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COMMITTEE ON CIVIL SERVICE AND LABOR

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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June 25, 2019  
Start: 2:12 p.m.  
Recess: 4:35 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: I. Daneek Miller - Committee on  
Civil Service and Labor,  
Chairperson

COUNCIL MEMBERS:

Adrienne E. Adams  
Daniel Dromm  
Andy L. King  
Farah N. Louis  
Francisco P. Moya  
Eric A. Ulrich

COMMITTEE ON CIVIL SERVICE AND LABOR

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A P P E A R A N C E S

Steven Rush

Deputy Commissioner, FDNY

Laura Kavanagh

First Deputy Commissioner, FDNY

Terryl Brown

Chief Legal Counsel, FDNY

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Department of Probation

ANA Bermudez

Commissioner of Department of Probation

Wayne McKenzie

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Dalvanie K. Powell

President of the United Probation Officers  
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Oren Barzilay

President of the Uniformed EMT's, Paramedics, and  
Fire Inspectors

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President of the Uniformed EMT's, Paramedics, and  
Fire Inspectors of FDNY Local 2507

Vincent Variale

President of the Uniformed EMS Officers Union,  
Local 3621, of the New York City Fire Department

Michael Greco

Vice President of Local 2507

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African American Civilians in the FDNY

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CHAIRPERSON MILLER: [GAVEL] Good afternoon, I am Council Member I. Daneek Miller. I am the Chair of the Committee on Civil Service and Labor. I would like to welcome everyone here today to today's hearing. I would like to acknowledge and welcome my colleague Council Member Adrienne Adams.

Today's oversight hearing will examine pay equity issues within the New York City Department of Probation and New York City Fire Department. This hearing will focus on pay disparities that exist that are fixed on the work that is performed and the workers that perform the work.

Pay equity means that the criteria employees use to set wages does not take into account gender, sex, age or race. It means giving all people an equal change to make a livable wage regardless of these factors.

In April of 2018, this Committee held hearings on the eventually passed Local Law 18 of 2019, which related to the reporting of pay in employment data, equity day within city agencies. The law will enable Council to better understand where disparities exist within the city's workforce and help us to figure out ways in which to reduce these disparities.

Although New York State has one of the smallest wage gaps in the nation, there still exists a gap within the State and the City of New York. Any gap is unacceptable and indicates that we as a city have a ways to go to create the balanced playing field that we all seek, regardless of gender, race, or ethnicity or age.

Thus, bringing this hearing today is very important. Today, we will be looking at pay disparities that exist within FDNA and DOP. Since 1996, the New York City's Emergency Medical Services have existed as a bureau within the FDNY. However, it's members mainly EMT's and paramedics have been treated as civilian staff by the city.

These EMS workers perform first responders duties in similar capacities as fire fighters and police officers and face extreme situations where their health and safety are on the line. Despite this, they are paid a fraction of what their first responder brothers and sisters made.

For example, FDNY EMT's are paid a little more than \$50,000 a year after five years of employment, yet at the same time period, fire fighters are paid \$110,000, more than double the EMT rate. The pay

disparities are shocking as EMT and paramedic provide vital care to the public and community in emergency situations throughout the city and they are predominantly women and people of color.

In addition, the lack of pay in EMS workers are overworked and understaffed, with only 4,100 EMT's and paramedics working 2018 New York City handling nearly 1.9 million calls. The shared volume of calls coupled with the lower wages indicates to me that EMS workers are handling, hard working and deserve more. And not just pay parity but benefits that are similar or equal to that of their Fire Department counterparts.

In addition to the FDNY there exists deep rooted inequities within DOP. Probation officers provide a needed service in the city supervising and helping those who have moved out of the criminal justice system to find meaningful services including those related to education, employment and health services. These are the people that are working to improve their lives and the lives of those who were formerly incarcerated. Those who many have given up on. They work to assembly these formerly incarcerated individuals back into normal civilian life. Although

this work can be demanding, it seems that these workers of which are predominantly women and people of color have been paid significantly less than comparable post in other city law enforcement agencies and far less than probation officers in nearby counties, like Westchester and Rockland, Nassau.

I look forward to hearing from the Administration on these issues and specifically want to know what is being done to mitigate and reduce these gaps. This committee wants to better understand how the Administration values these workers and sets the pay rates that they receive with respect to their public safety and law enforcement counterparts.

This Committee wants to hear from those who live and work as an EMT and paramedics probation officers and hear their stories. Regardless of issues that we are presented here today in order to enact city policies to again reduce these wage disparities.

Finally, let me clear on one thing, I am not saying that fire fighters or correction officers or other city employees engage public safety in law enforcement do not deserve their respective salaries. These brave women and men are on call and run into

1                   blazing buildings to keep us safe, our families safe,  
2                   and those who are at work with formally and currently  
3                   incarcerated I am sure today. I am here today to say  
4                   that we are, as the city workers, along with the EMS,  
5                   that we certainly stand behind you and the work that  
6                   you do. And that the work is the pedestal of who we  
7                   are as a society and that you deserve proper  
8                   compensation with the work that you perform and  
9                   advocating on behalf of pay equity across all city  
10                  agencies.

12               We've been joined by also Council Member Dromm  
13               and Council Member Moya. I would like to thank the  
14               staff, my Chief of Staff Ali Lasunjab[SP?], Brandon  
15               Clark, my Legislative Director; Senior Director Joe  
16               Dugobloom[SP?] and certainly Committee Counsel and  
17               the Committee Malcom, Kevin, Kendall and Elizabeth.

18               I look forward to hearing from the panel. We are  
19               going to begin with the admin, who has already taken  
20               their place: Steven Rush; Laura Kavanagh; Terryl  
21               Brown; Michael Forte; Ana Bermudez; and Wayne  
22               McKenzie.

23               COUNCIL CLERK: If you could all raise your right  
24               hand please. Do you swear to tell the whole truth  
25               and nothing but the truth before this Committee and



answer Council Member questions truthfully? If you could please state your name for the record before beginning, thank you.

ANA BERMUDEZ: Good afternoon Chair Miller and members of the Civil Service and Labor Committee. I am Ana Bermudez, Commissioner of the New York City Department of Probation. Joining me today is my Cabinet: Deputy Commissioner Sharun Goodwin and Gineen Gray standing behind me. Michael Forte and General Counsel Wayne McKenzie.

I am here today to testify about the critical role probation plays across the criminal justice system, and, in particular, the incredible work of DOP's Probation Officers in creating a safer city for all New Yorkers.

As we have not previously appeared before this committee, I want to briefly describe Probation's unique role in the community safety continuum. Probation is preventive: an alternative to incarceration, where a judge has determined that a person convicted of a crime can redress their actions while safely remaining in the community under our supervision. Probation is often confused with Parole, which is a state agency, and they supervise

people finishing the remainder of a prison sentence.

Too often, public safety is narrowly defined as the

absence of crime. However, we believe that true

safety is much more than that. It is about trust and

having a strong connection to the fellow human beings

in one's community.

Often when people come onto probation, that trust

and connection has been eroded. Probation Officers

work to restore that trust by helping people change

their behavior and connect to opportunities at

roughly one-tenth of the cost of incarceration. We

do this for more than 27,000 people each year, more

than three times the city's average daily jail

population, by leveraging two things. Risk

management, which is the supervision, the intensity

of the supervision and monitoring and risk reduction,

which is the supportive elements that help people to

change.

To accomplish this, Probation Officers work

together with our government and community partners

to support people on probation through the behavior

change necessary to create what we refer to as their

new now. Basically, to get out and stay out of the

justice system.

Nationwide, the role of probation is sometimes overlooked and often misunderstood, but always a crucial part of the criminal justice system. Here in New York City, Probation Officers perform a wide variety of important job functions in three main categories: pre-sentence investigations, intake process, and the direct supervision of those sentenced to probation.

In addition to the technical training and skills required of all peace officers, such as performing fieldwork, executing warrants, and carrying a firearm for certain assignments; New York City Probation Officers need a capacity for creative problem solving; conflict resolution; violence prevention; strong communication skills and the ability to think and act strategically to help people change their high-risk behaviors. It is a demanding job in an increasingly complex world. As the field evolves toward further de-carceration, it is imperative that our focus is on working smarter. New York City Probation Officers are doing just that, and the results are extremely compelling.

I do not think anyone can, or really wants to, put a price on how much it costs to help transform

1 someone's life. The countless success stories of  
2 people creating a new now for themselves in  
3 partnership with their Probation Officers, are truly  
4 priceless. However, through independent evaluations  
5 of our programs, we have begun to establish a base of  
6 local evidence, of what we have known for a long  
7 time. That the work of Probation Officers provides  
8 enormous cost savings and benefits to New York City  
9 by helping people to thrive safely in their  
10 communities. Let me briefly summarize the  
11 evaluations of three of our signature programs:  
12 Arches, AIM, and NeON Arts.  
13

14 Our Arches Transformative Mentoring program for  
15 16-24-year old's relies on Probation Officers working  
16 in partnership with credible messenger mentors. A  
17 February 2018 independent evaluation of Arches,  
18 conducted by the Urban Institute, found that one year  
19 after beginning probation, Arches participants felony  
20 reconviction rates are 69 percent lower, and two  
21 years later, remain 57 percent lower. Any expert  
22 will tell you that these results are unprecedented.

23 As the positive impact was especially high among  
24 16 and 17-year-old Arches participants, we recently  
25 launched a similar program targeted to our Family

Court population to ensure that we prevent as many young people as possible from further justice system involvement.

Last fall we released the findings of another independent evaluation, also conducted by the Urban Institute for Advocate Intervene Mentor, or AIM. Our individualized Alternative to Placement program for high-risk youth ages 13 to 18. Over 90 percent of AIM participants avoided felony re-arrest within one year, and completed the program without incarceration, creating a cost-avoidance for the city of more than \$29 million. Roughly one-third of our entire agency budget. From both a policy and fiscal perspective, this further exemplifies the critical role of community supervision, performed by the Probation Officers of this Department, in helping to make New York City the least incarcerative and safest big city in the nation.

Lastly, NeON Arts, which is our public-private partnership with Carnegie Hall's Weill Music Institute, has redefined innovative criminal justice programs, by bringing together probation officers, people on probation, stakeholders, and local arts

organizations to provide arts and cultural opportunities.

The NeOn Arts evaluation builds on the 2017 Social Impact of the Arts study by the University of Pennsylvania, which examined the impacts that access to arts and cultural opportunities had on underserved neighborhoods in New York City. It found that communities with access experienced 18 percent lower serious crime rate compared to communities that did not. The collaborative work of Probation Officers with NeON Arts is so transformative that the Department received national recognition by winning the Excellence in Community Crime Prevention Award from the American Probation and Parole Association for the cutting-edge use of arts in community corrections.

And, as part of the recently adopted Fiscal Year 2020 City Budget, the Council recognized and provided additional funding for NeON Arts as part of the Speaker's Innovations in Criminal Justice Initiative. And we thank you for your support.

The impact and reach of our innovative work goes beyond the five boroughs, however. Beginning tomorrow, we are hosting a national conference

attended by a variety of jurisdictions including Los Angeles County Probation; Lewistown Maine Department of Corrections; Jackson Mississippi Mayor's Office; New York State Division of Criminal Justice; and the Illinois Department of Juvenile Justice, who will participate in a three-day immersion experience in order to replicate our groundbreaking credible messenger partnerships.

These evaluations and national recognition are evidence of both the critical and cutting-edge role New York City probation officers play in creating real community safety, as well as the long-term cost savings gained by preventing incarceration and instead working to one's changed behavior in their community.

Despite our Department's incredible progress and great successes, the work of probation remains extremely challenging, complex, and dangerous. For those who choose this work, having a real probation family is something we value very highly. In my first few months as Commissioner, I went to a retirement party for a Probation Officer who had been with the Department for 44 years. That is remarkable, but not unusual. The current average

number of years of service in the Probation Office Title Series is nearly 30 years, even when factoring in an unprecedented wave of new hiring done in preparation for Raise the Age.

DOP is lucky to have such dedicated and loyal staff, for the deep institutional memory and experience they bring to the agency, no idea I ever had was a new idea by the way, it's always Commissioner, we tried that in 1986 and this is how it went. So, it's been a very enriching experience to have that and that continuity creates an incredible power for those on probation supervision as well as for those who stay in touch with their probation officers for ongoing support long after the cases have closed. With the lowest national employment rate in 50 years and a thriving job market right here in New York City, our attrition rate of less than ten percent is nothing short of remarkable, and ensures that Department has a very stable, diverse, and experienced cadre of nearly 700 officers committed to doing this important, life-changing work.

The starting salary for a New York City Probation Officer, the qualification requirements for which



include a baccalaureate degree and prior work experience, is currently \$45,931. At the five-year mark, an officer's compensations is \$56,657 and on the current salary scale, it reaches \$64,858 at the final 20-year increment.

However, with more than 20 years of service, an officer's compensation can and does, exceed \$70,000. Our new contract with the United Probation Officer's Association UPOA, which was overwhelming ratified last month, included general wage increases of 2 percent, 3 percent and 3.25 percent, as well as the creation for the first time of a maintenance allowance and annuity fund.

The makeup of our Department's leadership reflects the composition of our officers and is evidence of how DOP values experience and my personal commitment to the development of staff and maximizing agency level promotional opportunities. Half of my Cabinet, and almost all of my Senior Leadership team, was appointed from within the agency. Deputy Commissioners Gineen Gray and Sharun Goodwin, the incredible women that lead the Department's Operations Divisions, both started their careers with the agency as line Probation officers. And in fact,

DC Goodwin did better than that, she actually started with the agency as an intern.

30 out of 33 staff on our Senior Leadership team, which is 60 percent female, were internal promotions or reappointments. Among the ranks of our Borough Assistant Commissioners and Family Court Directors, which are the equivalent of County-level appointed Probation Commissioner or a Director, all nine positions were appointed from within the agency. One hundred percent of these discretionary appointments were filled by candidates who began their careers at the New York City Department of Probation as line Probation Officers.

My tenure as Commissioner has been laser focused on ensuring our staff is the best-equipped and trained Probation Department in the country, in order to both help elevate the status and the work done by the phenomenal people at this agency, as well as the important role of probation in the criminal justice continuum nationwide. One of our five agency drivers, in fact is Staff Development, to which I have personally dedicated countless hours of training and ensuring that staff have access to a wide range of growth opportunities.

In addition to our commitment to staff development, career growth and maximizing promotional opportunities, we have also worked hard to raise the visibility of Probation, and the incredible work done each day by Probation Officers in New York City. We have launched several media campaigns in advance of each of our four Probation Officer Civil Service exams that we have held over the past year. This includes social media, bus shelter advertising, and print ads in publications such as Metro New York, Amsterdam News, Caribbean Life, Chinese World Journal, and El Diario. You can spot our latest media campaign; a Safer City for All, at the LinkNYC locations throughout the city. And it has paid off since 2018, in anticipation of Raise the Age, we recruited and trained nine new Probation Academy classes, resulting in just under 300 Probation Officers.

Having said that, despite our great success in recruiting new officers, and despite our laudable overall attrition rate, 71 percent of our attrition does take place during the first two years on the job. Addressing this was the agency's number one priority during the recently completed contract

negotiation. While we were able to insure that that salaries for new hires were not frozen and that their number of workdays did not increase as was being proposed, we believe there is more to be done, and plan to continue to prioritize this issues moving forward.

The question of fair and equitable compensation for Probation Officers is a legitimate one. It deserves careful analysis, open-minded discussion, and a collaborative process among all stakeholders to both properly scope the issue and determine a viable path forward. Chair Miller, I want to thank you for the opportunity to publicly address this and set the record straight.

Last week's The Chief, reported on a series of allegations that are personally heartbreaking to me. The City and the Department are being accused o having suppressed salaries, while boosting responsibilities and workload as the numbers of women and people of color employed by probation increased. These allegations I believe, do a terrible disserve to those who do and support the important work of probation. We have even learned of these allegations

and actions when we received media inquiries asking for comment on them and not in a different way.

So, let me address some of this. It is both untrue and irresponsible to claim that female Probation Officers are paid less. Not only are women, and women of color, well represented at the highest levels of management within this Department, but the average salary of a female Probation Officer is actually slightly higher than the current average salary of a male Probation Officer.

Other claims have been that the agency has devalued Probation Officers by suppressing wages at the low ends of the salary scales, frustrated step processes that lead to raises, and eliminated the Senior Position Officer Title. The Probation Officer Title historically has, and continues to have, 17 increments, with pay increases for each, no steps or longevity payments have been removed or eliminated. As for the Senior Probation Officer title, it was declassified back in 2004 as part of Civil Service title broad banding. The agency had stopped using the title in 2001, with only 14 officers ever appointed to that title since 1952. Although this preceded my Administration by more than a decade, the

continuity of leadership at UPOA going back to 2003 makes the allegation all the more puzzling.

However, I want to reiterate that the question of fair and equitable compensation for Probation Officers is legitimate and deserves careful analysis to determine a viable path forward. Given all that has been accomplished by the officers of this Department as well as the important work we still have yet to do, I am personally committed to that path forward, which will require collective efforts and unity among our staff, those on probation, and our communities.

The entire profession of probation is currently reckoning with its own new now, led in no small part by the work of this Department. We now know that the former, trail-em, nail-em and jail-em philosophy of community corrections did not work, and in fact did lasting harm and sowed distrust among the very people it purported to help. It created an us versus them mentality that devalued the profession, and worse, destroyed trust between institutions and their communities. I strongly believe that the path forward in this circumstance requires a new now as well.

As I said earlier, true safety is about trust. True community safety is a village around each and every one of us made up of family, neighbors, community organizations and government, who work together, creating a safer city for all. And that building and growing a village of people, who are all responsible for the well-being of a particular client, place, community, or situation, is how we get there. That is the essence of our work; creating a new now for people on probation in a one size fits one approach so that together, we are successful in our mission of strengthening communities and changing lives.

Thank you for the opportunity to testify about the important work of the officers of the New York City Department of Probation. We are pleased to answer any questions you may have.

LAURA KAVANAGH: Good afternoon Chair Miller and to the other Council Members who have joined us. Thank you for the opportunity to speak with you today about pay and equity issues. I am joined today by Chief of Fire Operations Thomas Richardson, Deputy Assistant Chief of EMS Roberto Colon; Deputy

Commissioner Terryl Brown and Deputy Commissioner Seven Rush.

Mayor de Blasio and Commissioner Nigro have made it a top priority to create a more diverse, more inclusive and more equitable FDNY. Prior to the most recent Firer Fighter exam, the Department conducted a recruitment campaign unprecedented in its size and reach. We spent an excess of \$10 million to expand and diversify the applicant pool by attracting more women and people of color than ever before.

These efforts paid off and we exceeded our goals as a record breaking 46,000 individuals took the exam. Compared to the previous exam, the number of Asian test takers increased by 55 percent. Black test takers increased by 39 percent. Latino test takers increased by 29 percent. Native American test takers increased by 35 percent and the number of female test takers who took the exam improved by 115 percent.

For the first time in the history of the Department, a majority of the test takers were people of color. More women took the Fire Fighter exam than ever before. Commissioner Nigro also appointed Lillian Bonsignore as Chief of EMS. The first woman



and the first openly gay member of the LGBTQ community to hold the highest rank in the bureau of EMS.

He also appointed Alvin Suriel to the position of Assistant Chief of EMS, making him the first Latino member to hold the second highest uniform rank within EMS. In addition to the distinguished work that they will do on behalf of the people of New York, we are proud that Chief Bonsignore and Chief Suriel will also serve as examples of diverse leadership as we continue our mission to build a fire department that reflects the diversity of the city we protect.

The Fire Department is as busy as it have ever been. Last year, we responded to 1.8 million incidents including 1.4 million medical calls. This was an increase in total incidents of 84,000 or nearly 5 percent.

Non-life-threatening emergencies grew by almost 7 percent and life-threatening emergencies grew by 1 percent. Structural fires in the city were also up approximately 2 percent.

I want to thank you Chair Miller for your collaboration with the Department to strengthen fire safety outreach at the large event that we held at

the Robert Ross Johnson Family Life Center in Southeast Queens. We appreciate your commitment to the safety of New Yorkers.

The strength of our department is our members. We are only able to respond to the growing number of calls and to protect the lives and property of the people of New York City because of the hard work and dedication of our members. We currently have approximately 4,100 members in EMS and approximately 11,400 fire fighters and fire officers. Each is committed to serving the people of this city responding to fire hazards, medical calls, and a broad range of emergency conditions. FDNY, Fire Fighters, EMT's and paramedics train extensively and work to develop specialized skills that they use to protect the city and its occupants.

Fire fighters and EMS members are currently negotiating the next contract with the Mayor's Office of Labor Relations. They perform incredibly difficult work that is vital to the safety of New York City and they should be fairly compensated for that work.

Although the resolution to the members bargaining negotiations is not something that is within the

control of the Fire Department, we hope that an agreement will be reached that is satisfactory to the members and the administration.

I would be happy to take your questions at this time.

CHAIRPERSON MILLER: Thank you for your testimony. So, based on the testimony that we heard from each agency, it doesn't appear that we are not all in agreement about the value of the work that these two agencies as the specific bargaining units are performing. If that is the case that we agree that they are unilaterally overworked, undercompensated, certainly in the case of Probation, they are coming out of a collective bargaining agreement. The Fire Department currently engaged in negotiations; how do we work towards pay parity? If in fact you agree that pay parity with their counterparts and the uniform forces and in the case of Probation of the Law Enforcement agencies are warranted.

LAURA KAVANAGH: So, we continue to work with our partners in the Union and our partners in the Office of Collective bargaining to advocate for our members and to find creative solutions to increase pay

differentials and specialty pay for our members of EMS.

ANA BERMADEZ: Like I said in my testimony, I think this is an issue that needs to be looked at for the Department of Probation and that we find an unfortunate situation when you look across other jurisdictions while yes, we get paid less than perhaps some of our counterparts in other counties in New York. There is a pattern that is also underpayment or less payment than the uniformed agencies, right, so, when it's a complex issue, because as you then raise compensation for Probation Officers, then there is implications for others. That's why it's something that needs to be looked at. It's not a simple matter.

With the information that we have in front of us and the important role we play, you know, it definitely is something that we have to find a path towards improvement.

CHAIRPERSON MILLER: So, in terms of and I want to appreciate the meetings that we've had together with your team along with the Union and then separately and really engaging myself and this team and this committee on that progress and how we would

1 be able to achieve that goal. Coming out of that,  
2 so, there is a number of things and just the complex  
3 and the multilevel work that is being done by  
4 Probation Officers, there is a law enforcement aspect  
5 that is kind of a social worker aspect. It is also  
6 the criteria that is required and the qualifications  
7 that is qualified. If you look at that one would say  
8 that they are grossly undercompensated for the work  
9 that they are performing.  
10

11 I would submit that in your testimony, you talked  
12 about the savings that have achieved by virtue of the  
13 services that are being delivered by the workforce.  
14 I know within other collective bargaining agreements,  
15 there's things like gain sharing and is that a  
16 conversation that has come up in terms of savings and  
17 whether that savings within the Department could be  
18 then transformed on some level to the membership  
19 and/or have – and I think we talked about other  
20 things. You talked about instead you just  
21 implemented a uniform allowance, is that so?

22 ANA BERMUDEZ: It's not a uniform allowance as  
23 such, since we're not a uniform.

24 CHAIRPERSON MILLER: Equipment?  
25

ANA BERMUDEZ: There is an annuity and it's a maintenance allowance. I am sorry, I was struggling to find the term. Maintenance Allowance for the clothing that we've provided officers within the past year, year and a half.

So, what question do you want me to answer?

CHAIRPERSON MILLER: So, I'm just looking at, you said that and we're going to get over to the Fire Department because it was mentioned as well that you were exploring ways to kind of increase compensation and I know that we had some conversations as well. So, I wanted to kind of be able to bring that out as well, some of the things that were happening. Some of the best practices that we have seen outside. I think there is other ways I think that we can get there as well, but outside of some of the things that we have explored. Is there something that we should hear about today? Is there an opportunity for longevity pay as well? Because one would think that a — could you explain the 17 increments?

ANA BERMUDEZ: So, there are 17 steps up until year 20 of a probation officer's tenure at probation. So, the hiring rate, as I mentioned is \$45,934. And

then when it goes to 20 years, there is 17 steps in 20 years to reach \$64,858.

CHAIRPERSON MILLER: So, the increments are simply merely pay increments. There is no other requirements associated with that. No additional certifications? No additional education requirements? You stay on the job until you reach those 17, is that the case?

ANA BERMUDEZ: I will pass this to Deputy Commissioner Forte.

MICHAEL FORTE: Hi, Michael Forte. It's a combination of steps which the criteria is a performance evaluation and longevities which are purely just for the amount of service.

CHAIRPERSON MILLER: So, longevity pay as defined in the collective bargaining agreement is specifically based on this incremented -- is there a five, ten, fifteen-year increment?

MICHAEL FORTE: That's right, it's a little bit unfortunately more complex than that, that's why there are 17 of them. So, it doesn't cut nicely like in those ways but from the day you are hired until the day you reach the 20<sup>th</sup> year, there are both steps

and longevities and some of them happen at the same year.

CHAIRPERSON MILLER: Do you know of another city agency that has anything similar to such a pay incremental step?

MICHAEL FORTE: I think in concept many agencies have the same structure that the titles and the salaries basically if you look at it underlying the straight salary are these longevities or sometimes step increments.

CHAIRPERSON MILLER: Combination of the two.

MIACHAEL FORTE: I think it's more unique or rare that you would see so many of them. They're relatively small increments and the other interesting thing is you know, some of them happen at the same year. And you know, from our perspective, you know, our desire as the Commissioner had pointed to, we see a huge problem early in someone's career and we would like to see you know, those to be more aggressive earlier when someone is hired.

CHAIRPERSON MILLER: What kind of problem are your talking about?

MICHAEL FORTE: The problem of the attrition.



1                   ANA BERMUDEZ: Right, so we have an overall  
2                   agency attrition rate of 10 percent. Which when you  
3                   look at it, it looks good but when you look deeper as  
4                   to where the concentration — we wanted to see whether  
5                   there was a pattern or a concentration of something  
6                   that was problematic, and we did, and the problem is  
7                   that 71 percent of the attrition is happening in the  
8                   first two years of employment. As we discussed  
9                   previously, federal probation starts calling, etc.,  
10                  etc., right. And so, we are trying to — we wanted to  
11                  make sure, we've been wanting to make sure that the  
12                  early years are you know, those steps happen as early  
13                  as possible.

14                 CHAIRPERSON MILLER: So, it's kind of an  
15                  incentive?

16                 ANA BERMUDEZ: Yeah.

17                 CHAIRPERSON MILLER: So, in my experience, in my  
18                  brief 30-year labor experience in the City of New  
19                  York and of course many agencies, that is such a  
20                  unique, unique agreement. Most incremental pay  
21                  increments are probably five years you see now. It  
22                  used to be mostly three. There are still some that  
23                  have three, but they are also not in lieu of  
24                  longevity pay. They are in addition to longevity  
25

1 pay. I would hope that you can go back and take a  
2 really, really strong look at that and get yourself  
3 more in line with the rest of the city agencies. I  
4 think that that's a space for an opportunity. If you  
5 do the numbers, I think that you got to weigh off  
6 step when after 20 years you know and 17 increments,  
7 that would just get in that there's better ways to  
8 get you there. Also, to consider things, there are  
9 things that we can consider. Twenty years, that's a  
10 really, really long time to reach most agencies and  
11 would more likely equate the job performances to  
12 Corrections Department in which they have a five-year  
13 top pay, which is pretty consistent with most  
14 agencies.

16 Okay, so obviously we know that there is a law  
17 that forbids us because we keep hearing from the  
18 Admin that you know, this is a collective bargaining  
19 issue. If we did what is prescribed by the law, we  
20 would never get the pay equity because everybody gets  
21 what everybody else gets. Right, so we have to be a  
22 little more creative and I am asking these two  
23 departments to figure out a way to demonstrate how  
24 much they really value their workforce. Particularly  
25 if there's savings and lack of incarceration, can we

1                   then transform partly that savings into some type of  
2                   negotiated game sharing or something else. I  
3                   appreciate that, we have been joined by Council  
4                   Member Ulrich, Council Member Danny Dromm.  
5

6                   So, the Fire Department, how do you explain such  
7                   a large disparity between a top paid fire fighter and  
8                   a top pay EMT after five years?

9                   LAURA KAVANAGH: So, I don't think we can explain  
10                  that disparity, that predates this Administration,  
11                  but I think speaking to what you just said, we are  
12                  absolutely committed to advocating for our workforce  
13                  in the collective bargaining process. We are just in  
14                  the initial stages, so we are having conversations  
15                  with the union and we're having conversations with  
16                  OLR to try to come up with that list of creative  
17                  ideas. So, that when we sit down at the table, we  
18                  can look at ways whether it's savings, differentials,  
19                  different allowances, to advocate for our members and  
20                  their pay and their compensation.

21                  CHAIRPERSON MILLER: Could you talk about the  
22                  training of EMT's and how much training they're  
23                  required to have to come on the job certifications  
24                  and so forth and how much training, how much is of  
25

course in the department to train and then finally, talk about the attrition rate.

LAURA KAVANAGH: Sure, so it's about four months of initial training for an EMT, for our regular EMT program. We also have an EMT training program that we recently implemented that gets people essentially from scratch with no EMS training whatso ever. And then it's about nine months for a paramedic to be trained and I am going to let the Chief expand on that a little bit more.

TERRY L BROWN: Alright, so when an EMT comes into the system we have a new training program. So, it's just basically a civilian that just comes in with nothing, no experience whatsoever. They train from the very beginning, basic. That's a 16-week program. They train from the very beginning; they have no knowledge whatsoever to become an emergency medical technician.

They train in medical emergencies, trauma emergencies, and they prep them up for the New York State exam. When they go through the whole course for the 16-week program, they train in our departments policies and procedures. They train how to operate out ambulances. They train how to deal

1 with medical emergencies, trauma emergencies, respond  
2 to mass casualty incidents. How to operate on those  
3 assignments. All this to prep them for the New York  
4 State exam to become emergency medical technicians  
5 and that takes them to the four months to become  
6 emergency medical technicians in the field. That's  
7 the full month program.

9 LAURA KAVANAGH: I think it's also worth  
10 mentioning, there is a capacity issue at the MS  
11 Training Academy and so, in terms of promotional  
12 opportunities with any EMS including being a  
13 paramedic, we were limited by our capacity at the  
14 Academy and we received \$52 million in this most  
15 recent budget to expand that capacity. So, we're  
16 hoping in the upcoming years we will have greater  
17 ability to offer more spots for people within EMS to  
18 promote within EMS.

19 CHAIRPERSON MILLER: And how long, what's the  
20 anticipation on that capital project?

21 LAURA KAVANAGH: I am sorry, what was that?

22 CHAIRPERSON MILLER: You said it may take years?

23 LAURA KAVANAGH: We believe we can initially  
24 begin to expand. So, it will take a few years until  
25 we can expand to the level that we would like, but

even in the upcoming classes, we hope to see additional spots for paramedics, and this is also at no cost to them. We have implemented a forgivable loan program. Again, in order to expand the opportunity for people within EMS to promote to the rank of paramedic.

CHAIRPERSON MILLER: So, from a paramedic perspective, how much is the Department spending on training?

TERRYL BROWN: On the paramedic training, I believe the per student cost is probably I believe, and I will have to check the numbers about \$22,000.

CHAIRPERSON MILLER: And do you know how much the EMS training would be for those individuals. How long? How much is the training?

TERRYL BROWN: For EMT, you are talking about?

CHAIRPERSON MILLER: I am looking at EMS.

TERRYL BROWN: EMS is EMT or paramedic. I am not following what you are asking.

CHAIRPERSON MILLER: Entry level.

TERRYL BROWN: EMT.

CHAIRPERSON MILLER: Yes.

TERRYL BROWN: Significantly less, I don't have that number but it's significantly less than a paramedic training.

CHAIRPERSON MILLER: Okay, I am going to go to Council Member Adams questions.

COUNCIL MEMBER ADAMS: Thank you very much Mr. Chair. Thank you all for being here today. This issue is something that is so very prevalent across the board, it crosses race, it crosses gender, it crosses decades of disparity and I just get really confused when I take a look at the numbers because they are glaring across the board. They are glaring when it comes to New York City Probation and they are horrifying when they come to FDNY.

So, my first question is going to be, what is the criteria that is used to set EMT salaries versus the salary of a Fire Fighter?

TERRYL BROWN: All city titles, civil service titles are negotiated through Office of Labor Relations. These are historic rates that DC37 as the parent of Local 2507 3621 has negotiated since EMS was born probably in the 1970's and those rates were established initially in collective bargaining and in conjunction with OLR and DECASS. The Fire Department

was not involved in rates and obviously we emerged with EMS in 1996, so we took over that workforce into the Fire Department and we've thought that since they've come over in 1996, there has been a lot of strides taken by the Department to improve things.

Obviously pay compensation is still a serious issue but we think we have taken a significant number of steps to improve EMS personnel. And I just would add one thing. The Administration since 2014, there is a 1,000 new positions for EMS at a cost of \$52 million since this Administration came in 2014.

COUNCIL MEMBER ADAMS: Yeah, with EMS there is still a tremendous amount of overtime that has to take place in order for a single parent to feed her family. So, I appreciate that, we're just looking to really, really get to the bottom of this tremendous disparity between the ceiling and the floor when it comes to this pay structure.

So, we've heard the Mayor say in the past that there is a difference between Fire Fighters and EMS. I think we all know that. But the spirit in which that statement was made, there is a problem with that statement. Can you further explain what could have possibly been meant by that statement in that



1 difference, because in that difference he was  
2 speaking specifically about the pay disparity between  
3 the two.  
4

5 LAURA KAVANAGH: I can't speak to that. I can  
6 speak to the fact that both members of EMS and Fire  
7 are some of the most tremendously hard-working people  
8 I have ever met with some of the hardest jobs of  
9 anyone I have ever met. And like I said before,  
10 we've made a significant investment into new members  
11 of EMS in this Administration, but we also remain  
12 committed to advocating for them in the collective  
13 bargaining process and doing what we can as a  
14 department to help advocate for them as we move  
15 forward.

16 COUNCIL MEMBER ADAMS: I appreciate that, thank  
17 you. So, does the city consider EMS civilian or  
18 uniformed?

19 LAURA KAVANAGH: Well, they wear a uniform as you  
20 know, we call them uniform members in the department.  
21 But as far as OLR is concerned, they are not  
22 considered uniform for collective bargaining  
23 purposes.

24 COUNCIL MEMBER ADAMS: Do you see that changing  
25 at all?

LAURA KAVANAGH: That would be a question for OLR.

COUNCIL MEMBER ADAMS: Well, that's very significant in a perception and it really, really gives a clearer picture of why all of this is taking place. That perception, it's provided in what you just said. Very, very disturbing.

So, aside from collective bargaining, is there anything else that's being done to reduce the gap?

LAURA KAVANAGH: In terms of salary, it has to be done in that process, but we are extraordinarily committed to being advocates in that process.

COUNCIL MEMBER ADAMS: Do you foresee in the future any kind of timeline where we're going to see substantial improvement? Just, what are your feelings about the timeline and the process and the procedure?

LAURA KAVANAGH: So, the timeline for bargaining, we're in initial conversations now as I mentioned, we haven't come to table, but we do expect that to be in the near future.

COUNCIL MEMBER ADAMS: In the next six months, twelve months?

LAURA KAVANAGH: I certainly hope so, I think you could ask our friends at the union that question as well, as we both have a part of that process, but yes, that's what we would hope for.

COUNCIL MEMBER ADAMS: Okay, again, I appreciate your testimony here today. The subjects to me as a Black female is extremely disturbing. To continue to see this go on for decades and we know probation also overwhelmingly women supporting families. I keep throwing that out there because we are talking about a far-reaching issue that goes way beyond a table. It goes into families, it goes into neighborhoods, it goes into perception, it goes into conversation.

So, my hope is that in all of the discussion, around this issue is that we really, really take to heart the extended view and what this actually means to the communities that are being supplied by the salaries of these hard-working individuals. There is just so more that needs to be done in the area of probation. Lets say we're looking at 20 years before there is an increase. That's a tremendous issue.

Apologies, it's the difference between probation and correction, I am sorry about that. I think you

kind of knew where I am going. I am getting a little bit emotional in my train of thought.

But it all goes around the same particular subject in the same particular area for me. For me in both areas, the ceiling and the floor. We really need to try and bring them closer together in meetings. So, thank you very much.

CHAIRPERSON MILLER: Thank you Council Member Adams. The FDNY, you're are talking about that they are currently or about to be in contract negotiations. Have you had any conversations with the Admin and OLR in terms of advocating for EMS, EMT to become unified uniform forces? Are they part of the uniform forces? Obviously, that's where we're going to see the difference in the pay disparity, have the latest difference.

LAURA KAVANAGH: We are having conversations with them, yes.

CHAIRPERSON MILLER: And based on the work that they do, the education, the certification backgrounds, all those things like that, is it something that those conversations are fruitful? Do you think this hearing is going to be helpful in your advocacy on behalf of your workforce there?

LAURA KAVANAGH: I think it will be.

CHAIRPERSON MILLER: Since 1996, and then joining the FDNY, do they have more or less responsibility?

LAURA KAVANAGH: Medical calls have certainly increased year by year. Certainly, in the last decade and I think since 1996, medical calls in the City of New York.

TERRYL BROWN: Obviously, since 911, there has been additional duties assigned, both on the Fire side and the EMS side. Counter terrorism, task force, we also have members in our HASTAC units. They receive additional compensation that was negotiated between the city and the union. And there is also rescue medic pay, which was provided several rounds ago in collective bargaining negotiations for an elite group of paramedics who are trained in certain difficult rescue situations.

So, those kind of duties have evolved particularly since 911.

CHAIRPERSON MILLER: And I can appreciate that, but the general compensation for the overall bargaining unit has not, unless you are engaged in one of these specific units, specialized units. Is that the case?

LAURA KAVANAGH: Correct.

CHAIRPERSON MILLER: I don't know if you answered the questions about attrition. What does the attrition mean?

LAURA KAVANAGH: Attrition for members of EMS is about 6 percent.

CHAIRPERSON MILLER: Six?

LAURA KAVANAGH: Six, yes.

CHAIRPERSON MILLER: When someone leaves to go become a Fire Fighter, is that included in that number?

LAURA KAVANAGH: That is not included in that number because they stay within the department.

CHAIRPERSON MILLER: They stay within the Department.

LAURA KAVANAGH: It's 9 percent if you include the promotional exam.

CHAIRPERSON MILLER: So, if you include the promotional, it would be 9 annually? Okay, and what are the demographics of EMS, EMT?

LAURA KAVANAGH: EMT's are about 64 percent women and people of color.

CHAIRPERSON MILLER: And the Fire Department?

LAURA KAVANAGH: Fire Fighters are about 30 percent women and people of color.

CHAIRPERSON MILLER: Okay, and in terms of hiring for the next Fiscal Year, what do your hiring numbers look like? Are you okay, or do you need to hire over the next year?

TERRY L BROWN: Now, we generally hire three classes of EMT's. Usually about 180 but starting in February as First Deputy Commissioner Kavanagh indicated, we will increase the EMT class size from 180 to 240. Generally, our paramedic classes are 75, in that neighborhood. We will probable increase it to 90 and eventually to 120, once we get the academy expanded in 2020.

CHAIRPERSON MILLER: Is that indicative of the workload that is currently being undertaken by the workforce?

TERRY L BROWN: A lot of it is a factor of the promotional exam that enables a significant number of EMS members to promote to the title of Fire Fighter. We've lost probably close to over 800 personnel in three promotional classes so far.

CHAIRPERSON MILLER: So, you would say the major attributed to attrition and not necessarily the workload?

LAURA KAVANAGH: I would say that it's both. As I mentioned, we hired 1,000 new members over the last few years and that is to address the workload, so the combination of the promotional exam and the increased headcount has created that need for additional hiring.

CHAIRPERSON MILLER: Okay, I'm really again, interested in how we kind of get to where we need to be in terms of compensates. Could you talk to me about overtime and overtime pay? Is it mandatory overtime? And then what does that budget look like?

TERRY L BROWN: Last year and I will say this Fiscal Year is now being completed. EMS overtime was about \$50 million. There is overtime that you can volunteer for and there is mandated overtime as well. In discussions with the union, we have relaxed the overtime cap to allow members to work additional overtime. Obviously, as you have noted yourself, that ideally, there is a certain level of overtime where it becomes difficult for members. Some members more than others but there is plenty of overtime



opportunities for EMS right now, because of the vacancies.

CHAIRPERSON MILLER: And you said that the salary cap, the overtime cap has been relaxed?

TERRYL BROWN: It is currently 50 percent of salary. If you look at that, it would enable one person, an average EMT to earn up to 600 hours if one wanted to work that much.

CHAIRPERSON MILLER: So, yeah, that would be a concern.

TERRYL BROWN: That's a lot of overtime.

CHAIRPERSON MILLER: Obviously considering the critical services that they provide. I want someone at their optimum performing.

TERRYL BROWN: The average EMT overtime is approximately about 7,000. So, it's far less than that. Obviously, this is the average. Some people work a lot more and some work less.

CHAIRPERSON MILLER: But obviously, these calls have to get answered, so we have to figure out a way to make sure that the bodies are there and somebody's doing the work. So, that kind of goes back to what the hiring and attrition question is and whether or not it is fair that people in order to earn a living

wage, have to work overtime to double their salary. That is the question here and whether or not that is safe for the public in doing so, that we want people again, at their optimum performance abilities when they come into service our citizens. Council Member Adams.

COUNCIL MEMBER ADAMS: Thank you Mr. Chair, I just had just a couple more questions because I have been looking at the graphs and it's still so, so disturbing. I just have to get this out there. Is FDNY able to come to the bargaining table on your own and handle this issue of pay equity and just say look, we're just going to handle this?

We are speaking of predominantly women of color when it comes to EMS and pay equity shouldn't be something that's negotiable or negotiated in my opinion. Is there a commitment that you are willing to make to ensure pay equity at this level? It's something that is certainly doable, are you willing to make that commitment?

LAURA KAVANAUGH: So, I think unfortunately the FDNY doesn't have the power to raise salaries. We can commit to absolutely looking at ways to diversify our workforce. Ways to grant additional pathways to

promotions for members of EMS and ways to advocate for their salaries and their benefits at the bargaining table. We will commit to that.

COUNCIL MEMBER ADAMS: Okay, I am just going to ask that you do that very strongly, very forcefully. The strand of and I will just put it out there, systemic racism is blinding and deafening. So, in order to right that wrong, I think that it is imperative and incumbent on everyone that's sitting around. Everyone that has the authority, the power, and the voice to make that happen. When we look at the racial disparity between FDNY and EMS, in the year 2019 and we're still talking about pay equity, pay parity, issues of that nature. We're looking at women, we're looking at men, just all of it. The picture for a city like New York is just -- the optics are horrible.

So, I am just going to ask that we all just pitch in there together and really try to get this done for the hard workers. The hard EMS workers out there.

LAURA KAVANAGH: We absolutely believe in our members and we are committed to advocating for them in that process.

COUNCIL MEMBER ADAMS: Thank you very much.

CHAIRPERSON MILLER: Thank you Council Member Adams. Can we go back to the mandatory overtime? What percentage of overtime goes towards mandatory overtime?

TERRYL BROWN: I wouldn't know that number off hand.

LAURA KAVANAGH: We can get that to you.

CHAIRPERSON MILLER: Okay, going back to the demographics, FDNY, could you talk about the managerial or the supervision and then managerial within the agency. What are those demographics?

LAURA KAVANAGH: Sure, at which rank?

CHAIRPERSON MILLER: Talk about the ranks, I am not as familiar with the ranks.

LAURA KAVANAGH: So, over the last five years, we have committed primarily to diverse fighting the fire fighter rank because as you know, with civil service, when tests given every four years, we have not had an opportunity to see those more diverse classes that we've seen in the last five years have an opportunity to take those promotional exams but we currently run mentorship programs and career development opportunities to make sure that as soon as they are

eligible, we will see that diversity rise up through the ranks.

CHAIRPERSON MILLER: I'm not talking about fire fighters.

LAURA KAVANAGH: On the EMS side?

CHAIRPERSON MILLER: Correct.

LAURA KAVANAGH: We are doing the same.

CHAIRPERSON MILLER: You are?

LAURA KAVANAGH: We are doing the same on the EMS side as well.

CHAIRPERSON MILLER: What are the current supervisory, managerial demographics?

LAURA KAVANAGH: So, we have four EMS captains. They are 53 percent White, 14 percent Black and 23 percent Hispanic and 8 percent Asian. For EMS lieutenants, it's approximately 53 percent White, 19 percent Black, 22 percent Hispanic and 5 percent Asian.

CHAIRPERSON MILLER: So, that's pretty consistent in those consistent with civil service exams, correct?

LAURA KAVANAGH: They are consistent with civil service exams, but as I mentioned, this Administration has been tasked with ensuring that

people have opportunities to promote and that they are being encouraged to promote and mentored to promote and so, that is an initiative.

CHAIRPERSON MILLER: Those aren't appointments, are they?

LAURA KAVANAGH: Those aren't what?

CHAIRPERSON MILLER: None of those positions are appointments, are they?

LAURA KAVANAGH: So, they do not take a civil service exam in the same way that fire does. They do an interview process, but that is subject to change. A law was passed in the state last year that would eventually implement the same type of testing process for EMS.

CHAIRPERSON MILLER: So, you don't have a civil service exam for a promotion and the numbers are just not consistent with the workforce?

LAURA KAVANAGH: We will have a test for civil service exams based on this new law. We do not at this time.

CHAIRPERSON MILLER: Why haven't you?

LAURA KAVANAGH: That predates this Administration, I am not sure why that is.

CHAIRPERSON MILLER: Okay.

LAURA KAVANAGH: Oh, sorry, I should correct myself. There is one for lieutenant. It's above lieutenant that we do not have those exams.

CHAIRPERSON MILLER: And how many positions are above lieutenant?

LAURA KAVANAGH: We have Captains, Deputy Chiefs, Division Chiefs, Deputy Assistant Chiefs. So, a few ranks above lieutenant.

CHAIRPERSON MILLER: And is there any consistency between the pay there in the FDNY?

TERRYL BROWN: It's consistency as compared to the fire side?

CHAIRPERSON MILLER: What are the disparities at those ranks compared to FDNY?

TERRYL BROWN: There are significant differences between EMS supervisory personnel and Fire supervisory personnel.

CHAIRPERSON MILLER: Consistent with what we see at the lower ranks as well.

LAURA KAVANAGH: Correct.

TERRYL BROWN: Yes.

CHAIRPERSON MILLER: What about civilians within the agencies?

TERRY L BROWN: Civilian titles run across many, you know, you have many high-level computer titles, but generally the civilian probably average salaries is -

CHAIRPERSON MILLER: Do you have any civilian managers?

TERRY L BROWN: Managerial in the managerial pay plan, there are civilian managers, the compensation will vary up to the level of a Deputy Commissioner or a Fire Commissioner, but you know, they start off obviously, far lower on that.

CHAIRPERSON MILLER: Is that pay scale set by the agency, the Department or DECASS, who sets those pay scales?

TERRY L BROWN: Managerial pay plan for non-unionized personnel in the city is a step plan by DECASS and the raises that are given to managerial employees are generally near of those that are given to their collectively bargained counterparts.

CHAIRPERSON MILLER: So, here is what I am saying. You could have a citywide manager who qualifies, who can be placed in a multitude of different agencies. Are they more apt or like less



likely to earn more at a Fire Department or Department of Homeless Services?

TERRYL BROWN: I really can't answer that.

CHAIRPERSON MILLER: Do you know if they have a salary of a manager, a civilian manager in the Fire Department is?

LAURA KAVANAGH: We couldn't say what the average is. There is so many different titles and so many different units. I would say for the highest -

CHAIRPERSON MILLER: How do we access that information?

LAURA KAVANAGH: We can get that to you.

CHAIRPERSON MILLER: Yeah, because that was part of the last pay equity, that's how we came up with the local law that manages specifically women of color depending on what agency were being paid disproportionately from their counterparts and they pretty much had the same qualifications. And so, certainly, this is about pay equity and particularly as it pertains to these two agencies and I would submit the same question for probation as well.

Do you have an answer on the Probation side? Are managers generally paid consistently, more or less than counterparts in other agencies.

ANA BERMUDEZ: I wouldn't know how to answer that question in this sense. Probation is very unique in that its Civil Service Title is not transferable to other agencies. So, when you move up the ranks, you move Probation Officers, Supervising Probation Officer and Administrative Probation Officer, which often times leads to the managerial positions. And so, those counterparts, it's hard to establish counterparts in other agencies, because the titles are different, and they go with different salary structures. So, we can follow up with that.

CHAIRPERSON MILLER: Say for instance a mid-level manager, that is not necessarily doing specific probation, does not require a probation background but whatever they're doing, back room stuff. Is that consistent with other agencies or do you have any idea what that looks like?

ANA BERMUDEZ: We will check, but if I were to guess because we are a smaller agency, I would say no. It's not comparable.

CHAIRPERSON MILLER: Okay, I would appreciate that information. Council Member Adams.

COUNCIL MEMBER ADAMS: Thank you, Mr. Chair. I promise this is going to be my last one. First

Deputy Commissioner, I think you could probably get this, you just gave Council Member Miller the ratio breakdown for EMS and FDNY. Can you give us the gender breakdown as well?

LAURA KAVANAGH: Sure, on the EMS side, we have about 28 percent women and on the Fire side it's about one percent.

COUNCIL MEMBER ADAMS: That's why we wanted to get that on the record. Thank you.

LAURA KAVANAGH: Sure, I think I would just say the Fire Department definitely agrees that we have a lot of work to do on that front, but I would also note that we have doubled the percentage in the Fire Fighter rank in its diversity. And we have also doubled the number of women and we remain committed to keeping that trend going.

CHAIRPERSON MILLER: Okay, so we will follow up. We have obviously follow up questions. I appreciate your time, your coming out and this is very, very important to the Council. Obviously, it's more important to the members that provide such critical services to our city. I absolutely believe that this city has value because of these workers. There is a reason why 67 million folks come to New York City to

visit. There is a reason why Amazon and Google and all these other folks want to set up shop, because we are safe. We are clean, we have good transportation, despite all of those narratives because of women and men that provide those services, many of which that are in the room today. And I hope that we can continue this dialogue and get us to the point that we can creatively make sure that they are being compensated justly in the future and this committee is absolutely committed to it. So, anything that we can do to be able to support your efforts in getting them there, we do have that commitment now. So, thank you for your testimony.

LAURA KAVANAGH: We appreciate that, thank you.

CHAIRPERSON MILLER: Next panel Dalvanie Powell; Vincent; Oren and Michael Greco.

**[INAUDIBLE 01:38:38-01:40:54]**

Thank you, you can begin your testimony from either end, whatever, just please push the button on the mic and identify yourself before giving your testimony.

DALVANIE POWELL: Good afternoon Chair and Committee Members. My name is Dalvanie K. Powell and I am the President of the United Probation Officers

1 Association. I represent over 800 Probation Officers  
2 and Supervising Probation Officers and more than 400  
3 retirees. My membership consists 90 percent of  
4 people of color of which 78 percent of them are  
5 women. We are honored to have been invited to  
6 participate and to testify in the discussion of pay  
7 disparity. And for time sake, the Commissioner did a  
8 good job I must say, in describing who we are and  
9 what we do. So, I am going to skip that part, but I  
10 will say that our primary concern as Officers is  
11 primarily community safety.  
12

13 But what wasn't mentioned was that we have a  
14 field service unit. Field visits are made in some of  
15 the most dangerous neighborhoods. Probation Officers  
16 are in just as much risk as other law enforcement  
17 officers. Probation Officers are required to work  
18 various shifts including evenings, weekends and  
19 holidays.

20 We have an intel unit of Probation Officers who  
21 execute warrants within New York and other states.  
22 Within this unit we also have a cyber unit. These  
23 officers work with NYPD, Department of Corrections,  
24 US Marshals, homeland security and many other law  
25 enforcement officers.

What also was not mentioned was that the investigation reports that we use are also utilized by Department of Corrections, upstate and downstate and our reports are also used by Department of Parole when making a determination for a person to get out of prison.

For the sake of time, I have attached to my presentation, the description of a job of a Probation Officer and a Supervising Probation Officer. Probation Officers are required to complete eight weeks of training which consists of fundamentals, defensive tactics training and we must satisfy the training requirements established by the State of New York for Peace Officer Certification. Hence, Probation Officers are Peace Officers who carry firearms and make arrests when necessary in order to enforce public safety.

We recently ratified our contract with a total increase of 7.25 percent. The hiring rate for Probation Officers will be \$45,934 and the maximum salary will be \$76,043. For the promotional position of a Supervising Probation Officer the salary will start at \$61,276 and the maximum rate will be \$91,518.

Since we are here to discuss pay disparities, the above salaries may appear to be impressive to some, but the sad reality is that none of the titles that I represent ever reach their maximum salaries. Please see the attached chart which shows the growth of our salaries how it will look after the wage increase is applied. A Probation Officer after 11 years will only earn \$52,824 and for a Supervising Probation Officer after 16 years, will only earn \$70,467. These numbers will vary depending on when and how one came into the agency. As you can see we have no guarantee when we will reach our top salary, unlike our other brothers and sisters in law enforcement and our other Probation Officers in Nassau County, Westchester and Suffolk County, who I might add, are required to have the same education, experience as us and also has to adhere to the same state mandates as we do.

Over the years and since the Raise the Age has been implemented, the department has hired a significant number of new recruits; however, we have lost more than 15 percent of the seasoned and new Officers because of the low salaries. When this

happens, everyone loses, especially the community at large.

Therefore, when we think of criminal justice reform you should think of Probation Officers as our objective is to help change the mindset of those men, women, and youth who come through our doors because of the poor choices they have made, which in turn will reduce recidivism and keep the community safe. When you think of the bail reform, you should think of Probation Officers as there are thousands of cases where persons remain in the community, receiving services at predisposition and not behind bar, thereby saving the city millions of dollars.

When you think of reduction of massive incarceration, you should think of Probation Officers because we are saving the city and the state billions of dollars while we supervise and monitor those who have been convicted of a criminal act instead of being incarcerated. When you think of community policing, you should think of Probation Officers as we are out there in the field risking our lives, while we're saving lives. When you speak of low crime rate, please think of Probation Officers.



1                   In conclusion, we the members of the United  
2                   Probation Officers Association would like to have  
3                   someone explain why in 2019 we have to come with cup  
4                   in hand asking that it be filled so we can live, take  
5                   care of our families now and in the future? Why are  
6                   se struggling to get what we worked so hard for and  
7                   deserve but yet we are being denied because of our  
8                   gender and the color of our skin. This pay equity  
9                   needs to be corrected now in order to recruit and  
10                  retain the best possible candidates.

12               And at some point, I have two of my colleague  
13               supervising Probation Officer Emma Stovo[SP?] and  
14               Probation Officer Felice Fish. I would like to have  
15               the opportunity to tell their story how these low  
16               salaries have impacted their lives over the years, if  
17               need be. Thank you.

18               OREN BARZILAY: Good afternoon, my name is Oren  
19               Barzilay, President of the Uniformed EMT's,  
20               Paramedics, and Fire Inspectors of FDNY Local 2507.

21               Thank you for allowing me the chance to address  
22               you today with regards to one of the most pressing  
23               issues facing the stability of Emergency Medical  
24               Service. The FDNY EMS is in crisis. The ability to  
25               promptly and adequately respond to citizens in life

threatening situations is diminishing every day due to the personal crisis created by an inadequate and substandard wage pattern as well as personal practice that routinely depletes the ranks of EMT's and paramedics.

This pattern and practice is caused by bias which leads to a devaluing of the EMS side of the FNDY. These patterns of bias are so engrained that even some of the efforts to address lack of diversity and equal opportunity end up instead of perpetuating the problem.

Our members are consistently paid less for the lifesaving work they do, than the lifesaving work performed by other within the department. By way of example, the Fire Department routinely promoted 900 EMTs and paramedics to the Fire Fighting title. in an effort to address this issue with lack of diversity. It draws on the large amount of female and minority members in EMS to try to do so. Using the term promotion, underscores the devaluation of the EMS side of the Department.

Moreover, members who choose to avail themselves of this practice, often cite the inadequate wages they receive in EMS as the reason. Despite their

love for providing emergency medical services as an EMT or Paramedic, they were driven to leave EMS and move to the Fire side. But more egregious is that this practice ignores the devastation it has on the EMS side of the Department, reinforcing a sense that EMS work is lesser than other first responders all while pulling experienced EMT's and Paramedics from the workforce resulting in decreased work morale and retention.

Our members are consistently paid less for the lifesaving work they perform as compared to other lifesavers within the department. I know there is an image that fire fighters fight fires, EMS workers transport people to the hospital. EMS is much more than a transport service. Our EMT's and Paramedics perform on scene rescue and lifesaving functions actually working up and treating patients on scene and while being transported. We treat sick and injured New Yorkers in the pre-hospital setting every single day of the year. But the work of the FDNY is even more complex, and EMS and fire work together, in an integrated way that provides much more than emergency transport. This work often overlaps.

For example, both the fire side of the department and the EMS side of the department process emergency calls and dispatch tens of thousands of emergency responses. Yet despite being in the same building, on the same floor, and even though EMS workers process significantly more of these calls, the fire side employees are paid more. The office of recruitment and training literally has an integrated unit in which EMS and fire side employees work together, they attend the same training, recruitments and complete the same projects yet EMS employees make significantly less. Obviously, EMS members provide different life saving services in the field but aren't these services just as valuable as the other services the FDNY provides and many of the services the department performs, such as call processing are not in the field.

Furthermore, the FDNY is the only agency that has a different rate of pay for the same titles within its own agency depending on whether the title is on the predominantly of color and largely female side of the EMS or the predominately white and male fire side. These issues might just seem like pay inequality issues, but they have devastating effects

on the department. The impact this has is one of the most pressing issues facing the stability of the Emergency Medical Service.

Other city entities claim that retention and attrition rate are within what will be described as normal limits. DO not be duped. The fact is 80 percent of new hires in EMS leave within 4 years. When they leave, they take well-honed clinical expertise with them. This, when coupled with a recent and an on-going wave of retirement creates a naïve, inexperienced and marginally prepared work force.

The contrast begins the demographics and corresponding pay on both sides of the Fire Department could not be starker. While the Fire side of the Department struggles with an alarming lack of diversity, the EMS struggles with an equally alarming lack of compensation for its members work.

Based on the 5<sup>th</sup> year salary, an EMT makes 46 percent and a paramedic makes 30 percent less than other first responders. Let me remind this body this is not a complaint against other New York City first responders, who do heroic work and should be fairly compensated, it is a complaint against a department

that has refused to accept the reality that there is bias in the way that they value and compensate its employees.

Granted there is a vast difference in base hours and contractually guaranteed overtime, however the hourly rate exemplifies the same vast differences. And the fact that we have not had the same opportunities to collectively bargain is not an excuse for discriminatory pay practices.

Some have attempted to deflect by saying that our pay is less because we have not been as effective in collective bargaining. Such a claim ignores the pervasive bias that has created and perpetuates this issue. Again, the fact that we have not had the same opportunities in collectively bargaining is not an excuse for discriminatory pay practices, it is yet another example.

The Uniformed EMT's, Paramedics and Inspectors of Local 2507 have a short history of bargaining and despite the laws that require us to be treated as a uniform service, we are not always treated as so. The current practice of pattern bargaining, by its nature, discriminates against the titles I represent by not letting us be at the table as equals.

Although we are, for the purpose of collective bargaining Uniformed members of the FDNY, we are consistently offered lower wage percentages than other Uniformed agencies and when we challenge why, we are told we are civilians.

In the 2016 round of negotiations, we addressed the issues of base hours and guaranteed overtime by proposing an alternative work chart of 12-hour shifts. The City has agreed to a limited pilot program. Today, three years later, despite our ability to demonstrate massive savings by fully adopting the alternative work chart, the program remains a limited pilot.

Over a year ago, we asked the City for pay data so that we could better understand how our members were being harmed by potentially discriminated pay practices. Rather than work with us to get us this information and correct these problems, the City denied our FOIL requests. Despite the fact that this committee and the City Council recently passed legislation to require the City to provide pay data that would eliminate discriminatory pay practices, the City has fought us tooth and nail, requiring us to spend time and resources litigating the issue of

whether or not we should be allowed to receive the race and gender of our members and their comparators. The City has even refused to provide this information when we offered that the names be redacted and anonymized.

In closing, let me say that a commitment to non-discrimination in the workforce is a commitment to excellence. The ability of the FDNY to provide the highest level of emergency preparedness for the largest and busiest EMS system does not come cheap. It requires valuing the workers, paying them fairly, ensuring equal employment opportunities and proper recognition of their sacrifices.

This is my testimony, I took some notes during the hearing process, do you want me to address them now or let the others testify and we will get back to them later?

VINCENT VARIALE: Thank you, good afternoon, Chairman Miler and distinguished members of the City Council, Councilwoman Adrienne Adams the Civil Service and Labor Committee. My name is Vincent Variale, I am President of the Uniformed EMS Officers Union, Local 3621, of the New York City Fire



Department. I represent over 500 EMS, Captains, Lieutenants.

Thank you for allowing me the opportunity to testify on the issue of pay inequity and in the City workforce.

As you have heard from others, the issue with pay inequity is a citywide problem. Today I will provide you with some more insight into the problems and struggles within our department.

Since merging with the Fire Department in 1996, EMS has felt the institutional challenges the Department has grappled with, with regards to bias in all aspects of its operations, from the work culture, hiring, promotions, pay and resource allocation within the Department.

As a report put out by the Citizens Budget Commission notes, the merger of EMS into the FDNY as not accompanied by a fundamental transformation of the organization and staffing of the FDNY. As a result, the FDNY has not efficiently addressed the changes in the roles in the Department and perpetuate a decades long culture of discrimination and bias.

One problem our members have had to deal with as a result of this is the lack of unbiased promotional

processes that result in the loss of proper diversity and the bleaching of the EMS ranks. While a recent state law was passed requiring the City to put in place a civil service exam for promotion, as of yet, they have not done so, and there is not civil service exam for any proper promotional process for all title above Lieutenant including Captain, Deputy Chief and beyond.

To add insult to injury our members treatment is starkly different from other first responders and uniformed emergency services.

A headline in the Daily News confirmed record high New York City 911 calls, bulk handled by EMS, the lowest paid first responders. The report goes on to confirm that the FDNY handled a record of 1.8 million calls last year. And of those, EMS handled 1.5 million and EMS did this with less members than any other emergency service or first responder services.

Yet EMT base salaries start around \$30,000 a year and cap at around \$51,000 after five years.

Paramedics who have even more medical training and certification, start at around \$45,000 with

Lieutenants and Captains top pay is capped at \$71,000 to \$75,000 respectively.

On their own, these salaries are alarming for trained emergency medical staff in the City of New York and their supervisors, who literally put themselves in harm's way to save lives.

But compare this to other first responders and uniform services who all earn \$40,000 or more annually. It does not go unnoticed that the common differences these other titles share is that they are much more white and much more male.

This stark difference in pay and the demographic relationship underscores the severe problems with the lack of recognition and pay EMS members receive and the reasons this goes unremedied. This is not to say that there are not problems on the other side of the Department or in other agencies.

The impact of the problem with inequity manifests differently in the predominately white and male side of the Department and the predominately of color and female side of the department EMS. But the problem is the same, a fundamental institutional bias within the Department that allows its non-white and female employees to be undervalued, under-supported, under-

employed, underutilized and underpaid. This has a profound negative effect on the lives of these workers, but it also negatively effects the quality of services the public relies on for emergency services in the City of New York. When we do not support those, who provide lifesaving services for New Yorkers, who literally bring people back from the dead, we are threatening and diminishing those lifesaving services New Yorkers depend on.

In addition to this, there are numerous ways EMS workers are not recognized or supported. Some of these are small indignities like not getting recognition in ceremonial events. Others are serious impediments like not being entitled to unlimited sick leave that other first responders and uniform emergency services are entitled to and receive.

We look forward to working in partnership with this committee and this Council to bring New York City as an employer, into the 21<sup>st</sup> Century and to build on work this body has already done to finally and fully end pay inequity in the New York City workforce.

I am available for any questions you may have, and I also have comments I would like to bring up

regarding the lies we heard previously here today.

Thank you.

CHAIRPERSON MILLER: Thank you.

MICHAEL GRECO: Alright, thank you very much. I did prepare a testimony that I will read, but after listening to some of the answers that did come out today, as both my colleagues stated, there will be a lot of rebuttals.

So, I'd like to start off with my name is Michael Greco, I am the Vice President of Local 2507. Good afternoon Chairman Miller, distinguished members of the Civil Service and Labor Committee. Thank you for allowing me a chance to address you today on the issue of pay inequality in the FDNY.

As you know, our union has been struggling with the impacts of pay inequality since becoming part of the FDNY. My President has already testified to pay disparity but there are many other ways that our members face different treatment on the job. They are over disciplined, they are not given unlimited sick leave, they face life threatening work conditions and illnesses shoulder to shoulder with New York City first responders yet are not given the recognition or even proper resources for this work.

We are an integral and co-equal branch of New York City's emergency response system.

While of course each agency is unique, there is a huge crossover of the services that are being provided. New York City's emergency services are comprised of an intricate web of highly trained first responders whose duties often overlap, and who provide equally critical and interrelated life-saving care to New Yorkers.

To put a face on it, we brought a lot of our members with us. Our members respond daily to every emergency that occurs in New York City, standing shoulder to shoulder with every service that answers a 911 call. We do not know what we are walking into, or what may be on the other side of the door, but that never slows us down. We were on the front lines of the response of 911, during Superstorm Sandy, and at every catastrophe the city has encountered, we were there. We often respond to medical emergencies that escalate into violence and jeopardize our safety. Every three years, we are required to renew our certifications just to maintain our jobs. That right, we are one of the few civil service who every

three years we can be terminated just for not keeping up our certification.

And we routinely have new responsibilities added to our job titles as technology evolves without compensation. With the recent polarized political climate in our country, and threats against the city, EMS has become part of the City's Counterterrorism Task Force. We are given military grade ballistic gear to wear, aside from our personally issued ballistic gear and must respond alongside with NYPD to active shooter scenarios, unarmed and vulnerable to harm.

We respond to every emergency in New York: medical emergencies, rescue jobs, confined space rescues, train derailments, fires, car accidents, emotionally disturbed patients and hazmat jobs, and that's just to name a few.

Yet it seems like no matter how hard we try to address and remedy inequality among our ranks to recognize and compensate our members for these sacrifices, the City opposes these efforts.

This is perhaps the greatest hurdle to addressing these issues. This administration needs to be a partner in acknowledging and remedying inequality

instead of putting its efforts into pretending it is not happening.

When Yadira Arroyo was killed in the line of duty, there was no requirement that her family received the death benefits that she would have received had she been on another emergency service. While the City graciously elected to extend her those benefits, it took us going to New York State legislature to pass a law that required EMS workers who die in the line of duty to be given the same death benefits. Equally, we had to fight this administration when it came to receiving paid sick leave for first responders who were suffering with illnesses relating to their work on 911. These should not have to be fought for with the city. That we need to do this underscores the profound lack of value and disrespect to our members face. A sentiment that was recently underscored in a statement by the Mayor that we are underpaid because our work is different. Our members still do not get unlimited sick leave like other first responders and of course, it dose not go unnoticed that our members are largely female and predominantly of color.



We are told constantly that this a collective bargaining issue. While it is true that collective bargaining is part of the problem, it only exacerbates what is already biased. To illustrate the unfair nature of pattern bargaining, for example, when one group gets 10 percent and every one has to follow the same pattern, it doesn't take a degree in statistics to figure out that 10 percent of 50,000 compared to 10 percent of 100,000 only adds to the pay gap.

The problems with discriminatory pay practices will only be fully resolved citywide, when the city is forced to acknowledge there is a problem and begin the process of working collaboratively with the unions and employees who are harmed by these practices.

A lot of effort was put into getting diverse applicants to the fire side. They make is sound like it was such a great idea of theirs to get the diversity. They were sued, they lost the lawsuit, so now they have to add those diversity problems. Meanwhile, the service that exceeds and thrives in diversity is used and abused. They parade us around and show us how diverse we are. EMS lead the first

1 in diversity when it comes to EMS. They applaud the  
2 recent hiring's of upper Chiefs and Management;  
3 however, they are still \$50,000 short per year of  
4 their counterparts. It is a problem. It's basically  
5 saying, I am about to say that the FDNY treatment of  
6 us is like saying, I am not racist, I have a Black  
7 friend.  
8

9 [APPLAUDING]

10 We really hope that this committee will continue  
11 to be the champion for the city workers and help us  
12 in our fight to eradicate pay equality in New York  
13 City. Thank you for your time.

14 CHAIRPERSON MILLER: Thank you. So, Council  
15 woman.

16 COUNCIL MEMBER ADAMS: Thank you Mr. Chair, I  
17 wasn't expecting that so soon. Well, I really,  
18 really appreciate you being here today and the value  
19 of your testimony for me goes beyond words. The  
20 Council knows how valuable you are. It is  
21 unfortunate that we have continued to watch the  
22 perpetuation of a tale of two cities even though we  
23 were promised something different a few years ago.

24 So, as we sit here listening to the testimony,  
25 listening to the stories, listening to the plight of

our hard-working Uniformed Probation Officers, our FDNY EMT, EMS Paramedics who are out there on the forefront every single day and driving this message home, to all that may need to hear this story. I am just going to put into the record, you heard me question. So, you already know where that stands. I'm just going to put out there for the record, so we're looking at a Probation Officer after five years, gets over \$54,000 almost \$55,000. A Correction Officer after five and a half years gets a little over \$85,000. EMT's after five years gets a little over \$50,000. FDNY after five years gets more than \$100,000.

And that shows a value statement by this city and by the administration that we don't treat equally Law Enforcement and First Responders. They are all, you are all, valued and valuable first responders by every stretch and means of the imagination and reality of this life. We value, some over others but expect the same level of commitment and the same level of hard work by everybody.

So, in my opinion, panel, pay equity isn't negotiable. It's not something that should be something to be used as a pig pong ball across a

table to be played with. It is something that should be given by this city without question and that's all I have to say about that.

[APPLAUDING]

OREN BARZILAY: I would like to bring up something. I wanted to say make some comments before. I think it's important, something I want to speak about, it was mentioned by Chairman Miller about public safety. And this is a public safety issue. I've heard people make comments, it's a contract issue, it's a labor issue, it is a public safety issue. The College of Emergency Medical Physicians and cardiologists did a research study that showed there is a correlation between the years of experience of an EMT or paramedic to the patient outcome and survival rate of that patient and they've shown the more experienced the EMT or Paramedic, the better the patient outcome and the increase in survival rate. Over 23 percent was the actual number they used. To back that up, the Fire Department did a survey, they did a research analysis and they found that whenever an EMS Lieutenant or Captain is on the scene of an emergency medical assignment, cardiac arrest, the patient outcome improves, and the

1 survival rate also increases. Now, I have to ask  
2 myself, well, it's not that the EMT or Medics are  
3 doing something wrong that the supervisor has to be  
4 on top of them to watch them. It really backs up the  
5 original research done by the college, because over  
6 60 percent of the EMT's and Paramedics have less than  
7 three years on the job. And now, that number is  
8 probably even higher because we just left a thousand  
9 people to go to fire.  
10

11 So, the average Lieutenant and Captain, has over  
12 seven years or ten or fifteen years on the job. So,  
13 when you look at it, you have a Lieutenant, Captain  
14 there, it does improve the overall care because you  
15 have an experienced EMT or Paramedic on that job and  
16 let me tell you, we are so understaffed it doesn't  
17 happen often enough.

18 So, literally, every single day, many New Yorkers  
19 are dying. They are dying because we have a mill.  
20 The Academy is a mill churning out people every day.  
21 That attrition rate you heard of 6 or 9 percent is  
22 laughable. That is not a true attrition rate. Over  
23 the last 12 months, we had over 1,000 members go to  
24 fire. That's 25 percent turnover and they don't just  
25 go to fire, we have members with 15 years on the job

1 go to Sanitation, do over another 20 years. That's  
2 how bad it is here, that somebody is willing to work  
3 35 years to get a pension to leave EMS, to start over  
4 again, to start a new career. They talked about,  
5 they just spent \$52 million on the Bureau of Training  
6 Expansion.  
7

8 Well, you wouldn't need to make the academy so  
9 much bigger if you just paid these people enough to  
10 stay here and not leave. You wouldn't have to hire so  
11 much. Sanitation, we're comparing everything to  
12 fire. I want to get clear; we are lower paid than all  
13 the Uniform services. Sanitation earns \$40,000 to  
14 \$50,000 more a year. The person coming to pick up  
15 your trash earns \$40,000 to \$50,000 more than the EMT  
16 or Paramedic coming to save your life.

17 That is absolutely insane and ridiculous, and it  
18 needs to stop. We know about the tale of two cities  
19 because we live it in EMS every single day and this  
20 Mayor should not just be all about words and say we  
21 are different. Yeah, we're different, we're doing a  
22 lot more work for a lot less pay. We need to start  
23 putting things in action and he needs to correct this  
24 injustice. Thank you very much.

25 [APPLAUDING]

CHAIRPERSON MILLER: Please, we have to do this. There is other hearings going on and so, please, this is the way that we demonstrate our concerns here by doing this, so in the future, do not clap. President Powell.

DALVANIE POWELL: I just wanted to make some comments and highlights. It's very disturbing.

First of all, I have retirees and active members here from the Department of Probation. I just want to acknowledge them, and I want to thank them for their support, but I want to make a very important highlight about Probation Officers. To come in the door as a Probation Officer, you have to have a college degree. You cannot get this job without a bachelors and the experience like what was said, or a master's degree. Now the Department is heavily hiring people with master's degrees and to come in here with \$40 something thousand dollars and try to take care of a family, I did an assessment of the rents in New York City and I took \$78,000 a year. I think I make that; I am not really sure, and I divide that into 26 checks, I think it's about \$3,000 every two weeks. It sounds like a lot, then you take out the taxes and if you want to live in a place that is

1 decent in New York, you are talking about \$2,000 for  
2 a two bedroom, it depends on the neighborhood easy,  
3 or a one bedroom. When you take that away, you have  
4 nothing to much left to really to take care of your  
5 family.  
6

7 Well, somethings I wanted to mention. They talk  
8 about access to promotion and stuff like that. The  
9 two areas where we can take a civil service exam is  
10 from a POT to a PO. From an SPO to APO, which is  
11 also known in-house a branch Chief position. That  
12 exam hasn't been in a while. Right now, we have a  
13 supervisor test coming up but to add insult to  
14 injury, and I just want to just tap into it and I'm  
15 going to come back to this, the ability to grow is  
16 kind of like an insult now, because they recently  
17 brought in civilians from the outside for a position  
18 that's normally a civil service exam for supervisor  
19 and probation officer. And that's a concern now, I  
20 was going to tap that, and I am going to come back  
21 over here.

22 The gain sharing, they mentioned, the gain  
23 sharing is something that was negotiated with the  
24 previous president. I wasn't the President at the  
25 time, so certain things that they are mind boggled



by, I wasn't the president, I am the president now. Gain sharing is something that the Senior Officers get every four months.

Since 2004, there was an agreement with the city that these officers that come on after 2004, they don't get the gain sharing anymore. So, that's something that's not -- when you talked about compensations.

The maintenance they talked about, we just got that for the first time, Maintenance Allowance. We did agree on something, we agreed on the shirts and the jackets to start with and during our first time ever, we got maintenance allowance for the shirts and the jackets and I am hoping that we can become completely uniform because of the work that we do and the Neon's that you hear about, you walk in the Neon's, you don't know who is a probation Officer and you don't know who is a civilian. You went to that NeON in the Bronx. So, we're in environments now that is the kumbaya everybody. Everybody is supposed to be together, but we don't know who is who.

So, that's the reason I am pushing for the uniforms now. That collective bargaining, we just settled. Our attorney Harry Greenburg did come up

1 with innovative ways to try to resolve some of that.  
2 Not knowing that we can't do that all at one time.  
3 At least crack the egg and it was denied, it was  
4 denied. And it wasn't about, and I am not going to  
5 get into that further neither, but it wasn't about  
6 freezing anybody's salaries. Not at all, because we  
7 would never do that, because we are representing our  
8 members.  
9

10 And this is an issue that shouldn't be taken  
11 personally with none of the administrations. This is  
12 an issue that's been going on historically from the  
13 time, I don't know when, I don't know how it got so  
14 the way that it did, but as my brothers are here that  
15 are saying, it's very insulting that we have to sit  
16 here and have these conversations. Probation  
17 Officers have to requalify those who carry every year  
18 and we also have to have the same article 35 training  
19 as NYPD and Corrections. And I want to make that  
20 very, very clear, that it is yes, very insulting that  
21 we have to sit here once again, cup in hand, asking  
22 it to be filled up to feed our families.

23 OREN BARZILAY: I just want to touch on a few  
24 things. At our next contract, if there is going to  
25 be dotted line to sign for 6 percent or 9 percent

attrition, we'll take that in a heartbeat. As my colleague said, 25 percent of our members leave to NYPD Sanitation, Corrections, MTA, anything that becomes available, they jump on. Nobody is staying in EMS.

In the past 24 hours, six of our members were assaulted, beat up while treating patients. That's just in the past 24 hours. I want to personally thank you Mr. Miller for bringing up the Uniform status. In 2001, we won this decision in Court in New York State, 18 years later, we're still battling this issue. Eighteen years to be recognized for a job that's well deserved by everybody in this room.

You asked about the responsibilities, have they increased and has the pay increased? They responded by giving us a differential for Hazmat. Well, that is true, they through additional responsibilities at us as far as AUD, Albuterol, EpiPen, any type of drug or training that is necessary for us, they throw at us without any additional compensation.

DOT cap, the overtime cap, they didn't do us a favor by lifting it. There is nobody to fill these ambulances. We are running down 30-40 every tour every day. There is a delay for hours sometimes for

1                   somebody to get an ambulance for a non-emergency  
2                   call, but they are still waiting.

3                   Speaking of mandatory overtime, which is  
4                   partially delaying our next negotiation, they want to  
5                   make it part of our contract that it's mandatory for  
6                   you to come in on your day off.

7                   They also mentioned that when they emerged with  
8                   us, we were 3,100 and that they added 1,000 members  
9                   since we merged. Again, you are not doing us a  
10                  favor. 4,100 is not enough to handle 5,000 calls a  
11                  day. We should be at 5,000 maybe 6,000 members  
12                  including supervisors to handle the call volume. It  
13                  is so bad that they are calling in outsiders,  
14                  contractors, to help us with these 911 emergencies.

15                 The training, it's takes four months to become an  
16                 EMT, nine months to become a paramedic. If they  
17                 throw three EMT classes a year, that 540 people.  
18                 Each year for the past five years. You do the math  
19                 again, that's not 9 percent, that 20 to 25 percent  
20                 each year that we're losing. They are spending  
21                 millions and millions each year on training people  
22                 who are not staying.

23                 It cost \$40,000 to \$50,000 to train each  
24                 paramedic, \$20,000 to \$30,000 to train each EMT. You  
25

multiply that by 600 people, and you end up with a millions.

MICHAEL GRECO: I want to touch on that number. We had the Fire Department sit up here and testify that it's \$22,000 to train a paramedic. I will be the first to admit, I wasn't very good in college.

A top pay EMT is \$50,000 a year, it takes nine months to train a paramedic. So, if you take a top pay EMT and take them off the street for nine months, that three quarters of the year. You take three quarters of the salary they would've earned, and you have to pay them to learn. That's \$37,500 a year.

I am pretty sure, again, you don't need a statistician for that. So, how is there numbers that they're giving me, these are the same people who said 6 and 9 percent attrition. Are the same people telling you it's \$22,000 to train. They didn't give the cost of the trainers, the cost of the books, the materials, or overtime that people opted to do it. The cost to cover the ambulance tours that are being rundown because you now have 70 people in a class.

So, where are they getting these numbers and they're coming up here. They are the same ones that are telling you creative solutions to our pay.

1 Creative solution, oh, we gave them a differential of  
2 6 percent to the Hazmat. We paid for it. Oh,  
3 creative solutions, like, you know, well, EMD is  
4 going to get a differential. We sued them for it and  
5 they still haven't paid us. Arbitration decisions  
6 for the PRU, they sued them for it and now we're in  
7 negotiations to try and figure out what that money is  
8 going to be. We are suing them left and right, we  
9 should not have to sue the city one more time. But  
10 guess what? Two years FOIL requests, two years to  
11 ask for information that when I put it down on my  
12 application, it said to be used for this stuff.

14 So, if I said I am White, you are not going to  
15 say, I'm sorry, I can't give you your own information  
16 that you put down. But they are going to block us  
17 every chance. Every chance the city has and it's not  
18 so much FDNY, NYPD, it's New York City. Mayor de  
19 Blasio is right now single handedly responsible, and  
20 he could fix this but where is he? Not here, Iowa,  
21 New Hampshire. It's his responsibility to sit down.  
22 When they say OLR, I am pretty sure he is the boss of  
23 OLR. I am pretty sure he has the ability to say  
24 well, you know what, don't leave a room until you fix  
25

1                   this. He created \$100 million for a health insurance  
2                   program piloted in the Bronx.

3                   That money is there, he can do these sort of  
4                   things. Mayor de Blasio, this blood is on his hands  
5                   and I cannot thank you guys enough because you are  
6                   the ones here. So, I feel like I'm preaching to the  
7                   choir, you are letting me vent, but the voice that is  
8                   coming out, the emotion that's coming out, I'm  
9                   representing their frustration, their frustration.  
10                  

11                 You guys are the ones that we elect to hold this  
12                 Mayor's feet to the fire. And I don't want lip  
13                 service from the Fire Department, from their  
14                 Accounting people or from anybody else to deny us  
15                 what is rightfully ours. And I stand with my sister  
16                 over at probation because it is unheard of. We're  
17                 looking at each other, we're in the same situation  
18                 and the irony is not lost on me, that the three of us  
19                 up here, one, two, three are some of the whitest  
20                 people you will come across.

21                 The irony is not lost but I will stand up and I  
22                 will look at everybody in this and I will let them  
23                 stand up. This is the diversity we represent. I  
24                 dare you to get some of my other services in here  
25                 with this sort of diversity. We let them know about

1 this yesterday. This is the response we get in six  
2 hours of notice. Imagine if we did something more  
3 serious with more time, more preparation. It would  
4 be illegal, we would never do it, but it shows you  
5 the power of FDNY, EMS, of Local 2507, of our  
6 brothers and sisters over at Probation.  
7

8 We do the work. We know we're getting underpaid,  
9 but we would never do anything to harm the citizens  
10 of New York. Every single one of my brothers and  
11 sisters here took an oath to do no harm and that's  
12 what we do every single day despite getting spit on  
13 in the face and not only patients but our own Mayor.

14 CHAIRPERSON MILLER: Thank you. I have a few  
15 questions and a few things I just want to get on the  
16 record.

17 President Powell, how many cases does your member  
18 - what's the case load look like, could you explain  
19 it?

20 DALVANIE POWELL: The case load can vary  
21 depending on the assignment and where their working  
22 in the borough. The Bronx, I believe has the highest  
23 numbers and cases and probation is broken into family  
24 court and adult services. So, adult always is going  
25 to have more cases than family, but it depends on the



1 assignment because we supervise, and we work with  
2 people from all different types of crimes that they  
3 commit. We have sex offenders, we have robbery. We  
4 have case of robbery assault and weapons. We have,  
5 anything that's in the prison, we have out here. So,  
6 what I tell people when they think about probation,  
7 look out the window. There is no gates where we're  
8 holding it down.  
9

10 But our case load can be from — they're supposed  
11 to be depending on the unit and somebody jump in  
12 please. For a sex offender is what 60, it's supposed  
13 to be 60 in the Bronx. It's supposed to be 60 across  
14 the board but like I said that could fluctuate  
15 because now I can have less. So, it varies but from  
16 my last calculation, there wasn't no 20,000 people on  
17 probation, there is over 30,000 people on probation  
18 in a ratio of 840 some probation officers holding it  
19 down, that's mind boggling.

20 And the caseloads, I'll tell you one thing  
21 Council Member, the work that we do is being piled on  
22 continuously with doing their data sheets and doing  
23 their work while we're supposed to be doing our work.  
24 But one thing I want to tell you to, as far as  
25 safety, I had an officer who had her arm locked down

with a Pitbull not too long ago. They don't talk about our safety issues.

We got people coming into our locations with loaded firearms. They don't talk about that; they are not telling you the truth about that. I have asked for meetings to have safety meetings with them and it fell on deaf ears and I'll probably hear something after this later too, so I will be waiting for it.

CHAIRPERSON MILLER: Whats the number of EMT's that are currently on your membership number?

OREN BARZILAY: Currently we have about 3,900 members.

CHAIRPERSON MILLER: And paramedics?

OREN BARZILAY: There is about 1,000 paramedics, 2,900 EMT's.

CHAIRPERSON MILLER: Okay, so in the first of the year, 2020 the first reporting on the data law, on the pay equity, we will receive from the city, the city will report and give it to the Council. The Council will aggregate it and we will certainly get you guys back in here and all the problems that we've seen over the years and all directly related to collective bargaining as you said it very clearly,

1 when we were negotiating over the last three years,  
2 why would someone who was advocating on behalf of  
3 themselves or their membership be concerned about --  
4 why are they more concerned about protecting the  
5 confidentiality of your membership than the  
6 membership about giving their resources and  
7 information to make that open, so that they can  
8 achieve their goal.

9 And so, it really didn't make sense but now it's  
10 the law, so we're going to be able to aggregate that  
11 information. We'll get everybody back in and be able  
12 to utilize it to achieve the goals that we are  
13 talking about here today and quite frankly, this is  
14 something that we've been working at for a number of  
15 years. Obviously, the CWA but expanding that  
16 universe and knowing that it has to start here. That  
17 we often talk about private industry and put  
18 restraints on private industry in our house here in  
19 the city is that there is more pay equity and  
20 disparities here than anywhere and we have to leave  
21 here.

22 So, this Council is going to certainly, this  
23 committee is going to certainly continue to do the  
24 work to be a resource, be a voice and allow therefore  
25

1 a space here in the people's house for you to come  
2 in, tell your story and so that we can get to where  
3 we need to be. So, there is certainly a partnership  
4 here and most importantly, we value what you do. We  
5 value what you do obviously, this is all about public  
6 safety holistically, the various areas of it and as I  
7 stated before, the City only has value because of the  
8 people that serve. Otherwise, nobody wants to come  
9 to New York City. The increases in dollars, tax  
10 dollars that we've seen over the last five years that  
11 paid for path of new programming should certainly go  
12 back into pot because there are men and women that  
13 are responsible for it.

14 So, we don't have to be creative about where the  
15 money is going to come from. You guys are making the  
16 money for the city creating a value. Again, after  
17 the first of the year, the first report is due and  
18 we're going to chop that up and we're going to be  
19 right back here telling a story here and figuring out  
20 how we get to where we need to be whereas that  
21 everybody is being compensated equitably for the  
22 services that are being provided.  
23  
24  
25

So, we have one more panel and like you guys, I hope that you have work to do on that outside. It is election day you guys.

MICHAEL GRECO: Just so you know, this building was locked down because we had so many members standing outside.

CHAIRPERSON MILLER: Oh, excellent. Next panel, Dr. Joseph Wilson; Erica Healey Kagan; Mario Santiago; and Greg Waltman.

Greg Waltman; Dr. Joseph Wilson; Mario Santiago; and of course, Erica.

ERICA KAGAN: Good afternoon Chairman Miller and members of the Civil Service and Labor Committee. My name is Erica Healey Kagan and I work at the Kurland Group, we represent the two unions who shared their stories with you here today. We want to thank you so much for the opportunity to speak to you today and about the ongoing challenges New York City civil servants face with regards to pay inequity.

Members and leadership from the various unions that spoke today gave compelling examples of how discriminatory pay practices impact their members employment including lack of recognition, hurdles

with regards to opportunities for promotion and inadequate and unequal compensation.

As the demographics of the City's workforce have changed, the City's employment practices have failed to keep up and safeguard against discriminatory pay practices. This has resulted in segregated job titles, repressed minimum salaries and crushing hurdles for career advancement and the opportunity to earn a wage to meet today's cost of living. Whether intentional or otherwise, these practices do violate the city's own human rights laws.

While the challenges manifest differently with the different titles, it is the same problem citywide.

Unfortunately, however, the City's response to growing calls by municipal unions across the city's workforce to address and ensure equal employment opportunities have prompted more defensiveness and denial than the cooperation that we are asking for.

The Federal Equal Employment Opportunity Commission in the landmark case of CWA Local 1180 versus the City of New York, found in 2015 that the City engages in discriminatory pay practices across

all agencies and that it failed to properly maintain records that could have avoided such discrimination.

Last year, then Public Advocate Letitia James, released an in-depth study confirming that the City of New York engages in systemic pay disparity based on race and gender, and that it is one of the worst actors with greater disparity in pay across race and gender than other governments and even some private employers. The studies also found that women of color in particular are disproportionately hurt by the gender wage gap, and that racial disparity in pay is greater in New York City than across the national average.

It is not enough to simply desire non-discrimination in the workforce or announce a commitment to such non-discrimination. Ensuring nondiscrimination is an affirmative responsibility that requires a constant commitment to look at the patterns, anticipate problems and have a willingness to acknowledge and adjust to correct those problems when they occur.

That is why it is especially concerning, despite this body's efforts through recent legislation, and our office's affirmative litigation, the City is

1 still fighting against disclosure of pay data that  
2 cold identify and help to correct these pay  
3 disparities. The City's defensiveness to these  
4 problems is perhaps the biggest roadblock to  
5 progress.  
6

7 On behalf of our clients who consist of close to  
8 ten thousand City employees, our office thanks this  
9 Committee for your willingness to push forward on  
10 this issue.

11 Bringing public awareness to this issue is the  
12 first step. Continuing to work with these unions  
13 engaged in the process to share the employment data  
14 when it becomes available this year is another  
15 important step that will go a long way in helping to  
16 identify and working together to correct these  
17 problems. Thank you again for your time.

18 JOSEPH WILSON: Yes, good evening, Dr. Joseph  
19 Wilson here and first of all I want to thank the  
20 Committee members and the Chairman and Council Member  
21 Adams for being such great advocates for justice and  
22 for equality.

23 I am representing African American Civilians in  
24 the FDNY who are currently engaged in a major class  
25 action lawsuit against the City and the FDNY which is



winding its way in federal court. And I am here to express solidarity with our colleagues who just spoke so eloquently about the pay disparities and of course we look back to the struggles of the Valgus society and their ability to wrestle a settlement from the city. But the work is not yet done, we certainly fervently in support of CWA Local 1180's struggle for justice in their settlement and the current litigation that is being engaged at this moment and I am here just with a simple message to say that so much of what has been expressed is an expression or it's an understanding of the fact that our members of the people we represent in the FDNY. In particular in this instance, the African American Civilians are tired of being second class citizens.

And Malcolm X said that a second-class citizen is just a euphemism for 20<sup>th</sup> Century slave. We're tired of that. We're not going to have that anymore. We realize this is a political battle, this is a legal battle, but this is also a moral battle.

This is a moral outrage; moral injustice and we need to join forces in solidarity and transform this gross injustice.

1                   Last point, it was just an observation, and it  
2                   wasn't simply bad optics, but the fact that the  
3                   city's administration walked out of the hearings  
4                   without listening to the workers and to the work  
5                   force, the people who keep the city running, keep the  
6                   city safe, is not only insulting but it's endemic of  
7                   their attitude of superiority, of control, of being  
8                   tone deaf and totally insensitive to the needs of the  
9                   city and the workforce and true justice.

10                  So, thank you for your work and for the  
11                  opportunity to speak.

12                  GREG WALTMAN: Good afternoon Chair Adams,  
13                  General Council Greg Waltman speaking on behave of GI  
14                  Quantum Clean Energy Company and just echoing the  
15                  comments and sentiments from my colleagues regarding  
16                  this issue and the pay inequality. Obviously, we  
17                  remain steadfast who are promised obligations and  
18                  concurrent from yesterday in the dialogue from  
19                  yesterday regarding asset origination from New York  
20                  to offset Fiscal Budgetary concerns and different  
21                  types of pay inequality as it pertains to this  
22                  matter.

23                  Just speaking on the 911 family survivors fund  
24                  and the type of value improperly for monopoly  
25

1 politics that goes into that, it just doesn't - I  
2 mean at this point acceptable. Obviously, the fiscal  
3 and budgetary concerns are offset by proprietary  
4 types of innovation and public and private  
5 partnerships that can be created in creating these  
6 synergies, so for value narratives to plague the  
7 meeting of the public to deter a resolution in this  
8 matter isn't acceptable. And again, we remain  
9 steadfast to our commitment. Thank you.

11 COUNCIL MEMBER ADAMS: Than you all so much. In  
12 the absence of Chair Miller that had to step out and  
13 take a call. I will just say that your presence here  
14 today as with everyone else that testified was  
15 absolutely invaluable, we appreciate your time. We  
16 appreciate everything that you put into what you do  
17 on a daily basis in the interest of the people of the  
18 City of New York.

19 So, thank you very much for your time today and  
20 your testimony. Thank you.

21 And with that, if there is nothing else to be  
22 said, any more members of the public wishing to  
23 testify, this hearing is adjourned. [GAVEL]

C E R T I F I C A T E

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



Date April 1, 2018