

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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November 20, 2020
Start: 10:25 a.m.
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HELD AT: Remote Hearing

B E F O R E: I. Daneek Miller
Chairperson

COUNCIL MEMBERS: I. Daneek Miller
Adrienne E. Adams
Daniel Dromm
Farah N. Louis
Francis P. Moya
Helen K. Rosenthal
Eric A. Ulrich
Justin L. Brannan
Mark Levine

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

Gale Brewer

Vladimir Clairejeune
32BJ

Gale Brewer
Manhattan Borough President

Ben Holt
Deputy Commissioner for Enforcement
Department of Consumer and Worker
Protections

Steven Ettannani
Executive Director of External Affairs
Department of Consumer and Worker
Protections

Quintin Haynes
Executive Deputy Commissioner
Department of Citywide Administrative
Services

Jacqueline Terlong
Director
Citywide Occupational Safety
Department of Citywide Administrative
Services

Henry Garrido

Gloria Middleton

Mark Henry

Oren Barzilay

Anthony Almojera

Dalvanie Powell

Saul Fishman

Susan McQuade

Josh Kellerman

Zubin Solemany

Jose Santos

Claudia Shacter-deChabert

Charlene Obernauer

Emerita Torres

Joel Kupferman

Ligia Guallpa

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2

SERGEANT AT ARMS BIONDO: Good morning.

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Will all sergeants please start their recordings at this time.

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SERGEANT AT ARMS SADOWSKY: PC recording

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has started.

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SERGEANT AT ARMS BIONDO: Thank you.

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SERGEANT AT ARMS POLITE: Recordings to

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the cloud all set.

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SERGEANT AT ARMS BIONDO: Thank you.

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Good morning and welcome to today's remote New York

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City Council hearing on the Committee of Civil

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Service and Labor. At this time will all panelists

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please turn on their video. Once again, all

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panelists please turn on your video for verification.

16

To minimize disruption please place all electronic

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devices on vibrant or silent mode. If you wish to

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submit testimony you can at

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testimony@council.nyc.gov. Again, that is

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testimony@council.nyc.gov. Thank you for your

21

cooperation. Chair, we are ready to begin. Chair

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Miller, you're on mute.

23

CHAIRPERSON MILLER: OK, this is the

24

welcome to too many screens. OK, good morning. I am

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Council Member I. Daneek Miller and I am the chair of

1 the Committee on Civil Service and Labor. I would
2 like to welcome everyone to here to today's virtual
3 hearing on workplace safety in COVID-19 era, at which
4 we will hear the following pieces of legislation.

5 Intro 1797, sponsored by Council Member Mark Levine,
6 is a local law creating informational campaign
7 concerning workers' rights under the Earned Sick and
8 Safe Time Act. Intros 2161, sponsored by myself,

9 Council Member I. Daneek Miller, is a local law
10 establishing a board to review workplace health and
11 safety during COVID-19 pandemic. Intro 2162, also

12 sponsored by myself, is a local law requiring
13 dissemination of occupational health and safety
14 information to municipal workforce within 24 hours of
15 receiving it from a governing body. Reso number

16 1479, sponsored by Council Member Justin Brannan, is
17 a resolution calling on the governor to sign, ah,
18 Assembly Bill, ah, 8142, and Senate Bill 6266, also

19 known as the Healthy Terminals Act. I would like to
20 acknowledge my colleagues that are here with us this
21 morning. We have Council Members Adams, Brannan,

22 Louis, Moya, Rosenthal, and Honorable Gale Brewer.

23 The COVID-19 pandemic has impacted the City of New
24 York drastically over the past year, causing
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1 extensive hardship for many of our surrounding city.
2 The health impacts of the loss of life caused by the
3 virus, as well as the subsequent recession has caused
4 extensive hardship for so many New Yorkers. In order
5 to properly combat COVID-19 and prevent further undue
6 hardship, we must prioritize safety and adjust our
7 approach to how we deal with it in the future and
8 work accordingly. Today's hearing on workplace
9 safety, the COVID-19 pandemic, is designed to further
10 inform the committee on how workers are being kept
11 safe in the midst of a new, potentially life-
12 threatening disease. This needs to be prioritized
13 for all groups of workers, but especially for the
14 essential front-line and municipal workforce, who
15 have continued to work in person through the pandemic
16 so that New Yorkers can utilize transportation,
17 receive medical care, buy foods and groceries, and
18 access all of the necessary public services. I would
19 like to understand exactly what workplace agencies
20 are doing in New York City to keep their workforce
21 safe, what workers are experiencing, and has, and has
22 experienced during this pandemic, and what major
23 concerns around worker safety still remain. There's
24 still much we need to know about this virus and the
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1
2 body of knowledge around the best safety practices
3 and need subject to change, as well as what we need
4 to learn in the future. However, we do know that a
5 great deal of the evidence supports the idea that
6 masks, hand washing, and distancing measures are
7 crucial to stopping this virus's spread. It is
8 therefore essential to ensure that employers that
9 continue in their persons' operations, in-person
10 operation, integrate these measures into their daily
11 operations. I would also, I would also like to hear
12 from the workers as to what challenges or issues they
13 face as well as their lives and lived experiences on
14 providing a safe work environment. For those
15 workplace agencies that are still waiting or
16 attempting to fully reopen, I want to hear what their
17 plans are to keep those workers safe and to prevent
18 further waves of COVID-19. While we all want to
19 return to our everyday activity that we have enjoyed
20 in our past prior to this pandemic, we cannot just
21 jump back without the proper safety protocols and
22 precautions in place. Do we still prolong this
23 pandemic and reservoir of facts of its, all of it's
24 brought to our city. I'm sorry, sunlight on the
25 screens is, is bothering me. Ah, let me see if I can

1 figure out where I am on this page here. Um, in
2 addition to the testimonies we are hearing from
3 workers, employees, city agencies, and, in addition
4 to testimony we are hearing from workers, employers,
5 city agencies, and other interested parties, we are
6 going to hear several pieces of legislation today, my
7 bill, Intro 2161 and Intro 2162, along with 1797,
8 sponsored by Mark Levine. All seek to improve
9 dissemination of information and guidance around
10 occupational safety and health. These bills will
11 respectively provide formal review of workplace
12 health and safety guidance, create channels of city
13 agencies to be notified of new guidance around
14 workplace health and safety, and allow workers to be
15 more informed about their right to paid sick leave.
16 Finally, the resolution we are hearing today from
17 Council Member Brannan calls for, for the enactment
18 of a state bill that would extend the state's
19 prevailing wage to workers at three Port Authority
20 airports - JFK, Laguardia, and Stewart Airport. The
21 committee thanks the administration and advocates for
22 being here and being present today. We hope that
23 this hearing from folks we're hearing from both sides
24 on this legislation in order to improve the, the
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1 bills themselves and best serve our municipal
2 workforce. I would like to thank, ah, my staff, my
3 chief of staff, Ali Wasumajab, legislative director
4 Brian Crock, senior advisor Mr. Joel Goldbloom. I'd
5 like to also thank central staff, Nouzat, Thomas,
6 Elizabeth, and John, and now, ah, I'd like to return,
7 is Council Member Levine available? How about we
8 just go to Nouzat and she gives us the, ah, rules of
9 engagement for today's hearing.
10

11 COMMITTEE COUNSEL: Sure. Ah, thank you,
12 Chair.

13 CHAIRPERSON MILLER: There you go.

14 COMMITTEE COUNSEL: Ah, so we've also
15 been joined by Council Member Levine and Council
16 Member Brannan, who will be speaking shortly, um,
17 about their pieces of legislation today. So, Council
18 Member Levine, if you're ready you can give your
19 statement.

20 COUNCIL MEMBER LEVINE: Thank you so much
21 and Chair Miller, thank you for just continuing to be
22 such a champion for working people in the city and,
23 ah, especially our public sector employees, and for
24 holding this hearing today at a critical time. It,
25 in, in lieu of a, ah, a formal full opening statement

1 in the interest of time, I'm just gonna say the
2 following about Intro 1797. It is hard to think of a
3 moment in the city's history when paid sick leave has
4 been more important. It is critical not just for the
5 individual welfare of families, but it's actually a
6 tool to stop this pandemic because we need people to
7 be able to stay home if they don't feel well and not
8 to have to sacrifice income to do that. It turns
9 out, according to a landmark survey by the Community
10 Service Society only 40% of New Yorkers know that
11 they have protections under our city's paid sick
12 leave law, and an even lower percentage, only 32%,
13 know about added protections that are in place due to
14 COVID. And this is really worrisome. We need
15 workers to know their rights so they can do the right
16 thing if they don't feel well and, ah, this
17 legislation, Intro 1797, would help disseminate that
18 information by, um, preparing signs that pharmacies
19 can use to display this information publicly in
20 places where we know many New Yorkers are going
21 regularly during this difficult time. So I want to
22 thank again Chair Miller for holding this hearing and
23 for including our bill in this, ah, critical package.
24 Thank you so much.

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2 CHAIRPERSON MILLER: Thank you, Council
3 Member Levine. Council Member Brannan?

4 COUNCIL MEMBER BRANNAN: Thank you,
5 Chair, so much. Council Member Justin Brannan. Ah,
6 I want to first thank, ah, Chair Miller for his
7 leadership, um, in all things, but certainly in
8 getting this important hearing. Ah, it really
9 couldn't, ah, have, have come at a more important
10 time, certainly as we're heading now into the second
11 wave. Um, I'm in support of all the bills today, um,
12 that, that our chair is hearing, but I wanted to, ah,
13 speak about my resolution, 1479, which is in support,
14 ah, of the Healthy Terminals Act. The Healthy
15 Terminals Act made history this summer as it passed,
16 ah, the New York State Legislature as the first bill
17 of its kind to make it through both chambers and is
18 now on Governor Cuomo's desk awaiting his signature.
19 Ah, if signed into law by Governor Cuomo the Healthy
20 Terminals Act would provide life-saving health
21 insurance to cabin and terminal cleaners, baggage
22 handlers, security officers, customer assistance
23 employees, and skycaps as well. The bill, simply,
24 would provide 25,000 workers, the majority of which
25 are people of color, with access to affordable

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2 quality health insurance. Um, airport workers
3 continue to risk their health and lives during this
4 deadly pandemic, ah, even though, you know, ah,
5 people are being told not to travel for the holidays.
6 We know that people are gonna be traveling and that
7 means that these workers are gonna be on the front
8 line. So passing the Healthy Terminals Act could not
9 be more important, um, and the council here, ah, is
10 here to put some pressure, ah, on the governor to get
11 this done. It's sitting on his desk. We just need
12 his signature. And I think it's urgent that we
13 protect these workers, ah, by signing this law, um,
14 up in Albany. So, Chair Miller, thank you really so
15 much for putting this important hearing together
16 today, ah, and, um, I appreciate your time. Thank
17 you.

18 CHAIRPERSON MILLER: Thank you so much,
19 Council Member. It is, it is so important that we
20 recognize that we are, ah, unfortunately, ah, do have
21 a, a, ah, a second wave on the horizon. It was very
22 important that we at the Committee on Civil Service
23 and Labor that we have been discussing for some time
24 and that we wanted to put together a substantial
25 package of bills that really protect the workers,

1
2 that continue to make our live so seamless and do the
3 work that is so important and, um, and so I want to
4 thank, ah, Speaker Johnson and his team for allowing
5 us and assisting us in, in putting this together.
6 And, um, and, and making sure that we stay ahead of
7 the curve and the people that are, are, are
8 responsible, um, for delivering these critical
9 services are safe and that their families and
10 communities remain safe as well. So with that, we're
11 gonna hear from today's moderator. Ah, Nouzat, ah,
12 could you jump back in again with rules of
13 engagement, that everybody know what, what, how is
14 the hearing is to flow and introduce our first panel.

15 COMMITTEE COUNSEL: Absolutely. Thank
16 you, Chair. Good morning, I am Nouzat Chowdury,
17 counsel to the Committee on Civil Service and Labor
18 at the New York City Council. I will be moderating
19 today's hearing and calling on panelists to testify.
20 Before we begin testimony, I want to remind everyone
21 that you will be on mute until you are called on to
22 testify. After you are called on you will be unmuted
23 by the host. I will be calling on panelists to
24 testify. Please listen for your name to be called.
25 After your name is called you will be unmuted. I

1 will also be periodically announcing who the next
2 panelist will be. Before we hear from members of the
3 administration today we will hear testimony from the
4 following individuals: Vladimir Clairejeune of
5 32ZBJ, followed by Manhattan borough president, the
6 Honorable Gale Brewer. Panelists, I will call you on
7 when it is your turn to speak. During the hearing if
8 council members would like to ask a question please
9 use the Zoom raise hand function and I will call on
10 you in order. We will be limiting council member
11 questions to five minutes. This includes both
12 questions and answers. Please also note that for
13 ease of this virtual hearing we will not be allowing
14 a second round of questioning. Thank you. We will
15 be hearing this, we will be hearing this public pre-
16 panel, ah, pre-admin panel testimony from, um, the
17 following members. As a reminder, I will be calling
18 on individuals one by one to testify in panels.
19 Council members who have questions should use the
20 Zoom raise hand function and you will be called on
21 after the entire panel has completed testimony. We
22 will first hear from Vladimir Clairejeune of 32BJ.
23 Please begin whenever you're ready.
24

2 VLADIMIR CLAIREJEUNE: Ah, hello, can you
3 hear me?

4 SERGEANT AT ARMS: Time starts now.

5 COMMITTEE COUNSEL: Yes.

6 VLADIMIR CLAIREJEUNE: Ah, thank you,
7 Chair Miller and members of the committee for this
8 opportunity to testify in support of the resolution
9 urging the governor to sign the Healthy Terminals
10 Act. My name is Vladimir Clairejeune and I'm a
11 member of SCIU 32BJ, which represents 85,000 service,
12 property service workers in New York, including
13 [inaudible] airport workers. Ah, up until early
14 April I was a passenger service representative at JFK
15 Airport for 11 years. I'm a first-generation, ah,
16 Haitian American, ah, American, and, ah, the son of
17 Haitian immigrants. Ah, we know that from the data
18 coronavirus has impacted communities of color hard.
19 Ah, today I just want to share my experiences as an
20 airport of, ah, airport worker of color and, ah,
21 which has shown me one of the major ways we can
22 address this disparity by truly providing accessible
23 and affordable healthcare. Ah, I've personally
24 worked through swine flu, ah, the Ebola crisis, ah,
25 SARS, and now the coronavirus. I feel lucky this far

1 in managing to stay healthy despite working in those
2 conditions. But many of my coworkers have not been
3 so lucky and we've lost members to this virus. Um,
4 so, you know, this hits close to home for me. Ah,
5 the Centers for Disease Control notes that access to
6 health insurance and paid sick leave are two of the
7 factors behind the disproportionate impact of COVID-
8 19 on [inaudible] communities. Um, when compared to
9 whites, Hispanics are three times as likely to, ah,
10 [inaudible] and African Americans are twice as
11 likely. You know, I've experienced and witnessed
12 first hand, I've experienced and witnessed this first
13 hand. 95% of my coworkers at the airport are people
14 of color. We live in neighborhoods near the airport,
15 particularly Queens, Brooklyn, and the Bronx, and
16 many of us live in, ah, big apartment buildings and
17 have, ah, little room to safely isolate. You know,
18 the coronavirus upended our lives and it's exposed us
19 to the difficult choices we've been forced to make,
20 ah, over the years and manage the rising cost of
21 health care and stagnating wages. Ah, I have
22 coworkers who forego, ah, I have coworkers who are
23 thousands of dollars in medical debt and I have
24 coworkers who have diabetes, lupus, and they have to
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2 pay out of pocket for their medication. They forego
3 their medication entirely to balance the books. You
4 know, this is why we're asking the governor to sign,
5 ah, Senate Bill 6266, ah, Assembly number 8142, which
6 would ensure employers provide airport workers with a
7 \$4.54 an hour benefit supplement that they can use
8 for health insurance, ah, that would be covered by
9 the Healthy Terminals Act and are for
10 predominantly...

11 SERGEANT AT ARMS: Time expired.

12 VLADIMIR CLAIREJEUNE: Ah, predominantly,
13 ah, workers of color. Um, you know, ah, I'm fighting
14 on behalf of all 25,000 members in, ah, the, the
15 airports to realize ah, this, this dream and, ah, you
16 know, it's, it's interchangeable. We, you know, I'm
17 urging the, the council to pass the Healthy Terminals
18 Act. Thank you for your, ah, thank you for your
19 support and thank you for working with us.

20 CHAIRPERSON MILLER: Understand.

21 COMMITTEE COUNSEL: Thank you. We will
22 next hear from Manhattan Borough President, the
23 Honorable Gale Brewer.

24 SERGEANT AT ARMS: Time starts now.
25

1
2 PRESIDENT BREWER: Hello. Thank you,
3 Chair for holding this hearing today. My name is
4 Daniel Altman. I'm a policy analyst with
5 [inaudible]. I'll be submitting testimony for
6 [inaudible]. As many of your know, ah, as a City
7 Council member, Gale Brewer, ah, worked with her
8 colleagues in 2013 to override Mayor Bloomberg's veto
9 to pass the New York City Earned Sick Time Act, um,
10 and then as borough president, ah, cosponsored, um,
11 ah, Local Law 7 of 2014 with Council Member Margaret
12 Chin to expand paid sick leave, ah, to employees of
13 companies with five to seven employees. Um, today
14 she is proud to sponsor Intro 1797 [inaudible]. I
15 remain proud of achieving paid sick leave for most
16 New Yorkers with these two acts. Yet paid sick leave
17 is only as good as when an employee knows to use
18 their accrued leave when sick. According to the
19 Unheard Third survey, ah, conducted in 2019 by the
20 Community Service Society of New York, only 10% of
21 immigrant workers had heard a lot about paid sick
22 leave, down from 31% in 2014, when the city conducted
23 [inaudible] paid sick leave outreach at its launch.
24 Only 9% of low-income workers in firms with under 15
25 employees had heard a lot of paid sick leave, down

1 from 28% in 2014. Only 20% of black New Yorkers had
2 heard a lot about the paid sick leave, down from 38%
3 in 2014, and less than 50% of employed low-income New
4 Yorkers knew about paid sick leave, down from 78% in
5 2014. The premise of Intro 1797 is simple - provide
6 simple information about paid sick leave at these
7 locations where people experiencing illness are
8 likely to visit, such as pharmacies, hospitals, and
9 health centers. With the COVID-19 test positivity
10 rate increasing in New York City it is more important
11 than ever to inform anyone who may be experiencing
12 symptoms that they are entitled to paid sick leave
13 and should refrain from going to work. It is also
14 important to put out accurate information to the
15 public in light of recent changes to the city's
16 Earned Sick and Safe Time Act, amended last money in
17 order to align the city law with New York State's
18 paid sick leave legislation that was passed in April
19 2020 and took effect on September 30. Under the
20 state law workers of employers with fewer than five
21 employees now qualify to accrue earned sick leave, a
22 welcome expansion of paid sick leave to ensure more
23 workers are covered. I believe that as New Yorkers
24 are exposed to paid sick leave information across
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2 pharmacies, doctors' offices, hospitals, and other
3 health facilities, awareness and knowledge about paid
4 sick leave will increase and more employees will make
5 use of the sick leave that is legally due to them. I
6 look forward to working with you on the swift passage
7 of this important bill.

8 COMMITTEE COUNSEL: Thank you for, ah,
9 thank you for your testimony. Um, are there any
10 council member questions for this panel? I see that
11 Council Member Levine has his hand raised.

12 SERGEANT AT ARMS: Time starts now.

13 COMMITTEE COUNSEL: Council Member
14 Levine, you may begin whenever.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER LEVINE: Thank you so
17 much. I just want to briefly acknowledge what a
18 force Gale Brewer has been on the now decade-long
19 fight for paid sick leave in New York City and,
20 again, in this new chapter where, yes, we have a law
21 on the books but we know that employers simply can
22 choose to not adhere to it if the employees aren't
23 aware of this right and, ah, that makes education a
24 critical tool now for worker rights, um, and for
25 public health in the midst of this pandemic. So, ah,

1 really, this is just a thank-you to the borough
2 president and her team, ah, who have worked so hard
3 on this issue and continue to fight now. Thank you
4 very much.

6 COMMITTEE COUNSEL: Thank you, Council
7 Member. If there are any other council member
8 questions for this panel please use the Zoom raise
9 hand function at this time. Seeing none, I will turn
10 it back to Chair Miller for any remarks.

11 CHAIRPERSON MILLER: I, I just want to
12 thank the, the panel for their important testimony.
13 As I mentioned earlier, that this is something that
14 we want to address holistically, that makes sure that
15 we're using all the tools in the toolbox to make sure
16 that we're keeping workers safe, ah, and, and, and
17 their families safe and allow them to continue to
18 perform their services, ah, seamlessly, ah in the
19 midst of, ah, the second wave and, and hopefully by
20 keeping, ah, our workforce safe that, that we'll
21 continue to, ah, ah, keep the residents in New York
22 City safe as well. So, um, all this is important.
23 Thank you so much for your testimony, once again,
24 Borough President. Thank you for your leadership
25 and, and 32BJ, thank you for the work that you're

2 doing, ah, for service workers, ah, throughout the
3 City of New York. Ah, Nouzat?

4 COMMITTEE COUNSEL: Thank you, Chair.

5 CHAIRPERSON MILLER: Will you swear in
6 the admin?

7 COMMITTEE COUNSEL: Admin, yes. I will
8 now call on the following members of the
9 administration to testify. Ben Holt, deputy
10 commissioner for enforcement from the Department of
11 Consumer and Worker Protection; Quintin Haynes, from
12 the Department of Citywide Administrative Services;
13 Steven Ettannani, executive director of external
14 affairs from the Department of Consumer and Worker
15 Protections; and Jacqueline Terlong, director for
16 citywide occupational safety at DCAS. I will first
17 read the oath and after I will call on each of you
18 individually to respond. Do you affirm to tell the
19 truth, the whole truth, and nothing but the truth
20 before this committee and to respond honestly to
21 council member questions? Deputy Commissioner Ben
22 Holt?

23 DEPUTY COMMISSIONER HOLT: I do.

24 COMMITTEE COUNSEL: Quintin Haynes?
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2 EXECUTIVE DEPUTY COMMISSIONER HAYNES: I
3 do.

4 COMMITTEE COUNSEL: Steven Ettannani?

5 EXECUTIVE DIRECTOR ETTANNANI: I do.

6 COMMITTEE COUNSEL: And Jacqueline
7 Terlong?

8 JACQUELINE TERLONG: I do.

9 COMMITTEE COUNSEL: Thank you.

10 Commissioner, you may begin your testimony when
11 ready.

12 DEPUTY COMMISSIONER HOLT: Good morning,
13 Chair Miller and members of the committee. I am
14 Benjamin Holt, deputy commissioner for the Department
15 of Consumer and Worker Protections, Office of Labor
16 Policy and Standards, or LLPS. I am joined today by
17 Steven Ettannani, executive director of external
18 affairs, and our colleagues from the Department of
19 Citywide Administrative Services. On behalf of
20 Commissioner Salas I want to share our thanks and
21 appreciation to the council for their ongoing
22 cooperation and dialogue with our department
23 throughout these difficult times. It is my hope that
24 you are all doing well and staying safe as we head
25 into the holiday season. COVID-19 remains an

1
2 existential threat to New York City's working
3 individuals and families. Our friends, family, and
4 neighbors face challenges of unprecedented scope and
5 scale. Financial fragility, truncated work
6 schedules, and retaliation at the workplace are just
7 some of the factors that are contributing to job
8 insecurity across the city. Further complicating the
9 matter is that these pressures are not from a static
10 event, but rather an ongoing threat. I say this all
11 to underscore that the city's response to COVID-19 is
12 neither one dimensional nor housed at a single
13 agency. At DCWP, for example, we work with our
14 partners in government and sister agencies to
15 leverage interdisciplinary expertise that furthers
16 the city's goals for a safe and healthy reopening.
17 Broadly speaking, DCWP contributes to workplace
18 safety during the reopening in three discrete ways.
19 One, it continues to enforce private sector worker
20 protection citywide. Two, it issues and disseminates
21 information and public guidance on local, state, and
22 federal worker protection laws. And, three, it
23 coordinates with the city's health department and
24 Small Business Services to aggregate and disseminate
25 New York State public health guidance. New York City

1 benefits from having strong worker protections
2 enshrined in statute, particularly in a pandemic.
3 The Paid Safe and Sick Leave Law, for example,
4 continues to be a resource for New Yorkers to stop
5 the spread and stay home from work if they feel
6 symptomatic with COVID-19, have been exposed and need
7 to get tested, need to remain in quarantine, need to
8 care for a family member or loved one, or need to
9 care for a child whose school has been closed. New
10 York City's Paid Safe and Sick Leave Law is a very
11 broad protection that is of critical importance
12 during the pandemic. Second, the Fair Work Week Law
13 provides security and predictability to essential
14 workers staffing local grocery stores, pharmacies,
15 and fast food restaurants by requiring employers to
16 give workers advanced schedules and to compensate
17 workers for last-minute and other changes to their
18 schedules. And, finally, the Freelance Isn't Free
19 Act gives those working as independent contractors
20 the right to timely and full payment, free from
21 retaliation. Critically, these citywide protection
22 laws were never suspended and thus contribute to
23 mitigation efforts citywide, both to help thwart the
24 spread of COVID-19 and provide some measure of
25

1 economic stability to workers. And I'd be remiss not
2 to mention that efforts to further worker protections
3 have not ceased during this crisis. In September
4 DCWP was heartened to work with the council to pass
5 Introduction 2032, legislation which expands and
6 modernizes protections for workers under the Paid
7 Safe and Sick Leave Law. Notably, the legislation
8 ensures that workers can use their leave as they earn
9 it, without any waiting periods, and also gives
10 domestic workers the same rights of accrual and use
11 as other private sector workers in our city. We
12 appreciate your work on this and look forward to
13 continuing to work on worker protections in the
14 months ahead. DCWP also regularly issues and
15 disseminates guidance on these workplace laws it
16 enforces. [Nyc.gov/dcwp/alerts](https://nyc.gov/dcwp/alerts) is a dedicated landing
17 page for the public to view updated department
18 information and guidance during the COVID-19 crisis.
19 On that web page guidance and information is
20 translated in, at least, the 10 designated city
21 languages. For example, as it relates to paid safe
22 and sick leave, current guidance covers recent
23 amendments to the law and also gives an overview of
24 city, state, and federal sick leave laws relating to
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1 COVID-19. In addition to the reference documents on
2 our website, DCWP holds biweekly informational
3 briefings, staffed by legal and external affairs team
4 members. These briefings offer a conversational
5 venue for stakeholders to ask DCWP experts about
6 workplace laws. The department also disseminates
7 weekly informational emails to the same universe of
8 stakeholders. And in June DCWP launched another
9 resource to the public, the Worker Protection
10 Hotline, to answer worker questions about workplace
11 reopening and health and safety standards. The
12 hotline is available five days a week during regular
13 business hours, and the public is encouraged to call
14 and may do so anonymously either by dialing 311 or
15 calling 212-436-0381. And most recently DCWP
16 embarked on a series of 10 virtual roundtables to
17 promote the Paid Safe and Sick Leave Law. The
18 roundtables, equally divided to address employer and
19 working facing needs leveraged long-standing
20 relationships with borough chambers of commerce and
21 community partners alike to address recent amendments
22 to the law and compliance during COVID-19. The same
23 landing page referenced earlier, nyc.gov/dcwp/alerts,
24 also contains reopening guidance. Documents found on
25

1 the landing page include those collaborated on by the
2 New York City Small Business Services and Department
3 of Health and Mental Hygiene. Each phase of the
4 reopening has a dedicated guidance document and, more
5 broadly, there is information for what employers must
6 do before they reopen, what workers should expect,
7 and resources to call if there are questions. Last
8 week we issued reopening guidance for domestic
9 workers on our landing page. As the home of a
10 dedicated paid care division, this guidance, which
11 incorporates public health and safety guidelines,
12 fills an important gap for this vulnerable workforce,
13 trying to navigate safety in a unique work
14 environment. Additionally, DCWP has conducted over
15 334 in-person and virtual outreach events since
16 March. This includes over 30 business education days
17 with sister agencies, where we visited more than 2100
18 businesses, disseminating guidance on safe reopening
19 standards and helping merchant associations and
20 businesses improve, business improvement districts to
21 distribute personal protective equipment. In the
22 coming weeks we will be training New York City Test &
23 Trace Corps staff on Paid Safe and Sick Leave Law and
24 state and federal emergency sick leave so that they
25

1
2 are equipped to give real-time feedback to those they
3 connect with. We'll also be collaborating on
4 informational materials highlighting the right to
5 paid sick leave in the context of both exposure and
6 quarantine. In all, this collaborative outreach has
7 been and continues to be emblematic of the
8 administration's comprehensive and
9 multijurisdictional approach to informing the public
10 about COVID-19. Turning towards the legislation at
11 issue today, Introduction 1797 requires DCWP to
12 engage in ongoing public information efforts to
13 amplify the rights and responsibilities of employers
14 and employees under the Paid Safe and Sick Leave Law.
15 The bill requires development and distribution of
16 posters, flyers, and other written materials to
17 pharmacies, doctors' offices, and hospitals in
18 coordination with the Department of Health and Mental
19 Hygiene. DCWP supports the intent of this
20 legislation and its focus on the health of all New
21 Yorkers. Particularly, considering the current
22 pandemic, we need the public to know that if they
23 feel unwell they should stay home and that they have
24 access to paid safe and sick leave to do so.
25 Reaching people at the moments they are seeking care

1 is a strategically savvy approach to improving public
2 awareness. That being said, there is a fiscal impact
3 associated with the bill. As we know, the city is in
4 the midst of an economic downturn, so we would like
5 to work with Council to ensure those resource
6 concerns are taken into account during our
7 discussions of this bill. I also want to briefly
8 mention Introduction 2161, which seeks to establish a
9 board to review workplace health and safety guidance
10 during the COVID-19 pandemic. While this legislation
11 does not solely fall under DCWP's jurisdiction, it
12 does implicate our agency to review health and safety
13 guidance issued by both the city and private
14 employers, assess its content and distribution, and
15 make recommendations for future public health
16 emergencies. Further review of the bill is needed,
17 but I know that the city Restart Task Force,
18 established earlier this year, has worked directly
19 with each agency to review city agency health safety
20 guidance. We look forward to further conversations
21 about this bill with Council. To conclude, I want to
22 reiterate that DCWP and this administration is
23 committed to helping our city reopen safely and stay
24
25

1
2 open safely. I look forward to your questions, and
3 thank you for the opportunity to testify today.

4 COMMITTEE COUNSEL: Thank you for your
5 testimony, Deputy Commissioner. We will now hear
6 testimony from DCAS. Quintin, you may begin when
7 ready.

8 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
9 Thank you, Ben, and thank you, Chair. Good morning,
10 chair, excuse me, good morning, Chair Miller and
11 members of the committee. I'm Quintin Haynes,
12 executive deputy commissioner of the Department of
13 Citywide Administrative Services. Today I'm joined
14 by Jacqueline Terlong, director of the Citywide
15 Office of Occupational Safety and Health, also known
16 as COSH. DCAS in partnership with DOHMH, LLR, Law,
17 and City Hall, have provided guidance to city
18 agencies on managing the office in the age of COVID-
19 19. The COVID-19 pandemic has taken an enormous toll
20 on New York City residents, including our very own
21 city employees, who have been on the front lines
22 responding to this unprecedented challenge. In
23 support of their efforts the city has implemented
24 teleworking policies, facilitated the widespread use
25 of face coverings, promoted healthy hand hygiene, and

1 instituted social distancing measurements and
2 requirements, and other health and safety precautions
3 to keep the city government functioning while
4 protecting our workforce. We intend to maintain a
5 steady state, teleworking for those who do not need
6 to be at a worksite, and reevaluating, as necessary,
7 based on the virus's trajectory. In coordination
8 with other city agencies we review mandates and
9 recommendations from New York State, as well as the
10 Centers for Disease Control and Prevention, to ensure
11 our workplaces are grounded in a health and safety
12 approach. Based on this work, the administration has
13 developed formal guidance and protocols issued to all
14 city agencies in August. The administration has
15 approached this guidance with four categories in mind
16 - preparing buildings, preparing work spaces,
17 preparing the workforce, and communication.
18 Preparing buildings includes inspecting and preparing
19 building systems, entrances, and common areas. It
20 includes establishing and implementing new building
21 protocols, practices to control access, promotion of
22 social distancing, and maintenance of building
23 health. Preparing the work space is a closely
24 related category that includes establishing and
25

1 implementing policies and protocols and promoting
2 social distancing through a strategic approach in the
3 configuration and use of work spaces. Preparing the
4 workforce means developing and implementing policies
5 and practices related to staff, which staff will be
6 on site, procedures for working remotely, and steps
7 to protect employee health and well-being. And also
8 communication, which is critical to tying all of
9 these categories together. City employees need to
10 understand their agency steps to protect their safety
11 and to ensure an orderly process for returning to
12 work. It is important that agencies are transparent,
13 accessible, and make efforts to ensure and answer
14 questions and address the challenges through two-way
15 communication. These four fundamental practices
16 guide the city's plan to provide a healthy and safe
17 workplace for all city employees. The city has also
18 implemented mandatory daily health screenings and
19 posted signage to reinforce habits designed to help
20 keep ourselves and others safe. This administration
21 is working across city agencies to examine and share
22 best practices. We will continue to review new
23 guidance from the CDC, the New York State Department
24 of Health, the city's Department of Health and Mental
25

1
2 Hygiene, and other industry leaders and experts to
3 update our policies accordingly. At this time I
4 would like to address Intro 2162. The Citywide
5 Office of Occupational Safety and Health coordinates
6 employee safety and health activities for all city
7 agencies and provides technical assistance in
8 implementing safety and healthy programs to reduce
9 workplace hazards. COSH supports the goals announced
10 in this bill related to monitoring federal, state,
11 and local agencies that provide information about
12 occupational safety and health during a public health
13 emergency, and disseminating that information to city
14 agencies. Since the pandemic COSH has distributed
15 COVID-19-related guidance to agency safety and health
16 coordinators as the information has become available.
17 These documents direct agency and health coordinators
18 to design and customize employee safety protocols
19 based on work function and potential exposure to
20 hazards, such as COVID-19. These actions are
21 consistent with the intent of this bill. We look
22 forward to working with the city on this important
23 matter. I'm happy to take questions about the
24 categories included in the city's guidance to
25 agencies. Thank you.

1 COMMITTEE ON CIVIL SERVICE AND LABOR 36
2 COMMITTEE COUNSEL: Thank you for your
3 testimony. We will now turn it to Chair Miller for
4 questions.

5 CHAIRPERSON MILLER: Thank you, Nouzat.
6 Thank you, ah, Deputy Commissioners. Um, testimony
7 was, was, was, ah, enlightening, um, and, and, and
8 obviously, ah, from, from DCAS we, we expect nothing
9 less. Um, but we do have some concerns about the
10 continuity of information being disseminated from
11 DCAS, um, to agencies and, and, and so if you can
12 kind of speak to that, ah, specifically. Um, um,
13 some of my experiences have been that, that kind of,
14 ah, precipitated this hearing was, was that, ah,
15 folks that are responsible for oversight and
16 disseminating of this information, ah, talked about
17 the difficulty that, that particularly, like, ah,
18 Office of Labor Relations and, and folks talking
19 about how, um, many agencies and department within
20 agencies was involved and that there was a difficulty
21 in disseminating real-time information, um, as it
22 relates to COVID and, and other health crises. Um,
23 could you speak to what tools and mechanisms that you
24 have in place that really, number one, assess the
25 information that come in from these governing, um,

1
2 bodies, ah, CDC's and OSHA's and others, and how we
3 then aggregate that to a specific industry or agency
4 and make sure that they have that information that is
5 necessary.

6 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

7 Sure thing. Thank you, Chair Miller, that's an
8 important, ah, question. Um, so, first, ah, let me
9 give you the, ah, kind of, ah, the, ah, mechanisms in
10 which DCAS has promulgated this guidance, and so we
11 have hosted both, ah, town halls and meetings with
12 agencies, chief resource officers, as well as human
13 capital, um, ah, HR professionals, as well as labor
14 relations professionals, as well as safety, health,
15 and coordinators, um, and also answering questions
16 that they have about this guidance. Once we
17 promulgated this guidance and we sent it out to these
18 agencies the next steps that we did was we hosted
19 these town hall sessions both to go over the guidance
20 in detail as well as answer any questions that they
21 may have. Throughout the pandemic we have had
22 several meetings with agency chief restart officers,
23 both to understand the, ah, ah, issues that they're
24 having on the ground, but also to clarify and update
25 them on the [inaudible] of information that's coming

1
2 from the CDC on a consistent basis, as well as to
3 educate them on the best practices that we are
4 getting from industry best, ah, practice leaders,
5 such as [inaudible], etcetera. Um, for our safe and
6 health, for our safety and health, ah, officers, um,
7 I will turn over to Jacqueline to talk a little bit
8 about our engagement. But I do want to reiterate
9 that we hosted weekly meetings with HR professionals
10 that both go over that guidance, such as leave, ah,
11 such as, ah, any guidance that we received, ah, from
12 the CDC, as well as from the state. But I'll turn it
13 over to Jacqueline to, ah, talk a little bit directly
14 about our engagement with the safety coordinators.

15 DIRECTOR TERLONG: Ah, good morning,
16 Chair Miller. Thank you for the opportunity to speak
17 this morning. Ah, I'd like to at least start by
18 explaining the process by which COSH receives, ah,
19 federal, state, and guidance material. We are part
20 of a number of safety forums and list servers, so we
21 review daily the federal, state, and local regulatory
22 agencies', ah, websites to ensure that we are
23 receiving updated information. That information is
24 then reviewed by members of COSH and we forward that
25 information on to the safety and health coordinators

1 on a daily basis. Some of the information may be
2 customized, um, specifically related to, ah,
3 particular type or work function or group, and we
4 forward that information on to the safety and health
5 coordinators. In addition, our office performs a
6 quarterly monitoring, both email and call
7 communications with safety and health coordinators to
8 ensure that there are open lines of communication.
9

10 CHAIRPERSON MILLER: So, um, that is
11 occurring now, um, and, and, and certainly we don't
12 want to revisit where we were in March, April, and
13 May, and, and some of the things that we saw then was
14 misinformation, ah, and, and kind of agencies being
15 protective of the brand and the product in, in that,
16 ah, ah, and certainly we're not talking about MTA,
17 but that was probably the epicenter of transmission
18 of this disease and, and, and bus operators and, and
19 train conductors and, and others who were told not to
20 wear masks because it was, it would scare off the
21 customer base, it would do other things. Ah, the
22 same with, with EMS, ah, ah, was, was not, ah, at
23 certain times allowed to, to, to wear, ah, a mask.
24 Um, ah, agencies would see clients. Clients were
25 not, ah, ah, required to wear a mask. Um, and so

1
2 what we have learned about the transmission of this
3 disease, in real time how do we get this information
4 out and then what is, is, is, ah, how, how does
5 oversight of responsibility does, does, does DCAS
6 responsibility, um, extend beyond, um, transmission
7 of this information? Um, how, how do we make sure
8 that once agencies have this information that they
9 are responsible and that this goes to the workforce
10 and that we're protecting the workforce in, in a way
11 that's absolutely necessary? And then if you could
12 also, and I know you said, ah, immediate turnaround.
13 Um, what's the actual, could you give us a timetable
14 on that from once you kind of receive that
15 information from these governing bodies, aggregate
16 and send it to the necessary agency?

17 DIRECTOR TERLONG: So to answer your,
18 your last question, um, concerning the timetable, we
19 perform a morning review, um, and then after the
20 review is conducted our group then reviews the
21 documents, um, and makes the determination how to and
22 where to send out said information. Um, so it's sent
23 within that morning of receiving the information from
24 the regulatory group. Um, to answer your question
25 really concerning role and responsibilities, um, OSHA

1 serves as a technical support to city agencies in the
2 interpretation of the language in the guidance
3 material. Um, in addition we assist the agencies in
4 developing customized safety training, protocols, and
5 facility checklists based on the guidance material.
6 In addition, COSH distributes, as we've discussed
7 before, this guidance material and part of that is if
8 the agencies have, um, questions or specific language
9 that, again, they need interpreted we're available to
10 answer those questions.
11

12 CHAIRPERSON MILLER: Can you talk about,
13 I, I know you said that you have, ah, weekly or
14 actually, you know, I don't want to put words in your
15 mouth, that you've had town halls in the past really,
16 ah, discussing this information training with, with,
17 ah, various agencies. Could you speak to that? Ah,
18 was, was all the city agencies, ah, involved? What
19 agencies weren't involved? Ah, what kind of training
20 occurred by virtue of this? Um, was it a universal
21 training? Did you provide specific industry
22 training? You know, what does that look like?

23 DIRECTOR TERLONG: So, I'll have you...

24 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
25 I'll start high level and then, Jackie, you can jump

1 in. So the initial training that I mentioned before,
2 once we actually issued the guidance, um, had, were,
3 were for categories of the various guidance. So we
4 had a training that talked to building engineers and
5 managers, um, and real estate folks within city
6 agencies about preparing their building, and so we
7 went through all of the guidance that we have on how
8 do you prepare the building. That included
9 everything from setting cleaning schedules to
10 understanding building ventilation systems and what
11 are the best practices that you should be doing in
12 order to prepare your building. We had another
13 session in regards to preparing your work space,
14 right? And so that was for similar folks. But, um,
15 we really focused on, ah, the real estate folks that
16 actually, um, deal with the work space, and so that
17 means everything from putting signage up for six feet
18 social distancing, putting their necessary signage up
19 as far as what is usable, what is not usable, um, ah,
20 ensuring that bathrooms, directional, ah,
21 directional, ah, signage was placed up, and so that
22 incorporated that, um, demographic for those folks.
23 And then for your workforce, as you know, this
24 includes with what Jacqueline will talk a little bit
25

1
2 about, but it had for your APOs and so other agency
3 personnel, officers, your labor leaders, as well as
4 your safety coordinators, we talked through what were
5 the best practices in regards to teleworking,
6 flexible schedules, time and leave, and all of those,
7 ah, ah, things. And so we have those, ah, sessions
8 both to not just send the guidance to agencies, but
9 also help walk them through best practices and how to
10 implement that guidance. Ah, because, as you can
11 imagine, the guidance went to all agencies. Agencies
12 have different functions and we didn't want to
13 prescribe, ah, a universal set of policies that may
14 not be best, or best fit for each individual agency.
15 Um, and so that's what we did as far as those town
16 halls, just to answer that direct question.

17 DIRECTOR TERLONG: And so agencies took
18 from that larger piece, ah, from the courses or
19 training materials that were provided by DCAS, and
20 then met with representatives from COSH in order to
21 develop more customized training material for their
22 employees.

23 CHAIRPERSON MILLER: So, so, ah,
24 obviously, ah, DCAS is our go-to for the human
25 capital, but you also mention about the reopenings

1 and, and, and what was necessary for the real estate,
2 and, and, and we have places like 100 Gold and other
3 places that, that are not back up and running, right?
4 And/or that we have places that, that, um, the, the
5 hourly or unionized workforce is actually [inaudible]
6 and management is not in the building to kind of
7 manage and, and guide them. There's no specifics,
8 um, according, ah, to workers. Um, that is
9 consistent with what you're saying here. Like, like
10 how do we assess a timetable on when these brick-and-
11 mortars should be up and running? What is, ah, for
12 someone, ah, ah, somewhere like a 100 Gold,
13 somewhere like that for it to be, um, ah, at
14 capacity, whatever we determine that capacity should
15 be? Should they be up and running now? Should there
16 be still, you know, the, those are vital, ah,
17 services, um, that, um, that are being provided, that
18 are not necessarily being provided at the level that
19 we should, 'cause there's also, um, and, and I want
20 this to be about health and safety, but, but, you
21 know, there are folks who don't have the, the, the
22 requisite equipment to work from home, and so, you
23 know, getting people back, either getting them that
24 equipment or getting them back in the building
25

1
2 becomes that much more crucial. Um, but we have, you
3 know, large facilities such as this that just aren't
4 up and running eight months later. And, and we're
5 going into a phase 2. What teeth do, does DCAS have,
6 or does this council and this committee have, to make
7 sure that, that all of this information is being
8 applied, ah, so that we can continue to provide these
9 seamless services that the city provides, um, on, on
10 the capital side, right? And so, um, you talked
11 about the reopening and we're saying that, that's
12 just not the case. It needs to be the case, um, who
13 ultimately, ah, has the sign-off to make sure that
14 there's compliance with these regulations and, and at
15 what point, you know, does, you know, how long can
16 agencies go without providing these services, um, ah,
17 that are necessary from the brick-and-mortar
18 standpoint and how do we know? And then what, what's
19 the correlation between, um, the dissemination of
20 this information through workshops, forums, to safety
21 officers and so forth, and actual implementation to
22 make sure that it is reaching our target audience?

23 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

24 So, ah, forgive me if I miss one part of your
25 question. I'll start with, um, the brick-and-mortar.

1
2 And so our buildings never closed, um, and so you
3 mentioned 100 Gold. Um, that building is up and
4 running. Um, that building is actually also managed
5 by DCAS, and so in DCAS's portfolio for the buildings
6 that we manage, as well as the guidance that we've
7 given to other agencies to, to, ah, prepare their
8 buildings, that work is ongoing and has been ongoing
9 since the start of the pandemic. Um, as you
10 mentioned, we still do have employees that never
11 stopped working or being on site, and so we
12 immediately, even before the guidance was issued, ah,
13 publicly, we're doing things in our buildings to
14 ensure that workers that continue to have to report
15 on site had a safe, um, work, safe and healthy work
16 environment to be there to continue those essential
17 functions. Um, so that work still continues, but it
18 didn't just start when the guidance came out, it
19 started prior to that. Um, in reference to kind of
20 the dissemination of information, um, we did have
21 those forums and those town halls, and those
22 continue. Um, we are in active communication with
23 agencies as they look through their restart plans.
24 Um, every agency is supposed to have already started
25 and has confirmed that they have started those

1
2 implementations of the guidance that we put out. And,
3 again, as I mentioned, that is preparing your
4 building. That is thinking through your mechanical
5 systems. That is looking at your floor plans and
6 seeing the density and occupancy and understanding
7 how many people can be in a space at one time. That
8 is putting out, ah, the social distancing stickers
9 that you see throughout. That is also putting
10 occupancies in conference rooms and putting
11 occupancies in elevators, putting hand sanitizer
12 stations throughout your buildings. Um, so that work
13 is, is ongoing and it has not stopped since the
14 pandemic.

15 CHAIRPERSON MILLER: I will tell you, ah,
16 based on this committee's information and based on
17 the, the workforce and those that represent them, um,
18 that, it is really questionable and, and as I
19 mentioned capacity, you know, what is the actual
20 capacity of a building? And I don't want to get
21 stuck on 100 Gold. But that happens to be one of the
22 ones that, that was, ah, that we, we fielded some
23 questions from, from the workforce about, um, about
24 proper guidance, um, and whether or not that guidance
25 had actually trickled down to, to the workforce,

1 right? And so we did talk about, you know, you can
2 give, ah, the agency the information, but compliance,
3 we've been talking about oversight and compliance and
4 whether or not it's actually happening, and what is
5 that capacity, 'cause you say they've been up and
6 running, but it's, it's, you know, for the most part,
7 you know, is, is 20%, is it 30%, is it 50% at this
8 point? Do you know?

10 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So
11 I don't know the act individual agencies ah, ah,
12 their percentage of workers that are actually staying
13 on the site. Ah, again, I think there, what we're
14 looking at is the actual infrastructure of the
15 building in which we're repairing and that's what I
16 meant by the buildings have not closed.

17 CHAIRPERSON MILLER: Yep.

18 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
19 That goes into actually, the actual agencies', ah,
20 decision, um, to have essential workers, um, actually
21 on site or other personnel on site. That is a
22 decision that the agency makes directly.

23 CHAIRPERSON MILLER: I'm simply saying
24 have you signed, has, has DCAS signed off on, on, on
25 compliance, um, in, in terms of social distancing, in

1 terms of ventilation, in terms of all the things that
2 you determined to be necessary? Has DCAS signed off
3 on that? And then once that happens, you know, it's
4 up to agencies and so I'm trying to figure out, ah,
5 continuity between you guys giving them the, the, the
6 guidance and, and, and that actual implementation
7 happening on that one. Um, and, and then, ah, ah, I
8 did want to get back to timetables of, of
9 information, ah, being disseminated and how that
10 happens as well.

12 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So
13 the simple answer to your question is yes. DCAS has
14 reviewed, ah, our guidance and implemented our
15 guidance to 100 Gold and all of our building stock
16 portfolio. And we are the ones who sign off on
17 ensuring that that guidance is met from the building
18 standpoint.

19 CHAIRPERSON MILLER: How, how many
20 buildings do we have throughout the city that, that
21 houses city agencies?

22 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
23 Ah, we have a lot of properties throughout the city.

24 CHAIRPERSON MILLER: I know. Could you,
25 could you give a guesstimate?

2 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

3 Ah, upwards of 4000, I would assume, ah, or somewhere
4 in that area of properties, ah, that the city, ah,
5 owns.

6 CHAIRPERSON MILLER: Owns or, or they're
7 housing some of them? Because some of them have just
8 like a floor of, of agencies or multiple floors. Is
9 there some that, you know?

10 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

11 Could be. Ah, we have buildings that range from, as
12 you are aware, ah, One Center Street that has over,
13 ah, 25 floors, um, to small buildings like 115
14 Christie that is only a couple of floors. So it
15 ranges. Um, and then we also have leased space. Um,
16 and so it ranges the gamut.

17 CHAIRPERSON MILLER: Right. OK. And,
18 and, but this information, ah, pertaining to brick-
19 and-mortars and reopening has all been given to, ah,
20 those, ah, facility, ah, maintainers and managers?

21 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

22 Yes, yes sir. And it's also publicized. So it, ah,
23 as, as, as, it's publicized on our website. So if
24 you go to DCAS, ah, ah, or google DCAS RTO, the
25

1 guidances is actually listed under, um, our For City
2 Agencies, um, ah, tab, and then it's right there.

3
4 CHAIRPERSON MILLER: OK. Um, so, and,
5 and, and then, and I just really want to move this
6 along 'cause I know my, my colleagues have questions.
7 I want to get the time, ah, line thing on the human
8 capital. Um, but I think, ah, are you satisfied in,
9 in, in how we reach our target audience and is your
10 target audience simply the agency and your
11 responsibility, that's it after that point there,
12 that you, you put together this body of information
13 and provide agencies with that type, with that
14 guidance and then from there it's up to each
15 individual agency to disseminate and that therein
16 lies the responsibility of DCAS in this, and unless
17 we're addressing, ah, human capital and does the
18 responsibility of DCAS when it comes to human capital
19 exceed beyond, um, just, ah, giving the information
20 to the agency?

21 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So
22 that is our role, but I will say, um, this is an
23 unprecedented challenge, right? Um, we are all
24 learning as we go and so DCAS has also taken a hands-
25 on approach with agencies. Agencies have contacted

1 us, um, with issues and concerns and we have worked
2 hand-in-hand, ah, with them to resolve those, and in
3 some instances we've gotten very creative, um, and so
4 I, I wouldn't, I wouldn't, in normal terms it is
5 DCAS's responsibility to promulgate guidance, um, and
6 send it out to the agencies and it's the agencies'
7 responsibility to ensure that they're in compliance
8 with that guidance, as well as enforce and encourage
9 and, um, educate their employees on said guidance.
10 But we've also taken an effort to ensure that
11 agencies have those vehicles in place and mediums in
12 place to do so, and we've been kind of a thought
13 partner with all agencies on this.

14
15 CHAIRPERSON MILLER: Let's, let me just
16 suggest this and, and, and now that we have everybody
17 on the line in this, in this open forum, in this way,
18 I know that in my reopening, which is not completely
19 reopened, you know, at all, the office, but we have
20 sought out DCAS and their guidelines, right? Um,
21 simply because, you know, agencies, um, counsel,
22 provided that information, and provided a, a, a
23 briefing, um, but not, um, not in the same way,
24 right? This is what you guys do, right? And, and so
25 someone gets a briefing and we're getting the

1
2 secondhand briefing from them. But when it comes to
3 real, um, providing all of the things that we're
4 asking today, ah, the bulletins, the safety, the
5 cleaning, and, and all the other things that keep the
6 workplace safe, I've actually gone directly to DCAS
7 myself. Um, is, is, is this available? Ah, how, how
8 would you go, ah, to, to the intricacies of, of the
9 inner agency? How would someone, ah, get that
10 information, ah, provided that it was not readily
11 available through safety officers or the agency?

12 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

13 Ah, so they can contact us directly if they have not,
14 um, received that information. Ah, again, it's also
15 publicized on our website, um, nyc.gov/dcas, under
16 the For City Agencies. Um, the guidance is actually
17 listed on there. So it's publicly available for all,
18 um, to educate themselves and we're happy to go over
19 it both with you, Chair, um, and others if they, ah,
20 would like a more in-depth briefing on it.

21 CHAIRPERSON MILLER: And then, and then
22 finally, um, this guidance, ah, that happens, does,
23 does, is there a time when, when, when, ah, health
24 and safety guidances and, and these bulletins that
25 come from the governing agencies go directly to, to

1 local agencies and, and, and kind of bypass DCAS, ah,
2 DCAS? Is there times when FDNY and, and other
3 agencies are, are, are receiving information and
4 acting upon that information, ah, that exceeds your
5 responsibility as, ah, ah, the governing body for
6 human capital?
7

8 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

9 Absolutely. Um, agencies, also agencies have
10 encouraged, ah, us and educated us on things that we
11 have not seen. Um, and so it is a thought
12 partnership definitely. Um, agencies are part of
13 their own list serves. They are looking at their
14 own, um, ah, industry best practices as it relates to
15 the work that they do in the field, um, and as you
16 know, ah, every, ah, industry field, whether you're a
17 sanitation worker or building engineer or custodian,
18 have their own set of guidelines and their the
19 experts in this space, and so sometimes they're able
20 to get to information quicker than we are because
21 they're signed up to those industry forms. And they
22 actually encourage us and educate us on those. And
23 we ensure that we share that information with others.
24 And so if you're a, if you received information, um,
25 from a custodial list serve or engineer or trading

1 list serve, um, at one agency and you bring that to
2 DCAS, we make sure that other agencies that have
3 those same job titles and functions that we get that
4 information to them as well. So, yes, ah, it is a,
5 a, a fluid, ah, um, and active, ah, ah, back and
6 forth on the information.
7

8 CHAIRPERSON MILLER: That, that makes
9 sense. But it also leads me to wonder why then, um,
10 agencies would take such actions that really run
11 counter to some of the information that goes out with
12 the uses of PPEs and, and, and things of that nature.
13 Thank you so much, um, and, ah, and, and, and, ah, I
14 know my colleagues have some questions. But I, I did
15 want to, ah, ah, speak with, ah, Deputy Commissioner
16 Holt about, ah, some of the, ah, challenges on, on,
17 on more of the, the private workforce and, and the
18 things that are happening, ah, with worker
19 protections and, and, and over at Consumer Affairs.
20 Um, what are some of the challenges that you see in
21 making sure that the work that we've all done
22 collectively to, to protect workers that this
23 information gets out, um, and, and, once again, I, I
24 applaud Council Member Levine, ah, for just his
25 insight in saying that people that go to doctors and

1
2 pharmacies are probably sick and they need to know
3 about paid sick, right? Um, how, how are we reaching
4 target audience and what are some of the limitations
5 that you're seeing and, and kind of, ah, oversight
6 of, of, ah, the work that we have done?

7 DEPUTY COMMISSIONER HOLT: Um, thank you
8 for the question, Chair, Chair Miller. Um, and I
9 would say that certainly, ah, public awareness,
10 whether we're talking about, um, your right to paid
11 safe and sick leave under New York City's law or the
12 specifics of the reopening guidelines that have been
13 issued by New York State is an ongoing challenge.
14 Um, and it's something that we work on very hard.
15 Um, you know, I highlighted in my opening remarks,
16 ah, some of the numbers in terms of outreach that
17 we've been doing. Um, ah, going out into communities
18 to talk to business owners, to ensure that they
19 understand what their obligations are. Um, also
20 partnering, ah, with community organizations, worker
21 centers, labor unions to try and help get that
22 information directly to workers. Um, I think in
23 terms of some of the related challenges, aside from
24 just getting that information out, um, when we hear
25 from workers, ah, we hear that people are fearful

1
2 about reporting unsafe conditions in their workplace,
3 um, because of, ah, the fear that they may be subject
4 to retaliation. Um, now through the worker
5 protection hotline that I mentioned earlier, which,
6 again, is a vehicle for workers to contact us
7 specifically about, ah, the New York State's
8 reopening health and safety guidelines, um, we can
9 take those complaints anonymously, um, whether it's a
10 complaint or information, um, but the, the fear that
11 workers have to make those complaints is an ongoing
12 concern, um, and that's something we certainly would
13 be interested in working with Council to develop
14 additional protections to ensure that workers can
15 feel that when something is out of compliance or
16 unsafe in their workplace that they can bring it up
17 without fear of reprisal, without fear of
18 consequences. Um, in terms of the, the specifics of
19 the kinds of issues we've heard about from workers on
20 reopening, um, the most common, um, problems we've
21 heard about are people not wearing masks in the
22 workplace, um, a lack of adequate distancing in the
23 workplace, um, lack of the daily health screening
24 that is required. Um, those are, are really the
25 three big ones that we've heard about the most.

1
2 We've also heard about, um, unavailability of PPE,
3 inadequate cleaning or hygiene supplies, lack of the
4 signs or postings that employers are required to put
5 up. Um, what we have done is when, when we go out
6 and talk to employers, um, we are, we are trying to
7 make sure that they understand exactly what it is
8 they have to do. Um, our enforcement, and I'll talk
9 exactly about how that works in just a moment, um, of
10 the reopening guidelines is focused not just on
11 finding violations, but also trying to ensure that
12 employers know what it is they're supposed to be
13 doing. We do recognize that there is a lot of new
14 information, um, that both workers and employers are
15 having to, to work and implement at this point. Um,
16 with respect to enforcement of the state guidelines,
17 ah, the, the way it has worked is the mayor's office
18 is the centralized location that coordinates
19 enforcement of, ah, reopening complaints. So if a
20 worker or a member of the public says, um, you know,
21 they are not wearing masks in my workplace or we're
22 working too closely together, um, that complaint can
23 be lodged by the 311 system and then goes to the
24 mayor's office, and then the effort of actual on-the-
25 ground enforcement is shared among a variety of

1 agents, ah, city agencies, including, but not limited
2 to, DCP working together with the mayor's office.

3 And so when we go out and, and investigate as DCWP
4 and other city agencies, again, we are looking for
5 violations, but also working to really try to educate
6 businesses to help them comply with this, because
7 this is not just a question about worker safety, this
8 is also about customer safety, employer safety,
9 safety of managers, anyone who could be in that
10 workplace could be at risk if the guidelines aren't
11 being followed. Um, so we are, we are taking both,
12 um, you know, ah, an enforcement but also an
13 educational approach, um, in the context of, of the
14 reopening guidelines. Um, and then similarly with
15 respect to, to paid safe and sick leave and, and
16 other city workplace protections for the private
17 sector, um, we've conducted over 300, um, in-person
18 and virtual events during the crisis, um,
19 particularly to ensure that we're reaching vulnerable
20 populations, um, immigrant workers, people who, who
21 we may not be able to reach through digital or other
22 channels. This is why we partner with community
23 organizations, worker organizations to try and reach
24 those people. Um, and, you know, I think working
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1
2 closely with, with partners is very effective, but,
3 but we recognize that it's a huge task. We live in a
4 very large city. Um, so it is an ongoing effort, and
5 we do appreciate the, the leadership of the council,
6 um, in, in looking to explore new ways of trying to
7 get that message out more effectively.

8 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

9 Just to piggyback on, on what the Deputy Commissioner
10 had mentioned, um, it's, it's important to note that
11 our, our outreach and educational, um, efforts have,
12 ah, have taken into account, um, language access in
13 the city. Um, all of our guidance on our website,
14 um, related to COVID, reopening, or worker, ah,
15 protection guidance is translated into at least the
16 10 designated languages, um, ah, by the city. And
17 for our, um, outreach, particularly our affirmative
18 outreach on paid safe and sick leave that Deputy
19 Commissioner Holt and Commissioner Salas have, have
20 joined, ah, with partners like La Comina and, ah,
21 chambers of commerce throughout the city, ah,
22 virtually, ah, we've actually procured simultaneous
23 interpretation to ensure that, ah, there aren't
24 barriers, ah, with constituents, um, as we're getting
25 this critical information out.

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2 CHAIRPERSON MILLER: So do, do you,
3 obviously, you know, paid safe and sick, um, and I
4 know early on we, we did a will of the of engagement,
5 a lot of community engagement. You said very
6 specifically, talking about some of our community,
7 local CBO and other partners in doing that, um, more,
8 in this critical time of COVID-19 where, where we
9 can't meet and ask and that this same vulnerable
10 population may not have access to the apps and IT.
11 You know, how, how are we, how confident are you
12 that, that we're reaching our targeted, target
13 audience, and if you're not that confident, you know,
14 just what, what do you think that we can do
15 collectively to, to make sure that we, we're reaching
16 our target audience and keeping people safe?

17 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
18 Yeah, Ben, if you don't mind I'll, I'll just take a
19 first crack at that. Um, I think it's always a
20 challenge, ah, regardless of the pandemic, reaching,
21 ah, vulnerable constituencies. It's, it's a major
22 reason why we, we partner with CBOs to kind of, ah, a
23 trusted voice in communities to amplify our message
24 and, and, ah, and bring us, ah, directly to, to those
25 who, ah, who we're targeting. Um, it's, as you, as

1
2 you alluded to, particularly challenging now. Um, I
3 think we're continuing to do that work, ah, through
4 our partner agencies, I, ah, by, ah, ah, doing these
5 virtual, ah, meetings, but also on the ground. Um, I
6 think, you know, as, as Deputy Commissioner Holt had
7 mentioned, we've, ah, been on the ground in all five
8 boroughs, um, in merchant and business districts,
9 over 30, over 30 business education days, over 2000
10 businesses visited in person, um, and that doesn't
11 include, ah, you know, direct worker and, and
12 constituent outreach, um, um, in addition to that.
13 So, you know, it's, it's a work in progress. Ah,
14 we're, we're, we look forward to working with you,
15 Chair, and, and your colleagues, um, ah, on
16 additional events and, and, and different ideas,
17 quite frankly, to, to see how we can of bridge this
18 gap further.

19 CHAIRPERSON MILLER: OK, thank you. And,
20 and then, ah, my, my final question, ah, Quintin,
21 would be how, how confident are you that we're
22 getting this, ah, information out in, in real time?

23 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
24 Pretty confident, Chair. Um, we have worked very
25 closely, um, with agencies and have been in constant

1 contact, um, with them, and, ah, like I had mentioned
2 before, we host a weekly meeting with all HR
3 officers, um, and, you know, have, having
4 conversations, direct conversations with them about
5 what they're hearing on the ground, um, from their
6 employees and if there are any confusions we work
7 with them, ah, to clarify. If there's a policy, um,
8 issue or if there is a situation or scenario that we
9 have not addressed yet, um, we work with them to, to,
10 ah, ah, resolve that. Um, and then also we work with
11 them to share what they're hearing from their
12 agencies with other agencies. So I do, I do feel
13 very confident that it is permeating, um, down to the
14 employees. Um, it's just about getting, once we get
15 the information, you know, massaging it so that it
16 makes sense, ah, for the city, um, when we get the
17 information from the state or when we get information
18 from the federal government, from the state, and
19 massaging that to make sure that it's applicable to
20 the city, um, and then getting it out as quickly as
21 possible.
22

23 CHAIRPERSON MILLER: So and, and then
24 finally, ah, most, most, ah, safety teams include,
25 include representatives from labor and management.

1
2 Um, does, does your, um, does these, ah, town hall
3 informational sessions include labor, labor partners
4 as well?

5 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So
6 we did invite in the initial town halls or forums
7 that, ah, that we had, we did invite, ah, both HR
8 professionals, EEO officers, um, labor relations
9 folks, employee relation folks, agencies, safety and
10 health coordinators, um, as well as the appointed
11 agencies agency chief restart officer. So all of
12 those were part of our initial discussions. Um, and
13 I don't know, Jackie, if you want to talk a little
14 bit about your consistent, um, engagement with
15 specifically...

16 CHAIRPERSON MILLER: Oh, I'm, I'm sorry,
17 but you, but, but those representatives from
18 bargaining units, working, representing workers, were
19 they invited?

20 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
21 You mean the actually union reps, um, from the labor
22 unions, or the actual labor relations folks from the
23 [inaudible]?

24 CHAIRPERSON MILLER: No, I don't mean
25 labor relations, I mean labor reps.

1
2 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So
3 we have not. Um, those individuals were not
4 initially invited to the forums that we had. Um, the
5 audience for those forums were city employees.

6 CHAIRPERSON MILLER: Is, is, is there
7 something that forbids you from, from, ah, having
8 them in the room to receive [inaudible]?

9 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
10 No. Um, ah, I will just add that, um, we have been
11 in direct contact with OLR, um, and all on behalf of
12 the city has provided the information that we are
13 giving to agencies.

14 CHAIRPERSON MILLER: I, I disagree.
15 That, that is the reason why we're having this
16 hearing. Because OLR told me that it's just, we have
17 too many agencies, it's just too difficult for us to
18 get this information out, and I wanted to hear. I, I
19 had more confidence in DCAS than obviously OLR had,
20 and so, um, time and time again on our weekly, very
21 early during the pandemic, but, oh, we got so many
22 agencies, it's, it's very hard to get this
23 information out, the information is changing,
24 ongoing. And I said look, I, I would submit that if
25 any of this information led to, to discipline I

1
2 assure that you wouldn't get a paycheck unless you
3 signed off on this information, and so, and, and that
4 was the idea. How do we guarantee that these
5 bulletins, um, that could potentially be lifesavers,
6 um, get posted, get before, ah, the workforce and,
7 and they would, they said it was a challenge. And,
8 and that's why we're here today, to make sure that is
9 not a challenge, but in, in order for that to happen
10 I think if we're not utilizing the unionized
11 representatives and all of the tools in, in the
12 toolbox we're, we're doing the workforce and the
13 people that we serve a disservice, if we're not using
14 everything, right? And so I, I would submit that and
15 I'm, I'm just telling you that, um, OLR, they
16 struggled, they struggled. And that's why we want to
17 make sure that we have that, that is happening today,
18 and do we want, we got everybody in the room now and
19 I think everybody on every side is, is committed to
20 that, and so thank you. Um, I'm gonna pass it over
21 to, ah, my colleagues for questions. Nouzat?

22 COMMITTEE COUNSEL: Thank you, Chair. I
23 will now call on council members in the order they
24 have used the Zoom raise hand function. Council
25 members, please keep your questions to five minutes.

1
2 The Sergeant at Arms will keep the timer and I will
3 let you know when your time is up. If there are any
4 council members who would to ask questions of the
5 administration, please use the Zoom raise hand
6 function now. Seeing no hands raised, I will turn it
7 back to Chair Miller for any closing remarks before
8 the administration is excused.

9 CHAIRPERSON MILLER: Thank you so very
10 much and, um, gee, I, I am not to, to monopolize
11 question and, and under, under normal circumstances,
12 and, ah, but I, I know the Committee on Civil Service
13 and Labor that we have discussed this for months in,
14 in depth and, ah, hopefully I articulated the voice
15 of, of the entire committee in, in the line of
16 questioning. Ah, but that being said, um, I, I know
17 that I've had the pleasure of, of working with DCAS
18 for, for a number of years, ah, in fact for the past
19 seven years and I've, I've often can be very
20 critical, but I know that of all the agencies, ah,
21 that, that they're, when it comes to, ah, the, the
22 human capital, which is the, the focus of this
23 committee, that they're generally on point. But I
24 want to make sure that there's also continuity
25 between those representing these workers as well.

1
2 So, I, I would just suggest, um, that when these
3 rooms open up that organized labor are in these rooms
4 as well, 'cause I assure that they will make sure
5 that, um, that their members are safe, that, that is
6 their best interest in, in doing so, and I look
7 forward to, ah, working all of you guys, ah, and,
8 and, and ladies in the future. And, um, then, we
9 have done, ah, I was out this week, ah, doing some,
10 ah, ah, with local businesses, um, and, and making
11 sure that, that, that proper, ah, signage and posting
12 was happening. Um, but these are the times that we
13 can't get out like we used to, um, ah, we all want to
14 be made safe, so let's figure out, um, how we
15 disseminate this information in the most effective
16 fashion. Ah, I thank everyone. But also, ah, I
17 believe that we had a commitment, ah, from the
18 administration that folks were gonna hang around and
19 listen to the rest of the panel. So, ah, if we could
20 all just, ah, commit to that I'd, I'd appreciate it.
21 With that being said, ah, we are now going to Nouzat.
22 Ah, I'll turn it over to you and you can, ah,
23 moderate the rest of the program, the hearing.

24 COMMITTEE COUNSEL: Thank you, Chair. We
25 will now turn to public testimony. Once more, I'd

1
2 like to remind everyone that unlike our typical
3 council hearings we will be calling on individuals
4 one by one to testify. Council members who have
5 questions for a particular panelist should use the
6 raise hand function in Zoom and you will be called on
7 after each panel has completed their testimony. For
8 panelists, once your name is called a member of our
9 staff will unmute you. And the Sergeant at Arms will
10 give you the go-ahead to begin after setting the
11 time. All testimony will be limited to three
12 minutes. Please wait for the sergeant to announce
13 that you may begin before delivering your testimony.
14 The first four panelists will be Henry Garrido from
15 DC37, Gloria Middleton, from CWA Local 1180, Mark
16 Henry from ATU1056, and Oren Barzilay from Local
17 2507, FDNY EMS. Henry Garrido, you may begin once
18 the Sergeant at Arms gives you the time.

19 SERGEANT AT ARMS: Time starts now.

20 HENRY GARRIDO: Good morning, ah,
21 everyone. I hope that you can hear me. Thank you
22 very much, Chairman Miller, and the rest of the City
23 Council members and the leadership of the council,
24 for putting this important hearing together. I know
25 the focus of this hearing is going to be concentrated

1
2 on the results of COVID-19, but I want to take a
3 moment, ah, because I have been in discussions with
4 the family members of Eduardo Carabrejo, who was the
5 worker, ah, DOT, who got crushed to death by a truck
6 while laying foundation, ah, on pavement near Gracie
7 Mansion. Ah, it was his one-year anniversary, ah,
8 and I know his mother, ah, I mean his, ah, his, um,
9 daughter, his wife, his mother, his family, ah, were,
10 um, observing this hearing because they're so
11 concerned about the health and safety of workers. He
12 is a daily reminder of how important a role we have
13 in the role of health and safety for the workers and
14 how important it is to do it. Um, I think to his
15 memory I urge this council to look beyond COVID and
16 to look at work-related, ah, safety-related, um,
17 plans because we've lost three different DC37 members
18 since my tenure here and that's, ah, three too many.
19 So to their families we want to mourn with them and
20 also thank them. Um, I would just say this, Mr.
21 Chairman. Thank you very much, um, for our
22 testimony. I am Henry Garrido, executive director,
23 DC37. We represent 150,000 city workers. Um, the
24 unfortunate worst statistics of all the discussions
25 that we have, um, about 150 DC37 members passed away

1
2 due to COVID-19. And that's because they're deemed
3 essential. It's because that more 100,000 of them
4 are still working everyday in every offices, so
5 that's about two out of 30. Um, and I had the
6 unfortunate, um, task of having to call every family
7 every time an individual passed away. Um, where do
8 you want to begin? I don't three minutes does it
9 justice. But from the lack of, ah, personal
10 protected equipment, ah, to the issue of, ah,
11 inconsistent messaging from agencies to the fact that
12 agencies kept deferring, ah, and changing and
13 modifying, ah, inconsistent messages from the CDC,
14 therefore exposing individuals, ah, to unnecessary
15 risks that resulted in the death of many people, the
16 152, that I believe are necessary. I'm gonna say
17 that again. Many of those deaths I believe would
18 have been unnecessary, um, because the city was
19 unprepared and lacked the leadership that it needed
20 to protect its own workers. And it's about to do it
21 right now, again. Just as we closed the schools
22 yesterday, um...

23 SERGEANT AT ARMS: Time expired.

24 CHAIRPERSON MILLER: Keep going.

1
2 HENRY GARRIDA: I'm sorry, we're seeing
3 the same thing now. Where as the city closes the
4 public schools it is doing, um, you know, it's still
5 calling early childhood education centers, ah, as the
6 COVID does not go into those individual classrooms.
7 We think this is misguided. There seems to be a
8 dispute between the city and the state regarding the
9 legality of this. Um, but you weren't exposing
10 workers unnecessarily on the early childhood
11 education, 3-K, pre-K, and certainly on the, um, the
12 Head Start and not the school program unnecessarily.
13 I think that we need to, so I am fully in support of
14 the two bills, ah, that are being replaced here. I
15 think further discussion is taken and I would know
16 for the record that DC37 holds the bargaining
17 certificate for health and safety beyond DC37. We
18 hold it for other unions as well. And we look
19 forward to working with you, ah, Mr. Chairman, with
20 the council to put comprehensive reform, as outlined
21 in this legislation, and, ah, we'd like to see it
22 happen for the safety of the workers. Let me just
23 conclude with this. I want to thank you, um, for
24 listening beyond the three minutes. Every time that
25 we do these rigorous reviews which require

1
2 legislation we are saving lives. City workers are
3 not expendable. They should not be in a position
4 that they are seen as, well, they're essential
5 workers and therefore they, they matter less. Their
6 families are just as effected and, um, I believe it
7 is time for this city to live to its creed about
8 protecting its workers, and not just providing lip
9 services to it. So thank you, Mr. Chairman. I'll
10 take any questions you might have, and I defer to my
11 colleagues on the panel as well. Thank you.

12 CHAIRPERSON MILLER: Thank you so much,
13 Henry. I look forward to some questioning as well.

14 COMMITTEE COUNSEL: Thank you for your
15 testimony. We will now hear from Gloria Middleton.

16 SERGEANT AT ARMS: Time starts now.

17 GLORIA MIDDLETON: Good afternoon,
18 Committee Chair Miller, ah, committee members, and
19 City Council members. My name is Gloria Middleton,
20 president of Communication Workers of America, Local
21 1180. Ah, my union represents 9000 active city
22 administrative and private sector workers and almost
23 6000 retirees. I'm here today to address the topic
24 of workplace safety during the COVID pandemic,
25 especially as we enter what appears to be a second

1 wave of the virus that just seems to keep on giving.
2 This has been a difficult year for all of us, as we
3 have learned how to navigating through pandemic life
4 and incorporate the new norm into every aspect of
5 day-to-day living. As political leaders, as
6 government agency leaders, and as union leaders we
7 have the responsibility to make sure those we
8 represent are taken care of and protected while on
9 the job, providing essential services that New
10 Yorkers have come to count on. If COVID-19 has
11 taught us anything these past 10 months is that no
12 one single person can fight this invisible battle
13 alone. It takes a team, a group effort. And that's
14 why I'm in favor of legislation that will establish a
15 board to review workplace health and safety guidance
16 during COVID-19 pandemic. Provide recommendations on
17 health and safety protocols for future public health
18 emergencies and make sure that workers receive
19 relevant information about occupational safety and
20 health related to any public health emergency that
21 comes up. Like most unions, I lost far too many
22 members during the peak of the pandemic, including a
23 most well-loved and respected shop steward named
24 Priscilla Carol. Priscilla was a coordinating
25

1
2 manager who worked at Elmhurst Hospital in Queens,
3 the epicenter of New York City's pandemic. Part of
4 her job was to distribute the PPEs to make sure
5 everyone working with patients, with the public, at
6 Elmhurst had face masks, everyone but herself because
7 there wasn't enough to go around. If the city had
8 stricter guidelines on health and safety protocols
9 earlier its year Priscilla Carol and hundreds of
10 others just like here might still be with us today.
11 But what does concern me about this proposed
12 legislation is the lack of labor representation on
13 the board. With nine available seats, certainly one
14 could be set aside for a union leader. After all, we
15 are the voice of the 350,000-plus municipal workers
16 who need the health and safety protocols in order to
17 remain protected on the job. I do realize that the
18 mayor, the speaker of the council, and the public
19 advocate have a combined total of five seats and that
20 they can fill it at their discretion. But that does
21 not guarantee that they will fill any of them with a
22 labor leader, inviting "relevant experts and
23 stakeholders, including, but not limited, to those
24 representing uniformed and non-uniformed...

25 SERGEANT AT ARMS: Time expired.

1 COMMITTEE ON CIVIL SERVICE AND LABOR 76
2 GLORIA MIDDLETON: ...municipal
3 [inaudible] is not good enough. I respectfully
4 request that the legislation be amended to include a
5 guaranteed labor seat on the board. This would go a
6 long way toward ensuring that workers do not have to
7 worry again about having enough face masks, enough
8 gloves, enough hand sanitizer, or enough disinfectant
9 wipes as Priscilla Carol did earlier this year. And
10 thank you for allowing me to speak.

11 CHAIRPERSON MILLER: Thank you, Gloria.

12 COMMITTEE COUNSEL: Thank you for your
13 testimony. We will now hear from Mark Henry.

14 SERGEANT AT ARMS: Time starts now.

15 MARK HENRY: Thank you, Chairman Miller
16 and the colleagues on the City Council for this
17 opportunity to present on behalf of the Almagamated
18 Transit Union, Local 1056, ah, in Queens and our
19 neighboring locals, ah, 726, 1179, and 1181. My
20 name, again, is Mark Henry. I'm the president and
21 business agent for the local and also chair our, our
22 statewide conference board, which represents over
23 2500, 25,000, ah, transit workers across the State of
24 New York. And while these hearings don't focus on,
25 on, per se, on MTA workers it, it remains important

1
2 to emphasize the special plight of our transit
3 workforce on the front lines of, ah, against COVID-
4 19. The impact of COVID certainly impacted our civil
5 servants and public transit. This includes the
6 members of my local and the riding public. As you
7 may know, members, our members operate and maintain
8 buses for New York City Transit, ah, throughout
9 Queens, Bronx, Brooklyn, and Manhattan. Ah, we were
10 initially not even recognized as essential employees
11 by the agency. We suffered with the agency not
12 providing us the proper PPE, stating this type of
13 equipment isn't part of our jobs, folks, and we don't
14 want to harm the public, you know, with us wearing
15 masks. Ah, they forced the unions into purchasing
16 PPE items for their members. Ah, there were a lot of
17 indignations that were done. They didn't follow
18 their own playbook in regards to the pandemic. Ah,
19 transit workers in, in whole, you know, are unable to
20 shelter in place. Ah, due to the lack of them not
21 reacting in a timely fashion we ended up losing 33 of
22 our brothers and sisters to this virus. It was, ah,
23 took its mental toll on our, on our membership and,
24 and to this day we are still suffering. We are still
25 trying to seek some type of shelter at home, ah, type

1 workplace environment 'cause, again, we cannot
2 shelter in place. The priority of local is always to
3 provide health and safety for our membership. Ah,
4 proper PPE is always should be mandated, should be
5 mandatory, and it should never be questioned the way
6 it was questioned to us in the beginning of this
7 pandemic through the early part of this in the height
8 of this pandemic. Ah, the ATU, ah, supports Chairman
9 Miller's work of safety measure, T206717, in
10 establishing the board to review workplace and health
11 and safety guidance during the COVID-19 pandemic. We
12 also support his other piece of legislation,
13 T20206607, in relationship to the dissemination of
14 occupational safety and health information to the
15 city employees during, ah, this health emergency.
16 Um, again, I've, I know that many members on this
17 panel that have helped our, our plight. As you know,
18 we are without a contract, which is another
19 indignation, ah, that is being distilled upon on
20 agencies...

22 SERGEANT AT ARMS: Time expired.

23 MARK HENRY: ...[inaudible] and we ask
24 that, you know, we thank those members who have
25 supported the ATU and, and we are here to testify on

2 behalf of our members. If there is any other
3 resource you need, ah, I'm available for comment.
4 Thank you.

5 CHAIRPERSON MILLER: Thank you, Mark.

6 MARK HENRY: You're welcome.

7 COMMITTEE COUNSEL: Thank you. We will
8 now hear from Oren Barzilay.

9 SERGEANT AT ARMS: Time starts now.

10 SERGEANT AT ARMS BIONDO: Oren, you're on
11 mute. Hold on one second.

12 CHAIRPERSON MILLER: [inaudible]

13 OREN BARZILAY: Can you guys hear me?

14 SERGEANT AT ARMS BIONDO: Yes, we got you
15 now, thank you.

16 OREN BARZILAY: OK. Good morning, Chair
17 Miller and committee members. My name is Oren
18 Barzilay. I represent the FDNY, EMTs, paramedics,
19 and fire inspectors. Thank you for giving me the
20 chance to speak to you today regarding workplace
21 safety in the COVID-19 era. Our members appreciate
22 your continued advocacy and especially now as life is
23 even more challenge. We appreciate your commitment
24 to protecting civil servants. There is no question
25 that many of the challenges this city has faced with

1 regards to COVID-19 pandemic has fallen on the
2 shoulders of first responders and healthcare workers,
3 for which FDNY has taken a lion's share. To date, we
4 have lost seven members to the virus over almost the
5 same amount of months. Hundreds of our members have
6 contracted the virus and gotten ill. Dozens have
7 developed long-term permanent health issues. In
8 March of this year Crystal Cadet, one of the speakers
9 at our rally last year to address the culture of the
10 discrimination and disparate treatment within the
11 FDNY contracted the disease, battling for her life
12 for months on life support. She is still not able to
13 return to work and has a long road of recovery ahead
14 of her. The impact of the mental well-being of these
15 members on the front lines of COVID also cannot be
16 overstated. Some members have resigned their job due
17 to the overwhelming death they have witnessed. Some
18 are showing signs of PTSD when at work by either
19 breaking down while mid duty and going home sick.
20 Unfortunately, while EMS first responders have shown
21 up to answer the call of duty, risking their lives to
22 save others, our department continues to demonstrate
23 the lack of commitment to protecting our EMS first
24 responders. Almost immediately after the virus hit
25

1
2 our communities the Fire Department made moves to
3 protect their firefighters. In fact, in early March
4 while Crystal Cadet lay on a hospital bed hooked up
5 to a ventilator fighting for her life, the FDNY
6 issued orders pulling firefighters from answering
7 medical calls that described symptoms associated with
8 coronavirus. But our members did not object. EMS
9 first responders are the experts best suited, most
10 skilled, and best trained to respond to these
11 dangerous calls. We understand the risk associated
12 with our work and New York City's EMS first
13 responders are some of the best in the world. We
14 just don't know if the city understands or respects
15 these risks. Where was the department to rush in and
16 protect us? Instead, our members were put in
17 unnecessary, more dangerous situations while being
18 paid what amounts to minimum wage. Simple things
19 like...

20 SERGEANT AT ARMS: Time expired.

21 OREN BARZILAY: Simple things like asking
22 us what we needed, ensuring basic PPE was put in
23 place timely, not even seven months after it was
24 needed, setting up protocols, and paying attention to
25 our members, not to mention considering extra pay to

1 help cover the cost and sacrifices our members made.
2 Being away from their families day after day as they
3 rushed into what is, in essence, was our burning
4 building, would have gone a long way. I'm almost
5 done. We have, we have seen how the COVID pandemic
6 adversely impacts communities of color, similarly
7 predominantly of color first responders are often
8 forgotten, underprotected, and ultimately also
9 adversely impacted by COVID-19. Rather than ensuring
10 we had proper PPE, the city directed our members to
11 only wear N95 masks when we were intubating patients.
12 Meanwhile, we would not be allowed to wear masks at
13 scenes where airborne pathogens could lead to
14 illnesses and possibly death. Under valuating our
15 members put their lives unnecessarily at risk, but it
16 also puts the greater community at risk. In March,
17 around the time the department was issuing orders of
18 protection for its other members it issued an order
19 for EMS first responders that even if you were
20 exposed or tested positive for COVID we should report
21 to work as long as we were not symptomatic. In
22 hindsight, even the city can understand how
23 shockingly thoughtless this was. Not only did this
24 put our members in situations where they were not

1
2 able to care for themselves, but they are then simply
3 spreading the virus to their coworkers and their
4 patients. The oversight that this body offers as
5 well as the workplace oversight board being proposed
6 are desperately needed so that we can learn from
7 past mistakes and better protect those on the front
8 line, risking their lives for all of us. Thank you.

9 COMMITTEE COUNSEL: Thank you for your
10 testimony. If there are any council members who have
11 questions for this panel please use the Zoom raise
12 hand function at this time.

13 CHAIRPERSON MILLER: OK. Um, thank you,
14 so much to the panel. Ah, um, the stories, this
15 reality represented by these workers that are
16 represented by these women and men that, that have
17 testified this morning is just, is just reinforcing
18 the need for, for the work that we're doing here.
19 Ah, let me just say that, Gloria, that that
20 amendment, um, certainly is already in, in, ah, in
21 the works, ah, that Labor absolutely has to be at the
22 table as we indicated with DCAS and the
23 administration, ah, earlier. It, it doesn't work
24 without that. Ah, to Henry, um...

1 COMMITTEE ON CIVIL SERVICE AND LABOR 84
2 GLORIA MIDDLETON: Appreciate that,
3 Chair.

4 CHAIRPERSON MILLER: Yeah, thank you.
5 And, and certainly the work, um, that you talk about
6 that is ongoing around worker protections, the work
7 that we did around, ah, um, Workers' Comp, to be able
8 to evaluate, assess, um, why workers are getting
9 hurt. How do you, you know, where those challenges
10 lie, not just worried about paying out, ah, ah,
11 benefits, but fixing the problem, to be able to
12 assess that data and looking at that, and then, um,
13 to, to make sure that we extend benefits for those
14 dependents who have lost their loved ones because of
15 COVID. This is ongoing work that has to happen and
16 because of the communication that, but, ah, let me
17 just, you know, just the line of questioning, you
18 know, as I listened to Mark, you know, I'm reminded
19 that NYU study said that one in four transit workers
20 had been touched in some shape, form, or fashion by
21 COVID and, and, and more likely than not have
22 contracted it while on the job. We certainly know
23 that the New York City Transit System was the
24 epicenter of COVID based on the number of transit
25 workers, based on the number of people that utilize

1 the system on a regular basis. You know, for, for
2 Oren, and, and your members, Oren, for what they've
3 gone through, you know, I'm, I'm, I'm just reminded
4 that my, you know, your instructor and my, my good
5 friend, ah, Edris Bay, ah, um, who was, you know, was
6 ill in 911 and, and, and because of the inequitable
7 package was forced to continue working and, and ended
8 up dying in, in COVID. And it's just incredible. It
9 is incredible the contributions and the sacrifices
10 that are made by these public employees that make our
11 lives so seamless, and the fact of the matter is
12 while, yeah, our schools have closed, Henry, but
13 guess what? All summer long your members were in the
14 school building. All year long your members are in
15 the school building when some folks get to stay at
16 home and, and, and, and pontificate, ah, about what's
17 wrong, there's some of us that have to show up. And,
18 and oftentimes those are the men and women of, of
19 color, unfortunately, that you represent, all of
20 these bargaining units are represented by predominant
21 folks of color, which is a microcosm of what we see
22 nationally. And so this is a conversation that, that
23 we're having, how do we keep these folks safe and,
24 and, and by keeping them safe we are keeping the
25

1 public safe, that all of their clients, all of their
2 customers, all the people that serve each and every
3 day in such a seamless way, um, that that is really
4 dependent on keeping this workforce safe. Ah, and I,
5 I really appreciate, um, the efforts that are made.
6 And, and I just want to hear from you guys that, is
7 there anything, um, based on the testimony that you
8 heard from DCAS and, and others from the
9 administration, ah, that we can add or do
10 differently? And then I also, ah, based on my
11 conversation, actually as I said that, that really
12 initiated this hearing, the desire to do this
13 hearing, was, um, the admin and, and, and, and, ah,
14 and agencies saying that they did not have the
15 capacity to put out in real time, ah, these bulletins
16 from these government bodies because they represented
17 such a, such varying industries and, and whatever
18 nuances, ah, that prevented them from doing that. As
19 I said, if they want to discipline you they know how
20 to find you. They know how to get you that
21 information, right? And, um, and with technology,
22 you know, could, could we provide an app, um, that
23 would, would, ah, be specific to, ah, these municipal
24 employees and particular agencies? Um, if there's a
25

1 will there's a way, and there has to be a will to
2 keep workers safe. So is there anything that, that,
3 um, that we didn't hear in the specific testimony
4 that we think that we can speak to?
5

6 HENRY GARRIDO: So, Mr. Chair, if I may,
7 Henry Garrido again, I think on the issue of PPEs,
8 ah, and the issue of consistency of policy, um, I, I
9 just want to highlight something that took place in,
10 in the peak of the early stages of the first waive of
11 the pandemic our members were desperately needing for
12 PPEs, right? And for the most part people identified
13 that being N95 masks, which there was a short supply
14 of. Ah, there was this dispute between whether
15 people could use surgical masks, N95s, and
16 professionals. Many of our members were actually
17 dealing with patients and others, um, that were
18 dealing with fluid transfers. And we said, hey, is
19 there a possibility that we could have some
20 information about the use of poppers? Um, these are
21 personal equipment that protect the face of the
22 individuals with a filter in the back when you're
23 dealing with bodily fluids with people who are
24 already sick. This is on hospitals and other areas.
25 And what we found is that many of the, you have some

1 hospitals that had them, some hospitals that didn't
2 have. We had some hospitals that had part of the
3 equipment but didn't have the filters. And to Oren's
4 point about the unnecessary risks that people were
5 doing, while one agency was telling the members, um,
6 if you come in contact with something, someone who is
7 COVID infected, um, and you treated them you had to
8 continue to work until you begin yourself to show
9 symptoms. This is inconsistent with another agency
10 who's saying if you know you're treating a patient
11 who is COVID-related you have to self quarantine for
12 seven days. While another agency was telling yet
13 another set of employees if come into contact with
14 somebody that has COVID-19 or somebody in your
15 household has been already identified as having
16 COVID-19 positive, in many cases spouses and
17 children, we need you to stay home and, and be in
18 quarantines for 14 days. Three different agencies,
19 and all three at work are all related and work very
20 closely together, the Fire Department, H&H, and
21 DOHMH. Three separate agencies who are all
22 responsible in one way, shape, or form to execute,
23 deliver, and, and bring us to safety, right, during
24 the COVID-19, and yet those three agencies have
25

1 inconsistent recommendations for their own employees
2 as to how to handle getting in contact. In the
3 meantime, as Oren said and as we've seen it, those
4 same workers were coming home, bringing their, the
5 disease and, and having to interact with their
6 families. That's unconscionable. Um, we worked very
7 hard to get legislation to allow the families of the
8 surviving COVID-19-related deaths to take their
9 benefit. Ah, we just had a hearing last week where
10 we've had 386 individuals who applied for COVID-19-
11 related death in the family. Most of them have been
12 approved locally because we were able to clarify the
13 legislation with the state. But the truth is we very
14 often don't talk about the effect on the families,
15 and the detrimental effect of the surviving families
16 is horrible. And so what I would suggest, Mr. Chair,
17 is two things. One, that in terms of the
18 communication, this agency that the legislation is
19 progressing be responsible to coordinate even intra-
20 agency organizations, ah, communications, and
21 secondly that it would be [inaudible] at least of the
22 stockpiling of PPEs, the distribution, the lack
23 thereof, and finally that it does, um, provide some
24 sort of analysis or a service at resource centers to
25

1
2 the surviving families of those who were perished as
3 a result of doing their jobs in COVID-19 and saving
4 us all. And those are three recommendations that I
5 think the agency should concentrate, in addition to
6 what has already been said. And it doesn't have to
7 be a major investment. It's a matter of priority,
8 right? It doesn't have to be, you know, millions of
9 dollars. We have people who could do that. But what
10 we need is better coordination and we need to start
11 acting like one city as opposed to a combination of
12 169 agencies. Thank you.

13 CHAIRPERSON MILLER: Thank you, Henry.
14 Ah, Gloria, did you want to add something? You're on
15 mute.

16 GLORIA MIDDLETON: Um, OK, now I'm
17 unmuted. Um, I totally agree with what Henry is
18 saying. Um, on a personal note, my son works with
19 Transit and he did contract, um, COVID-19 and
20 thankfully he's OK, um, but he's back to work. Um,
21 so him and his family is praying every day that he
22 remains OK. As for my workers, there is a staffer
23 out at ACS today because my workers are giving out
24 PPEs to the field workers but they're not allowed to
25 have but so many PPEs for themselves. There has to

1
2 be more coordination and more understanding of how we
3 protect our members. Um, we still have issues at
4 H&H. They sent out a policy yesterday about if you,
5 you can only stay home if you have, um, the COVID-19,
6 if you were in contact with somebody the quarantine
7 time is not the same as it was before. It's, it's so
8 much, um, different information with different
9 agencies that people are confused. We're, we're
10 looking at that policy today and, and Henry, I hope
11 you saw it, because I know it affects your members,
12 too, because it's, it's just not making sense.

13 CHAIRPERSON MILLER: So, Gloria, but
14 Gloria and Henry, because you guys represent members
15 in multiple different agencies, are you seeing
16 guidelines such as this, different in different
17 agencies?

18 GLORIA MIDDLETON: That's not consistent,
19 yes, yes.

20 HENRY GARRIDO: Yes, without a doubt.

21 GLORIA MIDDLETON: Yes, it's not
22 consistent. Um, and, and some agencies they're not
23 cleaning at all. They're telling members you have to
24 clean your own work area because they don't have the
25 people to do the sanitizing that they're supposed to

1 do. This is insane, as the second wave is about to
2 happen, and we, we just have to come to some clear
3 understanding. That's why if they're gonna have a
4 board, Labor has to be on it 'cause we can tell
5 what's happening.

7 HENRY GARRIDO: Correct.

8 GLORIA MIDDLETON: A person representing
9 the agency is not, and I'm sorry to say this, DCAS or
10 whoever, they're not gonna say the truth [laughs].
11 OK, we're gonna tell you the truth because our
12 members are there. Um, so I appreciate this, um,
13 opportunity, Chair. I appreciate what you're doing,
14 um, and the other council members. This is much
15 needed as we go into these holiday season where we
16 know the numbers are gonna go up.

17 CHAIRPERSON MILLER: Thank you. And, and
18 finally, Oren, um, are your members responsible for
19 cleaning their own cabs, the, the trucks, or do you
20 have cleaners that, that, that keep the booths, the,
21 the ambulances, ah, clean?

22 OREN BARZILAY: We, we are responsible to
23 clean our own vehicles, our ambulances.

24 CHAIRPERSON MILLER: Are, are there
25 instructions as to PPEs and, and what, how they

1 should be cleaned and differently in the time of
2 COVID than, than, ah, in the past?

3
4 OREN BARZILAY: So it's just recently we
5 received this, ah, equipment, ah, that deals with
6 that. That's called the Clorox 360 machine. It, it
7 basically, ah, sanitizes the entire ambulances in a
8 few minutes.

9 CHAIRPERSON MILLER: And, and, and
10 everybody's been trained?

11 OREN BARZILAY: I don't know if you would
12 call it training. Um, they, they stopped by, they
13 dropped off their machine, and they tell you this is
14 what you use to, ah, wash the vehicle. You know, but
15 when they drop off the machine not everybody's there.
16 And, and to further that our department is so
17 concerned with stats, ah, that they're not even given
18 time to disinfect the machines. As soon as they
19 come, some stations allow them, some stations say,
20 no, you got to go to your area of response. They
21 don't give them the chance to disinfect the
22 ambulances.

23 CHAIRPERSON MILLER: OK.

24 OREN BARZILAY: And if, if I may go back
25 to the PPE, I don't know if you remember, I'm not

1
2 sure if was your committee in March 5 of this year,
3 there was a council hearing about the city's
4 preparedness.

5 CHAIRPERSON MILLER: Yep.

6 OREN BARZILAY: And then, and then some,
7 I'm not sure which, ah, outlet it was, whether it was
8 the *Post* or the *Daily News* a few weeks later released
9 a article saying that after the, those testimonies on
10 March 6 they finally placed orders for PPE, the first
11 time. After four months of hearing what's going on
12 in Asia, on March 6 they decided to place the first
13 order. Ah, this week one of our stations received,
14 ah, gowns that are not medical gowns. They're
15 ordering stuff that we don't even have, we, we can't
16 use.

17 CHAIRPERSON MILLER: OK. So, I, I just
18 want to, I want to thank you all for, for your
19 testimony. I hope that, you know, this hearing, is,
20 is helpful in keeping members safe and keeping the
21 public safe as, as we move forward, and we're gonna
22 be in constant communication and, and again, the
23 board will certainly reflect, ah, organized labor to
24 make sure that that voice is being heard as well.

2 So, um, Nouzat, if you, thank, thank you all, can you
3 call the next panel?

4 COMMITTEE COUNSEL: Thank you, Chair.

5 Our next panel will have the following individuals.

6 Anthony Almojera from UEMSO, Local 3621, Dalvanie

7 Powell from UPOA, Saul Fishman from the Civil Service

8 Bar Association of the Teamsters Local 237 Affiliate,

9 and Susan McQuade, health director from the Teamsters

10 Local 237. Anthony Almojera, you may speak whenever

11 the sergeant gives you the go-ahead.

12 SERGEANT AT ARMS: Time starts now.

13 ANTHONY ALMOJERA: Good afternoon,

14 everyone. My name is Anthony Almojera. I'm the vice

15 president of the FDNY EMS Officers' Union, Local

16 3621. Thank you, Council Member Miller and all those

17 in attendance. I am happy to be here to testify, but

18 I wish I here to say all things are good and we have

19 fully learned all the lessons from the first round of

20 COVID back in March. But that's not the case,

21 especially for those of us in the FDNY EMS.

22 [inaudible] new masks, but we are still missing so

23 many things that will make us not only more resilient

24 to second and third waves, but also to responding to

25 medical emergencies overall. While Mayor Nero played

1 his fiddle and told us to keep going to the movies
2 and continue shopping, we at EMS watched firsthand
3 the city burning from this pandemic. The darkness
4 enveloping the city was only illuminated by the
5 lights on our ambulances, providing hope for all
6 those who can hear it. But this has come at a great
7 cost to us. As of today we have lost five EMTs to
8 COVID. Four additional members have committed
9 suicide. And we still have numerous others who are
10 out long term from the effects of being sickened
11 with, with COVID from helping others. In addition to
12 our tragic losses, we had over 25% of our workforce
13 sick at one time and those numbers are starting to go
14 back up. We were told that members who are light
15 duty due to job injuries or modified duties,
16 pregnancies, were still to report to work and risk
17 exposing themselves and others unnecessarily. This
18 policy still has not changed. As Councilman Miller
19 stated, we were told to wear [inaudible]. To this
20 day we still don't have dedicated rapid swab
21 protection for 911 providers. I have found, I have
22 personally found companies who are already treating
23 the Department of Education, etcetera, in New York
24 City but have been told no by the city and the
25

1
2 department to accommodate us in 911 and especially
3 EMS. We have to go stand on line at CityMD like
4 everybody else. The mayor recently announced the
5 mental health initiative and EMS will be at the
6 forefront of this program. But this is a bit of a
7 slap in the face, as we do not have adequate mental
8 health care for ourselves. We are so short in this
9 area that the union had to find outside independent
10 of the FDNY agency to provide these mental health
11 services to our members. Absolutely citizens should
12 get this care, but shouldn't the ones providing it
13 also get this care? Sick leave was mentioned, and we
14 are in, we in EMS only get 12 sick days a year.
15 After our sick leave is exhausted we go off payroll
16 and lose our benefits, a tragedy in the time of
17 COVID. GoFundMe is being used as a backup medical
18 insurance for us in EMS. Just for reference, cops,
19 firefighters, Corrections, and Sanitation have
20 unlimited sick.

21 SERGEANT AT ARMS: Time expired.

22 ANTHONY ALMOJERA: Those treating the
23 sick shouldn't worry about when they get sick they
24 lose, they lose their benefits. Our workforce
25 reflects the city we serve. We are 54% minority and

1
2 38% women. We are the most diverse 911 agency but
3 the least paid, \$35,000 less than Fire and PD. We
4 have half the benefits. COVID has hit the minority
5 community inordinately worse than others, and we
6 reflect those statistics. A recent study showed that
7 FDNY EMS providers were 20% more likely to be
8 infected with COVID and 90, 90% more likely to die as
9 opposed to firefighters. Our job is just as
10 dangerous and always has been. This pandemic has
11 only highlighted it. We need the help of this City
12 Council and others in government to get us what we so
13 rightly deserve - equal pay and benefits for equal
14 work. The worker safety panel is needed more than
15 ever. And I thank you, Councilman, and everybody
16 else who is sponsoring such things to be of continued
17 support to us in EMS. Thank you.

18 CHAIRPERSON MILLER: Thank you, Anthony,
19 for that testimony. Thank you so very much for your
20 truth.

21 COMMITTEE COUNSEL: Thank you. We will
22 next hear from Dalvanie Powell from UPOA.

23 SERGEANT AT ARMS: Time starts now.

24 DALVANIE POWELL: Good day, Chair Miller,
25 and Civil Service and Labor Committee. My name is

1 Dalvanie Powell and I'm the president of the United
2 Probation Officers Association, representing
3 probation officers throughout the City of New York.
4 When the city shut down it helped to stop the spread
5 of COVID-19. The members of the United Probation
6 Officers Association never stopped working. The
7 department instituted mobile schedules where the
8 members continue to supervise our probation clients,
9 conduct investigation, prepare reports and intakes
10 while they were able to work remotely. The members
11 report to the office intermittently while they
12 continue to make home visits and practice social
13 distancing. We did not skip a beat, even though we
14 lost a member to the disease and least 35 of our
15 members have fallen ill. Prior to COVID-19 the
16 Department of Probation was two or three hours short
17 of being 24 hours. However, since COVID hit, since
18 COVID-19 hit we have now become a seven-day-a-week
19 and 24-hours-a-day agency. As a result, rather than
20 taking steps to limit our exposure to COVID we have
21 substantially increased contact with the, with
22 probation, with the probation clients, excuse me. We
23 would like to see the city take active steps to
24 reduce risks for our members. Even the basics like
25

1 providing PPE can go a long way. Every lift matters,
2 and every exposure matters and has a ripple effect.
3 Just making it and [inaudible] value our work and pay
4 attention to the impacts of the pandemic could go a
5 long way, which is why we thank this committee and
6 for its work in addressing the issue. Also, there's
7 a [inaudible] the city's not paying attention to the
8 way this pandemic impacts our members. Our members
9 are committed to our probation clients. We
10 participate in volunteer activities outside our, our
11 duties and responsibilities, such as the distribution
12 of food to probation clients and their communities
13 throughout the Department of Parks [inaudible]
14 locations. Our concern is keeping the members safe,
15 but interacting with thousands in need. We are also
16 concerned about what happens in the winter months as
17 some of these locations the members are staying
18 outside distributing food. Again, it's not that we
19 don't, it is not that we want to stop doing this
20 work. Our members are hard working and committed to
21 our communities. We want the city to help in
22 ensuring safe practices and reducing risks. We have
23 never stopped making [inaudible] visits with, with
24 them with various, but we have various health
25

1 concern. Rather than taking the steps to protect us
2 in this work, the city has leaned on UPOA members
3 asking us to perform duties outside the scope of our
4 responsibilities under our collective bargaining
5 agreement. By way of example, due to the COVID-19
6 concern audit, does the city audit the release of
7 inmates of Riker's Island? Without offering any
8 additional pay or protection the mayor's ordered our
9 members to handle these releases. As a result, the
10 department reinstated the electronic monitoring
11 unit to monitor these individuals as well as those
12 probation clients who are not in compliance or in
13 violation status. This is, this is [inaudible] work
14 for which we were not given...

16 SERGEANT AT ARMS: Time expired.

17 DALVANIE POWELL: ...proper PPE in spite
18 exposing our members to additional risks, such as
19 going into the field, interacting with individuals to
20 attach the braces, entering residences, and
21 [inaudible]. We continue to work because our
22 members, we continue to do the work because our
23 members are professionals and rise up in times of
24 hardship for this city. But will the city remember
25 our, remember or recognize this, especially when they

1 don't even properly outfit these members with the
2 proper PPE? There are, there are non-expensive steps
3 the city can take if, if they prioritize our safety,
4 such as plexiglas to place on each officer's desk to,
5 to meet with the, to meet with the probation clients.
6 But the city has fought a, I'm sorry, but the city
7 has fought installing this, suggesting we have to
8 share the plexiglas between desks, which would be
9 impossible and not safe and would raise issues of
10 handling and cleaning the plexiglas, or even injuring
11 our members when they're carrying them. We would
12 like, we will look forward to working with this
13 committee to learn better ways to address the
14 pandemic moving forward and protecting our workers in
15 the era of the COVID-19 and beyond. And I want to
16 just say, um, um, counselor, that I agree with Mr.
17 [inaudible] very muchly so, because the best ones
18 that can tell our stories is those of us who is doing
19 the work.
20

21 CHAIRPERSON MILLER: Thank you so much,
22 ah, Madam President.

23 COMMITTEE COUNSEL: Thank you. We will
24 now hear from Saul Fishman.

25 SERGEANT AT ARMS: Time starts now.

1
2 SAUL FISHMAN: Good afternoon, ah, Chair
3 Miller, distinguished committee members, council
4 members, fellow labor leaders, and concerned New
5 Yorkers. I am Saul Fishman, president of the Civil
6 Service Bar Association, which represents the
7 attorneys who work hard and smart each day for
8 virtual every city agency, large and small, as well
9 as for the Housing Authority and the Transit
10 Authority. We have a touch over a thousand members
11 and we're proudly affiliated with Teamsters Local
12 237, which has around 24,000 members. Ah, our
13 members are dedicated city employees. They believe
14 in their agency's mission and are a key part of
15 making sure that the laws that this body and others
16 enact are enforced equitably, without favor or
17 discrimination. Many toil a lot of hours, not to
18 become rich, which they certainly not become on city
19 salaries, especially given their crushing student
20 debt, ah, but I'm not here today to complain about
21 those things, we can and should have those
22 conversations another day, rather to discuss keeping
23 city workers as safe as possible and to recommend the
24 passage of Intro 4162, the bill before this
25 committee. As we've learned during this hopefully

1
2 once-in-a-century pandemic, ah, which has already
3 killed more than 250,000 Americans, knowing as much
4 as possible about the risks we are facing, whether
5 those risks are in our neighborhoods or our
6 workplaces, you name it, it's essential to keep
7 ourselves and our families and coworkers as safe as
8 possible. This bill would require information be
9 sent to each employee tailored to their position's
10 risk. [inaudible] bill, and it is a good bill, ah,
11 and the Civil Service Bar Association and Teamsters
12 Local 237 support it, there's much more to be done.
13 More unnecessary risk being inflicted upon city
14 workers that need exposure and prompt intervention.
15 As we testify safely remotely today, several CSBA
16 members in the Fire Department are being forced to
17 participate in person in meetings and hearings with
18 extremely high-risk respondents and witnesses,
19 including emergency medical technicians which, ah,
20 whom Mr. Barzilay well represents and we heard from a
21 few minutes ago. Indeed, the FDNY's own chief
22 medical officer conducted a study concluding that
23 EMTs are much more highly, ah, to be COVID infected
24 than the average New Yorker. These meetings can,
25 should, and in fact have heretofore been conducted

1 safely and effectively remotely by teleconference.
2
3 By contrast, and ironically, the Mayor's Office of
4 Labor Relations, which handles step 3 disciplinary
5 grievances, is only meeting remotely. We met
6 remotely with them in the Fire Department to try to
7 resolve this issue, but they failed to intervene to
8 have these workers kept as safe as OLR is keeping
9 itself. Arbitrators handling the final step, step 4
10 disciplinary grievances...

11 SERGEANT AT ARMS: Time expired.

12 SAUL FISHMAN: Ah, may, ah, please, ah,
13 conclude? Ah, arbitrators handling the final step of
14 the process via the Office of Collective Bargaining
15 are also meeting exclusively online. Indeed, all
16 responsible entities are following guidances for
17 remote hearings. Ah, for example, Family Court, ah,
18 which handles important abuse and neglect cases
19 involving children, meets remotely. I know because,
20 ah, we represent approximately 200, ah, ACS, ah,
21 Family Court legal services members, many of whom,
22 ah, have contacted me about the challenges presented
23 by remote hearings, ah, and of course as, ah, we all
24 know, ah, all city, ah, public schools have switched
25 back to 100% remote hearing. So I'm respectfully

1 asking that this committee investigate and act to
2 stop the city agencies' shortsightedness and
3 hypocrisy while supporting the good work advanced by
4 this bill being considered by this committee.
5 Moreover, I'm also asking that this committee and
6 DCAS reaffirm the ability of city workers to safely
7 telework wherever it can be done effectively. Ah, as
8 we speak my members at several agencies are being
9 asked to return to their offices to do exactly what
10 they can and have been doing effectively from home.
11 With that, ah, I'm requesting that my colleague, ah,
12 from Local 237, ah, health and safety coordinator,
13 Susan McGrath, um, Quade, I'm sorry, Susan McQuade,
14 ah, briefly, ah, address this committee. Thank you
15 very much for this opportunity, Chairperson Miller,
16 ah, committee members, and friends. Thank you.

18 CHAIRPERSON MILLER: Thank you, Saul.

19 COMMITTEE COUNSEL: Thank you. We will
20 now hear from Susan McQuade.

21 SERGEANT AT ARMS: Time starts now.

22 SUSAN MCQUADE: Hi. My name is Susan
23 McQuade and I'm the health and safety coordinator at
24 Teamsters Local 237. Ah, we represent 24,000
25 members, most of whom work for the city. The good

1 majority of them are deemed essential and on the
2 front line from the very beginning of this epidemic.
3 Ah, we have workers at the Housing Authority, the H&H
4 hospital police and school safety agents, peace
5 officers at CUNY, security officers at city agencies,
6 members in schools, jails, medical examiner, home
7 shelter, a lot of places. Ah, we have lost 71
8 members to the virus, ah, active members, which is
9 just an awful statistic. Um, issues around
10 sufficient PPE and confusing policies are also our
11 experiences. So I will just agree with what everyone
12 else has said. We have experienced the same. Um,
13 yes, and Intro 1797 is a really important initiative
14 to ensure that all these workers in the city, ah,
15 know that they can be paid when they're out sick.
16 This is a, a real concern about sick time. You know,
17 essential workers, ah, they don't get to take sick
18 time if they're around somebody who's sick, thereby
19 possibly infecting somebody else, or those who can
20 quarantine if they do not develop COVID then they
21 have to use their own sick leave time and many of
22 them will say I don't have sick leave. So this is an
23 ongoing issue that we face at various agencies. Ah,
24 Saul Fishman mentioned the support of the
25

1 informational bill. Um, this, of course, is
2 absolutely essential. I also want to echo on
3 training. Many times workers say they've asked me to
4 do temperature screening, they haven't explained
5 anything to me. I me, the, the training has been lax
6 in many places. But most to focus on your last bill,
7 which is about the, ah, establishing this board,
8 which echoing Ms. Middleton and others that this is
9 absolutely essential and would be a real welcome
10 addition. Um, oversight is really needed by DCAS and
11 others. As Mr. Fishman just talked about, we're
12 fighting with some of these employers to really
13 employ what we say is in the DCAS guidelines, yet
14 they don't seem to be following it. So what is our,
15 what can we possibly do? I understand that it's
16 difficult that there's so many agencies, but the
17 interpretation of these guidances being left
18 sometimes, as everybody is talking about different
19 amounts of time to be given, really leads to
20 tremendous amount of confusion and actually concern
21 for the exposure, undue exposure of people to some of
22 these, um, some of these, ah, ah, possibilities that
23 could happen. Um, all proceedings of this board
24 should be made public and we would suggest that
25

1
2 hearings be held to address major concerns. Um,
3 again, input from workers and their organizations at
4 every stage to ensure that all issues are being
5 addressed with an eye towards best protecting New
6 York workers. Please consider the board will remain
7 in place not for a fixed period of 180 days, but for
8 the length of the health emergency at hand. As we're
9 entering our tenth month of COVID it's clear the
10 continued involvement of the board throughout the
11 emergency as new issues arrive is gonna be
12 beneficial. Um, again, just trying to get some
13 consistency and where we can go when we find agencies
14 are not following...

15 SERGEANT AT ARMS: Time expired.

16 SUSAN MCQUADE: ...the guidances. Ah,
17 just one more. I had an issue where people calling
18 and telling me they wanted a training for 125 people
19 to set up. Ah, and, but they went down to 60, which
20 is even too much. So agencies are just kind of
21 interpreting it on their own and we really need
22 an arbiter to get in, and, and it's not just enough to
23 send out guidances. There needs to be some
24 overnight, oversight mechanism in place to be able to
25

1
2 ensure that people can get what they need to make
3 sure, ah, their members are all safe. Thank you.

4 CHAIRPERSON MILLER: Thank you so much,
5 Susan.

6 COMMITTEE COUNSEL: Thank you. That is
7 all we have for this panel. Chair, if you do not
8 have any other questions we can move on to the next
9 panel.

10 CHAIRPERSON MILLER: I just want to thank
11 this panel and, and I look forward to them, some of
12 had your, something you wanted to say? You wanted to
13 add something, Saul? Could you take him off mute,
14 please?

15 SAUL FISHMAN: Ah, yes, thank you. Ah,
16 thank you, Chair. Ah, I just wanted to make sure
17 that I, in, in the rush that I didn't, ah, skip over
18 mentioning the, ah, the [inaudible] unit within the
19 Fire Department, ah, where, where they're being asked
20 to, you know, rules written specifically for this one
21 unit, ah, to, to go in and where any one party can
22 request an in-person, ah, hearing or interview, that
23 if any one of them asks for it that you have to go in
24 and basically risk your life in person. That just
25 doesn't comply with anything, and I ask that be

1 investigated and, ah, and just wanted to make sure it
2 comes to your attention, and to DCAS's
3 interpretation, because I have no idea what kind of,
4 what kind of, ah, guidelines they think that is, but
5 that just, it shouldn't fly, it shouldn't be allowed,
6 it's terrible, and I appreciate your attention.
7

8 Thank you.

9 CHAIRPERSON MILLER: Thanks. I just want
10 to, I want to thank the panel, but I will say this.
11 What we're learning hear, that there is a particular
12 agency that, that, that has a real problem. I think
13 that we've known that from the onset of just how they
14 distribute the work in an inequitable way, how the
15 services and PPEs get, and compensation get
16 distributed in, in a certain way, and we're gonna be
17 paying, ah, particular attention to FDNY, ah, as well
18 as others. And, ah, ah, Madam President Powell, you
19 wanted to ask something? One second, you're still,
20 there you go.

21 DALVANIE POWELL: OK. I wanted to add
22 that, um, when it comes to like [inaudible] talking
23 about the vehicles that we need to put on the, um,
24 to-do list or the bucket list the cleaning of, um,
25 the cars. That because of COVID they need to be more

1
2 mindful of keeping them cars clean on a regular
3 basis. Um, I think, if my members get wipes, if some
4 of them get that, some of them doesn't even get wipes
5 to wipe the cars down. That needs to be something
6 that they need to be more mindful about doing.

7 CHAIRPERSON MILLER: Absolutely.

8 DALVANIE POWELL: Because so many people
9 use the cars and stuff, to the point now my members
10 are even kind of apprehensive about using the
11 department's cars and using our public cars, and then
12 one more thing. Our cars are so small we use
13 [inaudible]. And I got like football players.

14 CHAIRPERSON MILLER: Right.

15 DALVANIE POWELL: How much social
16 distancing can you do if you got these little tiny
17 cars and I got, you know, two or three people in the
18 car. So I just want put that out there. So we need
19 [inaudible].

20 CHAIRPERSON MILLER: Thank you so much.

21 DALVANIE POWELL: OK.

22 CHAIRPERSON MILLER: Thank you.

23 DALVANIE POWELL: Right.

24 CHAIRPERSON MILLER: OK, thank you so
25 much to the panel. I, I appreciate you speaking your

2 truth. It's so absolutely important to getting to
3 where we need to be. Ah, thank you for your service
4 and the service of your members and, ah, I look
5 forward to working with you in the future. Nouzat?

6 COMMITTEE COUNSEL: Thank you. Our next
7 panel will be Jose Santos, health and safety
8 coordinator from SSEU Local 371, Josh Kellerman from
9 RWDSU, and Zubin Solemany from New York Taxi Workers'
10 Alliance. Jose Santos, you may begin.

11 SERGEANT AT ARMS: Time starts now.

12 COMMITTEE COUNSEL: Jose Santos, are you
13 there?

14 CHAIRPERSON MILLER: We'll get back to
15 him.

16 COMMITTEE COUNSEL: All right, yeah,
17 well, it seems we're having some technical
18 difficulties. So we'll now hear from Josh Kellerman.

19 SERGEANT AT ARMS: Time starts now.

20 JOSH KELLERMAN: Hi there. Glad you can
21 hear me. Um, thank you, Chair Miller and members of
22 the committee, ah, for the opportunity to testify.
23 My name is Josh Kellerman. I'm the director of
24 public policy at the Retail, Wholesale, and
25 Department Store Union, RWDSU. Um, our members work

1
2 in retail, grocery stores, pharmacies, food service,
3 food processing, car washes, nursing homes, airlines,
4 nonprofit social service organizations, and more. A
5 significant portion of our members have been working
6 through the pandemic and the food supply chain and in
7 health care. I'm here to testify today in support of
8 all four bills that are before the committee. Ah,
9 but first I want to talk about COVID-19, ah, and its
10 impact on our membership. Um, I can't overstate the
11 impact of it on the members of RWDSU. It has been
12 deadly. Over 40 members have been, have lost their
13 lives to COVID. This resulted in the workers in the
14 grocery store industry, many of whom earn the minimum
15 wage, fearing for their lives every day they show up
16 to do this essential job. It has caused untold
17 misery in the poultry and meat packing industries.
18 And it has put enormous strain on our healthcare
19 workers. Many workers in nonessential industries,
20 like apparel retail and car washes, ear low wages and
21 had little financial cushion prior to the crisis.
22 These workers will continue to need financial and
23 other support as the pandemic continues. We've
24 coordinated funding drives to financially support our
25 furloughed members and have coordinated food drives

1 as well. We have also spent an enormous amount of
2 time educating union and nonunion members alike about
3 the resources available to them during the pandemic -
4 testing, PPE, sick leave, unemployment insurance,
5 Workers' Comp, Workers' Comp. Many workers,
6 particularly nonunion workplaces, were surprised to
7 learn of all the benefits available to them,
8 highlighting the importance of education and
9 outreach. Our experience in New York is that a clear
10 plan with enforceable standards can set the right
11 trajectory in motion. For example, requiring that
12 all customers in retail and grocery must wear masks
13 has created a clear standard that everyone can
14 understand. Employers have responded to this clear
15 standard, as there is almost no store in NYC that
16 lacks a sign on the front day saying no mask, no
17 service. There is no doubt this work, that this
18 policy has saved workers' lives and contributed
19 significantly to lowering the curve on infections.
20 Clearly, enforceable standards from the government
21 create a clear standard for employers to follow and
22 ultimately it is the workers who are protected. Um,
23 let me also note that prior to no mask, no service,
24 um, standard being put in place, most union employers

1 already had such a requirement in place. Why?
2 Because unions having bargaining power in the
3 workplace, so we demanded that our employers from the
4 outside do the most to protect their, their workers.
5 This is the value of workplace democracy in moments
6 like this. So let me turn to the, ah, four bills.
7 Ah, first, the Healthy Terminals Act. Ah, our local,
8 ah, RW Local 1102 represents thousands of workers in
9 the New York City airports, primarily in airline
10 catering and terminal concessions. Ah, most of these
11 workers do not get health insurance from their jobs
12 and instead rely on Medicaid or other publicly funded
13 programs. And many others go without insurance...

14
15 SERGEANT AT ARMS: Time expired.

16 JOSH KELLERMAN: Um, so we support the
17 resolution of the Healthy Terminals Act and are glad
18 that you all are doing that. Um, let me just note a
19 couple things about the other, ah, bills. Um, on the
20 informational campaign on earned safe and sick time,
21 we'd be happy to attempt to work with our employers
22 at unionized pharmacies, food, retail, and apparel
23 stores to put this information in front of customers.
24 We'd love to be in contact with you all about that.
25 Um, and, ah, like one of my, ah, colleagues in the

1 labor movement mentioned earlier, um, we would love
2 to, ah, have a labor representative on the board, ah,
3 reviewing guidance during the pandemic. This is not
4 just important for getting its moment right but also
5 for creating a blueprint for dealing with future
6 pandemics. So, thank you very much for the time and
7 I look forward to answering any questions.

8
9 COMMITTEE COUNSEL: Thank you. We'll
10 hear from Zubin next.

11 SERGEANT AT ARMS: Time starts now.

12 ZUBIN SOLEMANY: Ah, good afternoon.
13 Thank you, Chair Miller, ah, and members of the
14 committee for allowing me the opportunity to speak.
15 Um, my name is Zubin Solemany. I'm a staff attorney
16 at the New York Taxi Workers Alliance. Ah, we 23,000
17 TLC-licensed drivers in the city, um, including about
18 half of them who currently drive for companies like
19 Uber and Lyft, which have, ah, consistently
20 misclassified these workers, ah, as independent
21 contractors. Ah, and this has serious consequences
22 when it comes to these workers' ability to access,
23 um, paid sick leave. I'm definitely in support of,
24 of the Intro expanding notice requirements about
25 earned sick time. Um, but what drivers and other

1 commonly misclassified workers need is a secure and
2 predictable, ah, right to paid time off when they're
3 sick. Drivers shouldn't have to worry about the
4 financial burden of not working when they're sick,
5 and passengers shouldn't have to worry about whether
6 their drivers are sick. Um, the problem of
7 uncertainty, um, with these commonly misclassified
8 workers is that, um, even though the DOL has found
9 Uber and Lyft drivers on, ah, the state DOL to be
10 employees, um, the test that is used to determine,
11 um, classification is so complex, um, that it's so
12 easy for the companies to not comply prospectively,
13 ah, and it involves, and determining whether they are
14 employees or not, ah, is fact intensive under the
15 traditional tests and involves a lot of time-
16 consuming litigation, extensive delays that get in
17 the way of workers getting these benefits when they
18 need it, getting them quickly, ah, and along these
19 lines. So I would urge this committee to pick up
20 Intro 1926, ah, which Council Member Lander had
21 intro'd earlier in the year that would use this
22 simple ABC test to determine employment status for
23 purposes of the city's earned sick and safe, ah, safe
24 time act. Um, and we have a cautionary tale of what
25

1
2 it looks like to try and enforce, ah, these emergency
3 benefits when workers need them under the complicated
4 test we've had. Um, you know, when, when Uber
5 drivers first started filing unemployment context,
6 ah, five years ago, one of our members waited 11
7 months to get his benefits because the DOL said they
8 couldn't figure out whether he was an employee or
9 not. And it took a thorough lawsuit to get that case
10 moving. Um, when the pandemic rolled around and
11 44,000 drivers for Uber and Lyft ended up filing for
12 employment status, um, it took six months and a
13 preliminary injunction from a federal court to get
14 those benefits paid out on time, ah, when it should
15 have taken two weeks, in large part because the
16 companies have still not complied and the DOL took
17 the position that, well, you never know, you always
18 have to determine these things on a case-by-case
19 basis. You know, by now the Court of Appeals, for
20 example, has decided that Postmates delivery workers
21 are employees. The DOL decided that Uber and Lyft
22 drivers are employees. So the question around these
23 workers isn't really do they have these rights or
24 should they have these rights. But are they gonna

1
2 have predictable secure access to them? And the best
3 way to give...

4 SERGEANT AT ARMS: Time expired.

5 ZUBIN SOLEMANY: Um, the best way to give
6 this workers a clear expectation of their rights and
7 to give employers clear expectations of their
8 responsibilities is to implement the ABC test for the
9 Earned Sick Time Act. Ah, and very briefly I'll,
10 I'll just say, you know, in the months to come you'll
11 be hearing a lot from these companies, most likely,
12 and their lobbyists, that they can't do this. That
13 flexibility employee benefits are fundamentally
14 incompatible. And that's wrong, and that's been
15 wrong. Ah, whether workers can accrue paid sick
16 benefits based on the hours that they do work has
17 nothing to do with their flexibility. These are same
18 arguments these companies made, ah, when this council
19 passed the minimum driver pay rules and the sky
20 didn't fall. Ah, drivers have been receiving New
21 York State unemployment benefits as employees since
22 2016 and the sky didn't fall. Um, the path to
23 getting these benefits should be clear and more
24 efficient. I urge you to pick up Intro, um, 1926 as
25 a way to provide that [inaudible] and also to provide

1
2 an example to those in the state and in other
3 governments, that, that workers and governments that
4 care about workers aren't going to be bullied into
5 rolling back the rights that already, that workers
6 have already earned. Ah, thank you for the
7 opportunity to testify.

8 COMMITTEE COUNSEL: Thank you for your
9 testimony. We will now circle back to Jose Santos.

10 SERGEANT AT ARMS: Time starts now.

11 JOSE SANTOS: Hi, good afternoon. Can
12 you hear me now?

13 COMMITTEE COUNSEL: Yes, we can.

14 JOSE SANTOS: Oh, OK, thank you. First
15 of all, I would like to thank Chairman Miller and the
16 committee for inviting SSEU Local 371, the Social
17 Services Employees Union, to this hearing, and also I
18 would like to thank my president, Mr. Anthony Wells,
19 for allowing me to testify at this hearing and
20 provide my testimony. Um, my name is Jose Santos.
21 I'm the health and safety director of SSEU Local 371
22 [inaudible] union. In 1996 I started employment with
23 the Human Resources Administration as a [inaudible]
24 investigator. In 2001 a group of 371 members, we
25 volunteered to work in Ground Zero, because that's

1 what we do. We help people. I am responsible for
2 the safety and health of 23,000 city employees. As
3 of today we have lost 43 members. The reason that
4 I'm here today is to testify about my experiences
5 when I go on location. First of all, let me
6 congratulate DCAS for putting together such a, a, for
7 compiling together such a back-to-work, ah, reopening
8 plan, which I have a copy and I use as a guide when I
9 do my, um, when I do my walk-through. Many of our
10 members are still working remotely and they have
11 demonstrated that they can do their work effectively
12 working from home. Others still working throughout
13 the pandemic. They are called essential workers, but
14 they don't get essential pay and they're not getting
15 essential protection, OK? Ah, they work at the Parks
16 Department. They work at Homeless Services,
17 Department of Corrections, [inaudible] Services, and
18 many others. Now this is where things get
19 complicated. Some agencies are starting to bring
20 workers and units into location without notifying the
21 union, and without allowing us to conduct a walk-
22 through to reassure that the agency is in compliance.
23 The worst agency that I have seen is the Department
24 of Correction. It is a mess. They have, they don't
25

1
2 practice social distancing. They don't have the
3 proper PPE. You can't make an inmate wear a mask.
4 Ah, there's no, um, logs, very important. I must
5 mention this is a law because this is throughout all
6 the agencies, cleaning laws, because we have people
7 at these locations, they want to make sure that the
8 bathrooms are clean. They want to make sure how
9 often the, the bathrooms were cleaned, when, who did
10 it, and what [inaudible]. We also want to know when
11 the filters were changed. When we go to the union...

12 SERGEANT AT ARMS: Time expired.

13 JOSE SANTOS: We go to management and we
14 ask them for their reopening plan they look at me
15 like I'm talking another language, they're not aware.
16 OK? Ah, the best agency I have seen so far is the
17 Taxi and Limousine Commission. They, they're
18 perfect, OK? Now the members are calling us, telling
19 us that they've been mandated to report back to work
20 and they're not giving them enough time so they
21 could, ah, take care of childcare issues or family
22 issues, OK? And on top of that the union is not
23 being notified, OK? When we conduct a walk-through
24 we ask to see where is their reopening plan at, but
25 they're not posted, OK? Ah, hold on a second please.

1
2 I'm a little bit excited because I've been waiting
3 for this moment and I could see some light at the end
4 of the tunnel because so far I've been clashing
5 against the wall. I'm [inaudible] Riker's Island.
6 They were calling. They were working remotely. Now
7 they called me, they had reasonable accommodation,
8 but now when they come back to work the agency have
9 taken the reasonable accommodation away, OK? Also,
10 retaliation. After conducting a walk-through at
11 Riker's Island and Manhattan Center the agency
12 conducted a raid and they took all my members'
13 personal belongings. Some of these officers there
14 were, there were cells, retaining cells, and they
15 were converted into offices. So members had air
16 purifiers in there and they took them away. Now the
17 membership look at like, you know, they did the
18 [inaudible], they did that because you guys were
19 here. They retaliated against us. If you get a mask
20 at the Correction you have to sign for it. You have
21 to sign for a mask. They say they provide masks, but
22 when I look around everybody is wearing their
23 personal mask. So that raises a flag. So if you're
24 providing, if you're providing PPE how come they have
25 their own personal mask, OK? Ah, HRA. HRA, we have

1
2 centers open. We provide services at HASA. So the
3 agency, they bought plexiglas [inaudible]. So the
4 plexiglas is about 60 inches wide with an opening in
5 the bottom, of the bottom part. So imagine yourself
6 right now, Councilman, sitting with a 60-inch piece
7 of plexiglas in front of you with an opening at the
8 bottom. So there's something in between you and the
9 plexiglas. Your computer monitor is right there. So
10 the clients when they turn in the documents they
11 can't because it's [inaudible] by the, by the
12 monitor, OK? So the next thing to do, there's a big
13 gap between your cubicle and the next cubicle, so
14 people what they do is they tend to pull over and
15 talk through the opening, defeating the whole
16 purpose. So not at DCAS, like I said it, they put a
17 wonderful plan, a beautiful, ah, manual. However,
18 other agencies are not following it. You see?
19 That's [inaudible]. Ah, ah, regarding...

20 CHAIRPERSON MILLER: Jose, can you begin
21 to wrap up, please? Thank you.

22 JOSE SANTOS: OK. I'm sorry, Councilman.
23 It's that I have so much to say and I think that
24 three minutes or five minutes is not enough, OK? So
25 we need to protect our members, the essential

1 workers. So please give them essential protection.

2 Thank you.

3
4 CHAIRPERSON MILLER: Thank you, Jose. As
5 well as, you know, you could also submit written
6 testimony so that we can follow up on the specifics
7 that whatever, um, we didn't talk about here today,
8 OK? And certainly Anthony is in my ear every day.
9 So, um, we're hearing it. Thank you so much for your
10 testimony.

11 COMMITTEE COUNSEL: Thank you to that
12 panel. Um, again, I will remind any council members
13 if you would like to ask a question of any our panels
14 to please use the Zoom raise hand function. Our next
15 panelist will be Claudia Shacter-deChabert from CUNY
16 School of Labor and Urban Studies, Charlene Obernauer
17 from the New York Committee for Occupational Safety
18 and Health, Emarita Torres from Community Service
19 Society of New York, and Joel Kupferman from the
20 Environmental Justice Initiative. First we'll hear
21 from Claudia.

22 SERGEANT AT ARMS: Time starts now.

23 CLAUDIA SHACTER-DECHABERT: Thank you for
24 the opportunity, um, to speak today. Um, I'm Claudia
25 Shacter-deChabert, an adjunct lecturer at the School

1 of Labor and Urban Studies, ah, CUNY. Um, as a city
2 worker myself and someone who teaches city workers, I
3 have seen the devastation of COVID-19 up close. I
4 applaud the City Council for holding this hearing and
5 the proposed initiatives which will positively impact
6 the health and safety of workers in New York City.

7 In keeping with the mission and values of the School
8 of Labor and Urban Studies, worker health and safety
9 is a basic human right. No worker comes to work to
10 die. To the extent that city legislation can play a
11 role in ensuring that workers have a healthy
12 workplace, um, we support, um, and highlight, um,
13 some of the bills. We would support them all. Um,
14 establishing a board to review workplace health and
15 safety measures during COVID-19 and in the future is
16 a good idea. It's important to have a timeline
17 within which to complete this work. And as the
18 second wave lurks all around us, it's important for
19 this work to begin now. We would also support, um,
20 1797-2019, which would create the informational
21 campaign concerning workers' rights under the earned,
22 um, safe and sick, sick time act. Making workers'
23 rights clear to working people is key to ensuring
24 enforcement of those rights. And finally, although
25

1
2 is not the subject of this particular hearing, we
3 along with New York Committee on Occupational Safety
4 and Health, um, would call on, um, as well as others
5 in the labor, um, ah, labor unions and community call
6 on New York State to pass the legislation, New York
7 Hero. Um, that would create enforceable standards,
8 ah, statewide to protect workers from COVID-19,
9 including protocols on testing, face masks, PPE,
10 social distancing, hand hygiene, disinfection, and
11 engineering controls. Thank you very, very much for
12 the opportunity today. Thank you.

13 CHAIRPERSON MILLER: Thank you, Claudia.

14 COMMITTEE COUNSEL: Thank you. We will
15 now hear from Charlene Obernauer.

16 SERGEANT AT ARMS: Time starts now.

17 CHAIRPERSON MILLER: Ah, Charlene is
18 muted.

19 CHARLENE OBERNAUER: Hi, can you hear me?

20 CHAIRPERSON MILLER: Yep.

21 CHARLENE OBERNAUER: Hi, my name is
22 Charlene Obernauer. I'm the executive director of
23 NYCOSH. Thanks for giving me the opportunity to
24 testify. As many other folks have said, today in New
25 York workers are in crisis and, um, are particularly

1
2 in crisis as a result of the second wave hitting New
3 York State and New York City. Um, workers are not
4 only facing health and safety risks on the job, but
5 are also facing record numbers of unemployment and
6 essential workers have been exposed to COVID-19
7 hazards since the virus emerged. Um, many have
8 gotten sick. We don't know the exact number because
9 we don't track that information, um, and many haven't
10 quite chosen to go back to work in unsafe conditions
11 but have been forced to due to economic necessity.
12 And workers are at risk partially as a result of the
13 Occupational Safety and Health Administration not
14 doing its job. Um, simply put, the agency is asleep
15 at the wheel. They've issued guidance, but no
16 enforceable standards whatsoever. To make matters
17 worse, they aren't enforcing already-existing
18 standards. There also have been, you know, questions
19 about the science, about, you know, COVID actually
20 being transmitted, ah, via aerosolized particles.
21 This has been, you know, widely understood in the
22 scientific community but has taken the CDC a long
23 time to actually acknowledge. So there are
24 significant issues with the way that OSHA has
25 handled, um, you know, this pandemic and the way that

1 the Trump administration has handled this pandemic.
2 Um, but to speak specifically to the legislation,
3 first on Intro T2020-6717, which would establish a
4 board to review workplace health and safety guidance,
5 um, we support this legislation. Ah, we think we
6 need to be smart about making improvements to our
7 response in the case of emerging infectious diseases,
8 and we think that creating such a board would bring
9 together some of the best strategists to figure out
10 where New York City's response could be improved. We
11 agree with the other speakers that having a labor
12 representative on the board would be excellent and
13 would be pretty essential. Um, we also believe that
14 this legislation, um, does need to have a specific
15 timeline that is tied to the pandemic, which another
16 speaker spoke to. Um, it shouldn't, shouldn't be a
17 restricted timeline, but should be, you know, ah,
18 presented in that way. And also, um, we'd like to
19 know, you know, when this process would be started.
20 Um, it's somewhere unclear as to when exactly we
21 would, um, begin, begin the process of putting
22 together this committee. Um, second, we'd like to
23 address Intro 1797-2019, which would create an
24 informational campaign concerning workers' rights
25

1
2 under the Earned Sick and Safe Time Act. We also
3 support this legislation. Um, you know, the question
4 becomes like who do workers call when employers
5 violence workers' health and safety. Um, if they
6 call federal OSHA our perspective is nobody's gonna
7 come. Um, and these are the kinds of questions we
8 get every day from workers that we train. They're
9 being exploited at work and they don't know what to
10 do about it. Making workers' rights clear to working
11 people would be essential to ensuring that people can
12 really enforce their rights on the job. So we would
13 support that legislation. Um, finally, we know it's
14 not the subject of this hearing, but it's important
15 to note that NYCOSH is joining...

16 SERGEANT AT ARMS: Time.

17 CHARLENE OBERNAUER: ...[inaudible] labor
18 and the community to call on New York State to pass
19 New York Hero, to create enforceable standards to
20 protect from COVID. Um, again, I know this isn't the
21 subject of this hearing, but given the risks
22 associated with COVID we felt it important to note.

23 CHAIRPERSON MILLER: Thank you, Charlene.

24 CHARLENE OBERNAUER: Thank you.

25

1 COMMITTEE COUNSEL: Thank you for your
2 testimony. We will now hear from Emerita Torres.

3 SERGEANT AT ARMS: Time starts now.

4 EMERITA TORRES: Thank you for the
5 opportunity to testify. My name is Emerita Torres
6 and I'm the vice president for policy, research, and
7 advocacy at the Community Service Society of New
8 York, where we work to up, to advance upward mobility
9 for low-income New Yorkers. We have been leaders in
10 the fight to expand protections and benefits for low-
11 wage workers, including efforts to pass paid sick
12 days laws. I'm here today to explain why the City
13 Council must pass Intro 1797, which would require the
14 Department of Consumer and Worker Protection to
15 create an ongoing information campaign to educate the
16 public of their right to paid sick leave. I want to
17 thank Councilman Miller, Council Member, ah, Levine,
18 and Manhattan Borough President Gale Brewer for their
19 relentless support of Intro 1797. As the city
20 grapples with another surge in coronavirus cases, it
21 is critical that New Yorkers are aware of their
22 rights to take job-protected paid sick leave under
23 the city's existing paid sick days law. Recent
24 analysis of our 2020 Unheard Third survey, which
25

1 polls low-income New Yorkers across the city,
2 revealed that a majority of New Yorkers have heard
3 little to nothing about federal, state, or city paid
4 sick leave laws. Unfortunately, as you heard earlier
5 today, just 40% of New York City residents said that
6 they heard about the city's own sick days laws, and
7 even fewer, 32%, were aware of the state's COVID-19
8 sick leave law. Even more disturbing, however, is
9 that many low-income workers know little to nothing
10 about federal, state, and local paid sick leave laws,
11 even though they're actually the ones who can least
12 afford to take time off to quarantine and stand to
13 benefit the most from these measures. Only 39% of
14 low-income workers were familiar with the city's paid
15 sick days requirement. Just 37% knew about the
16 state's COVID-19 leave. And only 37% knew about the
17 federal act. Research has shown that when people
18 have and utilize paid sick leave it leads to
19 healthier families and communities. For example, a
20 study from the 2009 flu outbreak found that workers
21 with paid sick leave were 30% more likely to be
22 vaccinated against the flu and were more likely to
23 seek treatment when they were sick with flu-like
24 symptoms, compared to those without paid sick leave.
25

1
2 Another recent study found that the general flu rate
3 in jurisdictions with paid sick days, sick days laws,
4 excuse me, fell by 5.5% to 6.5% after the laws took
5 effect. With more New Yorkers visiting healthcare
6 locations for COVID-19 testing, Intro 1797 would be a
7 simple and very low-cost way to get the right
8 information to the right people at the right time.
9 Widespread posters would also improve awareness among
10 employers and the general public, making it harder
11 for the most vulnerable workers to be denied their
12 rights. In closing, with the city poised to enter
13 the second wave of the coronavirus pandemic, we urge
14 the City Council to pass Intro 1797. We know that
15 paid sick leave laws can help prevent the spread of
16 COVID-19 by enabling low-income workers to stay home,
17 without fear of losing their jobs or their paychecks.
18 But these laws are only effective if workers know
19 about them. Now more than ever every New Yorker
20 needs to know about their right to paid sick leave...

21 SERGEANT AT ARMS: Time expired.

22 EMERITA TORRES: ...[inaudible]. Thank
23 you.

24

25

1 COMMITTEE ON CIVIL SERVICE AND LABOR 135
2 COMMITTEE COUNSEL: Thank you for your
3 testimony. The final panelist on this panel is Joel
4 Kupferman.

5 SERGEANT AT ARMS: Time starts now.

6 JOEL KUPFERMAN: Thank you very much,
7 Chair Miller. Um, I just want to quote from your,
8 your statement. "However, as many workplaces tend to
9 be sites of regular, frequent interactions at close
10 quarters that can serve as incubators for viral
11 spread", and that's what they've been doing. Um,
12 science has shown that virus is tougher, more
13 persistent, and more dispersed than originally
14 thought. Ventilation is the key, um, to making the
15 workplace a lot safer. Ensuring adequate ventilation
16 through the work environment can help maintain a safe
17 and healthy workplace. Our industrial hygienist,
18 Ramona Russell, writes, "One day there was no COVID-
19 19 and the next day it was everywhere, including in
20 the air. Soon it was clear that masking with cloth,
21 distancing, and sanitizing would only work when the
22 air was not highly contaminated, that the building
23 operators needed to control the amount of fresh air
24 coming into buildings and replacing contaminated air.
25 However, older buildings often have no ventilation

1
2 systems at all and relied on occasional air sources
3 such as windows and doors. Buildings with heating
4 and air conditioning, HVAC systems, often have
5 limitations due to the system's age, design, limits,
6 or poor maintenance. In addition, building managers
7 often assumed, incorrectly, that systems performing
8 in compliance with appropriate building code
9 standards would be sufficient." The virus spreads
10 because it's aerosolized and using fans and, and just
11 windows actually helps spread those viruses. And
12 it's very interesting that all this information
13 that's been proposed is information that's coming
14 down from information that's available by, by Google
15 or Zoom, you know. What's important that's not
16 coming up is information that's coming up from the
17 site themselves. We filed a PESH report. We
18 represented people at Moore. The teachers there were
19 very upset. They were scared to go into schools that
20 now are turned to be closed. Building, um, the
21 buildings were inspected, School Construction
22 Authority used forms that got smaller and smaller
23 after the COVID virus took place. These reports and
24 these inspections are meaningless and are actually
25 aspirational in terms of giving false information and

1 false reliance on incomplete information. They use
2 just a, um, a poll with, with a tissue to determine
3 whether, um, the air was clean enough in schools and
4 that turned out to be totally false and bogus. The
5 city should ask how could they inspect 1700 schools
6 in one week and tells us that they were repaired?
7 That information was not challenged and after all of
8 this the schools are finally closed. We're proposing
9 that we do a really strong, um, investigation using
10 the, the matrix, um, such as six air exchanges per,
11 per hour, [inaudible] filters to 13 to 17 filters,
12 and maximum amount of air...

14 SERGEANT AT ARMS: Time expired.

15 JOEL KUPFERMAN: OK. I just want to say
16 one thing that, well, just one thing more in closing,
17 that part of the problem is that people are still
18 scared. Workers are still scared to report what's
19 wrong. We filed the PESH report. The state just,
20 um, shoved it aside, just saying due to the executive
21 authority they can't do. I think it's important that
22 New York City look at, at whistleblower protection
23 for their workers. I'm speaking to workers, nurses,
24 teachers, and everyone else that are scared to speak
25 out, and I think, it's not just making your call, I

1 think it's important for them to, to feel like
2 there's some protection that, that's there and also I
3 believe that there should be an ombudsman that's
4 appointed that someone that they could be trusted,
5 someone that's actually proactive and not reactive.
6 Most of the, our, our information that we've given to
7 the city have been fought and we're told, and I would
8 call them apologists, they keep on telling us the
9 minimum amount that the city has to do. We have to
10 ask about due diligence, that all these places and
11 sites should be inspected, and that there, there are
12 good standards out there that we will provide from,
13 um, [inaudible], um, including, ah, OSHA and, um,
14 American Society of [inaudible] whose standards show
15 that, um, regular, old regulations can apply,
16 American Conference of Governmental Industrial
17 Hygienists, um, and I think it's really important
18 that ventilation be taken back on, on, into, into the
19 burner and then if we don't have clean air, no matter
20 how many times people wash their hands, um, people
21 are going to continue getting sick. But I think it's
22 important to put more teeth and more enforcement in
23 this because just giving more information is letting
24 everyone slide in believing that the city is actually
25

1
2 changing things. We have to put in much more
3 engineering controls to bring that back and to make
4 sure it's safe. And also we should use citizen
5 science where we should make every worker a monitor.
6 Everyone has a phone, everyone, that phone could,
7 could measure temperature, could measure other
8 currents, and that gives people a chance to do a
9 prima facie case. The second thing that we want is
10 that workers now can't bring in outside industrial
11 hygienists to test, to test the sites. They're just
12 relying on, on city-hired ones. I think it's
13 important to change that law. We have to really open
14 up the science, um, to, to every worker and make
15 every worker's eyes, um, as, as a monitor. And I
16 think it's also incumbent upon the City Council to
17 hire more people. Not just a 90-day, um, um, panel,
18 but I think it's really important that they hire
19 their own staff, their own industrial hygienists,
20 their own engineers, so they could critically, um,
21 criticize what the city is doing, what the mayor is
22 doing, to make sure that the proper information is
23 not misinformation that we're getting. And also...

24 CHAIRPERSON MILLER: Thank you, Joel.

1
2 JOEL KUPFERMAN: ...the information has
3 been really slow in coming out. Just one more thing,
4 is that even the comptroller had to sue the mayor to
5 get important information. So just data alone is not
6 gonna do it. We're not getting the full data. I
7 think it's really important to put their teeth in and
8 after being the environmental attorney for the UFA
9 after 9/11 it took us years to get the fire houses
10 cleaned and they're probably still not clean, and the
11 city told them over and over again that their
12 fireplaces were clean, that the contractors that got
13 hired to clean the fire trucks missed all that World
14 Trade Center dust and they never were [inaudible].
15 So a lot of us are sitting here today went through
16 the 9/11 experience. We testified in City Council
17 years ago. And I think the lesson learned is that we
18 have to be much more belligerent, um, and also we
19 have to use due diligence and we've got to make sure
20 that if there's anyone that's giving us
21 misinformation that there be some type of reprimand.
22 Thank you.

23 CHAIRPERSON MILLER: Thank you.

24 JOEL KUPFERMAN: And we're willing to, we,
25 we have many materials to provide the City Council.

2 COMMITTEE COUNSEL: Thank you.

3 CHAIRPERSON MILLER: Nouzat, is that it
4 for the panel?

5 COMMITTEE COUNSEL: Yes. This is, ah, we
6 have more panelist. Um, we have...

7 CHAIRPERSON MILLER: Are any hands raised
8 from, ah, colleagues?

9 COMMITTEE COUNSEL: No hands raised at
10 this time.

11 CHAIRPERSON MILLER: OK, thank you. Then
12 we'll, thank you so much, ah, and, and, and let me
13 just say this, how critical this panel, a lot, a lot
14 of the, ah, initial panels were, were folks that
15 represent workers. But the people that really
16 provide the critical research and information, um,
17 that's gonna be utilized to keep people safe who are
18 a part of this panel, so I want to thank you and keep
19 that coming. I look forward to working with you.
20 OK. We're gonna go to the next panel, please.

21 COMMITTEE COUNSEL: Thank you. We have
22 one more panelist left. If we have inadvertently
23 missed anyone that would like to testify please use
24 the Zoom raise hand function and we will call on you
25 in the order your hand is raised. Our last panelist

1
2 is Ligia Guallpa, director of the Worker Justice
3 Project.

4 SERGEANT AT ARMS: Time starts now.

5 LIGIA GUALLPA: Um, good afternooon, um,
6 everybody, um, especially, ah, Chairperson, ah,
7 Miller, um, for the opportunity to testify today. My
8 name is Ligia. I'm the executive director of the
9 Worker Justice Project, a workers' rights
10 organization, um, that has stayed open as an
11 emergency and relief center for immigrant workers and
12 families during COVID-19. Since the pandemic WJP has
13 been serving over 6000 immigrant New Yorkers who are
14 playing an essential role in the economy and the
15 recovery of New York's, of our city. Our members are
16 cleaning, um, disinfecting, delivering food, and
17 providing critical essential services without health
18 and safety protections. These jobs have not only
19 become one of the most dangerous jobs of our city,
20 but also these jobs are done mostly by immigrants who
21 are the hardest hit communities by COVID-19 crisis.
22 Immigrants who are not only excluded from government
23 assistance, but are being denied paid sick time
24 leave, personal protective equipment, health and
25 safety training, and other worker, and other worker

1
2 protections. While we support, um, we strongly
3 support these resolutions and, and legislation
4 attempting to protect workers, um, we, we want to
5 strongly recommend that, that there needs to be done
6 more. But mostly for low-wage immigrant workers who
7 work on unregulated industries such as house
8 cleaning, um, workers that are working for the new
9 economy, which is online-based platforms, which has
10 become essential work and is being intentionally
11 misclassified to deny workers, um, the ability to get
12 paid sick time leave, the ability to work with safety
13 and dignity. And just to give you an example of what
14 these conditions look like and the struggle, I'm here
15 with one of the members, that is [inaudible] that is
16 gonna briefly just explain to you the challenges and
17 what are some of the demands that food delivery
18 workers are asking for New York City, from New York
19 City.

20 UNIDENTIFIED: [speaking in Spanish]

21 SERGEANT AT ARMS: Time expired.

22 UNIDENTIFIED: [speaking in Spanish]

23 LIGIA GUALLPA: So I'm gonna, I'm gonna
24 briefly translate. Um, and then, um, end my
25 testimony. My name [inaudible]. I'm, ah, one of the

1 thousands of essential workers, um, that have been
2 feeding New Yorkers. Um, but we're like as one of
3 the many essential workers that had been forgotten
4 and nobody speaks about it. We are the workers who
5 have been risking everything and have not stopped,
6 ah, working since COVID-19. We are the workers that
7 are, um, that recently decided to organize one of the
8 largest marches been organized by food delivery
9 workers, with the, with the only hope to get some
10 basic demands that we think we deserve as essential
11 workers. One is access to bathrooms that is being
12 denied by the restaurants because we no longer work
13 for the restaurants but by the online platforms.
14 We're asking for the most basic thing, which is
15 access to health and safety equipment that we're
16 consistently being denied because we're not
17 considered workers, but we're considered independent
18 contracts. We're asking, um, for a dignified space
19 to wait for work, because we no longer work for the
20 restaurants now the wintertime we only have to wait
21 in outdoors without being able to have a dignified
22 space to work and also to protect from the harsh
23 winter weathers. We're also asking for, um, for
24 safety. Because the streets have become the, our
25

1 workplace we're consistently being exposed not only
2 to e-bike robberies but also to violent act of crimes
3 against, um, delivery workers. Um, and I'm just
4 gonna end by saying that, um, work, um, [inaudible]
5 is one of the 50 more thousand workers that are
6 delivering and feeding New Yorkers, delivering food
7 and making sure that every New Yorker is fed
8 throughout the city. Also these are the workers that
9 are facing the, rootless, are becoming victims of
10 exploitation and putting the life at risk without the
11 ability to have a safe workplace. What we're asking
12 is specifically, um, as [inaudible] said, the need to
13 be able, the need to start regulating online
14 platforms who are putting at risk not only
15 [inaudible] but thousands of workers who are being
16 denied the ability to use a rest room, the ability to
17 have, um, ah, Workers' Compensation, the ability to
18 be, ah, paid medical bills when they get injured
19 every time they go and attempt to deliver food to, to
20 New Yorkers. Um, and not only that, the ability to
21 have and earned a dignified wage so they can live
22 with dignity, um, in one of the cities that they call
23 home. We urge New York City, we urge City Council
24 members, we urge every person here to take serious
25

1 what delivery workers are facing in New York City.
2 Not only to attempting to put the right protections
3 that they need but specifically thinking how the city
4 is gonna respond and protect every other essential
5 worker that is on the front line that is doing low-
6 wage work in unregulated industries across New York
7 City. Thank you so much. My name is Ligia Guallpa.

9 CHAIRPERSON MILLER: Thank you so much,
10 thank you, gracias. Um, are we?

11 COMMITTEE COUNSEL: Thank you.

12 CHAIRPERSON MILLER: [inaudible] to
13 testify.

14 COMMITTEE COUNSEL: Yes, ah, once more.
15 If we have inadvertently missed anyone that would
16 like to testify please use the Zoom raise hand
17 function and we will call on you in the order your
18 hand is raised. Seeing no raised hands, we have
19 concluded public testimony for this hearing. I will
20 now turn it back to Chair Miller for closing remarks.

21 CHAIRPERSON MILLER: OK. Nouzat, um,
22 I'm, I'm sorry, um, I did have a, a question for
23 Ligia. Um, and, and that was about, um, the, the
24 access to PPEs and, and, and training for these
25 service workers, these, ah, low-wage workers, ah,

1
2 that are essential and providing such critical
3 services to New Yorkers. Um, what, what is the
4 method and, and, and who are some of the community
5 and, and government partners that provide PPEs and
6 training, if, if, and if that is not case how do, how
7 can we assist?

8 LIGIA GUALLPA: So just to give you a
9 quick example, one of the biggest issues with online,
10 um, food, app-based food delivery workers is that,
11 ah, because they're intentionally misclassified as
12 independent contractors, um, they, their, the, the
13 companies nor the restaurants, um, are providing
14 personal protective equipment. And I think one of
15 the most critical things to understand is that with
16 food delivery workers it's not only being able to
17 access a mask, right? It goes beyond that. And in
18 order for workers to actually protect themselves they
19 have to invest thousands of dollars in health and
20 safety equipment. And we're talking about the right
21 proper helmet. We're talking about using vests.
22 We're talking about making sure the bikes have the
23 right proper equipment to make sure there's no
24 accidents. We're talking about making sure the right
25 jackets are, are being used whenever they're

1
2 delivering food. So I think one, one of the most
3 critical things for New York, for New York City and
4 City Council to take in account is one, making sure
5 how we can think about regulating and mandating that
6 these apps who are profiting out of the labor of
7 workers, who are becoming one of the most profitable
8 business in our city, not, actually are mandated not
9 only to provide masks, but are mandated to provide
10 the right proper equipment whenever they're hiring
11 food delivery workers. And one of the things that,
12 um, delivery workers are asking is that can New York
13 City, can City Council members allocate the public
14 space for them to warm up for two, three hours and
15 have access to a dignified bathroom. Can City
16 Council mandate restaurants to actually provide
17 access to bathrooms every time they pick up food from
18 their restaurant? Can that happen?

19 CHAIRPERSON MILLER: OK. That is, you
20 know, something, certainly something that we're gonna
21 take into consideration, as well as some of the
22 others that is, in the written report. But certainly
23 I'd be willing to have further conversation, ah, with
24 you and, on this as well, to be able to provide not
25 just the, the PPEs and the equipment, but more

1
2 importantly, um, you know, Dr. King says that all
3 labor that uplifts humanity, ah, has dignity, and
4 should be undertaken with painstaking excellent.
5 And, and that's where we are, right? So this is,
6 this is about the dignity of workers as well. So we,
7 we certainly want to work with you on that. Um, I
8 want to thank everyone for this, ah, hearing. It is,
9 ah, clearly we can do this for another four hours,
10 another four-and-a-half hours, there's so much
11 information, ah, ah, that is necessary, um, in order
12 to keep workers safe and protected, in order for
13 workers to continue to provide the critical services
14 that make the lives of New York so seamless. You
15 know, I say each and every day I, I kind of preface
16 it, all of my hearings and, and, and my former life,
17 all of my negotiations, by talking about the values
18 of, of New York City workers, particularly in the
19 municipal workforce, but all of the New York City
20 workforce. Um, there is a reason why major
21 corporations want to set up shop here in New York.
22 There is a reason why 65 million, ah, tourists come
23 to New York City. Ah, it is because it is safe,
24 because it is clean, because we have a world-class
25 transportation system, ah, because we have folks that

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2 will sacrifice and provide these services no matter
3 when, where, or how. And it has nothing to do with
4 the administration. It has nothing to do with the
5 council. It has everything to do with the men and
6 women that provide these critical services on a daily
7 basis. And, and we make to make sure that they are
8 protected, that they have, ah, the access and the
9 resources that are absolutely necessary for them to
10 ensure that they can provide their services, but that
11 they can come back to their families safely, right?
12 That we're not sending people out, um, and
13 particularly those who are forced to go out and
14 provide these critical services that don't have the
15 luxury of, of, of working from home, right? That,
16 and, and I think that is very important, because what
17 we have seen that there's a common theme here, um,
18 that there are agencies and there are, that, that
19 represent entire cities, but there are communities,
20 particularly communities of color, um, that have been
21 disproportionately impacted, even within individual
22 agencies. So, um, ah, this is, ah, obviously a
23 longer conversation that needs to be had, but we are
24 willing to, ah, continue to have those conversations,
25 continue to have these hearings, and, and make sure

1
2 that we are creating a platform and public policy
3 that reflects the needs and values of all New York
4 City workers. So I want to thank all of you for
5 participating. Ah, I want to thank, um, central
6 staff and the work that they have done. Nouzat has
7 been, ah, great work. Sergeant at Arms, thank you,
8 thank you, ah, all for the work that you have done.
9 To my staff, Ali, Brandon, Joe Goldbloom, and the
10 rest of the team, ah, thank you. And to my
11 colleagues that have joined us, thank you for all the
12 support that you give to, ah, the workers of New York
13 City, and, um, particularly the Committee on Civil
14 Service and Labor, ah, thank you for engaging us,
15 supporting us, and allowing us to support workers.
16 So we look forward to working with each and every one
17 of you in the future. With that, ah, my gavel.
18 [gavel] The hearing is adjourned. The hearing is
19 adjourned.

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C E R T I F I C A T E

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



Date December 30, 2020