if you ever go and speak
15 to little children, they tell you they think we're
16 screwing up, and they would like us to be doing more.
17 So, you know, we are always working at the department
18 to figure out how to push our goals on sustainability
19 faster. How—also I do get a get a lot of like I
20 believe that OMB would like to be spending less money
21 all the time. We're working on, and I'm hoping by
22 something by Friday. So we are--
23
24
25

2 COUNCIL MEMBER LANDER: [interposing]
3 We'll keep working to reduce the volume of plastic
4 bag and plastic films that you have to process--

5 COMMISSIONER GARCIA: [interposing]
6 [cheers]

7 COUNCIL MEMBER LANDER: --which would be
8 a big reduction into the city, but in any case, let
9 me get out of the way here. I appreciate that the
10 goal is to hear from Sims and the workers here. So I
11 don't want to carry this on any more, but-but thank
12 you.

13 CHAIRPERSON ROSENTHAL: Thank you so
14 much, Commissioner.

15 COMMISSIONER GARCIA: Thank you.

16 CHAIRPERSON ROSENTHAL: Really appreciate
17 your time. I think the next panel are the workers.

18 [background comments]

19 CHAIRPERSON REYNOSO: I hear they've got
20 to get to work so Jeffrey Gomez, Ms. Ciano, Juan
21 Paneta, and Jordi Lopez. [background comments] And
22 welcome to I. Daneek Miller from Queens, Council
23 Member. [pause] You guys just go right to the
24 front. Don't even worry about it. Just go right and
25 take a seat. [background comments] And we have a

1 translator for anyone that needs translation.
2
3 [Speaking Spanish] Who's the translator? Can you
4 raise—can you just sit next to them just in case?
5 Alright. [Speaking Spanish] Can you take a—can you
6 sit right there in the seat. [background comments]
7 Yeah, and then give him that mic. Perfect. Gracias.
8 Thank you. Do you guys have your order? [Speaking
9 Spanish] Okay, okay, okay, go ahead. You guys can
10 start. [pause]

11 GEORGIE GOMEZ: Good morning, ladies and
12 gentlemen. Thank you to the Sanitation Committee
13 Chair Antonio Reynoso and Contracts Committee Chair
14 Helen Rosenthal for inviting us to testify today.
15 With the workers, mechanics and operators of heavy
16 machinery and—at Sims, have decided to raise together
17 and demand better conditions of—of work. We the
18 employees of Sims Metal Management are very excited
19 about the step we have taken the join the Local 210
20 of the Teamsters International Brotherhood and demand
21 better conditions, benefits and respect for Sims—from
22 Sims. For too long Sims' managers have treated us
23 like children. When we complain about unfir—unfair
24 schedules, or expensive medical coverage or
25 favoritism, we are told we should quit if we don't

1 like it, and enough is enough. In July 2016, Sims
2 workers approached the Teamsters about problems we
3 are having at Sims. The union helped us start an
4 organizing committee. Soon, we were talking to all
5 co-workers about forming a union. By the winter the
6 vast majority of us had signed—had signed union
7 authorization cards. At this point 80% of the
8 workers have signed union authorization cards. In
9 December we informed Sims' manager—man—management,
10 sorry, that a majority of workers have signed cards
11 and request that Sims recognize all union and begin a
12 union contract. Sims re—re—refused. Instead of
13 respecting our wishes, Sims respond with threats and
14 other unfair attempts to break our union. We have
15 gone to the Labor--National Labor Relation Board and
16 offer sworn testimony about these unfair labor
17 practices. We have a prior charge saying that Sims
18 offered improved benefits if workers oppose their
19 union, tracking workers who support the union, deny a
20 promise—denied a promise of pay raise to our workers
21 who support the union, gave more—one raise to a
22 worker who support the union, send a worker home
23 without pay one day for supporting the union, and
24 told the workers that it will be useless to organize
25

1 our union. It should not be acceptable for-for a
2 company with a billion dollar contract with the city
3 to treat us-to treat its workers like this. Everyday
4 we are working along side City Sanitation workers.
5 The Department of Sanitation officials are regularly
6 in our plant. It will-it will not be okay to treat
7 city workers like this, and it's not okay to treat us
8 like this. We did not Sims union bust to scare us.
9 We keep fighting for all unions. We wear Teamster
10 stickers in our helmets. We all signed an
11 application to management asking our co-worker, Juan
12 Paneta to be returned to his mechanical position.
13 Sorry. Juan was demoted after he spoke in favor of
14 the union. When they denied our petition, we added a
15 Justice for Juan sticker to our helmets. We have
16 repeatedly railed outside-rallied outside Sims
17 including two weeks ago with Council Member Menchaca.
18 We did all this because we want our union contract.
19 We tried everything to show Sims that we are serious
20 and we won't back down until we get our-our union but
21 Sims have just-has-has been stubborn. We have only
22 one option left: A strike. If Sims won't let us
23 work union, then we won't work. I don't have to tell
24 you that a strike will be hardest on-on us workers,
25

1 but we will accept that hardship to get our union.
2
3 Sims is not giving us an alternative. Thank you very
4 much for holding this hearing, and—and listening to
5 the workers at Sims. It's often like nobody listens.
6 Now the whole city is listening, and we feel having
7 the community support, and again we are not—this is
8 not a fight against Sims. We want to work with Sims
9 to make working conditions better. Thank you.

10 CHAIRPERSON REYNOSO: Thank you.

11 [applause] Can and what—what your name. What was
12 your name?

13 GEORGIE GOMEZ: Georgie Gomez.

14 CHAIRPERSON REYNOSO: Georgie Lopez. Oh,
15 I'm sorry. Thank you. Next person, and just state
16 your name—state your name, please.

17 JOSE GARCIA: Hello, everyone. My name
18 is Jose Garcia. I was—I was—I was working like a—as
19 Americano for the Sims Metal Management. I was born
20 in India and raised in Fiat (sic). As you have been
21 able to hear from my—sorry. As you—you have been
22 able to hear from my colleague who participate—
23 participated before me, our work is difficult. It's
24 very at risk, but we like to work. Well, we do it,
25 and we do it well. We have offerered the plan, and

1 it's-it's our un-veilment of what we want (sic) with
2 Sims. That being so, why are we the only Sims
3 facility that is not a 100% a budget (sic) unit.
4 Sunset, Brooklyn up in there were intending to form
5 our union on several occasions. Each time employees
6 promised also to convince us that they were going to
7 treat us well, then that they were going to attend
8 and shoulder our program, but each time it was so
9 small, it could be the same. I've used fairer
10 things-fairer DSNY and fair dismissed and so on.
11 We've given Sims enough opportunity to attend to the-
12 to the need of-of the worker and they did not do it.
13 We have decided that the only alternative is for us
14 union or organize it with the Teamsters. We are
15 united and every day-every day we are more solid. We
16 will keep united and we will become a Teamster. We
17 want to be a Teamster, and we want to contract. I
18 will end by saying what my colleague Georgie have
19 said, nobody wants to strive, but we are willing to
20 do whatever it takes to be recognized and invited in
21 the Union and get a contract. If that is the only
22 alternative we are going to strike. Thank you very
23 much. They really was here (sic), and I will just
24 say we don't want to strike, and what we want-we just
25

1 want fair for fair, the fairest opportunity and the
2 best for the Sims because we work in Sims because
3 that is our company, and we don't want nothing to
4 happen with the company. We're want more benefits
5 and equality for all. That's it. Thank you.

7 [applause]

8 CHAIRPERSON REYNOSO: Thank you. I think
9 this on you're going to translate.

10 JOSE LOPEZ: [Speaking Spanish]

11 TRANSLATOR: My name is Jose Deval Lopez

12 JOSE LOPEZ: [Speaking Spanish]

13 TRANSLATOR: I come from the Dominican
14 Republic.

15 JOSE LOPEZ: [Speaking Spanish]

16 TRANSLATOR: I work as an operator for
17 Sims Management.

18 JOSE LOPEZ: [Speaking Spanish]

19 TRANSLATOR: Okay, I'm here to talk about
20 some of irregularities, and I'm not going to talk
21 about all of them because then we'll be spending too
22 long here. [laughter]

23 JOSE LOPEZ: [Speaking Spanish]

24
25

TRANSLATOR: In one case that caught my
atten-my attention was the case of the co-workers
Gary Corden (sp?) [coughs].

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: He used to work as a
mechanic and mechanics, as you know, get very dirty.
That's their job.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: His uniform was very dirty,
so he got to use another uniform from of another co-
worker.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: And because of this, he was
sent home.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: He was fired from the
company.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: Gary was an excellent
worker, and we all signed a petition given to the
company so they would take him back.

TRANSLATOR:

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR:

2 JOSE LOPEZ: [Speaking Spanish]

3 TRANSLATOR: There also was—that they
4 said no.

5 JOSE LOPEZ: [Speaking Spanish]

6 TRANSLATOR: He became homeless with his
7 wife and two kids.

8 JOSE LOPEZ: [Speaking Spanish]

9 TRANSLATOR: And it was—it would be very
10 difficult for him to get to another job because he
11 needed references, and according to the company what
12 he did was a stealing because using a uniform that is
13 not yours is what is considered stealing.

14 JOSE LOPEZ: [Speaking Spanish]

15 TRANSLATOR: But that person is no longer
16 with us.

17 JOSE LOPEZ: [Speaking Spanish]

18 TRANSLATOR: I'm going to talk to you
19 about people who are ought to stay with us.

20 JOSE LOPEZ: [Speaking Spanish]

21 TRANSLATOR: In the case of Jordi Lopez--

22 JOSE LOPEZ: [Speaking Spanish]

23 TRANSLATOR: One day Jordi went to his
24 manager and asked permission to go home because he
25 was feeling like he was going faint.

2 JOSE LOPEZ: [Speaking Spanish]

3 TRANSLATOR: And the manager told him
4 that if he left, he would be sanctioned.

5 JOSE LOPEZ: [Speaking Spanish]

6 TRANSLATOR: The result was that 12
7 minutes later Jeremy went to the hospital in
8 ambulance.

9 JOSE LOPEZ: [Speaking Spanish]

10 TRANSLATOR: And the doctor diagnosed him
11 that he was not able to work.

12 JOSE LOPEZ: [Speaking Spanish]

13 TRANSLATOR: And he's staying home for a
14 few days.

15 JOSE LOPEZ: [Speaking Spanish]

16 TRANSLATOR: Another case that caught my
17 attention also is the case of Mareno Morrell. sp?)

18 JOSE LOPEZ: [Speaking Spanish]

19 TRANSLATOR: While he was working and
20 using equipment from the company--

21 JOSE LOPEZ: [Speaking Spanish]

22 TRANSLATOR: --he got in an accident.

23 JOSE LOPEZ: [Speaking Spanish]

24 TRANSLATOR: He suffered a very big wound
25 in one of the extremities.

2 JOSE LOPEZ: [Speaking Spanish]

3 TRANSLATOR: Then he was taken to a
4 hospital, and his wound required stitches.

5 JOSE LOPEZ: [Speaking Spanish]

6 TRANSLATOR: And we realized later on
7 that Mareno was using an equipment that he was not
8 ready to us.

9 JOSE LOPEZ: [Speaking Spanish]

10 TRANSLATOR: Even they put him to work
11 and got him to work with that equipment nonetheless.

12 JOSE LOPEZ: [Speaking Spanish]

13 TRANSLATOR: Okay, and-but there was
14 surprisingly more with the company knowing that, you
15 know, the seriousness of his wound, and all the
16 stitches, and they make him come every day from Bronx
17 to Brooklyn. So he got-he got to sign in--

18 JOSE LOPEZ: [Speaking Spanish]

19 TRANSLATOR: --to be eight hours sitting
20 down because he had sign to in.

21 JOSE LOPEZ: [Speaking Spanish]

22 TRANSLATOR: What happened is that Mareno
23 had to go back to the hospital because his wound was
24 infected.

25 JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: And the administrator gave me advice by telling me they want us to speak Spanish.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: That they told us to shut up in the meetings.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: Sometimes we said let's pray. So the boss would be in a good mood today, and we wouldn't have any problems.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: And they want to others sort of view the honorable commander and the public, but if it's more than anybody else because they put out of the company.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: They make a ton of breach.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: And so telling me for a few times—many times that this is not personal.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: We want the company to grow and to be prosperous.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: What we want is a contract so we got that official paper that we can refer to when we want to find out how things are going bad or good.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: We give the names of the people that we have today with me, the administration of the company are people like us with their families, and we want them to grow and to be good the same way that—that we want that for us.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: Okay, we want something that unite us. We selected the Teamsters to represent us.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: They know today whatever the city doesn't want, the garbage is taken to where we are.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: Since it gets full—full of garbage and with other materials.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: We thank God for all the garbage of New York.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: We could tell our children,
but they know that.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: But what we want is just
treatment.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: And I think that this is
powers. You have the possibility for us to get what
we want.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: But regardless of helping,
we have the guts to stand up for ourselves and demand
what we want.

JOSE LOPEZ: [Speaking Spanish]

TRANSLATOR: Thank you. [applause]

JUAN PANETA: [Speaking Spanish]

CHAIRPERSON REYNOSO: [Speaking Spanish]

TRANSLATOR: Good morning, ladies and
gentlemen.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Okay, I got very surprised
when I see the face of surprise.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: That when I just had when it
seemed like a worker was talking.

JUAN PANETA: [Speaking Spanish] [coughs]

TRANSLATOR: I realized something.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: When he thought it was the
Mareno Morrell--.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: --that he was relating that
we're separating a machine and he had an accident.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And at the end of the light
that day, this same machine didn't have the platform
that it had to have by law in order to be operated.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I think that it had to be
very simple to guide it because Morrell didn't take
another measure against the company.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I don't know if it was out
of fear or what?

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: But okay, that's all in the
past.

2 JUAN PANETA: [Speaking Spanish]

3 TRANSLATOR: And what is important is
4 that everything is okay now.

5 JUAN PANETA: [Speaking Spanish]

6 TRANSLATOR: And the it was worse on him
7 when he mentioned the name of Ronnie Burnel.

8 JUAN PANETA: [Speaking Spanish]

9 TRANSLATOR: It seemed that he didn't
10 remember the name or if he didn't know that.

11 JUAN PANETA: [Speaking Spanish]

12 TRANSLATOR: He was fired for using the
13 uniform of another co-worker.

14 JUAN PANETA: [Speaking Spanish]

15 TRANSLATOR: Okay, it seems to me that
16 there's some stuff that could help him that he
17 doesn't know about it, or the rest of the company
18 hasn't communicated about it.

19 JUAN PANETA: [Speaking Spanish]

20 TRANSLATOR: My name is Juan Paneta.

21 JUAN PANETA: [Speaking Spanish]

22 TRANSLATOR: I am Dominican and I reside
23 in Sunset Park.

24 JUAN PANETA: [Speaking Spanish]

25

TRANSLATOR: And I'm very proud to have a council that is like our brother, Mr. Menchaca.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I've been working for Sims for about two years and a half.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I've been working for Sims for about two years and a half.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I had to work under extreme conditions many times.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Sims is a name that they had in the cold weather.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I'm very cold when the weather is cold.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: I know this because of the lack of a good heater.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And during the cold weather you cannot feel the tips of your fingers or your toes.

2 JUAN PANETA: [Speaking Spanish]

3 TRANSLATOR: During the summer it's so
4 hot that you feel that—that you're going to faint or
5 you're going to fall down.

6 JUAN PANETA: [Speaking Spanish]

7 TRANSLATOR: The company tries to look
8 for solutions that—that are only short-term solutions
9 but permanent hasn't been so.

10 JUAN PANETA: [Speaking Spanish]

11 TRANSLATOR: When you need a small break
12 for going to the bathroom, you just have to sign the
13 thing that you stopped working, and you have to sign
14 again when you come back to work.

15 JUAN PANETA: [Speaking Spanish]

16 TRANSLATOR: I don't understand. That is
17 something like being in the military. I don't get
18 it.

19 JUAN PANETA: [Speaking Spanish]

20 TRANSLATOR: Most of the time there's
21 only one person when you need them, and also when
22 somebody wants to go to the bathroom and have some
23 water.

24 JUAN PANETA: [Speaking Spanish]

25

TRANSLATOR: Okay, it's a problem with somebody feeling sick or to their stomach or something like that because since there's only person to relieve, and maybe on occasion that two people want to look at your background at the same time, it can create a faulty (sic) kind of situation.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Okay, and like my co-workers for Sims said we work with garbage so we are exposed to bacteria all the time.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: It-it smells.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: There are dead animals--

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: --among other things.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: A few months ago while we were working a gas exploded.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: It was the lights. (sic)

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Somebody had to pull the millions of cords.

2 JUAN PANETA: [Speaking Spanish]

3 TRANSLATOR: Because in less than a
4 minute it's expanded.

5 JUAN PANETA: [Speaking Spanish]

6 TRANSLATOR: Everybody start coughing
7 stronger.

8 JUAN PANETA: [Speaking Spanish]

9 TRANSLATOR: And so I'm feeling
10 suffocated.

11 JUAN PANETA: [Speaking Spanish]

12 TRANSLATOR: For that reason somebody had
13 to pull the emergency cord because we didn't know
14 what it was.

15 JUAN PANETA: [Speaking Spanish]

16 TRANSLATOR: Everybody had to come down
17 for the telephone. Very freaky.

18 JUAN PANETA: [Speaking Spanish]

19 TRANSLATOR: Then we were told--

20 JUAN PANETA: [Speaking Spanish]

21 TRANSLATOR: --that there was some pepper
22 gas that day, pepper spray that spray that they were
23 using.

24 JUAN PANETA: [Speaking Spanish]

25

TRANSLATOR: Well a half and hour later
they do processes that work again.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: We work with all kinds of
garbage like a wood, paper and glass.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And ultimately there is some
open stuff in there.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And they don't provide—they
don't—it doesn't say it's an official mask.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: They claim they do protect
us at that place.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: We are not like in 10 or 15
years--

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: --the Council might be in
the picture. (sic)

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Launch one Council. I don't
know.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Especially when you're
working with the glass--

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: --that expands in there.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And I also—I repeat we don't
know that it's noose in the air—in the air because it
hasn't been in the dirty dump with that.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: So if in the land ones it
doesn't happen directly then it will also fail (sic)
us to us and to our families.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: We're going to help our
children and our families.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: That in most of the cases it
depends on us.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: That's why we're—we're
fighting about to catch the attention when we are set
or when we finish working at Sims.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: So, I-I-ideally the story or
an evaluation should be done about the air to
guarantee that we are in a better environment.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And besides the emissions
that we catch so far, there's a lot of fear in the-
from the employees.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: They are-they are afraid to
be scolded for simple things.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Or to be fired.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: They-and also workers wanted
to come to hearing so you can-they can speak to you.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: That-that there are still
fears. So they say okay, we are all united but you
go.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: They fear and believe that
greed with the management they are-there are seeing
it for what it isn't.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: We have seen a slight allergic on my treatment. So the others think differently from them.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And that's why they are trying to divide the movement that—that we're trying to create that is in favor the company and the staff.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Their—their mistake. They - we are more united and more solid—or solid in this project.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: In spite of everything that I have said, I enjoy my work. We enjoy our work and we are used to—to the job.

CHAIRPERSON REYNOSO: [Speaking Spanish]

[laughter] Gracias.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: Okay, in my personal case I was working as a mechanic for a year. I was training the work for mechanic.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: They knew that I was involved in this junior thing so I didn't get the raise.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: And in January of this year, I was demoted from mechanic to what I used to do originally a picker.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: We know that they use these methodology to intimidate.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: But with the letter we sent in this case at the time.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: We are not—we are not going to use that on this case.

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: So in a good way--

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: --I ask you--

JUAN PANETA: [Speaking Spanish]

TRANSLATOR: The—so I ask you in a good forum that we administer (sic) so we can get to what we want, and the contact and--

2 JUAN PANETA: [Speaking Spanish]

3 TRANSLATOR: --nothing is personal.

4 JUAN PANETA: [Speaking Spanish]

5 TRANSLATOR: We --I love Sims because we
6 make a living out of that.

7 JUAN PANETA: [Speaking Spanish]

8 TRANSLATOR: But we have to trade.

9 JUAN PANETA: [Speaking Spanish]

10 TRANSLATOR: Very good. Thank you the
11 honorable Council. [applause]

12 CHAIRPERSON REYNOSO: Gracias.

13 [background comments]

14 JEFFREY GOMEZ: Good morning, ladies and
15 gentlemen. My name is Jeffrey Gomez. I am Puerto
16 Rican and was born and raised and still live in
17 Brooklyn. I have been working for Sims for about a
18 year, and it has been--been a great experience. I am
19 constantly anxious that I could be fire regardless of
20 you doing your job correctly. Management makes a
21 point of reminding us there's a process waiting to
22 fill our jobs. The high turnover rate makes us feel
23 dispensable. They show no appreciation whatever for
24 the work we do. One of the biggest, most--most
25 important issues is the medical issues. It is too

1 expensive we know for coverage as we encourage. I
2 want to give you an example of personal in that. I
3 have a daughter, and I was just recently diagnosed
4 with cancer last month in December. When I went to
5 get insurance, homeowner's insurance and for the
6 children of mine (sic) and I thank God for that
7 because then I think it will turn. I recently go
8 down for my medical treatments, and if I would have
9 used that coverage, I would have been drowning in
10 bills right now. I thank God that she did put me
11 well when she told me. Okay. Affording my health
12 care needs has been hard for me and my family, and a
13 good health insurance benefit for me and my family.
14 Health is everything because without health you can't
15 do anything. I missed several doctor's appointments
16 due to expensive co-payments. If I saw my primary
17 care doctor and then he referred me to see a
18 specialist, that \$80 total, \$30 for primary care
19 doctor and \$50 for the specialist. I can't afford on
20 what Sims pays especially if I have to miss work
21 after getting hurt on the job. I don't get—and don't
22 get me started on the prescription co-pay and other
23 charges. I have nine prescriptions at the time of
24 the accident, which I haven't been able to pick up.
25

1 I'm having a hard time affording food and bills are
2 getting backed up, and I am behind on rent. Every-
3 every dollar makes a difference here. I just the
4 move—the movement of a union after getting tired of
5 seeing the abuses with respect toward the co-workers.
6 Management and also the radio is—was prohibit to
7 speak—speak Spanish. They purposely hire workers
8 that do not speak English thinking they are more
9 vulnerable and easy to manipulate. Then they tell us
10 that we cannot—we can't communicate in the language
11 even that—that is a safety issue. The scheduling
12 system is also not fair. Sims manager pick their
13 favorites to work during the holidays where there is
14 good pay. Other times when no one wants the
15 overtime, they force people to work without any
16 respect for seniority. I recently got hurt, and had
17 to leave Sims in an ambulance. Today, about four
18 weeks later, they still haven't provided me with a
19 report to return to the doctor's. They didn't even
20 give me the name of the company that handles the
21 workers' compensation for Sims, and I—I want to add
22 another note to that. If they wanted look like in
23 the cameras when I showed—when—when I was on the line
24 and I got hurt, it's totally visible in the camera.
25

1 They had to look at that, but \$3,000 was—one, it just
2 recently came up on the line, and they was unable to
3 go back and focus and see anybody was taking anything
4 from the line. They never—they bother taking a look
5 when I got injured. I have been to the company and
6 spoken to one of the managers, Scott Quinn, and to
7 Yvette from HR, and no one seems to be interested in
8 offering any help. I feel like they are having it in
9 for me because I wouldn't support the union. I went
10 to the NRB, and filed chares against the company and
11 now I live in constant fear of losing my job any
12 minute because if you dare express your opinion you
13 become a target. The company should want us to have
14 a job security, too, because happy workers work
15 better. When you have a union to represent to on
16 contract, you are a lot more productive. We tried to
17 reason with the company. It doesn't work without
18 representation. Because of that, we have decided
19 that although no one wants to strike, we are willing
20 to strike, and do anything necessary to get our union
21 in a contract. Thank you. [applause]

23 CHAIRPERSON REYNOSO: And so I think
24 some—some Council Members are going to ask question.
25 [Speaking Spanish]

TRANSLATOR: Okay, when you were demoted were you given an explanation of why.

JUAN PANETA: [Speaking Spanish]

CHAIRPERSON REYNOSO: So he said—he said that—he said that five is all they need even though traditionally they six or more, and currently they're training somebody to take that job that they said didn't exist for him. The—and for you, the—the video of the incident, have you see the video of your incident

JEFFREY GOMEZ: No I have not, but I mentioned it to HR and I told, too, a few days after I came out of the hospital. I told here well—what—what they said what I got to go through that day. They thought it was a heart attack. It wasn't, but I know on—on—on the video as Tony showed me holing my arm and my and my chest, they knew I was hurt, and the went for me.

CHAIRPERSON REYNOSO: Have they—have they denied you the—the access to that video.

JEFFREY GOMEZ: No and I would think they would look back on it due to the fact that, you know, it's an injury or something happened within the premises. So I would think that—that's their

1 responsibility to ensure that--that--that a person
2 would know who's on line or know what's happening or
3 to see what actually happened when I was there, all
4 the things that were happening, you know. But the
5 thing is and I mentioned it, you know, like I said
6 like mine shows up in the line, and they take it upon
7 themselves to actually go the next and rewind and to
8 make sure and, you know, look there and see who's--and
9 see if anybody has got anything off the line, and see
10 where their body is. (sic)

12 CHAIRPERSON REYNOSO: Right, so it kind
13 of just shows the priority of where the company is
14 at--

15 JEFFREY GOMEZ: [interposing] Yes,
16 correct and that's what I'm trying to say.

17 CHAIRPERSON REYNOSO: --and like when it
18 comes to an injury they don't necessarily look
19 through it when it comes to some money on the line.

20 JEFFREY GOMEZ: [interposing] Yes, I
21 would say yes, they have that concern on employees'
22 health and, you know, for anything and they will
23 probably look back on that as a priority. Then we
24 are more than the money.

25

2 CHAIRPERSON REYNOSO: Now, the—the young
3 man that was fired or the—the employee that was fired
4 because of taking an employee—another employee's
5 uniform because his was dirty, did the employee—the—
6 the uniform that belonged to the other employee did
7 he ask for—for permission to—to use that or is like a
8 mechanic that wasn't in so he just like said look,
9 I'll take his—I'll take his today and I'll give it
10 back tomorrow? What was the case there? [Speaking
11 Spanish]

12 JOSE LOPEZ: [Speaking Spanish]

13 CHAIRPERSON REYNOSO: So he's saying that
14 when—when—when they found out that he had somebody
15 else's uniform on, he didn't even get an opportunity
16 to explain whether he asked permission or what
17 happened. He was let go immediately. [Speaking
18 Spanish] [applause] [background comments] Let me
19 just try. I just said that we want to make sure that
20 they have the right to negotiate that it's fair that
21 in this Council we look down upon any opportunities
22 of not allowing for folks to—to not unionize, and
23 that here we will have their back in making sure that
24 they get a fair shot of being able to—to unionize if
25 that's what they want. [applause]

1
2 CHAIRPERSON ROSENTHAL: Well, thank you
3 for translating that because that's what I was going
4 to say, [laughter] and I want to thank you very much
5 for coming forward and testifying today. I can tell
6 how much courage that takes, and it's—it's—that's not
7 lost on us, and I'm going to echo Antonio's—Council
8 Member Reynoso's assurance that we have your back.

9 CHAIRPERSON REYNOSO: [Speaking Spanish]
10 Council Member Carlos Menchaca.

11 COUNCIL MEMBER MENCHACA: Thank you,
12 Charis and [Speaking Spanish] And I just—I just
13 translated. I just want to say that I'm—I'm also
14 commending their testimony today and the courage that
15 they have and the confidence that they have in the
16 City Council to come and talk about what is
17 happening, and that as we—as we talk about the city,
18 this is how it's supposed to work. Where testimony
19 is given like this and we hear it and we provide
20 oversight and this is—this is sanctuary city, we're
21 fighting—we're—we're—on a daily basis redefining what
22 it means to be a sanctuary city, and for these
23 immigrant workers to be talking about this in the way
24 that they are, we're with you on every—in every step
25 of the way, and I know-- I don't want to take too

1 much time because I think your—your testimony every
2 single one of you presented some issues that we need
3 to have addressed. Sims will be—will be testifying
4 soon so we'll get some answers about what's
5 happening, how they're responding, and—and in the
6 same voice we're—they're saying they love Sims.
7 They—they see the future of Sims the way that we see
8 the future of Sims and they want it better, and part
9 of that road to better is union and representation
10 and so I'm—I'm not only in support, but this is the—
11 this is the future of this city on so many different
12 levels. And—and I think what I want to say, too, or
13 ask is Sanitation here, the Commissioner's Office?

14
15 MALE SPEAKER: [off mic]

16 COUNCIL MEMBER MENCHACA: Thank you,
17 awesome. Then the—the next thing I want to say or
18 let me ask one question, Jeffrey maybe if you want to
19 talk a little bit about this one thing. You
20 mentioned the name Mr. Quinn as the—he's the
21 supervisor.

22 JOSE LOPEZ: Yes.

23 COUNCIL MEMBER MENCHACA: I—I know he's
24 not here today, and I think there's going to be a
25 representative here the—the—and I don't actually know

1 the—I guess the—the Director, the Executive Director
2 Tom Outerbridge (sp?). What is your relationship to—
3 to those two folks? Like for example Quinn—Mr. Quinn
4 is on the grounds so—so he's a direct supervisor.
5 For Mr. Outerbridge is—is he—is he also a—a direct
6 line? Can you go and have communication with him?
7 Is that how it works? I'm—I'm just kind of curious
8 about—about relationships and how you report and to
9 who you report as you—as you have issues that you
10 presented today?
11

12 JEFFREY GOMEZ: I usually deal with Scott
13 Quinn. Normally we don't see Tom Outerbridge a lot.
14 He may be in the office. He's just—he's not working
15 on the grounds or I don't see him. Yeah I usually
16 deal with Scott Quinn and he's, anything that
17 happens, you know, we have to report or any incident
18 I think we go to him and—and let him know what's
19 going on.

20 COUNCIL MEMBER MENCHACA: Okay, so he's
21 the one that you take the--

22 JOSE LOPEZ: Yes.

23 COUNCIL MEMBER MENCHACA: And this is
24 kind of the sentiment for everybody right?

25 JOSE LOPEZ: Yes.

2 COUNCIL MEMBER MENCHACA: Okay. So the
3 last thing I want to say is I want to—I want to have
4 the other Council Members ask questions, but I know
5 tomorrow is Ash Wednesday and—and we've been talking,
6 and so it's going to be a beautiful moment when we
7 bring the—one of our local pastors or priests to come
8 and give ashes to all of you, and really in prayer as
9 we begin a very holy time for so many of us who are
10 Catholic that we—and—and Christian that we—we can
11 kind of celebrate together on—on that front. So I
12 will be there tomorrow during one of the breaks, and
13 so I hope to see you all just begin the journey to
14 re-commit to journey of justice with the opportunity
15 for everybody to have an opportunity to be a hero.
16 Even Sims has an opportunity to be a hero even in
17 this moment, and I'm really happy that they're here
18 today. Okay, thank you.

19 CHAIRPERSON REYNOSO: And I want to say
20 it is Ash Wednesday tomorrow. It was Dominican
21 Independence Day yesterday [background comments] and
22 they're—they're sitting. Most of them are Dominican
23 that I'm seeing, that I'm hearing from so [Speaking
24 Spanish]. Ash Wednesday [Speaking Spanish] But I
25 just want to recognize that Dominican independence

1 and it's like looking at the moment that we have now,
2 and seeing so many Dominicans involved in this
3 movement. [Speaking Spanish]

4 COUNCIL MEMBER MILLER: [off mic] Got I
5 t.

6 CHAIRPERSON REYNOSO: Council member
7 Miller. [applause]

8 COUNCIL MEMBER MILLER: Thank you, Chair
9 Reynoso. Thank you to the workers that are here
10 today. It is a-a real first step in joining a
11 movement, the Labor Movement that has transcended
12 lives of working men and women throughout this
13 country and in particular here in New York City and
14 you deserve that right. More than anything you've
15 been a real part of the immigrant experience the New
16 York City experience, and you will not be denied that
17 experience. So I do have some very specific
18 questions to kind of be able to drill down for. As a
19 matter of fact, as we get to the management portion
20 of that and-and-and that is can someone speak to the
21 work conditions first starting with-with-with wage
22 compensation? What is the beginning salary at Sims
23 for-and you can identify the titles that go on
24

1 whether it's a mechanic or a laborer. Can anyone
2 answer that? [background comments]

3 CHAIRPERSON REYNOSO: [Speaking Spanish]

4 JOSE LOPEZ: [Speaking Spanish]

5 CHAIRPERSON REYNOSO: \$14 and hour for
6 picking, which is like the entry level job.

7 JOSE LOPEZ: [Speaking Spanish]

8 CHAIRPERSON REYNOSO: And they got \$18--
9 \$18.50 when they become--after six months, when they
10 become laborers.

11 JOSE LOPEZ: [Speaking Spanish]

12 CHAIRPERSON REYNOSO: They go up about
13 \$1.50 from that when they move up to mechanics.

14 JOSE LOPEZ: [Speaking Spanish]

15 CHAIRPERSON REYNOSO: And depending on
16 the--the rules and change--the rules change--the salary
17 changes depending on the rules that are put forth by
18 the company.

19 JOSE LOPEZ: [Speaking Spanish]

20 CHAIRPERSON REYNOSO: And is that with
21 the case of Juan who was there for year and never got
22 a raise, and if anything got a demotion.

23 COUNCIL MEMBER MILLER: Is--is there wage
24 progressions based on how much--how much--how long you
25

1 spend with the company? Do you get a raise based on
2 items—the type.

3
4 CHAIRPERSON REYNOSO: [Speaking Spanish]

5 JOSE LOPEZ: [Speaking Spanish]

6 CHAIRPERSON REYNOSO: He says yearly they
7 would see about a 50 to 55 cent raise.

8 COUNCIL MEMBER MILLER: How long have you
9 been with the company?

10 CHAIRPERSON REYNOSO: [Speaking Spanish]

11 JOSE LOPEZ: Three years and three
12 months.

13 COUNCIL MEMBER MILLER: How much was your
14 annual when you started?

15 [Speaking Spanish] CHAIRPERSON REYNOSO:

16 JOSE LOPEZ: [Speaking Spanish]

17 CHAIRPERSON REYNOSO: \$14.00.

18 COUNCIL MEMBER MILLER: \$14.00. What do
19 you earn now?

20 CHAIRPERSON REYNOSO: [Speaking Spanish]

21 JOSE LOPEZ: [Speaking Spanish]

22 CHAIRPERSON REYNOSO: \$21.50.

23 COUNCIL MEMBER MILLER: Okay, so you're a
24 mechanic.

25 CHAIRPERSON REYNOSO: [Speaking Spanish]

2 JOSE LOPEZ: [Speaking Spanish]

3 CHAIRPERSON REYNOSO: He's an equipment-
4 equipment operator.

5 COUNCIL MEMBER MILLER: Okay.

6 JEFFREY GOMEZ: I am a mechanic.

7 COUNCIL MEMBER MILLER: And what do you
8 earn?

9 JEFFREY GOMEZ: \$22.

10 COUNCIL MEMBER MILLER: \$22.

11 CHAIRPERSON REYNOSO: It certainly gets
12 my attention.

13 COUNCIL MEMBER MILLER: How long have you
14 been with the company?

15 JEFFREY GOMEZ: A year and a half.

16 COUNCIL MEMBER MILLER: And what kind of
17 training have you received? That goes for everybody.

18 JEFFREY GOMEZ: What kind of training?

19 COUNCIL MEMBER MILLER: Training do they
20 provide?

21 JEFFREY GOMEZ: Oh, about what they're
22 able training mechanics and all those, as you know in
23 order change the-the bailer or have rulers-rollers
24 and learning the system like and how to use the

25

1 system, you know, you know, running--running all the
2 system of the company.

3
4 COUNCIL MEMBER MILLER: So you have
5 certifications?

6 JEFFREY GOMEZ: No.

7 COUNCIL MEMBER MILLER: Could you take
8 this field set to another company?

9 JEFFREY GOMEZ: What?

10 COUNCIL MEMBER MILLER: Could you take
11 what you learned here to another company without
12 paper--

13 JEFFREY GOMEZ: I don't think so.

14 COUNCIL MEMBER MILLER: --and get a job.

15 JEFFREY GOMEZ: I don't think so.

16 COUNCIL MEMBER MILLER: What kind of
17 safety training have they provided?

18 JEFFREY GOMEZ: They--they give you safety
19 training I guess every--every three or six months they
20 give you training--training of what you have to do and
21 what you--you can do, and you have to put the lock on
22 every machine you are going to work or any area of
23 the company you--you have to have lock up first--

24 COUNCIL MEMBER MILLER: Uh-huh.

1
2 JEFFREY GOMEZ: --with the lock and the
3 keys first.

4 COUNCIL MEMBER MILLER: Chemical
5 training, has there been a chemical training, safety
6 training?

7 JEFFREY GOMEZ: They only give us
8 something around the--the thing that shows the
9 different kind of things that we have to know
10 affecting us.

11 COUNCIL MEMBER MILLER: Okay. So, is--do
12 you--would you know that--that your--your wage
13 compensation or salaries is that consistent with
14 other companies within the industries whether they're
15 unionized or non-union? Is it more or less or you
16 just don't know.

17 CHAIRPERSON REYNOSO: [Speaking Spanish]

18 JEFFREY GOMEZ: We know essentially the
19 whole company was like the same as two years ago what
20 we have now.

21 COUNCIL MEMBER MILLER: Okay so you--you
22 guys are little further--further behind in--

23 JEFFREY GOMEZ: Yes.

24 COUNCIL MEMBER MILLER: --in pay. Okay
25 in terms of injuries--injuries that occur on the job,

1 someone said that they had a problem—they were
2 injured while on duty or injured on the job—on the
3 job. Is—is there somewhere within HR someone who's
4 managing the workers compensation portion of that?
5 Is there workers compensation guidelines posted in
6 English and Spanish, and are those things being lived
7 up to?
8

9 JEFFREY GOMEZ: No, within the premises
10 that I've seen, no. I haven't seen anything like
11 that.

12 COUNCIL MEMBER MILLER: So after your
13 injury were you given any-any forms to—to fill out?

14 JEFFREY GOMEZ: No, I actually--

15 COUNCIL MEMBER MILLER: C3s or C4s?

16 JEFFREY GOMEZ: Actually when like two
17 weeks ago when I asked them for a copy of the report,
18 he—he—Harry (sic) has responded to the HR. He read
19 about it. She told me to speak to Scott and I tried—
20 I went and I spoke to Scott about—to the report. He
21 said that he don't know what I'm talking about that—
22 that he only knows what—he only knows what Christian
23 told him that I just left in an ambulance and that
24 was it.
25

1
2 COUNCIL MEMBER MILLER: Has-is there
3 anyone else been injured while on duty and did the
4 workers see that or anyone that you know of?

5 JEFFREY GOMEZ: Oh, there's just-I think
6 a new worker that just started a couple months. He
7 calls like some kind of like a muscle spasm on his
8 leg. He fell to the floor. Me-I myself helped him
9 get downstairs--

10 COUNCIL MEMBER MILLER: Uh-huh.

11 JEFFREY GOMEZ: --and sat him down.
12 Tracy at the moment at the moment, Tracy has just
13 been a supervisor at night. I'm sure she, you know,
14 she got down and telling him that if he wanted to
15 call a friend or somebody to come and pick him up and
16 take him to hospital. He said no he wanted an
17 ambulance, and then she said mucho dinero

18 COUNCIL MEMBER MILLER: Okay.

19 JEFFREY GOMEZ: And the ambulance was
20 denied.

21 COUNCIL MEMBER MILLER: Yes.

22 JEFFREY GOMEZ: Then he understood that
23 because I-because for that, you know, for that we-we
24 were helping him out that day. I feel like I got
25 retaliated because I-I think that was something that

1 just happened along the way. They weren't ready for
2 it--
3

4 COUNCIL MEMBER MILLER: Uh-huh.-

5 JEFFREY GOMEZ: --and they didn't know
6 how to react. I'm sure she probably meant the best
7 for him. She just wasn't, you know, she had to call--
8 she had to write to find out what the--the process was
9 to defend themselves, yeah.

10 COUNCIL MEMBER MILLER: But there's a
11 process by law. State Compensation with that process
12 and should be posted.

13 JEFFREY GOMEZ: Yeah.

14 COUNCIL MEMBER MILLER: Okay, so thank
15 you. In--in terms of disciplinary actions is--is there
16 a process if you're late--if you're absent, if you're
17 insubordinate, is there one-size-fits-all guidelines
18 as to what these rules are for everyone? How--how
19 does that work?

20 CHAIRPERSON REYNOSO: [Speaking Spanish]

21 JOSE LOPEZ: [Speaking Spanish]

22 CHAIRPERSON REYNOSO: He says that Barry
23 on the mood of the supervisor during the--during day.

24 COUNCIL MEMBER MILLER: Yeah, I think
25 that's what we're trying to establish here on that.

1 So, and then—and one more thing in—in terms of that,
2 your leave entitlements? What does that look like?
3 Sick leave, vacation or no leave or whatever? What
4 kind of leave entitlements do you have?
5

6 CHAIRPERSON REYNOSO: [Speaking Spanish]

7 JOSE LOPEZ: [Speaking Spanish]

8 CHAIRPERSON REYNOSO: Ten days of
9 vacation and five days of sick—sick leave.

10 JOSE LOPEZ: [Speaking Spanish]

11 CHAIRPERSON REYNOSO: And to understand
12 that they worked on the holidays because it's a—they—
13 they work for the city so they—they are by the
14 different rules on this.

15 COUNCIL MEMBER MILLER: Is there any
16 differential or holiday pay?

17 CHAIRPERSON REYNOSO: [Speaking Spanish]

18 JOSE LOPEZ: [Speaking Spanish]

19 COUNCIL MEMBER MILLER: Time and a half
20 and double time?

21 CHAIRPERSON REYNOSO: Double time and a
22 half.

23 CHAIRPERSON REYNOSO: [Speaking Spanish]

24 JOSE LOPEZ: Right.
25

1
2 CHAIRPERSON REYNOSO: Okay, so double
3 time and a half.

4 COUNCIL MEMBER MILLER: Okay, thank you
5 and then let me just and I'll just end with this:
6 The process, the—the organizing process could anyone
7 speak to what that process from—from signing to card
8 to the NLRB or whatever portion of it that you might
9 be familiar with it—with—with that process? What has
10 happened from the day that you signed a card to
11 recognize the union to this point here? Does anyone
12 know what has occurred?

13 CHAIRPERSON REYNOSO: [Speaking Spanish]

14 JOSE LOPEZ: [Speaking Spanish]

15 CHAIRPERSON REYNOSO: So they said when
16 they first—they submitted their cards and they
17 submitted the communication to management, management
18 first said they didn't recognize it. Then—then they
19 started having individual meetings with them, and in
20 some cases they believe that those are—those are
21 measures to persuade and then they told them in those
22 individual meetings that in three months, they would
23 be recognized and it's been more than three months,
24 and they have yet to sit down and negotiate.

25 JOSE LOPEZ: [Speaking Spanish]

CHAIRPERSON REYNOSO: Three weeks or
three weeks. I'm sorry. Three weeks.

COUNCIL MEMBER MILLER: And for what?

CHAIRPERSON REYNOSO: That they would sit
down to negotiate and they haven't done that yet.

COUNCIL MEMBER MILLER: Has NLRB agreed
or made a decision or anyone commit basically to that
to National Legal Board? Have they been sent this
information? Have they weighed in on this on the
board?

CHAIRPERSON REYNOSO: [Speaking Spanish]

JOSE LOPEZ: [Speaking Spanish]

CHAIRPERSON REYNOSO: They sent some—some
in, and they're waiting for a reply. We have yet to
receive a reply.

COUNCIL MEMBER MILLER: Okay so thank you
so much. Thank—thank you again for—for your courage
of—of being here and all that you continue to
contribute and we will, as my colleagues have said,
we've done—we will do all that can do to ensure that
your right to organize number one and—and two,
collectively bargain so that you can enjoy the
quality of life that other union members and—and
working people throughout this city have earned and

1 that you deserve. So you keep it brief and I'll--the
2 next round for management. Thank you so much for
3 this important--this very important hearing.

4 CHAIRPERSON REYNOSO: Thank you, Council
5 Member. [applause] [Speaking Spanish] [pause]
6 Where's the--here it is. [background comments] So
7 Tom Outerbridge and [background comments, pause] from
8 Sims Municipal Recycling and Tom are you going to be
9 alone up there with this?
10

11 TOM OUTERBRIDGE: [off mic] Yes.

12 CHAIRPERSON REYNOSO: Okay. [pause]

13 TOM OUTERBRIDGE: I'm with you.

14 CHAIRPERSON REYNOSO: Hello, Mr.
15 Outerbridge. So whenever you would like to start to
16 make your testimony, you can and thank you for being
17 here. [pause] [background comments]

18 TOM OUTERBRIDGE: Good morning Chair
19 Reynoso, Chair Rosenthal, members of the Committee on
20 Sanitation and Solid Waste Management and Contracts.
21 Thank you for the opportunity to testify today on the
22 potential for a work stoppage at Sims Municipal
23 Recycling Facilities, and the potential impact of
24 such a stoppage on the New York City Residential
25 Recycling Program. My name is Thomas Outerbridge and

1 I am the General Manger of Sims Municipal Recycling.
2
3 As was discussed earlier and as many of you may know,
4 we have a long-term contract with the Department of
5 Sanitation to receive, process and market 100% of the
6 metal, glass and plastic that is collected through
7 the city's Curbside Recycling Program. SMR Sims
8 Municipal Recycling we—we operate several facilities
9 to service the New York City curbside program under
10 our contract with the Department of Sanitation. At
11 one of these facilities, as we've been talking about
12 today, at the Sunset Park in Brooklyn there has
13 recently been certain labor related activity. So, in
14 preparing my testimony my assumption was that it is
15 this facility that's been the reason for today's
16 hearing. From the very beginning before we even
17 executed a lease with the City for the Brooklyn
18 property in 2008, it has been the company's position
19 that our employees should have the opportunity to
20 vote as to whether or not they want to join a union.
21 This is the position we have reiterated to our
22 employees on many occasions as well as to union
23 representatives, elected officials and other
24 interested parties. The Teamsters recently requested
25 that we recognize in our Brooklyn facility and waive

1 our right to afford our employees the opportunity to
2 vote. With all due respect to the Teamsters, I'm
3 here today to again reiterate our position that we
4 believe our employees should have the right to vote
5 in a proper election administered in accordance with
6 the rules—the rules of the National Labor Relations
7 Board. We do not believe that requesting an election
8 encourages or justifies a work stoppage, and we will
9 respect whatever our employees decide regarding the
10 union question. For the record, I would note that we
11 have union contracts and we have gone through
12 negotiations with various union operations in the New
13 York/New Jersey Metro region where we've been very
14 successful in reaching mutually acceptable
15 agreements. We appreciate the City Council's
16 interest in this issue, and in the continued growth
17 and success of the city's recycling programs. Thank
18 you.
19

20 CHAIRPERSON ROSENTHAL: So I'm going to
21 actually kick this off because I need to go to
22 another hearing. One of the workers raised an
23 interesting point. Can you maybe separate it out by
24 title or sort of overall do you have a sense of the
25 worker turnover at the Sunset Park facility as

1
2 opposed to another facility that's unionized, and is
3 there a difference?

4 TOM OUTERBRIDGE: I mean I would have to
5 get the record that I can give you a very precise
6 answer. I would say that they're very comparable.
7 Our Bronx and Queens facilities are much smaller. So
8 there's a much smaller workforce. So very little
9 turnover. I would assume the more employees you
10 have, the more opportunities there is for someone to
11 move on either of their own accord or-or not, but-but
12 I would say very comparable to our other facilities.
13 Just off the top of my head.

14 CHAIRPERSON ROSENTHAL: Sure. We'd love
15 that information.

16 TOM OUTERBRIDGE: You will get it.

17 CHAIRPERSON ROSENTHAL: And how many of
18 your workers-let's just stick with New York City
19 women?

20 TOM OUTERBRIDGE: Again, I didn't come
21 prepared with that exact number. I would say quite a
22 few. My person who actually sells all of the bottles
23 and the cans that we process Micah Queen (sic) is a
24 woman. She's our Marketing Manager, but in terms of
25 the facility the Brooklyn facility, I think as the

1 Commissioner said, our industry has historically been
2 male dominated and so--

3
4 CHAIRPERSON ROSENTHAL: Uh-huh.

5 TOM OUTERBRIDGE: --and so I--that's a--
6 probably a long process overcoming it. We have quite
7 a few women there. Some of our supervisors are
8 women. Some of our equipment operators are women.
9 As a percentage in Brooklyn, again I could get you
10 the sites.

11 CHAIRPERSON ROSENTHAL: [interposing]

12 That would be great.

13 TOM OUTERBRIDGE: It comes from HR. It's
14 probably in the 10% range.

15 CHAIRPERSON ROSENTHAL: So 84, 8. You're
16 guessing 8?

17 TOM OUTERBRIDGE: I guess yes and yes.

18 CHAIRPERSON ROSENTHAL: Okay. We would
19 love those numbers.

20 TOM OUTERBRIDGE: Okay.

21 CHAIRPERSON ROSENTHAL: And again for New
22 York City, and then do you believe that this is--well
23 I guess, yeah, do you believe this work that women
24 could do?

1
2 TOM OUTERBRIDGE: Yes, I would say again
3 historically it was a much more manual job, but
4 there's been the opportunity through technology and
5 so forth to mechanize a lot of those heavy lifting
6 tasks. You know, I hope that that's not a biased
7 statement that in itself.

8 CHAIRPERSON ROSENTHAL: It is but keep
9 going.

10 TOM OUTERBRIDGE: Sorry.

11 CHAIRPERSON ROSENTHAL: That's all right.

12 TOM OUTERBRIDGE: But-but absolutely.
13 Basically as I say we have women in every-at--in
14 every position from sorter to equipment operator up
15 through supervisors.

16 CHAIRPERSON ROSENTHAL: They eat (sic)
17 women. It would be great then for-for-to see titles
18 maybe.

19 TOM OUTERBRIDGE: Uh-huh.

20 CHAIRPERSON ROSENTHAL: And then what
21 work do you do through the Equal Employment
22 Opportunity requirement to reach out to make sure
23 that women have an opportunity to apply for these
24 jobs? Do you work with the non-traditional
25 employment agency or-or what do you do?

1
2 TOM OUTERBRIDGE: Right. So when we were
3 getting going there was a lot more hiring so I was
4 much more involved back then reaching out to all of
5 the groups that we were aware of or that we were
6 steered to.

7 CHAIRPERSON ROSENTHAL: What does that
8 mean?

9 TOM OUTERBRIDGE: It's specifically the
10 types of groups. So out in Sunset we started in
11 Sunset Park where OBT Operate—Opportunities for a
12 Better Tomorrow is based. There's the Southwest
13 Brooklyn Industrial Development Corporation there,
14 Center for Family Advice. There is the—there's a
15 number of organizations involved in green jobs
16 training. There's a—what is it called? The—the Non-
17 Traditional Women's Org—Work for Women's group. That
18 was—I—by the time we started working with them I
19 think we had largely staffed—staffed up and I was not
20 directly involved with the ongoing outreach to bring
21 in people because for the past couple of years you're
22 hiring a couple of people a year.

23 CHAIRPERSON ROSENTHAL: So, it's my
24 understanding that you've done a great job in terms
25 of hiring locally. So that kind of outreach is very

1 important. Would you consider moving forward on an
2 ongoing basis? I hear what you're saying that
3 initial hiring is done. There's whatever turnover
4 there is, but would you consider reaching out to the
5 non-traditional Employment for Women Agency on that?
6

7 TOM OUTERBRIDGE: Yeah, I think we've
8 already have. I think—I think we've gotten
9 candidates from them.

10 CHAIRPERSON ROSENTHAL: Could you—is it—
11 it is an overreach, but I would love to see
12 documentation of that?

13 TOM OUTERBRIDGE: Sure.

14 CHAIRPERSON ROSENTHAL: Okay, thank you
15 very much.

16 CHAIRPERSON REYNOSO: Thank you, Council
17 Member Rosenthal. So first I want to say that my
18 experience with Sims in the 3-1/2 years that I've
19 been Chair to the Sanitation Committee it has been
20 very good. It's been a very good relationship. The
21 work Dustin (sic) has been amazing. We're extremely
22 grateful that it's in the city. We're talking about
23 city employees. The—the recycling is actually. Once
24 in a facility it was beautiful. So I just want to
25 say that your—your reputation is a positive one that

1 we have here in the City Council on the work that you
2 do. And I think, that this hearing is more in an
3 effort to maintain that, and that really speaks to
4 what we believe Sims to be, and—and it being able to
5 step up and do things the right way. So—so we know
6 that in order to—a union to be recognized there's two
7 methods to make that happen. There's the one that
8 you are obviously preferring here, which is to allow
9 for a vote to happen. What I gathered from the
10 workers is that they had 70 to 80% of the workforce
11 sign cards that was presented to Sims, which I—even
12 in—by City Council standards that would be considered
13 a super, super majority. You could accept those—the
14 submission of those cards as—as a—well, we're going
15 to call it a democratic process by which they
16 achieved a majority to be accepted as a union. Why
17 is that Sims doesn't think that that's sufficient to
18 be able to recognize the union, and then which is why
19 you're choosing one over the other? And the second
20 thing is what do you understand the timeline to be
21 for that vote to happen should that be the choice you
22 want to make?

24 TOM OUTERBRIDGE: Well in terms of the
25 second part of the question from what I understand

1 that from the time there's a filing for an election
2 it's something like three weeks for that election to
3 be held. I don't know to be honest who exactly sets
4 that time frame. I don't—I'm quite sure it's not the
5 company. I believe that's that National Labor
6 Board. So, that's my understanding of the time
7 frame. In terms of--

9 CHAIRPERSON REYNOSO: [interposing] I'm
10 sorry, just to follow up on that question. Has—have
11 the workers filed?

12 TOM OUTERBRIDGE: No.

13 CHAIRPERSON REYNOSO: Okay.

14 TOM OUTERBRIDGE: And I don't think it's
15 actually workers. I believe the union files for a
16 petition.

17 CHAIRPERSON REYNOSO: They'll be—they'll
18 be up next to be able to clarify that for us.

19 TOM OUTERBRIDGE: With regard to the
20 first part of the question, it may seem like a
21 technicality, but we have always told our employees
22 they're going to have the right to vote, and they may
23 be in the minority, but for those who would like to
24 vote perhaps there are some that would like to vote

1 to not be a union, I don't want to take that right
2 away from them.
3

4 CHAIRPERSON REYNOSO: So if the vote goes
5 through and the majority of them vote to be a part of
6 the union do the people that vote no get to come out
7 and say they're not going to be a part of it?

8 TOM OUTERBRIDGE: That I don't—you're
9 getting into labor law. I believe that—that—that if
10 there will be certain job classifications that are
11 classified as union, and that everybody in those job
12 classifications if the site is union it will be a
13 union regardless of whether they want to or not. I
14 believe that's the case.

15 CHAIRPERSON REYNOSO: Right, and I just
16 wanted to—there's—I—I think the ballot is, you know,
17 anonymous so that you don't know if you vote. So you
18 know who votes for what. So—but it's—but it's fine.
19 So it's a preference that you would like to choose
20 for the vote, but just understand that it's
21 preference that by law you can simply accept the
22 union with the super—not even a super majority, but
23 they've given the super majority of almost 80% of the
24 workers saying that they want a union. So this is a
25 choice that you're making to—to not accept it right

1 now to actually go through this process. The next
2 thing is considering the—the testimony that you heard
3 from the workers, first I just want to get like an—an
4 overall understanding of what your day-to-day
5 interactions are or whether or not you are fully
6 aware of all those incidents that happened, whether
7 you believe they're true or not, or whether they
8 actually happened or not. Are you aware on a—do you
9 get I guess reports up that make sure that—that
10 you're—that you're knowledgeable of what's happening
11 at the facility?
12

13 TOM OUTERBRIDGE: Yes, I—I don't work in
14 Brooklyn everyday, but I do work in Brooklyn most
15 days. It's my principal office. So, yes, certainly
16 not only does it get reported up to me any safety
17 incident I report it to my CEO once a week. So,
18 safety issues, environmental issues these are
19 constant communication and—and also if there are—as I
20 said, if—if—if you've been to our facility, it's—even
21 though it's a larger site, our offices are right next
22 to—I walk through the breakroom and vice versa. So
23 I'm—I would say I'm quite aware of most of the things
24 that happen there. Yes.
25

2 CHAIRPERSON REYNOSO: So even though
3 it's—it's not an ideal situation, we don't like to
4 get to like a back and forth because one person makes
5 a testimony and then the other one makes a testimony
6 and we're not going to allow them an opportunity to
7 rebuttal that, but I'll—I'll just point to several
8 incidents that we've heard that we—that we find
9 unusual I guess is what I want—I want to call it.
10 Specifically one worker that was asked to take a
11 break because they were—they felt sick and then was
12 later taken to—two hours was taken to the hospital,
13 and then the doctors themselves found that the person
14 needed a couple of days off of work. But he wasn't
15 granted that break. I guess the person's name is—
16 Jeremy—

17 JORDI LOPEZ: No, Jordi.

18 CHAIRPERSON REYNOSO: Jordi. I'm sorry
19 Jordi Lopez. Jordi Lopez. Is that something that you
20 were aware of—of a staff member request—an employee
21 requesting time off because they felt uncomfortable
22 in not being granted that and in turn having to
23 suffer even worse medical—physical health?

24 TOM OUTERBRIDGE: I don't know all the
25 details of that. I—I mean I would say that basically

1 if there is a doctor's recommendation that an
2 employee not work, obviously we--

3
4 CHAIRPERSON REYNOSO: [interposing]
5 Right.

6 TOM OUTERBRIDGE: --honor that. I mean
7 that's--

8 CHAIRPERSON REYNOSO: But I'm saying
9 before he got to the doctor's office. What is the
10 process by which your managers, I guess, or whoever
11 that person would talk to if someone in your facility
12 was to feel faint or uncomfortable, what process is
13 there for them to get a break or to request a break?
14 And if they do do that how often does it get denied?

15 TOM OUTERBRIDGE: I would be surprised if
16 it's denied at all. If somebody is feeling faint or
17 sick there again it's--you're right there's going to
18 be a million gradations of--of how that's so, but
19 people are often told to go sit in the break room and
20 take it easy.

21 CHAIRPERSON REYNOSO: So this--this one
22 case you would call an exception maybe or something
23 that feel through the cracks?

24 TOM OUTERBRIDGE: Again, I don't have the
25 details of--of what it is that transpired exactly. So

1 I couldn't tell you if it's an exception or there's
2 another explanation as to why--

3
4 CHAIRPERSON REYNOSO: They weren't given
5 an opportunity. Because this--there was--an ambulance
6 came to your facility on that day and I guess--I hope
7 that any time any type of medical emergency happens
8 especially when the ambulance comes into your
9 facility that it's something that you are aware of
10 the details at least when it comes to that case. And
11 then--and--and I don't want to do this but, it just
12 speaks to where--where are the priorities, and I would
13 if someone in my office was to go in a--in an
14 ambulance, I would be very--I would be careful as to
15 what I know--what I know, and make that I get all the
16 details to make sure that they're okay. So just an
17 example. When we talked--they talked about another one
18 that also fell it seems to be--it seems to have
19 trouble, and I'm going to look into this a little
20 more with the--with the workers compensation
21 situation, and looking for a video and so forth and--
22 and speaking to the fact that some people said they
23 didn't see a vide, but then when their case is about
24 possible stealing, then those videos are readily
25 available. And it just also speaks to I guess

1 priorities with management of the Sims facility. But
2 I hope that a medical emergency would be much more
3 important than--than the stealing I guess or--or the
4 potential for that to happen.
5

6 TOM OUTERBRIDGE: Yeah, I mean I would
7 [coughs] just say because I'm not aware of every
8 detail, it doesn't--it doesn't--it's not a reflection
9 of the company's interest in a particular issue. So,
10 we have between me and there's the facility manger,
11 there's the operations manager, so I could--if I had
12 known I certainly could have come here very with the
13 people or reports that would describe exactly what
14 happened, and what actions the company took.

15 CHAIRPERSON REYNOSO: We have an
16 employer--an employee that was fire or let go
17 supposedly for stealing someone's uniform that same
18 day that that happened. Is that something you were
19 aware of that happened.

20 TOM OUTERBRIDGE: [coughs] I--well, yes,
21 I have to be a little bit careful because I don't
22 know if there are labor laws associated with this,
23 but all I can say is that somebody was not fired for
24 wearing somebody else's pants.
25

1 CHAIRPERSON REYNOSO: Okay. So, it's
2
3 also something we want that our--obviously I know that

4 TOM OUTERBRIDGE: [interposing] And we--

5 CHAIRPERSON REYNOSO: --the NLRB is
6 obviously looking into that.

7 TOM OUTERBRIDGE: My--

8 CHAIRPERSON REYNOSO: [interposing] That
9 might not be one of the complaints.

10 TOM OUTERBRIDGE: --but basically I
11 don't know if again what's--legally what's appropriate
12 to turn over and what isn't that gets in the privacy
13 rights and forth, but--but I mean I'll see what we can
14 share.

15 CHAIRPERSON REYNOSO: I would love that
16 opportunity, and what I--what I want is--what I want to
17 get from--from today is that you hear what's happened.
18 You hear from your employees. You--you take their--
19 their increased service, right, that it's not
20 something you--you dismiss, and that you understand
21 the--I guess the environment that they believe that
22 they're working under, and that you as a--as a, you
23 know, a good employee--a good employer looks into a
24 system that we're talking--they were talking about
25 cold weather situations when they don't feel their

1 toes of their fingertips. Hot situations where they
2 believe they're going to faint. In cases where they
3 believe our--there are emergencies like the pepper
4 spray and gas that blew up, having to return to work
5 30 minutes after that incident. Right, like these--
6 these circumstances and situations that maybe as a
7 manager or supervisor folks might be aware of, but
8 they're living every single day, and--and it's a
9 concern when we hear it here in--in the City Council.
10 And also that if they had a union or a representative
11 that could speak on those issues and make them aware
12 to management that maybe the--how you deal with that
13 ends up being actually better for everyone. But
14 those are all concerns that we have right now that
15 we're hearing that is--that is concerning. I believe
16 there's eight to nine concerns that were sent to the
17 NLRB that we're going look at, and the NLRB and our
18 relations to NLRB that we're going to find out about.
19 They just issued take pause, right, like a step back,
20 and just think about that there's nine points and
21 you're calling Sims a union busting company, which I
22 know you guys don't appreciate because that's not
23 what you believe you are. And what I'm saying is be
24 who we believe you are and get to a point so we--a
25

1 point where we come to a resolution, and that Carlos
2 Menchaca doesn't need to go back to that facility to
3 keep fighting for something that we could all deal
4 with. Outside of that, from what I understanding
5 with the Commissioner is that you are ready, willing
6 and able to—a contingency is what they call it. A
7 contingency plan so that you're prepared, and
8 understanding that had five employees here that said
9 that they are willing to go to strike and then hope—
10 again, hoping that you take it serious. That you do
11 have a contingency plan to continue to help with the
12 recycling of the city of New York. Do you feel
13 confident that you—that you have that in place?

14 TOM OUTERBRIDGE: Yeah, I mean today was
15 the first I heard the word strike, but we—yeah, I'll
16 be set to deal with a lot of variable, you know,
17 situations whether there are snow storms or the
18 extreme weather and so forth. So depending on how
19 things evolve, obviously we will have to meet our
20 obligations to the Department of Sand—to the
21 Department of Sanitation.

22 CHAIRPERSON REYNOSO: And you believe you
23 have the financial and the worker capacity to take
24

1 that on for 84 workers maybe or 60 workers not show
2 up to work one day?
3

4 TOM OUTERBRIDGE: Well, obviously it all
5 depends on how it plays out. If they don't show up
6 for one day or they don't show up for two months. I
7 mean I can't sort of anticipate all the different
8 scenarios that might arise, right?

9 CHAIRPERSON REYNOSO: Okay. I would love
10 for you—I know you read a statement, but if there is
11 an opportunity for you to—for me because I know other
12 folks are going to start asking questions. Just what
13 your experience here today was, and what you take
14 from it, and—and—and how you—how you believe you
15 might respond.

16 TOM OUTERBRIDGE: Well, look, though, I'm
17 obviously aware there's a number of complaints, and
18 several of them are being like evaluated by the
19 National Labor Relations Board and as a company I
20 can't comment on things, open matters before the
21 board. I can say that, you know, respect, integrity,
22 safety, fairness, these are not just fundamental
23 company values. They're for me very basic, and I'm
24 very confident at the end of these—this investigative
25 process that it's going to be found that we've done

1 nothing wrong. I feel very strongly about that.
2
3 That said, I hear—I know that you hear accusations,
4 and if—if I was sitting back and the only thing I
5 heard was—it would sound like we are some horrible
6 company, and it's not a nice place to work. I—I
7 don't think that's the case, but obviously those
8 cases will have to go through that established
9 process. I do hope and ask that everyone respect at
10 least the principle that—that we are trying to hold
11 to that we would like our employees to vote. It's a
12 big—it's an important choices. It's important—it's
13 an important decision, right. It's their job. It's
14 not my job. It's not my life. It's—with all due
15 respect it's not yours either. It's their life, it's
16 their job, and we would like them to make that choice
17 for themselves as to how they want to operate.

18 CHAIRPERSON REYNOSO: Yeah, and I—and I
19 agree with that, and understand that we think that by
20 law once any one of them ever said strike or said we
21 want to do a union or something goes to the National
22 Labor Relations Board that Sims by law reports that
23 to the Department of Sanitation, and that didn't
24 happen. The Department of Sanitation specifically
25 said that that wasn't reported to them. But the way

1 they found out about this was through articles and
2 through a call that I gave to the commissioner that
3 we're having this hearing, which prompted her to
4 begin the process of oversight. But in-in the law it
5 specifically states and we've read it like a thousand
6 times actual or potential labor dispute is delaying
7 or threatens to delay the timely performance of its
8 obligations. I believe that as soon as they said-
9 they-they made one complaint to the National Labor
10 Relations Board. That should have been communicated
11 to the Department of Sanitation, and it wasn't. So
12 it's either the-the company doesn't believe there's a
13 problem at all, or they're not taking the workers
14 seriously. It's one or the other. Either you're
15 ignorant, you're pleading ignorance to the fact that
16 they are concerned or you don't respect the workers.
17 It one or the other. Should that happen and even by
18 law it states that you have to report this to the
19 Department of Sanitation, and it doesn't happen,
20 there's only two logical conclusions that we could
21 come to for that. It's either that you're ignorant
22 that there is an issue, which can't be the process
23 because if nine complaints to the National Labor
24 Relations Board or two, you know, you're not taking
25

1 the--the concerns of the workers service regarding a
2 union unless you can find a third one.

3
4 TOM OUTERBRIDGE: I guess I'm not totally
5 sure I get that. I mean basically we obviously take
6 seriously the concerns and--and the feedback that
7 we've gotten from workers as well as the right there
8 are issues before the Labor Relations Board. I did
9 not, I have to admit, immediately turn to our
10 contract and try to find the legal provisions that
11 might have some connection to this. But--but we do
12 communicate daily with the Department of Sanitation.
13 I don't know that I'm going to have a particular
14 piece of correspondence that references this
15 provision of the contract, but certainly we keep them
16 informed of a whole range of activities at all of our
17 sites.

18 CHAIRPERSON REYNOSO: So I'm just saying
19 after today's hearing I suggest you inform the
20 Department of Sanitation that there's a problem--

21 TOM OUTERBRIDGE: [interposing] Okay.

22 CHAIRPERSON REYNOSO: --because there's
23 obviously one.

24 TOM OUTERBRIDGE: They are present so
25 hopefully they--

2 CHAIRPERSON REYNOSO: [interposing] Yes,
3 I—I believe that there should be some formal process
4 by which you do that, not necessarily at this
5 hearing. And the last thing before the question is
6 the workers are not allowed to speak Spanish. If you
7 guys have made an effort or-or hired English as
8 second language group or that are predominantly
9 Spanish Speaking group for their own safety and
10 concerns if they feel comfortable being able to relay
11 information that might be important to their health
12 or to their safety in Spanish, that that be awarded
13 to them. But not speaking Spanish is of huge
14 concern, and I don't want to get into more deeper,
15 you know, policy and meanings behind work
16 environments that have done this in the past in
17 regards to cultures, traditions and language, but it
18 should never be not allowed to speak it, because if
19 they're not allowed to speak in their most
20 comfortable language to relay information, again that
21 keeps them safe. So I would—I would have you
22 reconsider ever letting anyone speak to them and
23 letting them know that they can't speak their native
24 tongue in a situation specifically especially in a
25 safety situation.

1
2 TOM OUTERBRIDGE: Yeah, I mean I have to
3 go with if they're not—if I guess you have to imagine
4 a scenario where not everybody speaks Spanish. So if
5 there's communication via a radio between different
6 parts of the facility that need to be coordinating
7 they have to have some common language particularly
8 if they're trying to convey information that is
9 critical to what the other is doing. I think actually
10 this may have come about in response to a complaint
11 from non-Spanish speaking employees that there was
12 all kinds of Spanish chatter on the radios that they
13 were not—they didn't know what was going on. So,
14 obviously it's not a cultural issue or a problem or
15 some position we're trying to make, but in terms of
16 just the operations trying to find a—a functioning
17 medium that sort of prioritizes safety and also
18 respects people.

19 CHAIRPERSON REYNOSO: And—and I hear. I
20 would love to see the correspondence the letter that
21 each employee got regarding that issue, right. If an
22 employee got information that stated that
23 unfortunately not everyone speaks Spanish, and it's
24 very difficult to get anything communicated through
25 the radio because of this language barrier, that were

1 are we are going to assume a system that will now be
2 only English on the radio for example. What I think
3 actually happened was this complaint happened. A
4 manager got on a radio and said everybody stop
5 talking Spanish. I would love to see your document
6 that informed them of exactly why it is that they
7 can't speak Spanish because I'm pretty sure it's news
8 to them right now that this came about because of a
9 possible complaint or some issue with the radio being
10 full of Spanish chatter or a different language ,and
11 that it could also be detrimental to the safety of
12 other folks that don't speak Spanish. Which I think
13 that they would be—that they would be open to having
14 a discussion about it. I would love to see what
15 correspondence was served to them in regards to that
16 change in policy that seems culturally insufficient.
17 (sic) Council Member Carlos Menchaca.

19 COUNCIL MEMBER MENCHACA: Thank you,
20 Chair, and I—have to continue to applaud the
21 leadership of Council Member and Chair Reynoso and
22 Chair Rosenthal for this credible hearing. I think
23 this is a hearing that's going to set tone for so
24 much in the future, and I just want to say thank you
25 for your fierce fighting and our solidarity on this—

1 on this matter. There's a lot more work to do, and I
2 think where I want to start and—and I just want to
3 make a comment first and then can go through some of
4 the questions. I—I'm just—I—I'm so—I'm disappointed
5 in general about the preparation that you're bringing
6 to—to this, Mr. Outerbridge. And so I'm hoping that
7 some of the questions can lend some light to some of
8 that preparation that you may have, and then we can
9 make some—I'll make some concluding—conclusion
10 remarks. So when did you first find out about the
11 organizing drive from the Teamsters and the workers?
12

13 TOM OUTERBRIDGE: Well, I believe it was
14 a—a matter for requesting recognition in December and
15 that was—that will be the official notification.

16 COUNCIL MEMBER MENCHACA: So that was the
17 first official notification. So—so the union did
18 officially give you a kind of a letter officially
19 recog—asking to recognize the union in December. I—I
20 want to just alert and be in full—full—full
21 disclosure. You and I had conversations before that
22 letter came, and so that—that was—that was some time
23 before. So I don't know if you had learned of it
24 before even I—I brought it to your attention as well?
25

2 TOM OUTERBRIDGE: No, I mean I would say
3 from the time we—before we opened going back to 2009
4 if you want to. That way we've had conversations
5 with not just the Teamsters but other unions that we
6 have at other sites wanting to represent our
7 employees, and it's always been a fairly
8 straightforward conversation on my part simply saying
9 that we would like our employees to vote on that
10 issue.

11 COUNCIL MEMBER MENCHACA: Got it. So
12 you're saying back even in—as—as far as 2009
13 conversations were—were happening in—in some levels
14 as—as you're admitting that there are other—you all
15 have other facilities and every other facility is a
16 union facility. Is that—is that correct?

17 TOM OUTERBRIDGE: The other facility that
18 we have that services the Department of Sanitation so
19 that would be Queens, Bronx and Jersey are all union.
20 Yes.

21 COUNCIL MEMBER MENCHACA: Got it and so
22 this is—this is just to confirm to everybody at home
23 this is the only facility that doesn't even
24 representation?

25 TOM OUTERBRIDGE: Correct.

1
2 COUNCIL MEMBER MENCHACA: Okay. So what
3 did you do when you formally--well, just go there
4 because there was conversations back in 2009 and
5 conversations with me, and you got--you got a letter,
6 an official letter from the Teamsters. What did you
7 do when you got that letter?

8 TOM OUTERBRIDGE: Well, we discussed it
9 and decided to discuss whether or not we were going
10 to stick to our position that we would like the
11 employees to vote or not.

12 COUNCIL MEMBER MENCHACA: And how did you
13 communicate that to and who?

14 TOM OUTERBRIDGE: [pause] I
15 communicated--well, internally we came to the position
16 that that was--we came to the conclusion we were going
17 to stick to the original position that we have had.

18 COUNCIL MEMBER MENCHACA: Did you at any
19 moment at--at that time communicate--I know the answer
20 to this--but I just want to go through the list. At
21 that point did you communicate to the Department of
22 Sanitation after that letter?

23 TOM OUTERBRIDGE: The--I don't have--I
24 won't say that I have the correspondence. It may
25 have come up and we may have discussed it in a

1 conversation that we are--there is activity out here,
2 and we don't know what's--you know, where it's going
3 to lead to, but more of an FYI.

4
5 COUNCIL MEMBER MENCHACA: So I guess what
6 I--what I want to--I guess the point that we're trying
7 to make here is that we are--we are a--a--the--the rules
8 and responsibilities and the contract, and I think
9 that I'm--I'm arriving at a conclusion that--that the
10 contract was not followed in terms of the request for
11 a--a kind of notice of some sort to the Department of
12 Sanitation. And so what--we're disagreeing here, and
13 it's okay. We're going to agree to disagree, but I
14 think that this--this committee will--will--will need to
15 move through that and understand at--at some basic
16 level whether or not you--you violate the contract in
17 terms of not doing your part to reveal the situation
18 that we're--we-re in right now. And there was--there
19 was a formal letter, and--and I'm hoping the Teamsters
20 come with that as well, so that we can all see it so
21 we can all understand that. At what point did the
22 anti-union busting--the--the union busting commence on
23 at--at the Sims--at Sims' facility?

24 TOM OUTERBRIDGE: Never as far as I know.

1
2 COUNCIL MEMBER MENCHACA: Okay, so, and
3 then do you—are you aware—when did you—when were you
4 aware that union filed charges against you to the
5 Board, to the NLRB?

6 TOM OUTERBRIDGE: [coughs] I—so I didn't
7 come with all of those records, but basically as soon
8 as they—they come in through the mail, and through
9 email, through law firms and so I have one dated
10 February.

11 COUNCIL MEMBER MENCHACA: And so the
12 official N-L-N-L-NLRB?

13 TOM OUTERBRIDGE: Correct.

14 COUNCIL MEMBER MENCHACA: Okay. Have you
15 been asked to respond from the board?

16 TOM OUTERBRIDGE: Yes.

17 COUNCIL MEMBER MENCHACA: So you are—
18 you're in the process of responding?

19 TOM OUTERBRIDGE: Yes.

20 COUNCIL MEMBER MENCHACA: Did you
21 respond?

22 TOM OUTERBRIDGE: Yes?

23 COUNCIL MEMBER MENCHACA:

24 TOM OUTERBRIDGE:
25

1 COUNCIL MEMBER MENCHACA: Have you
2 responded officially to them?

3 TOM OUTERBRIDGE: I believe a response is
4 going in today--

5 COUNCIL MEMBER MENCHACA: [interposing]
6 Okay.

7 TOM OUTERBRIDGE: --at some point since
8 the lawyers do take over. So I'm not the one sending
9 the letters--

10 COUNCIL MEMBER MENCHACA: [interposing]
11 Right.

12 TOM OUTERBRIDGE: --and so forth.

13 COUNCIL MEMBER MENCHACA: Got it, an-and
14 I-and I believe the first-the first NLRB complaint
15 was filed on December 22nd FYI, as I understand it as
16 well. So you go from December to February. You've-
17 you've had-you've had kind of official situations
18 happening that should cause some alarm at this point.
19 Let's I want to-I want to talk about the-the right to
20 vote. You're-you're kind of pushing this value for-
21 for us, and it's, you know, it's commendable and-and
22 I think there's value here to be discussed. There
23 are many values that we're trying to discuss at the
24 same time here, and that the decision you're saying
25

1 is on the workers. It's not us, it's not you, it's
2 the workers, but where do you reconcile the fact that
3 you're trying to place something in the middle of
4 what an argument that we're making here is that
5 there's union busting happening right now at Sims,
6 and you're—you're holding value of a fair election
7 when, in fact, it's not there at all. And the
8 decision has already kind of been made in so many
9 ways by these workers to be recognized that you have
10 the opportunity even today even after this hearing to
11 be the hero, to be able to grant them that
12 opportunity to move forward with representation so
13 that we don't have to have the chair of the
14 Sanitation Committee offer an opportunity for you to
15 respond and—and follow up on—on issues like were
16 discussed today about—about language, about glass in
17 the air, and about explosions. And so just help me
18 understand this a little bit more and for everybody
19 else how are you still holding that value in the
20 midst of everything we're discussing here today?

22 TOM OUTERBRIDGE: Well, you say there's
23 union busting activities going on. I don't accept
24 that so--

1
2 COUNCIL MEMBER MENCHACA: The workers are
3 saying that. I'm—I'm repeating what they voiced.

4 TOM OUTERBRIDGE: Well, there have been
5 accusations made by some workers. I don't deny that.

6 COUNCIL MEMBER MENCHACA: Okay, I think
7 that's—that's—that's going to be your answer. So I
8 want to move next to a sense of—of your connection
9 because again, it is a disappointment for me right
10 now is really connected to the fact that—that you're
11 not connected actually to the stuff that's happening
12 on the ground, and so I'm hoping that we can work
13 together in the district to connect to the stuff
14 that's happening that you intimately get involved
15 with what's happening as we move forward with the
16 hope that again, you could be a hero now, and—and
17 recognize this and really take multiple values into
18 consideration and make a different decision. I have
19 a couple—I have a couple more questions, and I'll
20 hand it over to—to Council Member—or the Chari for
21 more questions, but we do have a sense of turnover
22 for Sims at Sunset Park in compared—in comparison to
23 the other facilities that you have for New Jersey,
24 Bronx and Queens. How does that compare?

1
2 TOM OUTERBRIDGE: Well, I think that was
3 a question earlier. I would say off the top of my
4 head very comparable, but I would like to certainly
5 check the records and give you an accurate figure for
6 that.

7 COUNCIL MEMBER MENCHACA: Okay, we can
8 come back. We can definitely come back to that, and
9 then who was responsible for making this decision?
10 Is-is it you? Because essentially we want to know
11 who is going to be making the decision whether or not
12 to stay firm on your value of a right to vote in the
13 sense of-of fairness or-or recognize the union? Is
14 this your choice?

15 TOM OUTERBRIDGE: I would say it's not
16 solely my choice. I mean it's--

17 COUNCIL MEMBER MENCHACA: [interposing]
18 So tell us a little bit about how this decision will
19 be-will be made.

20 TOM OUTERBRIDGE: [pause] Well, I think
21 we have already made the decision. I'm not sure
22 which decision?

23 COUNCIL MEMBER MENCHACA: The decision to
24 potentially after hearing everything that we've heard
25 together in this room, decide to potentially

1 recognize this--the--the work that the workers have
2 done to recognize this as a union, and enter into
3 formal contract as the Teamsters have given you back
4 in December to recognize the union, and be able to
5 make that choice instead of the choice that you're
6 holding onto now.

8 TOM OUTERBRIDGE: Well, I--I mean you're
9 saying will the position that I presented in my
10 testimony change?

11 COUNCIL MEMBER MENCHACA: Yes, I'm asking
12 if the position will change, but not only will it
13 change, how does it change and how does the decision
14 get made?

15 TOM OUTERBRIDGE: I don't--right now we
16 have no intention of changing that position. I mean
17 it's been our position for--

18 COUNCIL MEMBER MENCHACA: [interposing]
19 I's a different question. I'm going to ask it again.
20 How is the--

21 TOM OUTERBRIDGE: --a couple of a years.

22 COUNCIL MEMBER MENCHACA: --how was the
23 decision made that you've made? How about that?
24 Because it sounds like you're--you're firm here.
25 You're digging your--yourself into this hole.

1
2 TOM OUTERBRIDGE: Well, it goes back
3 frankly many, many years, and what we've told our
4 employees some of whom have been with us since before
5 we opened. [background comments]

6 COUNCIL MEMBER MENCHACA: I'm not asking
7 about the decision. I'm asking about how you came
8 to—who-how—who made the decision to do this? Was
9 there a single—was it you? Was it a team? Was it a
10 board? Was it somebody above you? I'm trying to get
11 to the person that made this decision. That's all.
12 I'm just trying to get that simple—I think it's a
13 simple question.

14 TOM OUTERBRIDGE: Well, it's a—it's a big
15 company so there's not always just one person. I'm
16 certainly very involved in the decision. We have an
17 HR Department. I have a CEO I report to.

18 COUNCIL MEMBER MENCHACA: So we're in a
19 room right of accountability--

20 TOM OUTERBRIDGE: [interposing] Right.

21 COUNCIL MEMBER MENCHACA: --and--and so I--
22 I'm just saying there's--there's like a system that
23 says--

24 TOM OUTERBRIDGE: [interposing] I will
25 take responsibility for the position if that's what

1 you're looking for. I'm not just a messenger here.
2
3 I will take responsibility for the position. I would
4 only say that I'm not the only person in the company
5 who weighs in on these things.

6 COUNCIL MEMBER MENCHACA: Okay. Okay, I-
7 I-I-I-I think I get that-I think I get that. You-you
8 are holding the-the-the majority of the decision that
9 you've made, and you've consulted with folks, but
10 essentially the buck stops with you about what's
11 happened at this point on the decision to move into a
12 vote. Then-okay, so I'm going to go into a little
13 bit more about what I'm really excited about with
14 Sims and-and because I think you said this earlier
15 we-everybody thinks maybe after this hearing that
16 you're a horrible company. I do not believe that
17 you're a horrible company. I think you're horrible
18 things but this-but Sims is an incredible-an
19 incredible company that's doing some stat-of-the art
20 work that's taken a while to get here for-for both a
21 community like-like Sunset Park, and the vision that
22 you have for-for not only the city of New York, but
23 for the entire world. We will be looking back at it
24 now and seeing how-how important you play a role in
25 changing the way municipal governments take care of

1 their recycle facilities, and use things like the
2 water front to be able to barge things out, and
3 remove trucks from the street. This is a story to be
4 told for generations. This facility if you haven't
5 been there is an incredible facility of education
6 where kids are going in and learning. To-to Helen
7 Rosenthal's point about this industry. They're able
8 to see and-and understand it at their level to
9 inspire the future generation of workers, and
10 potentially architects that can design these things
11 and this is-I'm excited. This is why you're hearing
12 so much passion in my voice right now. But tell us
13 about the expansion plans. What if Sims could have
14 their way, what does that expansion look like at SMTB
15 in Sunset Park?

17 TOM OUTERBRIDGE: Well, there-that's
18 preliminary discussion. As you know, the city is in
19 its OneNYC plans talked about converting to single
20 stream recycling and we've-we're exploring what we
21 would have to do in order to accommodate a shift to
22 single stream cycling because it's-obviously you now
23 are going to put all the recyclables together and
24 it's not-there's some additional processing involved.

2 COUNCIL MEMBER MENCHACA: Okay. Well,
3 I'm super excited about this. I think you are, too,
4 and I think we are as the city of New York and so I-I
5 just want to let you know that I-I-I-the vision that
6 we're holding us all accountable to as the city of
7 New York from government to private-public
8 partnerships to a community like Sunset Park where
9 some of these workers come from Sunset Park and
10 across, we-we have a big responsibility here, and I
11 do hope that you reconsider this decision and that
12 your heart and your mind are open to a new-a new
13 opportunity and let's keep the conversation going.
14 This is -this is a dialogue, and I'm hoping that-that
15 we not only speak about these issues for Sims but
16 continue to-to make the changes that we need to do
17 that we heard today about the health concerns, about
18 the language issues and the intimidation. We will
19 not stop. You're going to hear from me every single
20 day from hereon out. You're already hearing from me.
21 You're-you're hearing-you're hearing from me from
22 unannounced and announced times, and I'm hoping we
23 can resolve this soon. Thank you, Chair.

24 CHAIRPERSON REYNOSO: Thank you, Council
25 Member Menchaca. Council Member Daneek Miller.

COUNCIL MEMBER MILLER: Thank you, Chair.

So I spent the weekend, a portion of the weekend touring waste transfer stations and recycling stations in my district, and needless to say, it was not a-a positive tour. So I'm-I'm encourage to see that there are folks out there that are doing the right thing by the environment about those communities they serve. But what we do have and-and that is as the Chair of Civil Service and Labor I am interested in this issues here. While there are not mutually exclusive, what I take back is that this industry has historically undermined and undervalued workers for-for a number of reasons. So, and-and how do we correct that. I-I would submit that that is through organized labor and collective bargaining, and so I-I kind of want to just be able to speak to that. There were other issues that-that had-that were kind of labor management concerns that came up about the treatment, but of the workers and-and-and how these services around workers comp and so forth get delivered. But I think that while we have limited time [cell phone ringing] and we want to speak specifically about this organizing drive here. We've established that Sims, all of the Sims

1 properties within locations within the metropolitan
2 area serving Department of Sanitation's are
3 represented by organized labor, correct? Who are
4 they represented by?
5

6 TOM OUTERBRIDGE: In the Bronx it's the
7 operating engineers and in the Jersey it's the
8 laborers and in Queens it's the Teamsters.

9 COUNCIL MEMBER MILLER: Okay, so in terms
10 of what this organizing drive looks like and you
11 continuously say that you—you uphold the rights of
12 the workers to be able to—to vote or to decide in a
13 democratic way to have a voice. Would you agree that
14 signing the card is a vote or not signing the card is
15 a vote in the other direction?

16 TOM OUTERBRIDGE: It's not the same thing
17 as a vote. I mean it's—I understand people sign
18 cards for a whole host of reasons. So--

19 COUNCIL MEMBER MILLER: Such as?

20 TOM OUTERBRIDGE: These are—I don't
21 really want to start making accusations. These are
22 things that we hear. These are things that we're
23 told. So, I don't think it's right to do that. All
24 it does is it very simply puts me back in the
25 position of then rather than get into that, you go

1 with a very simple, clear documented objective
2 approach.

3
4 COUNCIL MEMBER MILLER: [interposing] I'm
5 sorry. Is-what is your background?

6 TOM OUTERBRIDGE: My background?

7 COUNCIL MEMBER MILLER: Yeah, what do you
8 do at the company?

9 TOM OUTERBRIDGE: I'm the General
10 Manager.

11 COUNCIL MEMBER MILLER: Do you have a
12 labor relations person that is responsible for labor
13 relations or would that be you?

14 TOM OUTERBRIDGE: He have that HR
15 Department.

16 COUNCIL MEMBER MILLER: Do you have
17 someone specifically that deals with labor relations
18 and collective bargaining?

19 TOM OUTERBRIDGE: We do-yes there are-we
20 have-yes, they're the head of HR. We deal with them
21 or in-including-he wouldn't be the only person
22 obviously, but there's an HR Department that takes
23 the lead on contract negotiations for example.

24 COUNCIL MEMBER MILLER: So, one might say
25 on either side that there's an opportunity for-for-

1 for one to engage in-in-in activity that would-would-
2 would tip the scale one way or the other, right. If-
3 if there is-so the reason I'm not understanding if
4 all your companies are unionized, then I think we
5 have established that it creates a-a better
6 environment just overall work environment, a safer
7 environment, the wages are better. And-and the
8 products that you are able to deliver I don't see
9 that there's any resistance to having a union on your
10 considering that you're all-you're already unionized.
11 What would be the only resistance or what would your
12 reason to determine whom is representing this group
13 of workers?

14
15 TOM OUTERBRIDGE: Meaning which union?

16 COUNCIL MEMBER MILLER: Yeah, that seems
17 to be the only problem here, right?

18 TOM OUTERBRIDGE: No, we have the
19 Teamsters-we have the Teamsters in Queens, but I
20 don't think it's a-a union specific issue.

21 COUNCIL MEMBER MILLER: So-so you're
22 saying that's your preference is to not have a union?

23 TOM OUTERBRIDGE: No, my preference is
24 for the employees to choose whether they're a member
25 of the union.

2 COUNCIL MEMBER MILLER: But that's what
3 they're doing by the card.

4 TOM OUTERBRIDGE: Well, that's the reason
5 I said--

6 COUNCIL MEMBER MILLER: [interposing] So,
7 okay, this--this, you know what let me digress and
8 talk a little bit about labor relations. How does
9 the current compensation package of Sims Sunset Park
10 compare to the other agreements throughout the City?

11 TOM OUTERBRIDGE: There's obviously a
12 number of variables that go into that package from
13 healthcare to retirement to wages to shift
14 differentials and so forth I mean we try to make sure
15 that it's comparable. I would way that it is
16 comparable. I'm sure you could find employees who
17 based on where they are in the pay scale and based on
18 what healthcare their clients have, you could find
19 some employees that are--

20 COUNCIL MEMBER MILLER: [interposing] Is--
21 is--is--is the--in any way that you know of that benefit
22 package inferior to the union benefit package?

23 TOM OUTERBRIDGE: I think you would take--
24 well, we have multiple unions. So each union has a
25 different--

2 COUNCIL MEMBER MILLER: [interposing]
3 Doing the same job?

4 TOM OUTERBRIDGE: No, no, but I mean each
5 union contract has a different package. So they're
6 not equal--

7 COUNCIL MEMBER MILLER: [interposing] Is
8 it inferior to all the union contracts?

9 TOM OUTERBRIDGE: No, I would not say it
10 is.

11 COUNCIL MEMBER MILLER: So the wages are
12 the same?

13 TOM OUTERBRIDGE: I would say the wages
14 are slightly higher.

15 COUNCIL MEMBER MILLER: The benefits are
16 the same?

17 TOM OUTERBRIDGE: The benefits is the--has
18 the same benefit program I have. If you--it is--again,
19 you have to go by healthcare versus retirement and
20 then compare it to--

21 COUNCIL MEMBER MILLER: Yeah, I'm sorry.
22 So--so the health benefits?

23 TOM OUTERBRIDGE: The health benefits are
24 in Queens they have a better health--well, they have a
25

1 less expensive healthcare program that we--than they
2 pay in Brooklyn.

3
4 COUNCIL MEMBER MILLER: The retirement?

5 TOM OUTERBRIDGE: Retirement is--they have
6 a 401(k) in Brooklyn. So the--the value of a 401(k)
7 wasn't very tired to what you--

8 COUNCIL MEMBER MILLER: What do they have
9 in Queens and the Bronx?

10 TOM OUTERBRIDGE: The Bronx is--I believe
11 they have an annuity. In Queens there is a pension.
12 In Jersey I believe it is an annuity.

13 COUNCIL MEMBER MILLER: And--and--and what
14 work rules?

15 TOM OUTERBRIDGE: Work rules are very
16 similar. If anything, our--our supervisors in--in--in
17 Brooklyn have a little bit more flexibility.

18 Obviously we have the union contract in there--

19 COUNCIL MEMBER MILLER: [interposing]
20 Work rules have value. What is the monetary values
21 of the work rules in--in Brooklyn compared to the
22 other places?

23 TOM OUTERBRIDGE: The monetary, well,
24 maybe--

2 COUNCIL MEMBER MILLER: [interposing]
3 Shift differentials.

4 TOM OUTERBRIDGE: Yes, shift differential
5 is bigger in--in Brooklyn than the--all other sites.
6 They have a greater second and third shift
7 differential.

8 COUNCIL MEMBER MILLER: And what about
9 discipline, progressive disciplines and so forth.
10 Do--do you have--certainly you have--you have defined
11 disciplines in your collective--those locations that
12 have collective bargaining?

13 TOM OUTERBRIDGE: Yes.

14 COUNCIL MEMBER MILLER: Do you have that
15 and--and obviously you don't have it in--in--in Brooklyn
16 because people are just being fired without due
17 process.

18 TOM OUTERBRIDGE: Well, that I would not
19 say is true so--

20 COUNCIL MEMBER MILLER: Was there a--when--
21 when this person that was fired and removed from the
22 property was he give a hearing?

23 TOM OUTERBRIDGE: I'm not sure which
24 person you're talking about.

25

1 COUNCIL MEMBER MILLER: The one that was--
2 he was talking about with the uniform piece.

3 TOM OUTERBRIDGE: There is again without
4 crossing into private people's and so froth.

5 COUNCIL MEMBER MILLER: [interposing] I
6 don't--I--I--yeah I get that. I just want to know if
7 you had a hearing.

8 TOM OUTERBRIDGE: There is a very stepped
9 process of discipline that has written warnings,
10 suspension and leading up to--

11 COUNCIL MEMBER MILLER: Progressive?

12 TOM OUTERBRIDGE: Absolutely.

13 COUNCIL MEMBER MILLER: Progressive
14 discipline?

15 TOM OUTERBRIDGE: Yes.

16 COUNCIL MEMBER MILLER: So there is
17 clearly defined progressive discipline consistent
18 with the unionized? It's the same?

19 TOM OUTERBRIDGE: Well, it's not going to
20 be identical, but yes, it is not arbitrary and it's
21 not--it's not unexplained or there's--yes.

22 COUNCIL MEMBER MILLER: Is there--at the
23 end of the day is there a--is there a grievance and
24 appeal and arbitration?
25

2 TOM OUTERBRIDGE: There is under the-
3 obviously a union grievance because it's a non-union
4 facility, but they have the rights to--

5 COUNCIL MEMBER MILLER: [interposing] But
6 in the union--in the union shops there is such?

7 TOM OUTERBRIDGE: Yes.

8 COUNCIL MEMBER MILLER: Okay. So it's--
9 it's not the same. So in--in terms of the overall
10 value, and I could ask for a number because clearly
11 when--when you're negotiating you--you number all this
12 stuff. You would say that the value of the union
13 locations per man is--is cost--it costs us more?

14 TOM OUTERBRIDGE: The cost to the company
15 is more?

16 COUNCIL MEMBER MILLER: Correct.

17 TOM OUTERBRIDGE: No, I wouldn't say
18 that.

19 COUNCIL MEMBER MILLER: You wouldn't say
20 that?

21 TOM OUTERBRIDGE: No.

22 COUNCIL MEMBER MILLER: You would given
23 all these variables, all of the benefit packages the--
24 the labor relations and all that that it costs you
25 same to run the shop in each place?

1
2 TOM OUTERBRIDGE: Yeah, yeah, I have—you
3 may not believe it but I haven't penciled it out like
4 that, and—and my guess is--

5 COUNCIL MEMBER MILLER: [interposing] So
6 let me just say this: I was an organizer. I was a
7 business agent and a former union president for about
8 30,000 folks and we—we—all these numbers is what we
9 do on a daily basis. I cannot believe that a company
10 of your magnitude does not cost this stuff out. I'm
11 merely saying that at the end of the day it would
12 behoove you from a monetary standpoint to have a
13 group of folks that were not organized because it was
14 cheaper to do. And if that is not the case, then I
15 don't see why you are allowing them to organize or
16 who organizing would make any bit of difference at
17 all.

18 TOM OUTERBRIDGE: Yeah, that is not. I
19 can tell you that's not the motivation. That's not
20 what's behind this. So, and—and—and--

21 COUNCIL MEMBER MILLER: [interposing] So,
22 again, what is that? What is the motivation?

23 TOM OUTERBRIDGE: Well, I'm sorry if I
24 start to sound repetitive, but it is to allow them to
25 vote and their choice.

1 COUNCIL MEMBER MILLER: This--this--this--so
2 let me--so in all of your shops there has been a vote?

3 TOM OUTERBRIDGE: Well, most of them may
4 have been around for several decades. So, I--they
5 pre-date--

6 COUNCIL MEMBER MILLER: [interposing] Is
7 it also so---and--and--and for the ones that have not
8 been around?

9 TOM OUTERBRIDGE: I do know one of the
10 unions I think actually swapped out their different
11 union. They voted out one union and voted in a new
12 union.

13 COUNCIL MEMBER MILLER: And what was your
14 position there?

15 TOM OUTERBRIDGE: I was--before my time.

16 COUNCIL MEMBER MILLER: And who oversaw
17 that?

18 TOM OUTERBRIDGE: Within the company I
19 would have to--

20 COUNCIL MEMBER MILLER: [interposing] Not
21 within the company. There's no--you can--if there is
22 such it can't be done within the company--

23 TOM OUTERBRIDGE: [interposing] I would--

1 COUNCIL MEMBER MILLER: --that again,
2 American Arbiters and you know, who--who--who oversaw--

3 TOM OUTERBRIDGE: [interposing] I would
4 have to--

5 COUNCIL MEMBER MILLER: --that campaign?

6 TOM OUTERBRIDGE: --get that for you
7 because I don't -I wasn't involved. I wasn't working
8 for the company at the time, but I would have to get
9 that for you.

10 COUNCIL MEMBER MILLER: So we want to
11 make sure that this, the employees at Sims Sunset
12 Park is treated precisely the way that every other
13 employee, every other employee in the city of New
14 York looking to organize that they have right
15 organize that has consisted with the National Labor
16 Review Board that is consistent with any agreements
17 that we have here within the state of New York and
18 that anything that you have done in the past it is
19 consistent with that, and that--that we are not just
20 arbitrarily saying that this was what we want done,
21 that we're following those regulations that we're
22 bringing in folks to oversee elections because
23 certainly that's not something that union does or
24 management does on--on the other side. And--and I-I-

1 quite frankly I--I don't see from all that you have
2 articulated this afternoon it appears that you want
3 to do the right thing having witnessed this industry
4 and the better things that come from this industry.
5 I want to believe that this is the beacon, but part
6 of that is--is that we address this holistically and
7 organically, which means that how we treat the
8 workers has to be equally as important as how we
9 treat our environment. And--and I think that's our
10 goal here today. I'm going to follow up, and if you
11 keep--if you don't have it--it--surely it will--it's just
12 a matter of moments before we can obtain that
13 information, and--and if it could be helpful to you,
14 as we move forward, we need to do that. Before I--
15 before I turn it back over to the chair, have you
16 spoken to the Teamsters or has anyone from Labor
17 Relations or HR corresponded with the Teamsters about
18 this issue?

19
20 TOM OUTERBRIDGE: We--I had an informal
21 meeting--an informal intel meeting. There were eight
22 with the Councilman Menchaca with a Teamsters
23 representative. I see them in passing or they were
24 at our holiday party I think, but we have not sat
25

1 down and had negotiations I guess if that's what
2 you're asking.

3
4 COUNCIL MEMBER MILLER: And-and-and-and
5 just-we're not even at the negotiation point.

6 TOM OUTERBRIDGE: Right.

7 COUNCIL MEMBER MILLER: Is this at the
8 recognition point?

9 TOM OUTERBRIDGE: Right.

10 COUNCIL MEMBER MILLER: And again your-
11 your objections would be what to recognizing them as
12 delegated bargaining agent? [ringing phone]

13 TOM OUTERBRIDGE: So, I-it's not-it's not
14 an objection to the Teamsters per se. It's basically
15 a request that we go through that voting process.

16 COUNCIL MEMBER MILLER: Okay, let me and-
17 and I'll close with this: Is the Teamster contract
18 to you more expensive than your other contracts? We
19 don't know that?

20 TOM OUTERBRIDGE: I-I don't know that,
21 and my guess is I think it-it will vary by employee
22 and job category and how long have they been there.
23 So there's a-it's a very good way to do it, apples to
24 apples comparison, but I would not off hand say that
25 it is.

1
2 COUNCIL MEMBER MILLER: Okay, thank you
3 for coming. I appreciate your time, and thank you
4 again, Mr. Chair. This is very important.

5 CHAIRPERSON REYNOSO: Absolutely.
6 Council Member Miller knows his stuff to say the
7 least. You asked some questions there and didn't
8 even know existed, but-but he kind of gets to this
9 point where, you know, it's-it's not the cost benefit
10 analysis from what you got is equal, 80% of your
11 members have given you cause, then what benefit is
12 there to not doing this outside of the fact that you
13 don't want it done? It just doesn't make sense right
14 now. After hearing that, it just doesn't make sense
15 now. It you don't think it costs anything then you
16 already 80% of agreement. So why go through a
17 process of having to vote when they're giving 80% of
18 those cards. It is the-I just-and I know-I think
19 it's a-it's a policy. It's all internal. I want to
20 be very clear. This is all you, right? I want to be
21 very clear with that. It's all you. You believe
22 that voting way, that doing it through vote is the
23 right way to go. The law doesn't necessarily require
24 that, right? The law allows for the 80% to be
25 recognized and if it's not a cost issue to you, then

1 that's also something that I really feel—I just want
2 to know that this is all your? That's why Council
3 Member Miller is like perplexed when he was asking
4 you these questions. Council Member Menchaca thought
5 that you had the right as of right now to recognize
6 it. So for us it just doesn't add up. It's very
7 difficult to see that.

9 TOM OUTERBRIDGE: And yeah, I—I guess
10 with all due respect I'm perplexed particularly as
11 elected one would say that the vote is an
12 insignificant thing and we should just wait.

13 CHAIRPERSON REYNOSO: Right, right, but-
14 but-in-in law, right, the charter we have to be voted
15 in. Should that be the process that exists for them
16 by law that they have to vote?

17 TOM OUTERBRIDGE: Yes.

18 CHAIRPERSON REYNOSO: Then we would—I
19 would sit here with you saying guys you have to vote,
20 but there is a-by law, they can just give you cause
21 of a majority of the members of the union—of-of
22 their-of your site, and that that is the law. So by
23 law there is a rule that allows you to move forward
24 with accepting them as unions and recognize them as
25 unions. There is no law that allows us to take poll

1 on whether or not we're liked and whether or not we
2 get elected. Because if that existed, trust me we
3 would be using it as well. [laughs] Right,
4 congratulations. 94% of the people love me. I'm not
5 saying any more, right. I just want say it just
6 doesn't exist. That's all. It's because it doesn't
7 exist. Don't be perplexed. We're with you.

9 TOM OUTERBRIDGE: No, I-I understand it's
10 an option. We feel it's the right option.

11 CHAIRPERSON REYNOSO: That's right.
12 Right. So we-we-we-we've come to an understanding,
13 but I'm-but I want to thank you again for-for being
14 here. I'm going to be going to the facility soon so
15 we'll hang out [laughter] and we'll talk. I want to
16 say again that I-I care deeply about Sims. I think
17 you guys have been doing a great work. I care about
18 the process. I care about what you mean to the city
19 as a whole, and I don't have one bad thing to say
20 about you, and I feel that this is going to get
21 resolved very soon, and I know that you're eager-I
22 hope you're eager to get that done as soon as
23 possible. But thank you so much for your time, sir.

24 TOM OUTERBRIDGE: Thank you.

25

1
2 CHAIRPERSON REYNOSO: And now because I
3 have to ask regarding the vote we're going to have
4 Mr. George Miranda and James Curbane (sp?) yes or
5 just Jimmy. [laughs] After that there's one more
6 vote, one more panel and then we're done.

7 [background comments, pause]

8 CHAIRPERSON REYNOSO: I didn't think that
9 this was going to go four hours but--

10 GEORGE MIRANDA: [interposing] Hey,
11 you're telling me.

12 CHAIRPERSON REYNOSO: --I do want to say
13 I'm grateful to Sims for being here all four hours--

14 GEORGE MIRANDA: [interposing] That's
15 right.

16 CHAIRPERSON REYNOSO: --and hearing all
17 of it for the Department of Sanitation being here
18 and, of course, two of the Teamsters being here. I
19 think that this is a--there's an investment here that
20 everyone is invested and everyone cares, and that's--
21 that's something we have to establish, but it's your
22 testimony sir. [gavel]

23 GEORGE MIRANDA: Good. I guess it's good
24 afternoon, and thank the Council Member Reynoso and
25 Council Member Rosenthal and the Sanitation and

1 Contracts Committee for holding this hearing and
2 inviting us to speak today. New York City is the
3 beating heart of the American labor movement today.
4 A full 25% of New York workers are union members
5 because they know it is the best way to protect
6 themselves at work, and ensure a good livelihood for
7 their families. Sims workers want that, too. They
8 want good jobs for their families, they want
9 healthcare that they can afford, they want to be
10 respected as much as any workers who was born in this
11 country is respected. Teams Local 210 represents
12 Sims workers in Long Island City as you already
13 heard. Our members are covered by a union contract
14 that guarantees fair play, employer funded healthcare
15 and pension, a fair system for promotions and
16 scheduling, and a grievances process for discipline
17 and above all, they have a voice on the job. If it's
18 good enough for Sims workers in workers in Queens,
19 why does the company want to deny it for the workers
20 in Brooklyn. By the end I think but at the end of
21 the day, it isn't up to the company. It is up to the
22 workers who are here today. These workers are
23 committed to winning their union by any means
24 necessary. Of course a strike is the last resort,
25

1 but we are not at that point of last resorts. Excuse
2 me, but we are at that point of last resorts. We
3 could be at a strike as soon as tomorrow. That is
4 how serious this is. They could be on strike and
5 there will be nowhere to recycle with the Department
6 of Sanitation workers also Teamsters, by the way,
7 pick up for millions of New York City homes. It's a
8 bit problem but there's an easy solution. Sims can
9 solve this today by respecting its workers and
10 bargain their contract with them. Up to this point
11 their dreams of a union have been met with union
12 busting by the company. The National Labor Relations
13 Board is current—currently looking at several serious
14 charges by Sims workers alleging illegal anti-union
15 activities by the company. One union leader was
16 demoted, another was denied a pay raise. Others were
17 interrogated about their union support. Others were
18 told that if they didn't like their jobs they could
19 just quit. This is not acceptable as we what
20 promised as New York's premier recycling facility.
21 Sims workers are committed to getting good jobs where
22 they are treated with respect. I've seen a lot of
23 organizing campaigns. I have never seen a group of
24 workers as strong or as committed as this group. I
25

1 know that they will stick together and they will win.
2 I want to thank you for the opportunity to be here
3 today and testify. As you already heard, you know,
4 it's been a long hearing and a very informative one
5 obviously for the committee, but you've heard exactly
6 what's going on inside. So I don't have to rehash
7 hash. I think we've sat through it and it was
8 painful just hearing the stories that some of those
9 workers actually testified to in their own words. So
10 that is the backdrop of why, you know, we're here
11 today, and I want to thank certainly Antonio Reynoso
12 and the--the committee for having this hearing. Thank
13 you.
14

15 CHAIRPERSON REYNOSO: Thank you. So, I
16 want to get straight to the question here. It seems
17 like there's enough signatures, there's enough cards
18 to make it happen. What process needs to happen here
19 on that outside--

20 GEORGE MIRANDA: [interposing] This--

21 CHAIRPERSON REYNOSO: Go ahead, please.

22 GEORGE MIRANDA: Yeah, I--I, you know, Tom
23 Outerbridge and, of course, you know, he's known and--
24 and we respect his--his ability to run a facility and
25 what needs to happen is then to recognize the method--

1 the workers' choice. There's 80% of them, probably
2 over that by now, have signed authorization cards for
3 this union to represent them. He knows we represent
4 them already in Long Island City, and they—they came
5 to that conclusion all by themselves. The fact that
6 they did that in of itself--and you've heard all of
7 the horror stories already--is the reason why we sent
8 that letter that he received asking for recognition
9 thinking that he's a fair man that he would
10 understand what the situation is and put this behind
11 us and sit down and we can come to an agreement to
12 come to the collective bargaining agreement for these
13 workers to straighten out what their issues are on
14 the job. Instead, their obfuscating it, they're
15 acting like it isn't--there's none of these situations
16 has happened on the job whatsoever. I guess they
17 have, you know, blinders on or whatever it may be and
18 it's going on. The reason we asked for recognition
19 is if you go for an election in--in an atmosphere that
20 they're facing inside the job and out, it's--it's
21 counter mount to losing that election because they're
22 going to be brow beaten. They're going to constantly
23 have captive audience meetings. They're going to
24 constantly be demoted. They're going to constantly

1 be harassed for their support of the union prior to
2 any election being held, a three-week period that was
3 talked about earlier. There's a tremendous amount of
4 time that they beat up on the workers. We don't have
5 access to the workers inside the job. So that's why
6 the recognition. That's why the 80% and that's why
7 we—we ask for the recognition in order to sit down,
8 you know, with this company and do that. It's a—
9 it's—it's—it's a typical tactic that a lot of
10 companies use in order to buy time to commit—to
11 browbeat the individual. Of course you can file for
12 an election. That's the easiest thing in the world.
13 Under normal circumstances the democratic process
14 works, but when the individuals come to you, and they
15 say I'm being browbeaten, I'm being told how bad the
16 union is and they—they get one way. It's like a one-
17 way indictment. You just hear one side of the story,
18 and you don't get to get to it. Your side of the
19 story doesn't come out. So by the time the election
20 comes around, those people are disillusioned, they're
21 beaten—they're beaten down, and you end up losing the
22 election.
23

24 CHAIRPERSON REYNOSO: And—and is there I
25 guess—is there a process that exists that would

1 remove that--that variable from it or just they have
2 access to them while they're at work. There's not--
3 there's non union--

4
5 GEORGE MIRANDA: [interposing] You can do
6 that and have access, equal access to them on--on the
7 job, but that will never happen, or you can just
8 recognize and turn over the cards to a neutral
9 mediator, somebody from the outside to verify that
10 the signatures are, in fact, valid. They were
11 actually signed by employees of the company and--and
12 be bound by the--by the results of those--those
13 signatures, which is a form of election.

14 CHAIRPERSON REYNOSO: Have you--have you
15 allowed for any--any other facilities for there to be
16 a--a vote. Do you remember how it went down in
17 Queens?

18 GEORGE MIRANDA: No, I think Queens it's
19 a--there was a Local--the Local 815 had them in Queens.
20 I couldn't tell you sitting here today because it's
21 been many generations I guess. The years have gone
22 by before they came over to the local that I'm in
23 now. 210 is the result of mergers, but I'd have to
24 go back to the earlier files to turn around and find
25 that particular thing as to whether they were

1 actually recognized or whether it was actually in the
2 record. But, recognition is a form of-of elections
3 today all over the place, and all over the country
4 not only us. We didn't discover this. It's the
5 easiest way to stop from having a, you know, the work
6 stoppages or whatever it may be. Make no mistake,
7 these people that you've heard here today are
8 absolutely behind the union 1000%. They have
9 instructed me that if they don't get recognized
10 they're going to strike Sims.

12 CHAIRPERSON REYNOSO: Right so--

13 GEORGE MIRANDA: [interposing] Take my
14 word for it. You heard it today.

15 CHAIRPERSON REYNOSO: Yeah, I-I see that,
16 and I had conversations with Council Member Menchaca
17 who has actually been at the facility, and he's told
18 me that his getting to a fever pitch.

19 GEORGE MIRANDA: It's not a preferred
20 course. We would rather sit down with them and work
21 it out and so on and so forth and come up with a
22 collective bargaining agreement that's fair to both
23 sides, but it takes two to tango.

24 CHAIRPERSON REYNOSO: Council Member
25 Menchaca.

1
2 COUNCIL MEMBER MENCHACA: Thank you,
3 Chair and thank you Mr. Miranda for being here and
4 for both of you and for your testimony. So I want to
5 get a good sense about just your-your role and the-
6 the kind of-the history about-about the facility
7 specifically, and can you walk us through the earlier
8 and-and earlier in Mr. Outerbridge's testimony.
9 There was conversations about a 2009 situation really
10 when the facility started opening up and workers were
11 coming from Jersey. Can you give a-like a sense
12 about what was happening at that time--

13 GEORGE MIRANDA: [interposing] It-it was-
14 -

15 COUNCIL MEMBER MENCHACA: --and-and what-
16 what prevented necessarily-what prevented the union
17 coming from one site to the other, and give us more
18 context than I'm giving now. So everybody
19 understands it.

20 GEORGE MIRANDA: [interposing] It was a-
21 it was a situation, and we had different-different
22 areas that were organized and obviously in the union
23 and there was a way of staffing this particular place
24 in order for it to be union. With the understanding
25 that it would union would able to borrow people from

1 the other facilities and so on and so forth as we
2 were going through it. And that's the context of
3 2009. It was to allow them to be able to staff
4 people to get them, you know, in their. We had to go
5 around the city. It was my local right here, the
6 Local 210, and they knew that very well, you know,
7 and--and to be able to borrow people with people
8 transferring over into the new facility and so on and
9 so forth. And that was discussed with the business
10 agent back then in my office that there would be an
11 understanding.
12

13 COUNCIL MEMBER MENCHACA: What's the
14 business agent?

15 GEORGE MIRANDA: Labor Calling. (sic).

16 COUNCIL MEMBER MENCHACA: And--and who's
17 that is that--?

18 GEORGE MIRANDA: Because he works for me
19 as a business agent.

20 COUNCIL MEMBER MENCHACA: He's your
21 business agent at the teamsters.

22 GEORGE MIRANDA: [interposing] He's a
23 local Teamster that's correct.

24 COUNCIL MEMBER MENCHACA: Okay.
25

1
2 GEORGE MIRANDA: He represents that
3 facility today. If there be a point—you know, that
4 they would recognize the Teamsters once that facility
5 got up and going. [background comments]

6 COUNCIL MEMBER MENCHACA: Where did you
7 get that sentiment? That was coming from--?

8 GEORGE MIRANDA: He got the sentiment
9 from the—from the managers over in Long Island City
10 with doing the—the training and the staffing for the
11 new facility, which is an existing facility. It was
12 in Long Island City. They never had to promise it.
13 (sic)

14 COUNCIL MEMBER MENCHACA: That's why
15 we're here. [laughs]

16 GEORGE MIRANDA: That's one way to get
17 that.

18 COUNCIL MEMBER MENCHACA: But just help
19 us understand the—so I—because I'm—I—I just don't
20 know. It's hard one.

21 JAMES CURBANE: And I'll give you a
22 little bit more details.

23 GEORGE MIRANDA: He's got more details.

24 JAMES CURBANE: James Curbane (sp?).
25 Actually when the Sims facility in Brooklyn first

1 opened Page O'Cardi (sp?) was standing out front
2 handing out cards and in that moment, Sims should
3 have notified DSNY that it may be a labor dispute the
4 seen organizing going on at the time. And as you
5 heard from some workers earlier they said that when
6 they would try to organize Sims would throw them a
7 little bone and make them some promises and they
8 would go away. And this organizing campaign just
9 didn't start in December. It didn't just start in
10 July. It didn't start in 2016, '15 or '14. This
11 organizing campaign has been going on since day one,
12 and every time they get to a point where they had a
13 little bit of momentum, they would beat the only bone
14 as I call it, and in July the workers was fed up.
15 They had enough. They started talking to their co-
16 workers in late September and October, and in that
17 time it was management that went to workers, and
18 stated three of the organizers names. So, at that
19 time Sims should have notified DSNY there's a labor
20 dispute coming about. On December the 11th—December
21 the 12th when the recognition letter was given to
22 Sims they should have notified DSNY there's a labor
23 dispute at hand. They didn't. On December the 21st
24 and I know Mr. Outerbridge say they don't have any
25

1 union busting, but I want to give him a little bit of
2 definition of what Union busting, that's spit as I
3 call it. Spine, promising, intimidating and
4 threatening workers and they don't that on the 21st.
5 They told the workers there's no use to have a union
6 and on more than one occasion it was a manager, Scott
7 Quinn, I think his name is--

9 GEORGE MIRANDA: Uh-huh.

10 JAMES CURBANE: --that shushed workers
11 and in an intimidating manner shushed. This is my
12 meeting. I'm speaking. Shush. This worker more than
13 once. You heard him speak here this morning. You
14 had them awful workers. What can we do for you?
15 That's union busting. Just here recently workers
16 asked for equal space to put up union literature
17 exactly where the company, Sims--and Mr. Outerbridge,
18 you may not know about this, but you may want to go
19 back and check. It was inserts out of the Queens
20 Teamster contract that was put on board and
21 highlighted and they actually handed it out to every
22 worker in the building and say this is what you're
23 going to get. And when the workers asked for equal
24 space last week they was denied. That's union
25 busting, Mr. Outerbridge. That's what we're talking

1 about. You may not understand. I know you're not a
2 labor attorney. You may not deal with the labor
3 side, but I think that at that moment even when that
4 happened when you got the actual charges DSNY should
5 have been contacted.
6

7 COUNCIL MEMBER MENCHACA: Can you--

8 JAMES CURBANE: I'm sorry.

9 COUNCIL MEMBER MENCHACA: --and--and just
10 on the point because I--I don't want to leave that
11 point. What are the consequences as you understand
12 them? I'm sure you're looking at that--looking at for
13 your own reasons the contract between the city and
14 Sims and labor as it talks about labor. What are the
15 consequences of not following the contract? Do-do
16 you know?

17 JAMES CURBANE: If I'm not mistaken, they
18 can be fined.

19 COUNCIL MEMBER MENCHACA: So fines.

20 JAMES CURBANE: The--the contract can be--
21 it can be leveraged on the contract and, you know,
22 it's--they actually get money from the state after the
23 reach a certain amount of workers per year. I--I
24 think they got have at least 70 to 80 workers per
25 year, and they actually get monies back from the

1 state, and they got to keep—I—I don't know exactly
2 ever bit of it, but I know there's penalties and
3 levies that can be enforced if they don't meet all
4 the requirements with city nor state.
5

6 COUNCIL MEMBER MENCHACA: Got and as
7 follow-up, I think we'll do on just what that—those
8 consequences are. I just want to understand if you
9 had them. So, I—I—I think the next—the next question
10 I have is really around this concept of fair election
11 because, you know, what, it's—it's important that—
12 that we just go there, and I really kind of give the
13 benefit of the doubt for a moment and say that Mr.
14 Outerbridge and—and his decision to really say let
15 the workers decide. It's a compelling argument. I
16 got to tell you--

17 JAMES CURBANE: [interposing] And—and in-

18 --

19 COUNCIL MEMBER MENCHACA: [interposing]
20 And so let me just finish the question.

21 JAMES CURBANE: Okay.

22 COUNCIL MEMBER MENCHACA: I—I want to
23 really understand this and at the—at the longevity of
24 the work that the Teamsters have been doing since day
25 one when they were created to fight for workers.

1 What are—what is your response to that question about
2 the fundamental concept of democracy for people to
3 vote their—their right? Help—help me construct that
4 from your perspective because I really want to know
5 what—what your—your response is to that.

7 JAMES CURBANE: On that when he say a
8 fair vote, the workers don't believe that because
9 along with Mr. Outerbridge's management team, Mr.
10 Menendez, which is out of HR, Mr. Quinn and other
11 agents of the company, they have normally and
12 routinely talked to workers 101 about the union,
13 which as union busting. And within ten days after
14 the letter of demand was presented to the company,
15 they held an anti-union meeting, and threatened
16 workers, intimidated workers, solicited grievances
17 from the workers, told the workers there wasn't no
18 use to have a union. So with saying that, how can
19 you have a fair election, and it was prepped and as
20 most companies do when they think an election process
21 is coming upon, they start the anti-union campaign.
22 They start and I like to call just a carrot on a
23 stick. They dangle the carrot out there and if you
24 don't run and chase behind, they take and browbeat
25 you and whip you down, and that's what they've been

1 doing with these workers. So the workers do not feel
2 like they can get a fair election. That's why it's
3 not in an election file, the workers want recognition
4 and they have shown that over the years by sticking
5 together, banding together and actually presenting
6 the company with petitions when they have problems
7 and it's been time and time again.

9 COUNCIL MEMBER MENCHACA: So then my-my
10 next question is aren't there protections from
11 federal government and from other-other kind of
12 statutes that protect workers during this process
13 with their election?

14 JAMES CURBANE: Yes, it is, and that's
15 why the workers have stepped forward this time
16 around, and it charges pending, and we're-we're
17 currently waiting on the company's position statement
18 and if it's actually going to be a complaint filed
19 against the company, which I speculate the company
20 would say we're sorry, we won't do it again, and
21 which that's just a slap on the wrist, and they come
22 in-they have to stand in front of the workers and say
23 we will not threaten you. We will not promise you.
24 We will intimidate you, and that's it, and they'll
25

1 post it for 30 days, and they go ahead and have your
2 election now.

4 GEORGE MIRANDA: It's already tainted.

5 JAMES CURBANE: It's-it's tainted because
6 just here today you've-you've seen, and I'm not for
7 sure who it is, but you had a guy he introduced
8 himself to me in here. He works for Sims, and
9 bouncing around the room, and I-I can't say that was
10 a forma intimidation, but he was sitting by some
11 workers. I can't say that that's what he was doing,
12 but it was a worker that touched me and say, "The
13 company guy is here." So some workers-these-these
14 workers don't fear. They don't care, but it is an
15 intimidation factor because change don't come easy,
16 and if they wasn't-if they didn't have a little bit
17 fear in them, something wrong with them because we
18 all fear how we're going to pay our bills from home.

19 GEORGE MIRANDA: And let me just say,
20 Councilman, that this decision is solely from the
21 people who were and testified, if you remember
22 80%.(sic) And the fact that they've gotten to the
23 point where they were willing to sacrifice whatever
24 they needed to sacrifice including the strike, which
25 is a pretty bold move to form their union. That's

1 what this all about. That's it. It's their
2 conviction that their--that their election can't be
3 held. It's tainted. The whole atmosphere is inside
4 there has been tainted.

5
6 COUNCIL MEMBER MENCHACA: And--and so I so
7 I--I hear that, and--and--and I think this is why we
8 want to kind of walk us through this process--

9 GEORGE MIRANDA: [interposing] Well, I--I
10 understand, too.

11 COUNCIL MEMBER MENCHACA: --I withstand
12 this bully, from your perspective.

13 GEORGE MIRANDA: Yeah.

14 COUNCIL MEMBER MENCHACA: And so, if--if,
15 in fact, we get to a point where tomorrow a new
16 decision is made, and you get a response from your
17 formal letter in December that says ready to go for
18 recognition and you recognize, what happens now and
19 what happens to the workers? Do they--what--what--what
20 kind of protections do they have in the process? Can
21 you walk us through that process?

22 GEORGE MIRANDA: [interposing] Well, what
23 happens is that they--

24 COUNCIL MEMBER MENCHACA: What does that
25 look like?

1
2 GEORGE MIRANDA: --if once we recognize,
3 you know, you get recognized, we sit down with the
4 company, have a meeting with the members to get their
5 contract demands. We set up a-a grievance procedure
6 in the interim, and sit down with-with Tom
7 Outerbridge and his people in order to work out a
8 collective bargaining agreement that satisfies the-
9 the members' demands, you know, to us.

10 COUNCIL MEMBER MENCHACA: And that can
11 happen as soon as that-that recognition comes--

12 GEORGE MIRANDA: [interposing] It can
13 come.

14 COUNCIL MEMBER MENCHACA: --informal-
15 informal reply.

16 GEORGE MIRANDA: Correct.

17 COUNCIL MEMBER MENCHACA: Got it and
18 there's still nothing. So even if there are pending
19 issues with the NLRB--

20 GEORGE MIRANDA: [interposing] Correct.

21 COUNCIL MEMBER MENCHACA: --you can still
22 move forward on that.

23 GEORGE MIRANDA: [interposing]
24 Absolutely, absolutely.
25

2 COUNCIL MEMBER MENCHACA: And what
3 happens to those issues?

4 GEORGE MIRANDA: They get resolved in
5 negotiations.

6 COUNCIL MEMBER MENCHACA: They get swept
7 up into it.

8 GEORGE MIRANDA: Yeah.

9 COUNCIL MEMBER MENCHACA: Okay.

10 GEORGE MIRANDA: The whole thing gets
11 resolved--

12 COUNCIL MEMBER MENCHACA: Okay.

13 GEORGE MIRANDA: --in negotiations.

14 COUNCIL MEMBER MENCHACA: Got it.

15 GEORGE MIRANDA: That's what happens.

16 COUNCIL MEMBER MENCHACA: I think that
17 sounds more compelling to me. Okay, okay. That's
18 it. Thank you.

19 JAMES CURBANE: And can I just touch on
20 what the Councilman Rosen--

21 COUNCIL MEMBER MENCHACA: Rosenthal.

22 JAMES CURBANE: Rosen--

23 COUNCIL MEMBER MENCHACA: Chair--

24 Chairwoman Rosenthal.

25

1
2 JAMES CURBANE: Okay, okay. She was
3 asking about the number of women that work there.
4 The number of women that's working on the floor is
5 five that we are aware of, and it's one security
6 guard. So it's a total of six women that are non-
7 management that we're aware of. One of them is an
8 equipment operator, and just to touch bases of a
9 young lady that used to work there that was
10 discharged, I want to say late last year, she was—she
11 had a miscarriage on the line, and she was on the—she
12 actually used the phone. It was just company policy
13 to use the phone on the line, but she usually used
14 the phone before she went on lunch on the line—on the
15 line to call the civil guys about what they was going
16 to eat. So—and they was aware that she had had a
17 miscarriage, and she was in contact with her doctor.
18 They denied this young lady's unemployment, and you
19 could actually see that, and Mr. Outerbridge may know
20 about it. He may not, but I know Scott Quinn does,
21 and that's the amount of women that works there.
22 It's not ten percent of women that work there unless
23 you count 92 in personnel. These workers, again
24 they've been intimidated, threatened, and they are
25 ready to do whatever they have to do, and in the

1 Black History Month, I go back to 1968 with Dr. King
2 that was fighting for sanitation workers, and we are
3 in the same place today in 2017 with waste workers
4 fighting for their lives, and these workers do not
5 have to wait on the Labor Board charges to take
6 concerted activity. They have been violated already.
7 They could walk out tomorrow, and I say this, and I
8 hope that Mr. Outerbridge realize these workers will
9 strike him, and they are ready to pull the trigger
10 any time and it behooves me why he hasn't notified
11 the DSNY two years ago, two months ago, two weeks
12 ago. They're in the wrong. They're putting the city
13 in harm's way.

15 CHAIRPERSON REYNOSO: Just-just to put
16 this in perspective I know DSNY is not here any more,
17 but that's my concern about the relationship that
18 DSNY has rescinds, and the fact that they are in a
19 facility in the City of New York that's doing this
20 type of work. You know, this contract is extremely
21 important to them. That there are several moments,
22 and you saw the Commissioner, you know, very
23 nonchalantly dismissing that anything is really
24 happening or that it's gotten to a critical mass.
25 Should the strike happen in the next week or so, I

1 think that she would change her-her-her-the attitude
2 regarding what's-what's concerning here. But there
3 were legal moments when they were supposed to report
4 to her on what's happening. That just did not
5 happen, and there's no repercussions for them not
6 notifying the Department of Sanitation because the
7 Department of Sanitation sat right here and said that
8 they don't think this is a problem. And when that
9 happened, you lose all your leverage, and that was
10 my-the message that I wanted to get to the
11 Commissioner was that if she doesn't do her part in
12 oversight, and at least demand that it-as soon as
13 this stuff started happening that she received
14 information. Sims unfortunately gets all the
15 leverage, all the advantages with that because the-
16 the city is with us. We're going to do our thing.
17 Whatever you guys want, you're-you're third and
18 running. Your priority, you're the lowest priority
19 here, and I think the Council Members when the City
20 Council has-has shown through this hearing that
21 they're going to take a role. They're going to play
22 a role as well, and our role is not going to be one
23 where we're concerned about the capacity the city has
24 to recycle over the workers.
25

2 GEORGE MIRANDA: Right.

3 CHAIRPERSON REYNOSO: We're going to be
4 able to do both things—both things, and—and that's
5 what we're working on now. So I just wanted you to
6 know that we recognize that, too, that this lack of
7 notification is an affront to—to the—the process, and
8 the fair—that the fair—the—the leverage that's being
9 built against these workers.

10 GEORGE MIRANDA: The unfortunate part is
11 that you always find this out after the fact after
12 the hurt is already there.

13 CHAIRPERSON REYNOSO: Yes.

14 GEORGE MIRANDA: Make no mistake if they
15 pull the plug, in—in that facility, it's only 20,000
16 pieces across New York City and—and the state
17 including the workers who work in—I'm not saying that
18 they will or they won't. Including the—the Teamsters
19 that work for Sanitation. There's going to be a lot—
20 a lot of hurt if that happens and I'm pulling on
21 everybody including Tom Outerbridge who's sitting
22 here to make sure that we're available, willing and
23 able to resolve this issue at a moment's notice.

24 CHAIRPERSON REYNOSO: Thank you, guys—
25 thank you guys. Thank you, guys for—for your

1 testimony, and we're up to our last panel. Eric
2 Goldstein from NRDC, Dria (sp?), yes, from the
3 Alliance—the Justice Alliance, Brigid from ALIGN
4 again and Justin Wood from NOPI (sic). [background
5 comments, pause] Hello, last panel. [laughter]
6 Thank you so much for your patience and your time.
7 Of course, start in any order that you would like to,
8 and whenever you're ready.

10 BRIGID FLAHERTY: Hi. I can go. I have
11 good morning written on here originally, but yes, it
12 is good afternoon. [laughs] My name is Bridget
13 Flaherty. I'm the Organizing Director at the
14 Alliance for a Greater New York, and I'm here
15 representing the Transformed on Trash Coalition a
16 coalition of labor, community and environmental
17 justice groups that are advocating for better
18 standards in the commercial waste industry. So the
19 environmental and economic necessity of recycling has
20 been well be well established today. I just want to
21 draw attention to a report that we actually released
22 last year called Clean City Green Jobs: How Smart
23 Recycling Policies Can Build New York City's Economy.
24 We were able to show with that report the key role
25 that recycling can play in New York's job creating

1 strategy. If we were able to increase the municipal
2 solid waste diversion rate from 21% to 70%, we could
3 rapidly create 3,300 new local jobs in processing
4 recyclables and organic waste. Combined with the
5 proven benefits for clean air and waste reduction,
6 and along with other waste strategies, recycling can
7 offer a critical pathway for our city to achieve
8 sustainable jobs and environmental goals. However,
9 the stories that we heard from the Sims workers today
10 are unfortunately not unique to this facility.

11 Recycling workers face serious hazards on the job
12 with research proving that recycling work can be
13 dangerous, and injuries—injury rates more than double
14 the national average. You're heard some of the
15 conditions that the workers at Sims had to face, but
16 in addition to those, there is research to show that
17 working long hours, they—these workers lean over
18 conveyor belts sorting materials, pulling out things
19 that don't belong, ensuring the best quality
20 materials are bundled together for the highest value.
21 They work with heavy equipment in dangerous
22 situations climbing onto and into massive conveyor
23 belts and bailers to clean them. They maneuver past
24 huge front-end loaders and forklifts, and walk by
25

1 heavy bails of material that when unsafely managed,
2 can fall on workers who are in the wrong place at the
3 wrong time. Moreover, they deal with an array of
4 inherently unself-unsafe materials that should not be
5 on the recycling line, and you've heard about some of
6 those today. Needles, chemicals, dead animals and
7 broken glass. Improving the recycling sector overall
8 is not only possible, it's imperative for a averting
9 today's ecological crisis and protecting the health
10 and wellbeing of this in-of this important group of
11 climate workers who protect us all. We need
12 significant reform to the waste industry to ensure
13 that companies treat all workers fairly and with
14 dignity. Under an exclusive collection zone system,
15 quality jobs are achieved alongside equitable siting
16 of facilities that respect the health and welfare of
17 the city's most vulnerable communities. For
18 recycling to be truly sustainable, the industry must
19 actively reduce the environmental and public health
20 burdens faced by communities that have posted at a
21 disproportionate share of waste facilities for
22 decades. As our city designs and implements a zone
23 collection system for commercial waste, we have a
24 significant opportunity to reform a historically
25

1 under-regulated industry and to ensure that waste
2 haulers utilize and construct recycling and organic
3 facilities that are safe for workers and
4 environmental and sound for host communities. Thank
5 you.
6

7 PAMELA DOCKER: [coughs] Good afternoon.
8 My name is Pamela Docker (sic) and I'm here to
9 testify on behalf of the New York City Environmental
10 Justice Alliance. NEJA has been a leader in
11 advocating for a more equitable and sustainable solid
12 waste system for over 20 years. NEJA led efforts for
13 comprehensive policy reforms to address solid waste
14 and the impacts of dozen of transfer stations on a
15 handful of low-income communities and communities of
16 color throughout New York City. Because a number of
17 NEJA's member organizations come from the communities
18 overburdened by garbage, we advocate for strong
19 policies that minimize the impact of truck traffic in
20 our neighborhoods, which leads to public health and
21 safety concerns for residents. New York City creates
22 roughly 35,000 tons of garbage everyday. This
23 garbage is trucked to transfer stations in a handful
24 of New York City neighborhoods and then trucked back
25 out of the city. Everyday garbage trucks needlessly

1 travel thousands of miles through New York City
2 polluting our air with diesel fuel, clogging our
3 streets and diminishing our quality of life. These
4 impacts are greatest in those few low-income and
5 communities of color where old truck dependent
6 transfer stations are clustered, and along the truck
7 routes use to haul garbage. Not surprisingly, these
8 same communities deal with many sources of pollution
9 and the negative health consequences thereof such as
10 asthma, heart disease and cancer. Because a number
11 of NEJA member organizations come from communities
12 overburdened by garbage, our organization continues
13 to be a key advocate for the landmark Solid Waste
14 Management Plan or SWAMP adopted by Mayor Bloomberg
15 and the New York City Council in 2006. This plan
16 articulates two central goals: Improve New York
17 City's air quality and quality of life by taking
18 trucks off the street and moving garbage by rail-rail
19 and barge instead, and two, borough equity to ensure
20 that each borough handles its fair share and no
21 community serves as the dumping ground for another.
22 Through the SWAMP the city also committed to a 20-
23 year public-private partnership with the Sims
24 material recovery facility in Sunset Park. As part
25

1 of the contract, Sims pledged to use its existing
2 regional network of waterfront acceptance facilities
3 and its own fleet of barges to transport material-
4 materials to this new facility. Given an historic
5 overburdening of our communities with trucks and
6 solid waste facilities, our members applauded this
7 initial shift from polluting land-based transfer
8 stations to a system that relies more on cleaner
9 efficient barges as well as the city's commitment to
10 diverting more trash from landfills and incinerators,
11 which also impact Environmental Justice communities
12 all over the country and contribute to the greenhouse
13 gas emissions that exacerbate climate change. The
14 New York City Economic Development Corporation
15 estimates that the use of barge and rail transport at
16 the Brooklyn Material Recovery facility eliminates
17 20-260,000 vehicle miles per year, the equivalent of
18 150,000 truck trips annually. [coughs] However,
19 when our partners in labor flagged alleged labor
20 protection violations at Sims, we grew increasingly
21 concerned about a potential work stoppage, which
22 would severely impact the city's marine and rail
23 based residential recycling system with Sims. A
24 strike at Sims would once again reroute all of the
25

1 recyclables to the low-income communities and
2 communities of color where waste transfer stations
3 are disproportionately clustered. For Environmental
4 Justice communities the city's commitment to zero
5 waste cannot be achieved without addressing the
6 inequity and injustice within the current waste
7 system. This includes justice for our friends and
8 neighbors who represent the people of color and
9 immigrants who live in our communities. We strongly
10 urge the city to carefully consider the companies
11 with which it contracts and fulfill its equally
12 important commitment to sustainability for jobs and
13 waste equity. Thank you.

14
15 CHAIRPERSON REYNOSO: Thank you for that
16 testimony. Okay.

17 JUSTIN WOOD: Good afternoon. To the few
18 in the crowd still show here. [laughter] My name is
19 Justin Wood. I'm the Director of Organizing and
20 Strategic Research at New York Lawyers for the Public
21 Interest. We want to thank you, Chair Reynoso, and
22 thank Chair Rosenthal for holding this hearing and
23 giving time and attention to a matter of great
24 concern for those of us in the Environmental Justice
25 community. We believe this is—this specific instance

1 is part of a greater issue that should be looked at
2 regarding labor standards and community impacts at
3 waste and recycling facilities with which the city of
4 New York contracts. We, of course, want to thank
5 DSNY and the Commissioner who was here early for
6 appearing here, and for her consideration of
7 community impacts in many decisions she and the
8 department make on a regular basis. So as we've
9 heard a lot of testimony about the city has
10 substantial resources invested in the Sims Municipal
11 Recycling facility in Brooklyn. We're heartened to
12 see this investment in a state-of-the-art facility
13 that allows large scale recycling of plastics and
14 other household and hopefully in the future
15 commercial materials. The facility is obviously an
16 essential cornerstone of our recycling program and
17 others like it will be necessary if we're to make
18 progress towards the ambitious zero waste goals of
19 the city is established. We are really concerned
20 that this investment is all going to be for naught if
21 the situation regarding the labor-labor force at Sims
22 continues. The current labor dispute puts the city
23 of New York in an untenable position where it's
24 caught between the values of fair labor standards
25

1 that we know this administration prioritizes, and
2 which we heard testimony today from the Commissioner
3 that the city prioritizes and, of course, the
4 ambitious long-term recycling goals. A work slow
5 down or stoppage at Sims would have serious
6 repercussions for other overburdened communities and
7 and near the city as the more than 700 tons per day
8 of recyclables currently processed at the Brooklyn
9 MRF would need to get diverted to other facilities.
10 We want to urge the City to use its contracting power
11 to ensure that the current situation is resolved
12 swiftly and in the best interest of all the residents
13 of New York City especially those who work tirelessly
14 to process recyclables and residents who live in the
15 communities most overburdened by our currently
16 inequitable waste system. Moving forward we hope
17 that the city can learn from this instance and set
18 appropriate standards for facilities with whom the
19 city contracts. Thank you. [pause]

20
21 CHAIRPERSON REYNOSO: Last but not least.
22 Welcome back again.

23 ERIC GOLDSTEIN: Thank you. I thought I
24 was concerned. Thank you. [coughs] Thank you, Mr.
25 Chairman. My name is Eric Goldstein, the New York

1 City Environment Director at the Natural Resource
2 Defense Council and thank you and thanks also to
3 Chair Rosenthal for convening this hearing. This is
4 exactly the kind of fact finding that the Council
5 should be doing. It's the perfect use of your
6 oversight authority and we appreciate your courage in
7 having this hearing. And I also want to join Council
8 Member Lander in commending the Commissioner,
9 Commissioner Garcia for her leadership in the overall
10 job that the Sanitation Department has been doing in
11 advancing the city's sustainability agenda. Three
12 quick points to sum up the day. What makes the
13 ongoing labor dispute at Sims a matter of importance
14 to all New Yorkers is the central role that the Sims
15 Sunset Park facility plays in the city's overall
16 trash disposal operation. This shouldn't be
17 underestimated. Sims is the main switching station
18 for hundreds of tons of recyclables that the city
19 collects throughout every neighborhood every day. In
20 addition to handling tons of paper, Sims has the
21 exclusive contract, as you know, for all the metals,
22 glass and plastic that the city has designated as
23 recyclable, and it's got the sophisticated equipment
24 that sorts and bales these recyclables and then ships
25

1 the consolidated commodities mostly by barge and rail
2 to markets around the world. The Sims facility and
3 the 20-year contract that it has have been good for
4 New Yorkers. This facility has in many ways been the
5 model of sustainability. I don't think anyone here
6 today has been criticizing its operation or its
7 important role in the city's solid waste arsenal.
8 For the city to succeed in its ongoing efforts to
9 boost recycling, the single most indispensable
10 infrastructure that has to continue to operate in
11 this city is the Sims Sunset Park facility. And if
12 the city is going to come close to meeting Mayor de
13 Blasio's ambitious goal of zero waste by 2030, it's
14 going to need the Sims Sunset Park facility up and
15 running at maximum efficiency. The facility has got
16 to expand to meet growing needs, and it's got to have
17 labor of peace. So we're worried also what would
18 happen if the strike at this facility were to force a
19 shutdown later this year. We've heard statements
20 that if there were to be a strike or other labor
21 related closure, the city could simply sends its
22 recyclables to another Sims facility perhaps in
23 Jersey City or elsewhere. But even if such
24 facilities could handle all of the additional loads,
25

1 such a shift in city trash hauling would be
2 disruptive, require—requiring more time and adding
3 more expense to the city's existing recycling
4 operation. And what if those facilities were also
5 subject to labor action if picket lines were set up
6 there? One thing we know for sure: Any shift of
7 recyclables to other city—to other facilities
8 throughout the region would almost certainly generate
9 additional truck traffic and addition pollution.
10 What happens if the city's recyclables have no
11 convenient place to go to or if pickups are delayed
12 or heaven forbid if recyclables are temporarily sent
13 to landfills? One thing that the city recycling
14 history has taught us is that when changes are made
15 to recycling, even if they are short-term in nature,
16 and the recycling operations are quickly restored,
17 long-term damage to the program can occur. That's
18 exactly what transpired in 2002 when the Bloomberg
19 Administration suspended recycling collections for
20 plastics and glass. Even though these recycling
21 pickups were restored over the months that followed--
22 thanks largely to action by the City Council—the
23 damage to the program provide to be lasting and
24 despite even the ongoing efforts of the de Blasio
25

1 Administration to enhance the recycling program, the
2 recycling rate has not yet returned to the 2002 peak
3 before that suspension. So, the lesson of history is
4 that we should not assume that even temporary upsets
5 to the re-the city's recycling collections will
6 necessarily be denied. One final word. As I
7 testified the Sims facility has been doing a good job
8 of advancing more environmentally sought-sound Solid
9 Waste Policy News York. But, as Mayor de Blasio
10 stated in releasing his OneNYC plan, Environmental
11 and economic sustainability must go hand-in-hand.
12 For that reason, the Mayor's Sustainability Plan
13 envisions an equitable economy that offers well
14 paying jobs and opportunities for all New Yorkers to
15 live with dignity and security. Since it opened in
16 the Sunset-since it opened the Sunset Park facility
17 in 2013, Sims has been a leader in helping to achieve
18 the city's environmental goal. Today we urge Sims to
19 address the working condition and organizing concerns
20 of its dedicated workforce and thus do its part to
21 help New York become a more just and equitable city
22 as well. Thank you for convening this hearing.

24 CHAIRPERSON REYNOSO: Well, thank you
25 guys for your testimony. I want to say to-this is a-

1 how do I say it? I had a conversation with several
2 Council Members about what's happening in this
3 hearing today, and they said this is exactly what
4 oversight is about especially when it comes to these
5 contracts and the city's role, and how we're supposed
6 to be having them. But in this one case I'm not
7 satisfied with the fact that—I think that the
8 Sanitation Department is like turning a blind eye to
9 those contracts—those contract goals I guess and
10 ensuring that something like this doesn't interrupt
11 our other management of our recycling rules. I
12 really do feel that way. What—what recourse do we
13 have to hold the Department of Sanitation accountable
14 to take these things seriously? Right? Because they
15 could easily ignore the fact that they've yet to
16 receive notice that there is labor issues in the Sims
17 facility. Without our calling for this hearing, they
18 would still be oblivious to the fact that there might
19 be a strike next week for example, and they not be
20 prepared. What recourse do we have a City Council or
21 maybe the public in making sure that they pay
22 attention to these small things on—on contracts that
23 mean—that are very important? Anyone can answer. The
24 lawyer or anyone.
25

ERIC GOLDSTEIN: Well, as you said, it's—
the contract is the basis for the city's relationship
with Sims, and strict enforcement of the con—of the
contract is a key piece of all of this. But as we all
know, oversight by the Council is often helpful to
get sometimes reluctant parties to face difficult
issues.

CHAIRPERSON REYNOSO: Right, which is the
core of what we're trying to do here today, and I
guess what I'm asking is can we sue the City of New
York for not abiding by contracts, but not—by not
abiding to rules in their contracts? I have this
concern not because of Sims necessarily but because
other facilities in my district do not comply with
con—contractual obligations that again the Department
of Sanitation turns a blind eye to. In this one case
it's very blatant and clear that it is even in the
facilities in my district for—that there are obvious
potential labor issues here there that have not been
reported to the Department of Sanitation, and the
Department of Sanitation is saying that they don't
believe it—it meets the requirements for them to be
notified. Even after workers have said they're
willing to go on strike, the Commissioner still

1 didn't see it appropriate that she be notified of-of-
2 of a potential labor dispute.
3

4 ERIC GOLDSTEIN: Well, again, I'm
5 reluctant to give advice off the top of my head, and
6 you've got competent counsel here serving you on the
7 Council, but I will say that it-it is a very rational
8 question that you ask, and one would think that the
9 Council ought to have a role in ensuring that city
10 contracts are enforced.

11 CHAIRPERSON REYNOSO: So that's all my
12 questions. None of you have any final statements,
13 but I thank you guys for being the last panel and
14 waiting, and again, I want to thank everyone who is
15 in this room for being here throughout this whole
16 time. Well, it's-it's 2:18. [gavel] Hopefully,
17 everybody is going to go get lunch and enjoy the rest
18 of their day, but thank you so much for your time.

19 PANEL MEMBERS: Thank you.

20 CHAIRPERSON REYNOSO: Thank you and this
21 meeting is adjourned. [gavel]
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COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
JOINTLY WITH THE COMMITTEE ON CONTRACTS

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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 March 15, 2017