

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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October 6, 2008

Start: 1:15pm

Recess: 3:05pm

HELD AT: Council Chambers  
City Hall

B E F O R E: JOSEPH P. ADDABBO, JR.  
Chairperson

COUNCIL MEMBERS:  
Michael C. Nelson  
Melissa Mark-Viverito  
Larry B. Seabrook  
Helen Sears  
Robert Jackson  
Simcha Felder  
Alan J. Gerson  
Hiram Monserrate

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

James F. Hanley  
Commissioner  
New York City Office of Labor Relations

Lillian Roberts  
Executive Director  
District Council 37

Eddie Rodriguez  
President  
Local 1549

James Tucciarelli  
President  
Local 1320

Michael DeMarco  
President  
Local 1455

Juan Fernandez  
President  
Local 154

Faye Moore  
President  
Local 371

Mark Rosenthal  
President  
Local 983

John Foster  
First Vice President  
Local 375

Joseph Colangelo  
President  
SEIU Local 246

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

Joseph Garber  
Director  
Civil Service Merit Council

Francis McCaffrey  
Board Member and Political Action Committee Chair  
Civil Service Bar Association

Ed Ott  
Executive Director  
New York City Central Labor Council

CHAIRPERSON ADDABBO: Good

afternoon, everyone. Oh, I like that. Good afternoon. My name is Joe Addabbo. I have the privilege of chairing the Civil Service and Labor Committee. And again, welcome to chambers on a very important issue regarding residency of our City workers. Today the Civil Service and Labor Committee will hold a hearing. It's first on the oversight hearing on two introductions, Intro 452-A and Intro 837. Intro 452-A will amend the administrative code in relation to the residency requirement for certain City employees certified to a collective bargaining representative that has entered into an agreement with the City on September 29th, 2006, to modify the residency requirement for those workers, or again, employees which subsequently enter into a collective bargaining agreement with the City. Such residency requirements are changed to allow said workers to reside in the counties of Nassau, Suffolk, Westchester, Orange, Putnam or Rockland counties. Intro 837, introduced by Council Member Robert Jackson, has the same language as Intro 452-A and adds additional language pertaining to a

1  
2 two-year City residency requirement for future  
3 employees. I look forward to today's discussion  
4 on both Intros. And as we go forward on an issue,  
5 which is so important to so many workers  
6 throughout the City, let me take this moment as  
7 Chair of the Labor Committee to thank all our City  
8 workers for their hard work and dedication that  
9 they put into this city. I want to thank you all  
10 for the work that you do. I don't think we thank  
11 our City workers enough. So, sure.

12 [Applause]

13 CHAIRPERSON ADDABBO: So thank you  
14 for the work that you do, and you definitely  
15 deserve this hearing, which can be summed up in  
16 one word: Finally. Let me thank those who have  
17 put this hearing together, over there sitting to  
18 the side is Tracey Udell, our legal counsel; to my  
19 immediate left here, our policy analyst, Shaniqua  
20 Owusu. Let me welcome our first colleague to the  
21 hearing, Council Member Michael Nelson. And I  
22 will introduce colleagues as they come along. And  
23 let's get started in this discussion regarding  
24 Intro 452-A and Intro 837. Our first panel is  
25 from the administration, it is Commissioner James

1  
2 Hanley, New York City Office of Labor Relations.  
3 Commissioner Hanley, if you'll step forward,  
4 please.

5 [Pause]

6 CHAIRPERSON ADDABBO: Good morning,  
7 Commissioner.

8 JAMES F. HANLEY: Good morning.  
9 I'm joined by our First Deputy Commissioner  
10 Margaret Connor. Actually, good afternoon. Good  
11 afternoon, Chairman and members of the Committee.  
12 My name is James F. Hanley, H-A-N-L-E-Y. I am the  
13 Commissioner of Labor Relations. I am here to  
14 testify on Intro 452-A and Intro 837, which are  
15 two residency bills that are currently before the  
16 Council. The administration does not support  
17 either of these bills as currently drafted.  
18 However, if certain amendments were made, the  
19 administration could support Intro 452-A. Intro  
20 452-A would amend the original residency waiver  
21 bill that was introduced at the request of the  
22 Mayor on October 11th, 2006. By limiting the  
23 waiver only to those employees who reached an  
24 agreement with the City, dated September 29th,  
25 2006, and employees in certain related unions who

1  
2 serve in titles covered by section 220 of the  
3 Labor Law. September 29th was the date the City  
4 entered into its contract agreement with District  
5 Council 37 therefore, this bill would limit  
6 coverage to only DC37 employees and employees of  
7 certain affiliated unions. Intro 837 would also  
8 limit the residency waiver to these employees, but  
9 it includes an additional requirement that an  
10 employee must have completed two years of city  
11 service before they would be eligible for a  
12 residency exemption. As you know, the City's  
13 original residency waiver legislation, Intro 452,  
14 was an outgrowth of contract negotiations between  
15 the City of New York and DC37 for the 2005-2008  
16 round of collective bargaining. As part of these  
17 negotiations the parties agreed to support  
18 legislation to remove residency requirements,  
19 where feasible, for nearly all employees working  
20 in titles covered under that Agreement. Once this  
21 initial settlement was reached with DC37 the terms  
22 of this Agreement were offered to every other  
23 civilian union in the City. As a result, to date,  
24 approximately 27 other unions representing  
25 numerous titles within the city have agreed to the

1 contract terms of DC37 Agreement. The two bills  
2 being discussed today would change the terms of  
3 the original legislation in several problematic  
4 ways. First, both bills would limit coverage to  
5 only those employees represented by DC37 or its  
6 affiliates and would thereby leave out the other  
7 unions that I just mentioned that have settled on  
8 the same terms as those found in the DC37  
9 agreement. Second, intro 837 goes even further by  
10 requiring employees to have two years of service  
11 before they would even be eligible for a residency  
12 waiver, which was never discussed or agreed to in  
13 collective bargaining. That being said, the  
14 administration believes that with certain changes,  
15 Intro 452-A can be drafted in such a way so that  
16 we could support this bill and that it would be  
17 consistent with the numerous collective bargaining  
18 agreements between the City and the unions. The  
19 City's original bill, Intro 452, contained a  
20 clause that allowed employees in categories  
21 otherwise designated by the Mayor in the interest  
22 of the City to also be exempt from the residency  
23 requirement. If the Council inserted the clause  
24 into 452-A, thereby giving the Mayor the  
25

1  
2 discretion to exempt other categories of  
3 employees, both represented and non-represented,  
4 where it's deemed in the interest of the City, the  
5 administration could then be able to support this  
6 proposed bill. The end result of this change is  
7 that DC37 would be guaranteed the residency  
8 exemption under the legislation and the Mayor  
9 would also be empowered to administratively waive  
10 the residency requirement for other titles,  
11 including those represented titles that agreed to  
12 this residency waiver under the DC37 deal. This  
13 we believe would eliminate the need for the  
14 Council and the administration to introduce and  
15 pass multiple residency bills and it would be in  
16 keeping with the residency waiver Agreement that  
17 has been entered into by the City in the course of  
18 collective bargaining negotiations. Thank you for  
19 your time.

20 CHAIRPERSON ADDABBO: Thank you  
21 very much, Commissioner Hanley. We have been  
22 joined by Council Member Melissa Mark-Viverito,  
23 Council Member, thank you. Commissioner, thank  
24 you very much for your time and testimony today.  
25 And obviously we will take your testimony under

2 advisement as we discuss with the legal counsel  
3 and Committees and of course the administration  
4 after this hearing. You had mentioned other  
5 unions now that might be included. Do you have a  
6 listing of those, who they might be?

7 JAMES F. HANLEY: We can get them  
8 for you, but off the top of my head the larger  
9 ones would certainly be the Teamsters, the  
10 Communication Workers of America, Local 246 of the  
11 Autoworkers. We'll get you a complete list.

12 CHAIRPERSON ADDABBO: Please. If  
13 you forward that, that might be helpful.

14 JAMES F. HANLEY: Many, many  
15 unions.

16 CHAIRPERSON ADDABBO: And you  
17 mentioned there are other titles and you could  
18 forward me those as well.

19 JAMES F. HANLEY: Sure, absolutely.

20 CHAIRPERSON ADDABBO: Okay. How  
21 many people do you think would be affected, how  
22 many workers do you think might be, estimated,  
23 might be affected by Intro 452 or 837?

24 JAMES F. HANLEY: Well DC37 has a  
25 little less than 100,000 employees, but there are

1  
2 at least another 50,000 employees that are  
3 excluded as a result of this. Those are round  
4 numbers, obviously. But because this bill does  
5 not apply to any other union, it would be about  
6 50,000 people that would be excluded. And we had  
7 agreed to cover them in the exact same fashion as  
8 we did with DC37.

9 CHAIRPERSON ADDABBO: And what was  
10 the premise when you were negotiating this with  
11 DC37, what was the premise of the waiving of the  
12 residency requirements? What prompted this idea  
13 to be negotiated with DC37?

14 JAMES F. HANLEY: As you had said  
15 earlier, finally. The unions have been pushing  
16 for this for quite some period of time and we  
17 finally agreed to it.

18 CHAIRPERSON ADDABBO: Do you think  
19 it's in light of the rising cost of living in the  
20 City, the high cost of rent or the high cost of  
21 property ownership or in general the high cost of  
22 living in the City?

23 JAMES F. HANLEY: That went into  
24 some of the discussions we had with DC37 across  
25 the table, and every other union as well.

2 CHAIRPERSON ADDABBO: And does the  
3 administration do any kind of research about the  
4 cost of living in the other counties that were  
5 mentioned and why these five counties?

6 JAMES F. HANLEY: Had we done it at  
7 the time? The answer is no. Why these five  
8 counties? Those are the five counties of the  
9 City, but we would give them the ability to move  
10 to contiguous counties. Obviously you don't want  
11 them to move, you know, too far away because it  
12 becomes very difficult for the commute.

13 CHAIRPERSON ADDABBO: Do you  
14 believe that with the passage of Intro 452-A, 837  
15 or any variation thereof, that the City would be  
16 in a better position to recruit for our City  
17 workers or City titles?

18 JAMES F. HANLEY: Yeah, I mean we  
19 certainly support 452, as with our modifications  
20 of it, as you know. Do we think it would help?  
21 If you have a larger pool it always help.

22 CHAIRPERSON ADDABBO: So not only  
23 would it help in recruitment, but then let's go  
24 one step further in retaining our good City  
25 workers, do you think that these Intros or

1  
2 variation thereof helps in retaining these city  
3 workers?

4 JAMES F. HANLEY: We think so. It  
5 also brings them more in line with our uniform  
6 force employees who have enjoyed these benefits  
7 for decades.

8 CHAIRPERSON ADDABBO: Do you think  
9 there's a number of people who might actually  
10 leave a City job because of the residency  
11 requirement, that this is actually a hindrance,  
12 that we alleviating the hindrance of living in the  
13 City as a requirement?

14 JAMES F. HANLEY: I mean, it's  
15 anecdotal, but we certainly have heard that over  
16 the years, but it's anecdotal more than anything  
17 else.

18 CHAIRPERSON ADDABBO: At this point  
19 let me see if there's any questions from my  
20 colleagues. Any questions at all? Commissioner,  
21 is there a price tag with either of these Intros?  
22 Is there a cost to the City or in the alternative,  
23 is there revenue to be gained for the City?

24 JAMES F. HANLEY: When we  
25 negotiated this with DC37 we certainly didn't

1  
2 ascribe an economic value or benefit to it. So we  
3 didn't require the union to pay for it, nor did we  
4 have any economic consideration that took part in  
5 those negotiations or discussions.

6 CHAIRPERSON ADDABBO: And again, in  
7 just subsequent to the agreement of waiving the  
8 residency requirements, does the City feel that  
9 again there will be any revenue gained or any  
10 costs out because of these bills? And again,  
11 tough financial times, both of these issues costs  
12 to the City or revenue are quite important.

13 JAMES F. HANLEY: We did not  
14 ascribe any costs or savings to it.

15 CHAIRPERSON ADDABBO: And I guess  
16 lastly, Commissioner, do you feel that if these or  
17 a variation of these bills were implemented that  
18 there would be a mass exodus of people from the  
19 five boroughs of the City into these outer  
20 boroughs? Do you see there being mass exodus or  
21 flight from the City?

22 JAMES F. HANLEY: We don't  
23 anticipate any mass exodus, no.

24 CHAIRPERSON ADDABBO: We have a  
25 question from Council Member Melissa Mark-

Viverito.

COUNCIL MEMBER MARK-VIVERITO: Hi.  
Good afternoon. You just mentioned at a previous question that Chair Addabbo mentioned, asked you, that in the bargaining negotiations you felt that this is something that you wanted to do. Was it understood that this was something that had to be legislated and would need approval of the City Council?

JAMES F. HANLEY: We knew that.

COUNCIL MEMBER MARK-VIVERITO: So why was that commitment-- was any conversations had prior to making that commitment?

JAMES F. HANLEY: We knew that it would require the appropriate action by this body--

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COUNCIL MEMBER MARK-VIVERITO:  
[Interposing] So I guess the question would be, if that was the case, why would there be a commitment to something without having had conversations previously with the entity that would need to enact that?

JAMES F. HANLEY: Because our commitment was to support legislation, which is

1 something that we have done many times over the  
2 years.  
3

4 COUNCIL MEMBER MARK-VIVERITO:

5 Okay. Because that's one of the questions I had  
6 that I know that there was a commitment put out  
7 there but yet conversations had not been happening  
8 with this body as of, you know, at that time that  
9 that commitment was made. And I think that that's  
10 something that some people had concerns about.  
11 And since that commitment cannot be fulfilled  
12 without having this body act on it, then I think  
13 that that's something that should have happened  
14 before that commitment was made. That's something  
15 that I think about. So that's the only question I  
16 had. Thank you.

17 JAMES F. HANLEY: For well over 20  
18 years, we have bargained on supporting legislation  
19 for pension bills, and I have testified in front  
20 of this body on that commitment itself. So it's  
21 not something new and it has happened over the  
22 years.

23 [Pause]

24 CHAIRPERSON ADDABBO: Thank you,  
25 Council Member. Council Member Mike Nelson.

2 COUNCIL MEMBER NELSON:

3 Commissioner, some people have registered concern  
4 that there'd be greater competition should it be  
5 open to people from surrounding areas for the City  
6 jobs. Any concerns from you and any way to offset  
7 this somewhat, whether it be more points involved,  
8 people living in this City on any tests or some  
9 sort of incentive?

10 JAMES F. HANLEY: Obviously we'll  
11 monitor it. We don't anticipate any problems with  
12 it. If there were any problems with it there are  
13 ways of addressing that. And as you had indicated  
14 yourself in the case of points, additional points  
15 being given to people who are City residents. We  
16 had not discussed that. We don't anticipate any  
17 problems. If that were a problem, however, we  
18 could always address it.

19 COUNCIL MEMBER NELSON: Okay. And  
20 anything special, as there usually is, for  
21 veterans?

22 JAMES F. HANLEY: That's a matter  
23 of state law right now. We certainly have no  
24 intention of--

25 COUNCIL MEMBER NELSON:

[Interposing] You can't defy. Okay.

JAMES F. HANLEY: --changing that  
in any way.

COUNCIL MEMBER NELSON: Thank you.  
Thank you, Mr. Chair.

CHAIRPERSON ADDABBO: Thank you,  
Council Member Nelson. Commissioner Hanley,  
always a pleasure having you here and I look  
forward to additional and subsequent conversations  
regarding both of these bills with the  
administration as we go forward, for the sake of  
the people who should have a choice in where they  
reside.

JAMES F. HANLEY: Okay. Thank you.

CHAIRPERSON ADDABBO: Our next  
panel is Lillian Roberts, Executive Director of  
DC37.

[Pause]

CHAIRPERSON ADDABBO: Ms. Roberts,  
good to see you. Good afternoon.

LILLIAN ROBERTS: Good afternoon.

CHAIRPERSON ADDABBO: Please.

LILLIAN ROBERTS: My name is  
Lillian Roberts. I am the Executive Director of

1  
2 District Council 37, AFSCME, the City's largest  
3 municipal labor union-- representing 125,000  
4 members and 50,000 retirees. DC Council 37  
5 consists of 56 local unions representing more than  
6 1,000 titles. First, I want to thank Speaker  
7 Quinn, the leadership of the Council and the  
8 Asian, Black and Latino Caucus and Chairman  
9 Addabbo for holding this hearing today. For more  
10 than 30 District Council 37 members have waited  
11 for the opportunity to change this legislation, so  
12 for our members this hearing is long overdue.  
13 Approximately two years ago the City agreed as  
14 part of our collective bargaining to seek  
15 legislation which would modify the residency  
16 requirements now in place for many civilian  
17 employees. More than 97% of our members ratified  
18 the contract and together, we worked to craft a  
19 bill that covers the spirit of the collective  
20 bargaining agreement. Some of the members of the  
21 Council expressed concerns about how the  
22 legislation would impact the communities and  
23 whether it would erode entry-level jobs for  
24 minorities. Intro 452, as presented today, is a  
25 compromise that addresses the concerns, while

1  
2 achieving what our members originally sought in  
3 the last contract. We believe that residency  
4 requirements, as a term and condition of  
5 employment should be the same for all City  
6 employees. In all fairness, it is important to  
7 note that many members of the City's workforce  
8 such as police officers, firefighters, teachers  
9 and sanitation workers do not have a residency  
10 requirement. The members represented by District  
11 Council 37 would like to enjoy the same freedom to  
12 choose where they live as teachers and uniformed  
13 employees. Intro 452-A would allow our 45,000  
14 District Council members to live in six suburban  
15 counties, Nassau, Suffolk, Orange, Rockland,  
16 Putnam and Westchester, if they choose to do so.  
17 Approximately 35% or 45,000 of our members are  
18 subject to the residency requirement. Most of  
19 them hold clerical or blue-collar positions  
20 primarily and are for the most part at the bottom  
21 of the salary scale. We believe these workers  
22 should be able to enjoy the same freedom as  
23 professional, uniformed and other higher paid  
24 exempt New York City employees. You should note  
25 that more than 85% of our members reside in the

1  
2 five boroughs and more than likely will continue  
3 to do so. Adding to the need for our members to  
4 have this option is the significant decrease in  
5 affordable housing within the City. The loss of  
6 thousands of rent controlled units and the  
7 increase in the construction of luxury housing  
8 have decreased the affordable housing available  
9 for our members. The issue of homelessness is  
10 very real for our members. Several years ago it  
11 came to my attention that many of our members were  
12 homeless and living in shelters. More than 300  
13 families of municipal employees were residing in  
14 homeless shelters. In addition, a significant  
15 number of District Council 37 members were coming  
16 to us for help because of their need for legal  
17 assistance because they were facing eviction or  
18 foreclosures. We attempted to address many of  
19 these problems with a first in the nation city  
20 assisted municipal employees housing program,  
21 which gives our members a 5% preference on City  
22 and state sponsored housing developments. And  
23 while this program represented a tremendous step  
24 forward in addressing the problem, it still  
25 doesn't fully address the needs of our members.

1  
2 In closing, the time has come to lift the  
3 residency requirement for all of the reasons I  
4 stated. I would like to urge the City Council to  
5 vote for Intro 452-A. Its passage will go a long  
6 way in removing a longstanding inequitable and  
7 discriminatory application of this law. I will  
8 avail myself for any questions. Thank you.

9 CHAIRPERSON ADDABBO: Thank you,  
10 Ms. Roberts. Any other statement from any of your  
11 panel? No? Okay. Once again, Ms. Roberts, thank  
12 you so much for being here and just a couple of  
13 questions on your testimony. You had mentioned  
14 that 85% of your members reside in the five  
15 boroughs, and you do feel that more than likely,  
16 most of them will remain here, correct?

17 LILLIAN ROBERTS: Oh, absolutely.

18 CHAIRPERSON ADDABBO: Even after  
19 the implementation of either bill--

20 LILLIAN ROBERTS: [Interposing]  
21 Absolutely. It costs them to live outside of the  
22 boroughs in terms of commuting into the City.

23 CHAIRPERSON ADDABBO: You're not  
24 concerned, as Commissioner Hanley I don't think  
25 was concerned, you're not concerned of a mass

1  
2 exodus out of the City or the five boroughs of the  
3 City?

4 LILLIAN ROBERTS: Not at all.

5 CHAIRPERSON ADDABBO: You also said  
6 in the next paragraph the issue of affordable  
7 housing. And I tend to agree with you that there  
8 is a severe issue regarding affordable housing  
9 throughout this city. And do you think that this  
10 is an odd way of dealing with the affordable  
11 housing issue, that you know, this is one way of  
12 dealing with it, telling people that they can  
13 leave because there is no affordable housing, and  
14 the high cost of living does exist for your  
15 members, I'm sure. Is this an odd way of dealing  
16 with the affordable housing crisis?

17 LILLIAN ROBERTS: No, it's not.

18 Because some of our members may be married to some  
19 of the uniform forces and what have you, and in  
20 that process, if they should move with them, they  
21 will lose their jobs. And then some of them,  
22 because they don't have housing, are homeless  
23 because they cannot and maybe there's friends and  
24 relatives outside the City that would afford them  
25 housing, but if they move they lose their jobs.

2 CHAIRPERSON ADDABBO: And Ms.

3 Roberts, you mentioned also in your testimony the  
4 Municipal Employees Housing Program, which was a  
5 good program that did help some of our city  
6 workers. Do you think the City could do more of  
7 those type of programs, and if not more, are there  
8 other alternatives to dealing with the housing  
9 issue in the City?

10 LILLIAN ROBERTS: I don't know of  
11 any. We have approximately 15,000 of our members  
12 who living in housing projects. And some of them  
13 may be able to at some point move out so that some  
14 of the homeless can move into the housing. Our  
15 members don't make very much money and it's very  
16 difficult for them, extremely difficult.

17 CHAIRPERSON ADDABBO: Do you have a  
18 rough estimate of how many of your members, if not  
19 all, would benefit by either of these bills or  
20 variation thereof, once it's being implemented and  
21 signed by the Mayor?

22 LILLIAN ROBERTS: Well we have  
23 45,000 of our members who would like the  
24 privilege, not that they would want to-- if  
25 housing opened up they would certainly be happy to

1  
2 stay here. Who wants to move and have to commute?  
3 But they should have the opportunity. That's what  
4 we're seeking here.

5 CHAIRPERSON ADDABBO: We've been  
6 joined by Council Member Larry Seabrook, who has a  
7 question at this point. We've also been joined by  
8 Council Member Helen Sears. Council Member  
9 Seabrook?

10 COUNCIL MEMBER SEABROOK: Thank you  
11 very much, Mr. Chairman and I certainly don't have  
12 a question because I have heard all of the facts,  
13 read the bill and approve of the bill. But I just  
14 want to say that if we believe in fairness and  
15 justice and the level of equality and that the  
16 playing field should be level for those who work  
17 here, that this is certainly an opportune time for  
18 us to move forward with doing what can be done.  
19 And I want to thank the leadership, who have put  
20 on a courageous battle to do what is just and what  
21 is right, and you must be commended for the work  
22 that you all have done for the members, and I  
23 stand with you on this issue from start to finish.  
24 And thank you very much.

25 [Applause]

LILLIAN ROBERTS: Thank you.

CHAIRPERSON ADDABBO: Thank you,  
Council Member Seabrook. Council Member Sears?

COUNCIL MEMBER SEARS: Thank you,  
Mr. Chair. And good afternoon, it's good to see  
Ms. Roberts and everyone else connected with the  
DC37. I'll be very brief and say the comment that  
I've made from the very beginning and why I  
supported this request, actually this action, is  
that we have done a terrible job in the City of  
New York for affordable housing. And when we have  
been so lax and our attention has been so meager  
to this, I find it absolutely appalling that we  
place a restriction on where people live. I think  
that's outrageous. I've felt that way from the  
very beginning. I think we need to do a better  
job of affordable housing. I don't believe  
suddenly it's a mass exodus from anywhere or to;  
but the fact of the matter is this City gets more  
and more expensive to live in and we have not done  
that much to see that they're able to meet what  
our bills are. As a result if anybody has the  
opportunity to live somewhere where they can put  
food on their table, pay for their shelter and

1  
2 clothing and somehow have a decent quality of  
3 life, I don't see how anybody could say no to  
4 that. I really don't.

5 [Applause]

6 COUNCIL MEMBER SEARS: And I know  
7 that the City has had the restrictions, but the  
8 City changes. And this City has become more and  
9 more difficult to live in, much more difficult,  
10 and we have to do everything we can, I believe and  
11 have always felt that way, that we have to do  
12 everything to keep families together, that we have  
13 to do everything to see that the quality of life  
14 is better for each and every one. And I do  
15 believe that this will help a great deal. As I  
16 say, I don't think it's a mass exodus out of the  
17 City. I never believed that. And we're not going  
18 to have everybody leaving the City, but wherever  
19 anybody has an option, I do believe that your  
20 members should have that right. So, with that, I  
21 support this bill, I always have, and I want to  
22 thank you for your leadership for doing-- and  
23 thank you Mr. Chair.

24 CHAIRPERSON ADDABBO: Thank you,  
25 Council Member Sears. Ms. Roberts, any comments

1  
2 about-- you heard Commissioner Hanley's-- oh, I'm  
3 sorry.

4 COUNCIL MEMBER NELSON: That's all  
5 right.

6 CHAIRPERSON ADDABBO: Council  
7 Member Nelson wanted to ask that question. I'm  
8 going to let him ask that question.

9 COUNCIL MEMBER NELSON: That's all  
10 right.

11 CHAIRPERSON ADDABBO: It's a good  
12 question.

13 COUNCIL MEMBER NELSON: First of  
14 all I see which way the wind is blowing. I'm  
15 going with this too. No, I'm already signed on to  
16 452. According to my esteemed Chair, the  
17 Commissioner's statements, when you get into the  
18 realm of contract negotiations, collective  
19 bargaining, some of the things he said, would you  
20 like to address any of the statements he made or  
21 any of the people on your panel there?

22 [Pause]

23 COUNCIL MEMBER NELSON: Well, it's  
24 going through collective bargaining, let's sort of  
25 leave it. They weren't so crazy about 452 or 837

1  
2 for that matter as well. Do you understand?

3 Would you like to comment why you would believe  
4 that they should not be going along with this?

5 JAMES F. HANLEY: We negotiated  
6 this along with the City to support legislation,  
7 to lift and modify the residency requirements.  
8 The City Council has, after much discussion with  
9 us, taken action, and we wouldn't comment on the  
10 City's position at this time.

11 COUNCIL MEMBER NELSON: Okay, thank  
12 you.

13 LILLIAN ROBERTS: I simply wanted  
14 to thank the Council Members who are supportive,  
15 because in this world of change, laws, rules,  
16 regulations, they change with the times. And  
17 sometimes people are a little rigid about making  
18 that change. So it takes a lot of exploring and  
19 then moving forward. And that's what we tried to  
20 do. We tried every way we could by having our own  
21 little housing program that's doing very little--  
22 everything is so expensive. So I am pleased that  
23 there are Council Members among you who believe  
24 the way we do; it's time to make that change.  
25 Thank you.

2 [Applause]

3 CHAIRPERSON ADDABBO: I want to  
4 thank this panel for being here. Ms. Roberts, I  
5 want to thank you personally for obviously the  
6 work that you do on behalf of your members, and  
7 it's always a pleasure having you before the Civil  
8 Service and Labor Committee. So thank you very  
9 much for being here.

10 LILLIAN ROBERTS: Thank you.

11 CHAIRPERSON ADDABBO: Thank you  
12 very much. Our next panel, Eddie Rodriguez,  
13 president of Local 1549.

14 [Applause]

15 CHAIRPERSON ADDABBO: James  
16 Tucciarelli, president of Local 1320, and Mike  
17 DeMarco, president of 1455.

18 [Applause]

19 [Pause]

20 EDDIE RODRIGUEZ: Can you hear me?  
21 Good afternoon, Chairperson Addabbo and members of  
22 the Committee. My name is Eddie Rodriguez, the  
23 president of local 1549, representing 18,000 New  
24 York City employees. Thank you for holding this  
25 important hearing. Local 1549 is the second

1 largest local in DC37, representing members who  
2 serve as 911 operators, 311 dispatchers, Medicaid  
3 and Food Stamps Eligibility Specialists, Hospital  
4 Financial Counselors, Interpreters, Clerical Aides  
5 and Clerical Associates among other titles. They  
6 work among every New York City agency. The  
7 starting salary of a Clerical Aide is under  
8 \$23,000 a year. Most of my members are female and  
9 minorities who have worked for many years in City  
10 government. Turn the page. The increased cost of  
11 living and the lack of affordable housing for my  
12 members is an every day reminder that they can no  
13 longer live in the city that they love and work,  
14 because it has become a playground only for the  
15 very rich. My members need an option to  
16 affordable housing. The City Council Intro 452-A  
17 gives them those options. Not passing Intro 452-A  
18 would deny my members an opportunity to explore  
19 means of affordable housing. In the Police  
20 Department and other city agencies, my members  
21 work side by side with co-workers who are not  
22 mandated to live in New York City. This is a  
23 discrimination and should not continue. The time  
24 has to come to give my members the same  
25

1  
2 opportunity as their uniformed colleagues. I urge  
3 the passing of Intro 452. I thank you for this  
4 opportunity to appear in front of the whole body.  
5 Thank you.

6 [Applause]

7 JAMES TUCCIARELLI: Good afternoon.  
8 My name is Jim Tucciarelli. I'm president of the  
9 Local 1320. I represent the Sewage Treatment  
10 Workers and senior Sewer Treatment Workers in New  
11 York City. My members work side by side with each  
12 other and since 1986, when the law was changed, if  
13 you were hired on prior to 1986, you could move  
14 freely about and go wherever you need to. To  
15 answer some of the questions that the panelists  
16 had raised before, of Lillian and Commissioner  
17 Hanley, we haven't seen a mass exodus. What we're  
18 asking just is to have fairness. It's not fair  
19 that uniforms, teachers, sanitation have this  
20 right to choose if they want to. I heard some of  
21 the concerns that were raised about Civil Service  
22 points. If that becomes an issue, the Department  
23 of Citywide Administrative Services can deal with  
24 that, can monitor it, deal with it and set the  
25 regulations to do whatever they have to do. I

1 believe that all of the safeguards are in place.  
2 All we're asking is for, please, just be fair and  
3 be as expeditious as possible. Mr. Chairman, you  
4 said finally. That's exactly the way we feel. It  
5 took us a long time to negotiate it. Finally when  
6 we got it-- usually when we come to you guys with  
7 some legislation you say, well why don't you see  
8 if you can get the City to support you first and  
9 how do you do that. We do it by negotiating. So  
10 we negotiated this deal and now we came to you and  
11 for two years, it's going to be two years on the  
12 11th, I believe, that this has been out there, as  
13 Commissioner Hanley testified. Two years, the  
14 members and your constituents have been waiting  
15 for this. We're just asking you to be fair, give  
16 us the same rights that the other uniform services  
17 have and the sanitation workers and the teachers.  
18 I don't think we've seen mass exodus or major  
19 problems in any of those groups. And give us the  
20 same right that our members who came on in city  
21 employment before 1986 have. Thank you. I'm  
22 going to be brief so that you can do your work so  
23 that we can get this signed and the members can  
24 enjoy it. Thank you.  
25

[Applause]

MICHAEL DEMARCO: Thank you  
Chairperson Addabbo and members of the City  
Council. My name is Michael DeMarco and I am the  
president of Local 1455, District Council 37  
AFSCME. On behalf of the 450 members of the New  
York City Traffic Employees, Local 1455, I am  
asking the City Council to support Intro 452-A.  
This issue has been a legislative priority of  
Local 1455 for over 25 years. My members have  
expressed their interest in being able to live  
within the six surrounding counties. Fortunately  
through the last round of collective bargaining,  
DC37 won the right to have the residency  
requirement lifted for city employees as part of  
the agreement with the City. This, as my  
colleagues have said, and said over and over  
again, this is a matter of fairness and equity to  
allow the DC37 members the same right that is  
already afforded to other unions such as police,  
firefighters, sanitation, correction and teachers.  
And again, I will be brief and urge the Council to  
support this matter, and I thank you for the  
opportunity to testify before you today.

2 [Applause]

3 CHAIRPERSON ADDABBO: Gentlemen I  
4 want to thank you for being here today and for  
5 your testimony. Let me ask the question that  
6 Council Member Nelson had asked. You've heard  
7 Commissioner Hanley. Obviously he has some issues  
8 with both bills. Any comments on Commissioner  
9 Hanley's statements?

10 JAMES TUCCIARELLI: You know, I  
11 believe when we do negotiations, our lead  
12 negotiator always does the talking for us. Dennis  
13 Sullivan gave his comment before as the lead, and  
14 I follow his lead always. We're not going to  
15 comment on the City's negotiations and they're  
16 stance on this here. We know what we have to do.  
17 You guys know what you have to do. It's been  
18 negotiated, it's been worked out. Let's just get  
19 it done.

20 EDDIE RODRIGUEZ: All we want is  
21 the 452 to be passed, that's all. That's the  
22 bottom line.

23 CHAIRPERSON ADDABBO: Again, thank  
24 you very much, Gentlemen.

25 JAMES TUCCIARELLI: Thank you.

2 EDDIE RODRIGUEZ: Thank you.

3 MICHAEL DEMARCO: Thank you.

4 [Applause]

5 CHAIRPERSON ADDABBO: Our next  
6 panel, Juan Fernandez, president of Local 154;  
7 Faye Moore, Local 371; Mark Rosenthal, president  
8 of 983; and Claude Fort, president of Local 375.

9 [Pause]

10 CHAIRPERSON ADDABBO: Is Claude in  
11 the room, Claude Forte?

12 [Pause]

13 CHAIRPERSON ADDABBO: Thank you  
14 very much. State your name for the record and  
15 give your testimony please.

16 JUAN FERNANDEZ: Okay. Good  
17 afternoon, Chairman Joseph Addabbo and fellow  
18 Committee Members. My name is Juan Fernandez. I  
19 am the president of Local 154 District Council 37,  
20 AFSCME. I remembers workers in the titles of  
21 Research Assistant, Human Rights Specialist,  
22 Claims Specialist, Special Consultants, Public  
23 Record Aide, Title Examiners, Departmental  
24 Librarians and a number of other related titles.  
25 Our members provide professional, technical and

1  
2 clerical services at over 20 New York City  
3 agencies and departments. They audit the quality  
4 of contractual services provided by certain  
5 community agencies, they investigate Human Rights  
6 complaints, they analyze data and produce reports,  
7 they investigate claims against the City, and they  
8 organize and classify records and provide library  
9 services, among other functions. I am here before  
10 today to speak in favor of removing residence  
11 requirements for Local 154 members and all members  
12 of DC37. I am here to speak in support of Intro  
13 452-A. In July 2006, DC37 and the City of New  
14 York signed a contractual agreement, which  
15 included a clause for changes in the residence law  
16 for some of the municipal workers represented by  
17 DC37. Intro 452-A, which would have put those  
18 changes into effect, met unnecessary and  
19 unexpected opposition from some members of the  
20 City Council. Local 154 strongly believes that  
21 passing Intro 452-A and changing the residency  
22 requirements is a matter of fairness and equity  
23 for our members. The current residency law is  
24 inequitable, unfair and past beyond its usefulness  
25 to the City. The residency law was created in

1986 in response to the middle class fleeing the City in the 1970s and early 1980s. Lawmakers argued that enacting a residency law would keep City workers in the City and therefore use their incomes to support their respective local communities. Today, the reverse situation exists; too many people want to live in the City and residential costs have skyrocketed. At the same time, a City worker with an average City salary cannot afford to buy or rent in its own City. The residency law has become a burden for the same workers that make this City move. It is clear that the law has outlived its usefulness and its original intent. Two; contrary to popular belief, current residency requirements do not apply to all City workers. Already over 70% of the municipal workforce is excluded from the residency requirement law. Since the law was created, a series of exemptions in the original document and added exclusions throughout the years helped to increase the number of City employees who are not covered by the City's residence law. The law exempts teachers, firefighters, police, sanitation workers and corrections. The law is

1 inequitable, since today only 30% or less of the  
2 municipal workforce is required to live in the  
3 City. Third; the residency law is unfair since it  
4 mostly targets workers in clerical, support,  
5 paraprofessional and semi-professional titles.  
6 For example, a Claims Specialist at the Law  
7 Department making \$35,000 a year work side-by-side  
8 with an Attorney that makes twice as much. The  
9 Claims Specialist is required to live in the City  
10 but the Attorney is not. A receptionist in the  
11 same Law Department is required to live in the  
12 City, but the Attorney is not. That is unfair and  
13 discriminatory because it targets people in the  
14 lowest paid titles. The residency law is unfair,  
15 inequitable and discriminatory. Many other  
16 examples could be presented to support the case.  
17 The law is archaic because it does not respond to  
18 the current interests or needs of the City and its  
19 people. Also, the existence of this law has been  
20 used as an excuse to investigate and invade the  
21 privacy of City workers. However, a key issue in  
22 the discussion--  
23

24 [Applause]

25 JUAN FERNANDEZ: --is the right to

1  
2 choose where to live. We believe that in this  
3 time and age, a worker should have the right to  
4 live where she or he wants to live. That is  
5 dignity. That is fairness. Local 154 strongly  
6 recommends that the Civil Service and Labor  
7 Committee supports Intro 452-A, such amendments  
8 are much needed for the workers we represent. We  
9 commend and thank the Civil Service and Labor  
10 Committee for holding this public hearing  
11 regarding Intro 452-A. Thank you, Mr. Chairman.

12 [Applause]

13 FAYE MOORE: Good afternoon. My  
14 name is Faye Moore and I am the president of the  
15 Social Service Employees Union, Local 371. Local  
16 371 represents approximately 18,000 professionals  
17 that provide social services to New York City's  
18 most vulnerable citizens. I am here to speak in  
19 support of Intro 452. Within the membership of  
20 Local 371, approximately 50% of our members work  
21 in titles that are exempt from meeting the current  
22 residency requirement. These titles, the  
23 Caseworker series, the Child Protective and Child  
24 Welfare series and the Job Opportunity Specialist  
25 series, have been determined to be hard to recruit

1  
2 or hard to retain due to the nature of the work of  
3 the titles. However, the other half of the  
4 membership, many performing similar work, is  
5 required to reside in the five boroughs creating a  
6 huge inequity within the union and in the social  
7 service profession. The largest group of our  
8 members required to live in the five boroughs are  
9 in the title of Fraud Investigator and in the  
10 Community titles. The negotiated agreement of  
11 2006 provided language to finally address this  
12 inequity. For many reasons, many different  
13 reasons, this issue has lingered without  
14 resolution for almost two years. In these two  
15 years, municipal employees have watched as  
16 affordable housing stock has disappeared from our  
17 neighborhoods and opportunities for decent housing  
18 remain out of their grasp by virtue of their  
19 career choice. Yesterday the Mayor told Wolf  
20 Blitzer that New Yorkers pay more in taxes for a  
21 better standard of living and a better quality of  
22 live. Unfortunately, many civilian employees do  
23 not enjoy this better standards because our wages  
24 have not kept up with inflation and as a result a  
25 larger proportion of our take home pay is

dedicated to housing costs. Beyond the  
affordability issue--

[Applause]

FAYE MOORE: Beyond the  
affordability issue is the issue of fairness and  
equal treatment. The concept that it is  
permissible for people to come in from other  
places to police us and educate us, but it's not  
permissible for people that chose a career path in  
other parts of the public sector to have the  
option of living where they choose is inherently  
unfair. People that choose public service should  
be afforded as many options as possible so that  
they stay in service. I urge you to support Intro  
452, and I thank you for having this hearing.

[Applause]

MARK ROSENTHAL: My name is Mark  
Rosenthal. I'm the president of Local 983, DC37.  
AFSCME AFLCIO. I'm here to speak on residency  
requirements for City workers before the City  
Council Civil Service and Labor Committee.  
Monday, October 6th.

[Pause]

MARK ROSENTHAL: Good afternoon,

Chairman Addabbo and members of the Committee.

Thank you for the opportunity to address your Committee on the subject of residency requirements for City workers. Two years ago the Mayor of the City of New York and District Council 37 made a negotiated agreement to relax residency requirements for city workers. The Mayor understood that working people in this City want to have an option of living outside the five boroughs. But the Council did not agree and prevented the negotiated agreement from going forward. I am here to tell you that working people I represent, the truck drivers, park rangers, traffic agents and others want residency requirements relaxed or abolished. Most of my local 983 members, who are African American and Latino, want the chance to live in Rockland County, Westchester or on Long Island. They believe that it is the American way, the way of free choice and opportunity. Residency requirements came into being in the 1970s, when we were suffering from fiscal crisis and the government was trying to keep as many paying jobs in the City as possible. We're a long way from

1  
2 those days. In fact in a radio call in program in  
3 2005, Mayor Bloomberg talked about the 1970s and  
4 he said: There were forces to try to keep people  
5 in the city. Today we've got the reverse problem,  
6 too many people trying to live outside of the  
7 city. The Mayor was right. There are a lot of  
8 people who are coming to New York from all over  
9 the world, which resulted in raising rents so  
10 working people can't afford to pay. I'm asking  
11 the City Council to do the right thing and allow  
12 working civil servants more of a choice about  
13 where they can live. I urge the Committee to  
14 swiftly pass Intro 452-A. Thank you very much.

15 [Applause]

16 JOHN FOSTER: Good afternoon. My  
17 name is John Foster. I'm the first Vice President  
18 of Local 375, and I want to present these remarks  
19 on behalf of our president, Claude Forte, today.  
20 Good afternoon, Chairman Addabbo, members of the  
21 Committee. Thank you for the opportunity to  
22 testify. We represent the 6,800 members of the  
23 Civil Service Technical Guild, Local 375 of DC37.  
24 We're the engineers, the designers, the planners,  
25 the architects, the project managers and the

1  
2 scientists who work for the City. As such, we  
3 play a very significant role in our City's  
4 prosperity and hopes for the future. In the last  
5 12 months, the cost of basic goods and services  
6 has shot up by nearly ten percent. Union members  
7 we represent are facing difficult times and so is  
8 our economy. At a time like this it makes sense  
9 to give our members, your City workers and  
10 employees, more options rather than less. One  
11 important option is not to limit their choices of  
12 where they might choose to live. If City workers  
13 want to live near the City but not within the City  
14 limits, they should have the right to do so.  
15 Raising a family is difficult enough without being  
16 locked into living within the five boroughs if  
17 good housing and schools can in fact be found  
18 elsewhere as well. Objections have been raised  
19 that passing the least restrictive bill before you  
20 will encourage non-City residents to displace City  
21 residents in City jobs. We do not feel that this  
22 concern is sufficient to withdraw support for the  
23 bill. The overwhelming majority of men and women  
24 who will take advantage of this new flexibility  
25 are men and women who already work for the City of

1  
2 New York and who deserve this options, the same on  
3 that our uniformed police officers and  
4 firefighters have. Put simply, residency rules  
5 are obsolete in today's economic climate. Real  
6 estate values remain strong, despite the recent  
7 economic trouble and crime, really, remains low.  
8 The City's tax base is strong and we no longer  
9 need to force our workers to live here if they do  
10 not choose to. Thank you for considering our  
11 remarks in terms of your deliberation.

12 [Applause]

13 CHAIRPERSON ADDABBO: Mr. Foster,  
14 thank you Mr. Foster on behalf of Claude Forte, if  
15 I could just get a copy of your testimony sent to  
16 the--

17 JOHN FOSTER: [Interposing] I've  
18 got it right here.

19 CHAIRPERSON ADDABBO: Okay. Thank  
20 you. Again, let me thank this panel for being  
21 here today. A number of you mentioned the high  
22 cost of living obviously going on in this City.  
23 And that's an issue that obviously we grapple with  
24 each and every day and it's a growing issue for  
25 many of our workers. Because of the high cost of

1  
2 living, do you feel, as we have asked panels  
3 before, do you feel a lot of your members would  
4 take advantage of the choice of moving to the five  
5 outer counties and move out? Do you feel that,  
6 again, there would be an exodus, you know, outside  
7 the City?

8 MARK ROSENTHAL: I think it may be  
9 a few thousand.

10 FAYE MOORE: I don't think it would  
11 be an exodus. But I just think that people would  
12 like the option to consider outside of the five  
13 boroughs, depending on what they earn and how much  
14 they have of their budget to apply to housing.

15 CHAIRPERSON ADDABBO: So Ms. Moore,  
16 a question, and again to the panel as well, to be  
17 more specific; so you may not feel the exodus  
18 would be right away, maybe a year or two or three  
19 possibly? Or no?

20 FAYE MOORE: I don't anticipate an  
21 exodus. As I said in my remarks, half of our  
22 members are allowed to live outside the five  
23 boroughs right now and most of them live in the  
24 five boroughs. So I don't see a mass exodus out  
25 as a result of having the option of looking for

1 housing elsewhere where they can afford it.

2  
3 JOHN FOSTER: I would respond also  
4 on that, just for a moment, and that is that we  
5 too have several titles that are excluded, so that  
6 residency is not required. I believe that it is  
7 more in terms of this particular situation where  
8 people might choose to move out. I don't expect  
9 and exodus to occur, but I think that the option  
10 is really critical. In many cases it's a place  
11 where you literally, someone has to-- for instance  
12 in a married situation whereby the spouse may be  
13 living outside, and they're not allowed to live  
14 outside. I mean some of this stuff is really  
15 heartbreaking when I've had to go up and defend  
16 our members on this stuff. I don't think it will  
17 be an exodus, but I do think it's terribly  
18 important.

19 JUAN FERNANDEZ: Yes. I would like  
20 to add that I don't see an exodus of people. The  
21 bottom line here is the salaries, you know. Our  
22 union salaries are all \$32,000, \$33,000. I don't  
23 see people moving on those salaries out of the  
24 City en mass, right?

25 CHAIRPERSON ADDABBO: We have a

question from Council Member Seabrook.

COUNCIL MEMBER SEABROOK: Thank you very much again, Mr. Chairman. And just a note for full disclosure, I'm a former member of 371.

[Applause]

COUNCIL MEMBER SEABROOK: And I never, ever lived outside of the City, but I think that people should have a right to make a choice as to what they want. And so I think that that's the most important aspect of it and I was a member, never lived outside of New York City ever. So I would say that's why the importance of it-- it makes no sense. This is about equality, fairness and justice.

JUAN FERNANDEZ: Yes.

[Applause]

CHAIRPERSON ADDABBO: Thank you Council Member Seabrook. We have been joined by, to my right here, Council Member Robert Jackson, and we have a question from Council Member Mike Nelson.

COUNCIL MEMBER NELSON: Well, actually a statement, Mr. Chair. There was a time that I felt that I wished that every New York City

1  
2 employee would live in this City, especially the  
3 police and fire department members. I felt it  
4 would be safer and better. But, you know, the  
5 zeitgeist is such that I totally understand where  
6 you're coming from. And to think that a husband  
7 may not be allowed to live with a wife or vice  
8 versa is really a ludicrous concept at this time.  
9 Just one of the problems that we have is we all  
10 know where this City is right now and it's getting  
11 just so expensive that I wouldn't be surprised if  
12 some Council Members could not afford to live in  
13 this city. So, my heart is with you. Things have  
14 changed and this is one of them. Thank you.

15 [Applause]

16 CHAIRPERSON ADDABBO: Thank you  
17 Council Member Nelson. Council Member Jackson?

18 COUNCIL MEMBER JACKSON: Thank you,  
19 Mr. Chair. And let me apologize for being late.  
20 I had previous engagements, but I do understand  
21 this is an extremely important issues to members  
22 of DC37 and other unions that are interested in  
23 addressing this issue that has been outstanding  
24 for at least two years. Let me just say as a  
25 member of the City Council, as a co-chair of the

1  
2 Black, Latino and Asian Caucus, and as a resident  
3 of New York City, I clearly understand what the  
4 economic situation is now and what it was when  
5 this was negotiated between DC37 and the City of  
6 New York. Unfortunately, as what was stated  
7 previously before, is that the negotiations  
8 between an union and the City of New York does not  
9 mandate the City Council of New York City to act  
10 as a rubber stamp on behalf of those parties  
11 involved in negotiations. And obviously the City  
12 of New York, the Mayor's office, does not have the  
13 authority under the law in order to enact this  
14 particular legislation. So I say that to say that  
15 I've had many discussions with many members of  
16 DC27 individually, and I've also met with your  
17 leadership going back and expressed my opinions  
18 about the proposed bill that's not in front of us  
19 today, but was originally put into place, which  
20 was 452. And my primary objection at that time  
21 was the whole issue of the proposed bill, 452,  
22 opened up jobs that in my opinion should go to New  
23 York City residents, to people living in the six  
24 counties that are in question. And I was not  
25 willing to do that considering the fact that many

1  
2 constituents, and especially now with the economic  
3 situation, want those jobs that live in New York  
4 City. That was my position then; that's still my  
5 position as of today. Jobs are critical for the  
6 people that we represent. And if you don't know  
7 the District that I represent, District 7, is in  
8 Northern Manhattan, Washington Heights, Inwood,  
9 Hamilton Heights, part of Harlem and based on the  
10 2000 census, the average family of four earned  
11 less than \$34,000 a year, average family of four.  
12 And in District 9, which is Inez Dickens's  
13 district, the average family earning of four was  
14 less than that. And in District 10, Miguel  
15 Martinez, which is to the north of me and to the  
16 east of me, it was less than \$34,000 a year. And  
17 as you know, if you don't know, the poorest  
18 congressional district, and congress represents on  
19 the average 660,000 people, the poorest  
20 congressional district in the entire country is in  
21 the South Bronx, represented by Jose Serrano, Sr.  
22 I say that to say that the requirement to lift the  
23 residency requirement where if you became employed  
24 by the City of New York that you must move into  
25 the City within 90 days, that would open up all of

1  
2 the jobs that are available to all those  
3 individuals living in the six counties of Nassau,  
4 Suffolk, West Chester, Rockland, Putnam and  
5 Orange, I think it's Orange, where many of those  
6 individuals, if they were required to move to New  
7 York, they would not do it. But lifting the  
8 requirement, they would say well, considering the  
9 things the way they are, I'll go and commute into  
10 New York City, I was not willing to do that. And  
11 obviously I introduced proposed bill number 837,  
12 which basically allows employees after two years  
13 of being a City employee to be able to, if they  
14 wished, to relocate outside of the City if they so  
15 desired. I think that that is a fair compromise,  
16 all things considered, and I am willing to support  
17 that. And I've said that to your leadership, to  
18 Lillian Roberts, to your director of political  
19 action, months ago. I said that I was willing to  
20 support that. And I stand here today, I sit here  
21 today, not stand here today, saying that I will  
22 support as I introduced Intro number 837 as per my  
23 word. If in fact 452 comes into play, and my  
24 understanding that the administration in  
25 testifying testified in relationship to the two

1  
2 bills that are in front of us, Intro number 452-A  
3 and Intro number 837 as currently written the  
4 administration is not in favor of either one of  
5 these bills. So I think that whatever happens  
6 that there's going to be, I guess, an amendment to  
7 either 452-A or 837. But, as it stands now, I  
8 fully support Intro number 837, which I submitted.  
9 Let me ask a question of the panel, if I may.  
10 With respect to the residency requirement and the  
11 opportunity for employment for City residents  
12 drying up by opening up those jobs to the six  
13 counties in question where residents, members of  
14 DC37 would be able to move to, if in fact the  
15 residency requirement was lifted, do you believe  
16 that this would dry up opportunities for  
17 employment for City residents who currently live  
18 in New York City?

19 FAYE MOORE: I'd like to respond  
20 first.

21 COUNCIL MEMBER JACKSON: Sure.

22 FAYE MOORE: First of all to your  
23 general comments. People outside the five  
24 boroughs can compete for City jobs right now as we  
25 speak. The former president of this union took

1  
2 the Caseworker exam while he was a resident of  
3 Washington, DC. The requirement is once you're  
4 called off a list and appointed, you have the 90  
5 days to move into the City and become a resident,  
6 if you are in a residency title. The problem that  
7 we have with the other version of the bill is that  
8 the two-year requirement to stay in the City  
9 promotes the unequal treatment that exists right  
10 now. So I hear what you're saying about people  
11 thinking that opportunities would dry up, but  
12 people from all over the country can compete for  
13 these jobs via a Civil Service exam right now.  
14 The change of making people live in a city where  
15 they cannot afford right now promotes a standard  
16 of unequal treatment, which is what we tried to  
17 address in this last round of bargaining.

18 COUNCIL MEMBER JACKSON: No--

19 [Applause]

20 COUNCIL MEMBER JACKSON: I

21 understand what you said. But your response did  
22 not answer my question. My question was that  
23 understanding what I explained, my reasoning and  
24 logic for saying and the position that I took, my  
25 question was do you feel that this legislation,

1  
2 452, I believe 452-A also does not require  
3 employees to move in within 90 days after they're  
4 employed. My question was, do you think that that  
5 would dry up the opportunities for New York City  
6 residents because you're opening it up to all  
7 those individuals who live in the six counties  
8 that I've described. That's what my question was.

9 FAYE MOORE: Okay. Well then let  
10 me answer your question. If people take  
11 competitive Civil Service exams from outside the  
12 five boroughs and get appointed, there is still an  
13 affordability of housing issue, so they'll  
14 probably be reluctant to move into the five  
15 boroughs because they can't afford to move in.  
16 People keep talking about residing somewhere.  
17 Moving nowadays is expensive. That is why people  
18 are staying in the five boroughs that are in  
19 titles that are not required to live in the five  
20 boroughs, because it's expensive to uproot and  
21 move. So if you have people from Putnam County,  
22 Rockland County, Westchester, passing exams, they  
23 have to make a decision on whether they can afford  
24 to move into New York City, because it's been  
25 stated on the panel many times, it's expensive to

1  
2 live in this city and to uproot yourself based on  
3 a career choice and passing a competitive Civil  
4 Service exam doesn't automatically mean that you  
5 get to move in this City and displace anyone.

6 [Applause]

7 COUNCIL MEMBER JACKSON: Well, I'm  
8 sorry, you know, you talked about individuals in  
9 those counties if they were employed that they in  
10 your opinion they may not move in. But that was  
11 not my question. My question was, and very  
12 specifically, is that by passing 452 or 452-A,  
13 which would eliminate the requirement for those  
14 individuals that were hired, no matter where they  
15 live, to move into New York City, would that dry  
16 up the opportunities for employment for people who  
17 currently live in New York City? That's what my  
18 question was.

19 FAYE MOORE: I will answer the  
20 question. It does not now, and so the answer  
21 would probably continue to be no.

22 [Applause]

23 JUAN FERNANDEZ: Council Member  
24 Jackson, I would like to add that already over 70%  
25 of the City work positions are not required to

1  
2 live in the City. Those are the high paid  
3 positions that those people living outside New  
4 York City are looking forward to get. Right?  
5 Here, at this moment today, we're talking about  
6 positions which in average are \$32,000 salaries  
7 per year positions. I don't see how people just  
8 with the commute are going to be able to afford  
9 moving en masse, I mean taking those jobs en masse  
10 from outside the City. So the answer is no.  
11 Those positions that are already being-- that do  
12 not have the restrictions, are already being  
13 coveted by those people living outside the City.

14 MARK ROSENTHAL: All right, Mr.  
15 Jackson. For most people to move out of the City,  
16 your spouse would have to have a job. So usually  
17 you have two or three jobs in a family. I don't  
18 know anybody that has one job that can move out of  
19 the City. So the answer would be no, based on the  
20 salaries that are paid my workers, it couldn't be  
21 done. It would be impossible to move out of the  
22 City or to move back in. It just costs too much  
23 money, anything that you rent. Most of my  
24 members, their wife works, their older kid who  
25 lives with them works. They pool the money and

1  
2 then maybe they can afford an apartment. So if  
3 they want to go outside of the City, where it  
4 costs less money, let them do so.

5 [Applause]

6 COUNCIL MEMBER JACKSON: Well I'm  
7 sorry, Mark. That was not my question. My  
8 question was whether or not, you know, you  
9 answered a different question. I'm sorry, your  
10 answer is no. It would not have a negative impact  
11 on the people currently living in New York City?

12 MARK ROSENTHAL: No, I don't think  
13 it would.

14 COUNCIL MEMBER JACKSON: Well, let  
15 me just say that I appreciate each one of you,  
16 your opinions on this particular matter. I think  
17 the most important thing is that communication,  
18 discussing this, so that hopefully we'll reach a  
19 resolution that we will all be happy with, not  
20 necessarily-- that we will reach a compromise or  
21 consensus; and in fact that's what I thought we  
22 had reached, a consensus on this particular  
23 matter. And as you know, a consensus is not that  
24 you're happy with it, but that you can live with  
25 it. And, you know, one of the things is that to

1  
2 do, you know, what the Mayor and what DC37 wants  
3 us to do, another thing is reaching a consensus or  
4 compromise. And I thought and I believe that we  
5 have a compromise agreement on the two-year  
6 residence situation. And so if the answer is, yes  
7 we do, as I said, I will stand up and support that  
8 in front of all of my colleagues, those that agree  
9 and those that disagree. If the answer from DC37  
10 is no, we don't have a compromise agreement, then  
11 I will withdraw 837 totally. And I'm not asking  
12 for an answer now, but I'm just trying to be  
13 straightforward and upfront to everyone, as I've  
14 always been. So let me thank you for coming in,  
15 and I look forward to working with you in the  
16 future on this particular matter and other  
17 matters. Thank you, Mr. Chair.

18 CHAIRPERSON ADDABBO: Thank you.  
19 Thank you, Council Member Jackson. A statement  
20 from Council Member Sears.

21 COUNCIL MEMBER SEARS: Thank you,  
22 Mr. Chair. I just wanted to say that we can adorn  
23 this regulation any which way we like. We can  
24 wrap it in mink or leopard or cotton or wool.  
25 Discrimination is discrimination.

[Applause]

COUNCIL MEMBER SEARS: That regulation is discriminatory. I truly believe that. And I always think that when there are people on the lower economic level of a ladder, quite frankly, they get stuck to them all the time. And that is wrong. That is really wrong, and we can't camouflage it any other way. When you make rules that are going to punish people on certain levels of income, I don't think anybody can tell me that's right, because I won't believe that. I really won't believe it. When you're struggling with your dollars you're struggling with your dollars. And if we've got rules and regulations that really prohibit what people on that income, where they can live and how they feed their family, that is just plain wrong and there isn't any other reason for it.

[Applause]

COUNCIL MEMBER SEARS: It's just plain wrong.

[Applause]

CHAIRPERSON ADDABBO: Thank you, Council Member Sears. I want to thank this panel

1  
2 for their time and testimony today, and we look  
3 forward to further discussion on this bill as we  
4 go forward. So thank you very much. Our next  
5 panel-- oh, I'm sorry.

6 [Pause]

7 CHAIRPERSON ADDABBO: He did. Can  
8 we have that panel sit down again? My apologies.  
9 Sorry about that. Come back here, Mark. We do  
10 have a question from Council Member Mark-Viverito.

11 COUNCIL MEMBER MARK-VIVERITO:

12 Well, it may not be a question, per say, but I  
13 think I wanted to just take a moment to express my  
14 position and I want to thank Council Member  
15 Jackson for kind of laying some of the ground  
16 work. And this is an issue that I personally have  
17 been really challenged with and very much  
18 struggling. I am also a member of the Black,  
19 Latino, Asian Caucus. We've talked about this  
20 issue within the Caucus. I represent Council  
21 District 8, which is to the far east of the other  
22 Council Districts that Jackson was talking about.  
23 I represent East Harlem and a portion of the South  
24 Bronx. And my demographics are very similar to  
25 the ones that were laid out by Council Member

1  
2 Jackson with regards to Upper Manhattan and  
3 salaries being on the really low end of the  
4 spectrum. Prior to this position I come from a  
5 union, 1199, SEIU, so I understand, and our  
6 constituents, you know, are your members. We  
7 understand the challenges in this City. The  
8 challenge that I struggle with very much so, is I  
9 may have issues with residency in any position.  
10 And I don't think that-- I really believe that  
11 these jobs should stay as New York City jobs. The  
12 question I have and the challenge that I have is  
13 that I find it very interesting that this Mayor  
14 will be so quick to say, oh sure, let people  
15 outside of the City. We need to be challenged  
16 each and every day as an institution, as a body,  
17 to be fighting to increase the salary ranges in  
18 this City of New York for civil service workers.

19 [Applause]

20 COUNCIL MEMBER MARK-VIVERITO: We  
21 need to be putting pressure on this administration  
22 that they have not gone far enough in the creation  
23 of affordable housing. Those are the issues that  
24 I struggle with. And when this Mayor is so quick  
25 to accept something, I kind of question it, that

1  
2 it creates an escape valve for him to not deal  
3 with the issues of critical importance to our  
4 constituents. That's my challenge. It's not to  
5 say that I do not believe that we're struggling  
6 with the issues you've laid out. It is very  
7 difficult to live in the City of New York. It is  
8 very expensive. Constituents walk through my  
9 doors every day talking about the fact that their  
10 landlords are trying to push them out, talking  
11 about the fact that they're going to the soup  
12 kitchens and the soup lines are really increasing  
13 in length and much longer and the food is not  
14 enough. I hear these stories and it's a reality  
15 in my community, in my life each and every day.  
16 So that is not the issue. I do believe in  
17 equality as well. But as an institution we have a  
18 greater responsibility and a greater challenge to  
19 look at these challenges and make every  
20 opportunity to put pressure on this administration  
21 to do the right thing by our members by, you know,  
22 civil service workers in this City. So it's been  
23 a very challenging, you know, it's very  
24 challenging for me to sit here, because I really  
25 would want to jump and be supportive of the call.

1  
2 But there's other things at play here too. And so  
3 I wanted to also be up front and honest with  
4 regards to this and I still have not fully made up  
5 my mind, I will be very frank and honest, and I  
6 continue to have conversations and look at it and  
7 analyze this issue, but it's not an easy one. And  
8 in this day and age in the City of New York, I am  
9 not so quick to accept that this City should be  
10 left to the rich and the wealthy alone. I believe  
11 that we need to have a diverse city; that we need  
12 to have a mixed city in all demographics, you  
13 know, ethnicities, nationalities, races; but we  
14 have to fight for that. And I'm just putting out  
15 here, I'm listening to what you're saying and I  
16 really want to thank all of you for your  
17 positions. But I want also people to understand  
18 the challenges that we have as council members in  
19 having these discussions, because it really brings  
20 to play where this city is going and what the  
21 future of this city is as well. So with that, I  
22 don't really have a particular question if anybody  
23 wants to respond, I'm here to listen, and that's  
24 why I'm at this hearing. Thank you.

25 [Applause]

CHAIRPERSON ADDABBO: Thank you very much. Our next panel is Joseph Colangelo, president of SEIU Local 246; Joseph Garber, Director of the Civil Service Council, and Francis McCaffrey from the Civil Service Bar Association.

[Pause]

CHAIRPERSON ADDABBO: I want to thank this panel for being here, and we were also joined by Council Member Simcha Felder. Please state your name and give your testimony.

JOSEPH COLANGELO: Okay. Good afternoon Chairman Addabbo and members of the Committee. My name is Joseph Colangelo. I'm the president of SEIU Local 246. I represent career and salaried as well as 220 prevailing rate employees, most of whom are in the titles of Auto Mechanic, over 1,500 city workers. Over two years ago as a part of our contract negotiations with the City of New York, we reached an agreement on wages and benefits that also included a side letter agreement that contained language referring to residency, which stated: The parties agree to support an amendment to section 12-119 of the administrative code for the purposes of expanding

1 permissible limits on residency. This agreement  
2 was reached in good faith by both parties. In  
3 ratifying our contract, my members believed this  
4 change in the administrative code would take place  
5 as swiftly as possible. My members felt so  
6 strongly about this language permitting them to  
7 live in the same geographic areas outside the  
8 City, where certain other employees already can  
9 reside, that they chose to limit the amount of  
10 compensation and wages as they could have achieved  
11 if we pursued a 220 prevailing rate determination  
12 from the Comptroller's office. Yet here we are,  
13 some two years later, still without this  
14 legislation and frustrated for the fact that some  
15 chose to attack this provision that was agreed  
16 upon by both parties. The passing of the  
17 amendment you are considering today does not  
18 conform with our Collective Bargaining Agreement  
19 that was entered into in good faith. Our Agreement  
20 does not have a two-year waiting period. I  
21 recommend this Committee pass Intro 452, the  
22 original Legislation without any changes, to honor  
23 the contract agreement between the City and our  
24 union, Local 246. I'd like to clarify at this  
25

1  
2 point, after hearing the testimony prior by the  
3 Commissioner, the 452-A and 837, we would support  
4 452-A if it had covered my group. What the  
5 Commissioner spoke about before was that after  
6 DC37 negotiated the change in the residency, what  
7 the 452-A language is specific to DC37, that does  
8 not include the groups that I represent. I  
9 negotiate over eight different contracts with the  
10 City and all of my members took the same  
11 collective bargaining agreement as agreed to by  
12 DC37 in order to have that language attached to  
13 our bill, which was that signed letter of  
14 agreement. So, therefore, Local 246 could support  
15 452-A, if in fact it included language that was  
16 protective of my group and would in fact include  
17 my members in their contract negotiations. Thank  
18 you for your time.

19 [Applause]

20 FRANCIS MCCAFFREY: Good afternoon,  
21 Mr. Chairman, Committee Members. My name is Frank  
22 McCaffrey. I'm a Board Member, the Political  
23 Action Committee Chairman of the Civil Service Bar  
24 Association, which are the 800 unionized lawyers  
25 that work for the various departments and agencies

1  
2 in the City of New York. This is not to be  
3 confused with the New York City Law Department,  
4 which I'll get to in a couple of seconds. I'd  
5 like to mention first of all that about 80, 75 to  
6 80% of the City employee population does not have  
7 to abide by necessarily the City residence  
8 restrictions. They have the option to live either  
9 in six contiguous counties or in the case of  
10 waived positions, waived titles; they can live  
11 anywhere they want. And this is kind of a burr in  
12 the saddle of us lawyers, because the City Law  
13 Department, the City's Law Department, can live in  
14 any state they want, including Mars if they can  
15 afford the commute. There is no restriction on  
16 them. Also, I might add Councilman Jackson; they  
17 have no residency or time in service restriction,  
18 like the two years you were suggesting before. I  
19 think that because of the number, the percentages,  
20 if you took a giant pie chart and you took that  
21 chart and you took the slice of people who  
22 actually have to abide by residency restrictions  
23 it would be a very, very small slice. I'm not  
24 saying that the other titles live outside the  
25 City. What I am saying is they have the right to

1  
2 exercise the option. I think protection of City  
3 employment positions is not really an issue,  
4 because of the number, the number of people that  
5 already have the option that already live in every  
6 Council District in the City. I've attached the  
7 City Law article to my synopsis that indicates the  
8 list of titles which have been relieved of  
9 residency restrictions. I counted 137, but I  
10 don't think this is a complete list. It has to do  
11 with those that are hard to recruit. I can only  
12 speak for the lawyers, we're as hard to recruit if  
13 not harder than the New York City Law Department,  
14 that has absolutely no restrictions whatsoever.  
15 As a matter of fact, we're tougher to recruit,  
16 because they have a bigger name and more legal  
17 disciplines in which their lawyers can practice.  
18 I'd like to add also that there will be no mass  
19 exodus from the city for a couple of practical  
20 reasons. I don't think they were mentioned here.  
21 But under New York City Charter Section 1127, City  
22 Employees are required to pay City Tax no matter  
23 where they live, that's inside or outside the  
24 City. So you get somebody who moves out, somebody  
25 may move into their housing unit will also have to

1  
2 pay tax. The other thing that I think militates  
3 against moving outside the City are the  
4 commutation costs as was stated here, and also  
5 additional taxes, which may be levied in the  
6 county in which they move. So I think there are  
7 prohibitions for any kind of great movement out of  
8 the City. An historical basis, this also has to  
9 be mentioned, many years ago when this was-- city  
10 restrictions, residential restrictions were  
11 mentioned, this was aimed at the emergency  
12 services in the city, the police, the fire  
13 department, emergency medical services. Over the  
14 years and this starts dating back to 1962, all  
15 these emergency services have had the option, have  
16 gotten the option, to move out of the city,  
17 without any in service or time restriction. So  
18 I'm saying that the original purpose of a  
19 residency requirement was diluted at the outset.  
20 In the meantime, in the most recent residency  
21 exclusions was the New York City Department of  
22 Sanitation and the fire alarm dispatchers; and  
23 just as a common sense example, if you have a  
24 front line emergency service like the fire alarm  
25 dispatchers, this is the guy that gets the call

1  
2 and sends the fire equipment and the trucks to the  
3 fire, and they have a six contiguous county  
4 allowance in residency, what do you got to keep  
5 the lawyers and the clericals and other workers  
6 stuck with this restriction? And finally, I'd  
7 like to say the-- aside from that purpose, that's  
8 since been diluted out of existence; but my  
9 conclusory opinion is this: I think 452-A would be  
10 most beneficial to at least my constituency, the  
11 lawyers in the City of New York. They're what I  
12 would call the impoverished middle class. We  
13 never really, you know, can apply for any type of  
14 housing benefit. And as it's been stated here,  
15 most of the housing is being pretty much expanded  
16 to beyond affordability. I think that the way you  
17 start the change in demography of City Council  
18 Districts is to stop this massive change of-- or  
19 development, of our City. I think that what's  
20 happening is-- and maybe you'd agree, Manhattan  
21 Island will become unaffordable, the whole place.  
22 And they're working on Brooklyn. I think the  
23 residency issue is not the primary one here now.  
24 I think it's that kind of development that's  
25 changing our whole city and its character. I

1  
2 think that that would be beneficial also as far as  
3 the two year in service and time residency  
4 requirement that I believe Councilman Jackson  
5 supports in 837, well that's fine, I mean I guess  
6 we can live with it. But I might add this, that  
7 none of the services, uniform services or other  
8 waived offices, you know, who have the residency  
9 option have this kind of requirement of residency  
10 and time in service. I'm just saying if we're  
11 going to be fair here, please let's be fair.  
12 Thank you.

13 CHAIRPERSON ADDABBO: Thank you.

14 [Applause]

15 JOSEPH GARBER: Good afternoon  
16 Chair Addabbo, members of the Council, fellow  
17 Civil Servants, retirees of Civil Service and  
18 members of the public. My name is Joseph Garber.  
19 I'm a director of the Civil Service Merit Council.  
20 In the mid 1960s when I developed an interest in  
21 civil service and New York City Government, and I  
22 started reading the Chief Leader, I became aware  
23 that there was a residency requirement for some  
24 titles. Some titles there wasn't. But I started  
25 taking exams for the City in the late 1960s. Most

1  
2 of the applications that I received from the old  
3 Department of Personnel indicated there was a  
4 residency requirement. And I recall over the  
5 years reading in various civil service columns in  
6 the Daily News, the Chief Leader, union  
7 publications, etcetera. And for the record, let  
8 me state when I started my City career on October  
9 26th, '71, I was a proud members for three years  
10 of District Council 37 until I started moving up  
11 the ladder, Local 1549. So I recall under the  
12 tenure of Mayor Wagner, okay, Mayor Lindsay, okay,  
13 Mayor Beam, Mayor Koch, Mayor Giuliani, the unions  
14 try to get a residency requirement passed. And I  
15 was completely elated when I read that Mayor  
16 Bloomberg agreed with the unions for a residency  
17 requirement. And not following the issue that  
18 closely I became aware maybe four or five months  
19 ago that there was a problem within the City  
20 Council, when I read an op-h [phonetic] page by  
21 Lillian Roberts. So number one, for the record  
22 let me state I know all the City Council Members  
23 reside in the City of New York; so that's number  
24 one. But I can't believe, and maybe I'm naive,  
25 but the other unions, if Mayor Bloomberg offered

1  
2 this to DC37, okay, I can't believe that in future  
3 negotiations or sitting down with the  
4 administration this cannot be offered to everyone,  
5 every union who wants it. Okay. But therefore I  
6 have to say we have to look at this in an open-  
7 handed position. We have to weigh all the issues.  
8 If I were a City Council Member at this moment I  
9 would not be sure how I'd vote personally, but I  
10 would do some more research. Okay. There are  
11 pros and cons of all sides. I definitely feel  
12 that most of the civil service workers would not  
13 move out of the City of New York for various  
14 reasons. But the fact that a civil servant lives  
15 in New York City, and I've never even attempted to  
16 move out, would be that you're concerned about the  
17 City and you can be eyes and ears for your  
18 neighborhood from a municipal perspective, which  
19 is different, versus a non-city employee residing  
20 in New York City, because you have a lot of  
21 technical knowledge of certain agency procedures  
22 or those who have studied in graduate level  
23 schools of public administration and municipal  
24 government come with a greater gestalt. So,  
25 therefore I definitely think that there should be

1  
2 some negotiations. There's probably three or four  
3 parties at such a negotiation, the City Council  
4 Members who are for, the City Council Members who  
5 are against, the unions and I think within unions  
6 themselves, excluding the executive board or  
7 within the executive board there might be a  
8 division of opinion, and the administration. So  
9 therefore, being this is now the ten days between  
10 Rosh Hashanah and Yom Kippur, and we look for good  
11 well being, I think we can sit down and try to  
12 negotiate all of this and forget some of the  
13 acrimony. But I just want to compliment for his  
14 forthrightness, Councilman Jackson; you were very  
15 honest. You were definitely obeying the Ten  
16 Commandments, I shall not lie. You were open and  
17 I want to thank everybody.

18 [Applause]

19 CHAIRPERSON ADDABBO: We have a  
20 question from Council Member Jackson. I just want  
21 to also mention that the last panel will be Ed  
22 Ott, head of the Central Labor Council.

23 COUNCIL MEMBER JACKSON: Well first  
24 let me thank all of you coming in representing  
25 your respective constituencies. I think one of

1  
2 the issues that I have had from day one, which  
3 I've expressed to Lillian Roberts and anyone who  
4 asked me, was that the parties agreed in a  
5 contract and the Mayor agreed to say yes, I will  
6 do X, Y, Z, when he didn't have the authority to  
7 give it to you. So that's a big problem on the  
8 face of it. The Mayor did not have authority to  
9 sign an agreement that he could not deliver. And  
10 he didn't deliver it to you and it's been two  
11 years. And in fact, let me just say loud and  
12 clear and I've said this to Lillian and anyone  
13 else who's asked me, the Speaker of the City  
14 Council of New York was not consulted before this  
15 agreement was put into place. The City Council as  
16 a body, via the Speaker or individually, was not  
17 consulted. I Co-Chair the New York City Council's  
18 Black, Latino and Asian Caucus. 25 member out of  
19 51, and obviously the majority of those members  
20 represent majority Black, Latino and Asian  
21 districts; we were not consulted. So the Mayor  
22 signed a contract or his persons signed a contract  
23 with you on something that he had no authority to  
24 deliver. And if you know anything about me, I am  
25 no rubber stamp for the Mayor any union or any

1 individual or group. That's who I am as an  
2 individual. And I say that as-- I'm a union  
3 member as of today. I'm a member of Local 4053 of  
4 SEIU and Local 4053 of AFT. I've been a union  
5 member since I joined State Service in 1975 and  
6 worked 22 years for a labor union as a field  
7 representative, as a state wide labor management  
8 coordinator and as a director of field services  
9 representing people in the field. So no one can  
10 tell me that my backbone is not about union. But  
11 I say to you, the whole issue of this particular  
12 matter is one of principle for me, as far as the  
13 jobs for people that live in New York City. It's  
14 bigger than DC37. It's bigger than your union.  
15 It's about people of New York City. And so, as I  
16 said earlier, I thought we had agreement on the  
17 two-year residency, and if so, I'm moving forward.  
18 I'll be standing up and opposing-- not opposing,  
19 but communicating with any of my colleagues that  
20 may disagree with me that we should not give them  
21 anything. I'll stand up and say that this is what  
22 was agreed to and I support it. So, as far as the  
23 aspect that you talked about, including Local 246  
24 into that agreement, I think that that's what  
25

1  
2 you're going to have to communicate. Obviously  
3 you've communicated this publicly, and I don't  
4 know whether or not you've put that in writing, to  
5 the City Council or to the Mayor's office or  
6 somebody else. If you haven't I would strongly  
7 suggest you do it, and I'm sure you probably have.  
8 But, and I say to the attorney, you're an  
9 attorney, is that correct, sir?

10 FRANCIS MCCAFFREY: I hope so.

11 COUNCIL MEMBER JACKSON: Okay. I  
12 hope so too, at least as you said you were. As  
13 you know, an agreement between the parties, if one  
14 party can't deliver, that is an agreement that in  
15 my opinion was not put forward in the best good  
16 faith effort. So I say that to you, I think my  
17 understanding was that they said that they would  
18 put it forward in the best effort forward. And  
19 so, but putting it forward, I think the Mayor  
20 introduced it under the Chairmanship of Joseph  
21 Addabbo as the Chair of the Committee, he  
22 introduced the bill. That's not enough. Homework  
23 should have been done beforehand. And trying to  
24 clean up milk after it has been spilled, you're  
25 just cleaning it up. And so I am willing to sit

1  
2 down and talk to anyone on this particular matter,  
3 but I have a principle objection to the one  
4 aspect. And now let me finally say that the City  
5 Council of New York did not, in my opinion based  
6 on all the knowledge I have, give to the police,  
7 give to the fire or sanitation their rights as far  
8 as their not having a residency requirement.

9 Those matters were done either by the Court or by  
10 administrative action, not by the City Council.

11 So I want to be very clear on this particular  
12 matter, and the fact is that I'm willing to move  
13 forward if we can reach an agreement on 837. So  
14 thank you. I'd be glad to entertain any of your  
15 questions or any comments.

16 JOSEPH COLANGELO: Yeah, Councilman  
17 Jackson, I'd just like to respond. You've been a  
18 very good friend, not only of my local, but of  
19 many locals in the City and I commend you for  
20 that. You were there with the fight with the  
21 Board of Education when they were looking to  
22 privatize. We have a very good working with you  
23 through the 220 prevailing rate Council. The  
24 issue, and just to go back in history a little, I  
25 mean I've been in City service since 1981. I grew

1  
2 up in the City of New York. I attended high  
3 school in the City of New York, Aviation High  
4 School. I got a degree. The background in my  
5 love for the City, I could be here all day. I  
6 mean, but the point of the matter is, in 1986 the  
7 original intent was to have the public officers,  
8 which is the police and the firefighters be  
9 required to live in the City of New York. When  
10 they passed that legislation requiring that you  
11 had to live in the City after September of 1986,  
12 they found out in fact and under Mayor Koch that  
13 they could not impose that requirement for the  
14 police and the firefighters because they were  
15 covered under Public Officers Law, which is the  
16 State of New York-- so therefore they couldn't  
17 enact a local law which is greater than the state  
18 law--

19 COUNCIL MEMBER JACKSON:

20 [Interposing] The state law.

21 JOSEPH COLANGELO: You know that.  
22 Okay. So what really happened? What really  
23 happened is at the time, nothing, because in 1986  
24 anybody who was working for the City could have  
25 moved out. Anybody who was already here was here.

1  
2 So it was only future hires, future hires from '86  
3 on. Why did the crisis get to where it is today  
4 and why did the perception of the problem that we  
5 have get to where it is today? Because over the  
6 years, if you look at 300,000 City employees, and  
7 if you extract from that group the 50,000 or so  
8 police officers, the 12,000 and the other officers  
9 that are in the fire department, 15,000 in all the  
10 members, the 8,000, 9,000 sanitation workers and  
11 the correction officers, we take those 12,000 out.  
12 If we take out all the employees in the Board of  
13 Education, which is 110,000 people that can live  
14 wherever they want, when you start to narrow it  
15 down and really take a snapshot of who's impacted,  
16 it's only impacted about 40,000 City workers. Out  
17 of those 40,000 City workers, how many are really  
18 going to move outside of the City? I would  
19 imagine, and I would say this from my heart, very  
20 few. Only from the fact that-- and I have  
21 members, I have a member that grew up in the South  
22 Bronx, gets a job as an Auto Mechanic for the City  
23 of New York, pays a very good wage, wants to move  
24 his kids upstate, can't. I ain't got that  
25 opportunity. I'm not in total disagreement with

1  
2 you. I want to share that with you. But when we  
3 sat down with the City and DC37 negotiated this  
4 and everybody else was presented that thing, sure  
5 it was something presented that you could say, in  
6 the Mayor's language, to support Legislation.  
7 Could he have done that? Well he said he was  
8 going to support it. I mean nobody-- did anybody  
9 anticipate the problem? There were maybe steps  
10 made along the way, missteps, where the Council  
11 should have been consulted beforehand. I can't be  
12 a revisionist and go back in time and say we  
13 should have corrected it. I know that for my  
14 group I tried to go to the State Legislature. I  
15 had a bill; I had a bill up there that was passed  
16 by the Senate and the Assembly that was turned  
17 down by Governor Pataki at the time. I mean, but  
18 we're looking at-- and they've said it before and  
19 DC37 said it, it's a matter of fairness. My  
20 members work in the police department, the fire  
21 department, the sanitation department, work  
22 alongside the same City workers who can move  
23 outside the City. All we're looking for is  
24 fairness. Can we negotiate something?  
25 Absolutely. But, you know, it's two years to the

1  
2 day and we're still frustrated, and that's where  
3 we are today. So, you know, to run over things,  
4 it makes no sense. But I share, trust me, I know  
5 you're a good friend. And I'm saying from the  
6 heart, as is Joe, we need this done. It's two  
7 years, my members want it. They come to me, they  
8 want it. And 75% of my members live in the City  
9 of New York, out of my group. And others that  
10 don't some of them work in Hilton Hospital's  
11 Corporation, which doesn't have the requirement,  
12 and the Board of Ed doesn't have the requirement.  
13 That's just a fact of life.

14 [Applause]

15 COUNCIL MEMBER JACKSON: Thank you.

16 FRANCIS MCCAFFREY: And if I may,  
17 just in response, I agree with Councilman Jackson,  
18 yeah, maybe we got sold a bill of goods. It's an  
19 administrative code section and the Council has to  
20 pass on it anyway as a matter of course. You  
21 know. Something got lost in translation, I guess.  
22 But one of the other comments I wanted to make  
23 along with this gentleman is we're not included in  
24 this bill. And I've been at it along time, ever  
25 since the Hess waiver for the Law Department, our

1  
2 lawyers thought we were involved and we weren't.  
3 And I think, again, as a matter of fairness, that  
4 we'd like to have this bill passed, but as  
5 inclusive of the other unions, otherwise you're  
6 going to have groups coming back here piecemeal  
7 looking for the same relief. Thank you.

8 COUNCIL MEMBER JACKSON: I'm sorry,  
9 and have those other unions written to the City  
10 Council and or the Mayor asking for inclusion into  
11 the bill--

12 FRANCIS MCCAFFREY: [Interposing] I  
13 only found out-- is that the protocol? Because I  
14 don't know. I mean is that what we're supposed to  
15 do?

16 COUNCIL MEMBER JACKSON: If in fact  
17 a union is advocating for their members that's--  
18 in my opinion they should have been done that,  
19 been done that. Because the union is there for  
20 the members.

21 FRANCIS MCCAFFREY: May I respond?

22 COUNCIL MEMBER JACKSON: Yeah.

23 FRANCIS MCCAFFREY: We were taking  
24 DC 37 lead on this legislation. We thought that  
25 it would be all-inclusive. I guess a more

important call.

[Pause]

FRANCIS MCCAFFREY: Okay.

[Pause]

FRANCIS MCCAFFREY: Yeah, well first of all we let them take the lead and I just saw 837 the other day and I noticed that it included contracts that were concluded on September 29th, 2006. Well we had the same deal, the same contract, only ours concluded November the 14th, seven weeks later. You know, big deal. I think we ought to be included in legislation. Now as far as writing anybody, I mean nobody-- I mean I thought that we were going to be included and then all of a sudden, surprise. So, you know, I think that what we ought to do really is--

COUNCIL MEMBER JACKSON:

[Interposing] Well don't be surprised, advocate.

FRANCIS MCCAFFREY: Well all right, to whom?

COUNCIL MEMBER JACKSON: Well as I've said to you, if I'm your union president, I would have been written to the Mayor, written to the City Council Speaker, written to the City

1  
2 Council, saying yes, DC37 did it as a primary  
3 union represent X, but don't forget us.

4 FRANCIS MCCAFFREY: Well I think  
5 I've been around to see everybody who was  
6 responsible on this, Commissioner Hanley, Chairman  
7 Addabbo, we've spoken. So I wasn't exactly  
8 sitting there with my thumb in my ear. But I was  
9 hoping that DC37 would not exclude us.

10 COUNCIL MEMBER JACKSON: Well,  
11 enough said.

12 JOSEPH COLANGELO: We only found  
13 out about-- the language in A only came to light  
14 to us today. I mean, so as far as advocating a  
15 change, the only reason why I'm bringing it up  
16 here today, I mean I was just as surprised as  
17 anybody else when I sat down here and read that  
18 language and then it was pointed out to me how  
19 that change was from 452. So as far as advocating  
20 a change, that's why I had to amend my comments  
21 today, because that's in fact when we found out,  
22 today.

23 CHAIRPERSON ADDABBO: Okay. I want  
24 to thank this panel for being here today and we  
25 look forward to working with them in the future.

1  
2 Our last panel, and the last word on this is Ed  
3 Ott, head of the Central Labor Council.

4 [Pause]

5 [Applause]

6 CHAIRPERSON ADDABBO: Gerson and  
7 Monserrate. Thank you for your patience. Give  
8 your testimony, please.

9 ED OTT: Good afternoon. No  
10 problem waiting. I want to just before I read my  
11 formal statement just talk for a second about how  
12 I view this. For us at the Central Labor Council,  
13 this is not a complicated issue in one dimension,  
14 in spite of the complicated history of this issue,  
15 which a few of us at this table who've been  
16 involved in the labor movement, including Council  
17 Members, we've lived with this our whole adult  
18 life. This took place in a very specific context  
19 when the communities in the City at one point  
20 wanted folks to have to live in this city and  
21 have, particularly the uniformed workforce, drawn  
22 from the members of this City. That was an  
23 extremely controversial justice issue in this City  
24 that we can't lose sight of. So everything takes  
25 place in a context. But for us at the Central

1  
2 Labor Council, we just work from one single  
3 notion, no employer should have the right to tell  
4 a worker where to live. And even though this is  
5 municipal work, once they're hired, that is not  
6 tax dollars anymore; it's wages. And we can't put  
7 municipal workers in the position of being  
8 municipal serfs. They can't be tied to the land.  
9 So that's kind of the yardstick by which we  
10 measure it. I would agree with the folks who say  
11 if we're going to do this, we should do it once  
12 and do it right for everybody. Lastly, again  
13 before I read my statement, it is unusual for  
14 legislative bodies to get caught up in what should  
15 be a collective bargaining issue. One would have  
16 thought that the executive would have been on  
17 board before this administration-- before this  
18 bill hit the floor, and that you would be  
19 codifying something that was agreed to all around.  
20 So I understand why it's difficult for the  
21 Council. I understand why among people who are  
22 colleagues in the union movement, including our  
23 Council Members, that this is a complicated issue.  
24 That being said, I am here today in support of  
25 452-A. And I want to be clear about that and the

1 reasons why. This is an issue of fairness and  
2 doing what is right for working people, especially  
3 in light of the current economic crisis facing our  
4 City and our nation. DC37 represents some of the  
5 lowest paid workers in the City, averaging \$23,000  
6 a year in salary. The average New York City one-  
7 bedroom apartment is about \$24,000 a year. You do  
8 the math. The sad fact of the matter is that  
9 affordable housing for middle class families to  
10 live in the five boroughs are few and far between.  
11 Rent stabilized apartments are disappearing. New  
12 neighborhood developments are almost always new  
13 luxury buildings. Condominiums and single-family  
14 homes are unbelievably over priced and  
15 unaffordable, even in today's declining real  
16 estate market. A very small percentage of  
17 existing and new construction projects are pieces  
18 of affordable housing. Most of these affordable  
19 housing initiatives are targeted to low-income  
20 families and not available to middle income city  
21 workers. And as many of the Council Members know,  
22 the Central Labor Council has been trying very  
23 hard on all fronts on this affordable housing  
24 question. We're not Johnny Come Latelys to the  
25

1  
2 issue. Residency requirements have been lifted  
3 for police, fire, sanitation, corrections and  
4 teachers. The hard working men and women of our  
5 municipal workforce deserve the same consideration  
6 and respect. As the country's largest municipal  
7 labor federation, the Central Labor Council has  
8 always worked to support and advance New York  
9 City's workforce and to help secure affordable  
10 housing options for them in our City. We will  
11 continue to fight hard on their behalf to make our  
12 city a viable place for them to live, work and  
13 raise families; but we need the City's help and  
14 support. At this time I respectfully urge the  
15 Council to pass 452-A as soon as possible.

16 Working people need relief and they need it now.  
17 And I want to thank Chairman Addabbo for giving us  
18 the time today to discuss the issue.

19 CHAIRPERSON ADDABBO: And again,  
20 thank you very much for being here. A question.  
21 As was mentioned earlier, this is it seen or  
22 perceived as being an odd way of dealing with the  
23 affordable housing crisis in the City, just  
24 allowing people to move out?

25 ED OTT: Well earlier, Council

1  
2 Member Jackson asked a question before about in  
3 terms of the hiring pool. It certainly would make  
4 it-- expand the hiring pool; it's more  
5 competitive. On the other side, if people have a  
6 wider scope of housing options it's possible that  
7 they'll be able to find some affordable options.  
8 Look, here's the problem. In the private sector,  
9 and I talk about this everywhere I go when we talk  
10 about affordable housing, we already have people  
11 who are commuting in the private sector from-- and  
12 some municipal workers who are allowed to, from as  
13 far away as Pennsylvania, to work in this City,  
14 all driven by the cost of housing. So it's like--  
15 and I know everybody in this room that we're  
16 talking to, knows about that, is concerned about  
17 it. But that's the context in which workers are  
18 trying to come to terms with this. City workers--  
19 we had, one of the City Commissioners testified at  
20 a different hearing on a different subject several  
21 months ago, that there were 300 people in the City  
22 workforce who were in fact homeless. This is a  
23 crisis. Municipal workers cannot afford-- and  
24 should the wages be driven up? Yes. And that's a  
25 whole other discussion. But housing is one of

1  
2 the-- outside of healthcare, is one of the fastest  
3 attacks on a wage that you have is the cost of  
4 housing in this City. That's why this is here.  
5 That's why we're all here struggling with it.  
6 We've got to find a way to get it done. We think  
7 452-A solves a piece of it for the municipal  
8 workforce. The rest of the folks should have been  
9 done at the same time.

10 CHAIRPERSON ADDABBO: Do you think  
11 that upon implementation that we do see flight,  
12 the word exodus was mentioned earlier, do you see  
13 many people leaving the City because now they have  
14 the choice to move out?

15 ED OTT: You know, look. We're  
16 sitting here today; the stock markets dropped 600  
17 points this afternoon. I don't know if you could  
18 buy, sell; move, live, whatever by the end of the  
19 week. The world is changing as we speak, what I  
20 do know, it is getting increasingly harder for  
21 working people, working middle class people in  
22 particular, to find their way through the housing  
23 market of this City. And in the end, it goes to  
24 the competitiveness of this City. If we can't  
25 keep our working middle class here, they're going

1  
2 to exercise their options and go to other places,  
3 and that's bad for business.

4 CHAIRPERSON ADDABBO: And just so  
5 that I'm clear, you believe that Intro 452-A or  
6 837 should be expanded to include all?

7 ED OTT: It gets at a piece of it.  
8 I support 452-A, but I think that we should move  
9 immediately to do a bill that takes care of  
10 everybody. Again, I am very aware of the history  
11 of this issue in this city and how it cuts. Where  
12 the City hires from, that's the employers'  
13 prerogative. Where workers are allowed to live,  
14 that should be our prerogative.

15 CHAIRPERSON ADDABBO: Okay. Mr.  
16 Ott, always a pleasure to have you here and  
17 testifying. Thank you very much.

18 [Applause]

19 CHAIRPERSON ADDABBO: I want to  
20 thank all who have participated in today's  
21 hearing. It is a positive first step to obviously  
22 a piece of legislation that matters so much to so  
23 many people. And again, let me reiterate, as  
24 Chair of the Labor Committee, my appreciation for  
25 the work done by City workers throughout this

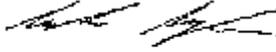
1  
2 City, the commitment and dedication, and I do  
3 understand commitment and dedication sometimes  
4 doesn't pay the bills; we need to pay our workers  
5 more. But I also understand that a job is more  
6 than a paycheck, it's really the dignity and the  
7 respect that these workers deserve. And that's  
8 what we're trying to do today is give them a  
9 little bit of that dignity and respect back. So I  
10 appreciate you all being here and to participate  
11 in this hearing, and I look forward to working  
12 with you in the future. Thank you very much.  
13 Meeting adjourned.

14

15

C E R T I F I C A T E

I, Erika Swyler certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  \_\_\_\_\_

Date \_\_\_\_\_ October 15, 2008 \_\_\_\_\_