



UNITED PROBATION OFFICERS ASSOCIATION

2510 Westchester Ave., Suite 207 • Bronx, NY 10461 • P: 212.274.9950 • F: 917.398.1640 • www.upoa.com

Testimony of
Dalvanie K. Powell
President
United Probation Officers Association
NYC Council Committee on Pay Disparity in the Municipal Workforce
April 25, 2024

Good morning, Chairperson Farah N. Louis and members of the Committee.

I am the President of the United Probation Officers Association. I thank the Committee on Pay Disparity in the Municipal Workforce for affording me, on behalf of the members of the United Probation Officers Association (UPOA),

Currently, there are approximately 650 Probation Officers and Supervisors, and a large number of our members are women and people of color – significantly lower than nearly two decades ago. Prior to Mayor Bloomberg’s administration, there were approximately 1,550 probation officers. But those numbers have steadily dropped – to more than half in recent years, even as our workload has increased due to a combination of factors such as bail reform and the implementation of Raise the Age legislation that increased the number of people we serve. To continue performing our duties to the best of our ability, we need your help.

The Department of Probation has severe issues with retention and recruitment. According to the Department of Citywide Administrative Services, we fall under the category of “hard to hire.” Why? Because our members are leaving for other higher-paying positions in the criminal justice system.



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While there was a civil service examination for Probation Officers in July 2022 and one for Supervising Probation Officers in May 2021, there has not been an exam for Administrative Probation Officers since 2017, though one was just recently scheduled for July 16 of this year.

In addition to the increased caseloads, morale has plummeted, and our members are beyond frustrated because our salaries are the lowest in the metropolitan area, including on Long Island and in Westchester County. Our compensation lags significantly behind other law enforcement agencies although we perform the same work as our colleagues in these nearby jurisdictions, adhere to the same job requirements, work with the same populations, and face similar dangers. And our salaries are \$30,000 less than those working in the Department of Correction even though we are considered Community Correction/Supervision.

Our members have been without a contract since November 2020. This is simply not acceptable. While we are in contract negotiations, this has moved at a snail's pace. While there is a salary range for our title under the current and past contracts, many of our members are suppressed at the lower end of that range with little opportunity to earn more; nor do our members ever reach the top salary for our title like other peace officers. For example, the hiring rate for a Probation Officer is \$45,934, the incumbent rate is \$51,903, and the max is \$76,483. It now takes a Probation Officer an astounding eleven years to earn \$57,880 in comparison to a Correction Officers who earn \$96,803 after five years – a finding that the City Council pointed out in a 2019 report on pay disparities.

We are aware that not only those in other City law enforcement workforces reach their max salaries, but several civilian titles do so as well. For example, Deputy Sheriffs who are peace officers but considered civilians earn \$92,073 in five and a half years. Additionally, dozens of UPOA members are earning below contractual wage rates, which we have been demanding that the city rectify immediately.



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Simply put: we are continually being asked to do more with less staff. To do more, we must find ways to be more efficient and productive and receive additional training and better equipment.

Our members have the skills and knowledge. They have bachelor's and master's degrees and the education and/or experience in social work to serve our clients so they can live productive and lawful lives.

Our members are Peace Officers who manage caseloads and who are part of task forces with other law enforcement agencies such as the U.S. Marshals, Drug Enforcement Agency, NYPD, among others. We carry firearms, make arrests, and execute search and arrest warrants. We also prepare reports that aid in sentencing. We must be designated as uniformed law enforcement members instead of civilians because we perform the same work as members of the NYPD and face similar dangers.

Let me give you one example. One of my Probation Officers was severely injured in December 2022 when a client resisted arrest. The Officer has now been out on an assault grant for 18 months. This is not an isolated incident: we have witnessed an increase in assaults on UPOA members where they have sustained injuries in incidents such as when they break up altercations among gang rivalries in waiting rooms in Adult and Family Services.

Additionally, we are charged by the city to oversee approximately 15,000 men, women, and youth who have been convicted of crimes and sentenced to probation instead of jail, prison, and placement. We are responsible for ensuring they do not violate the terms of their probation and work to turn their lives around. This alone saves the City and State considerable costs so that our charges do not return to incarceration.

We have begun to work with the mayoral administration to remedy some of these issues and are hopeful that recently appointed Probation Commissioner Juanita N. Holmes recognizes the challenges and will work with us to make improvements.



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I would like to request that after this hearing the UPOA can separately arrange meetings with members of this Committee to present a more in-depth picture and discuss plans on how we can work together to improve the work of our City's Probation Officers and Supervisors and receive the appropriate amount of funding so we can perform our jobs efficiently and effectively. Most importantly, our salaries must be restructured to reach top pay in five and half years and must be adjusted to be in parity with other Peace Officers such as Correction Officers, Police Officers, and Deputy Sheriffs.

I stand ready to answer any questions you may have. Otherwise, I look forward to meeting with your representatives. Thank you.

DOP
Resignations as part of Attrition

2018 1 year	January 1, 2018 – December 31, 2018	
	P. 1 22/32	
	P. 2 30/46	
	P. 3 <u>13/16</u>	
	65.99 = 65.65%	
2019 6 mos	January 1, 2019 – March 29, 2019	October 1, 2019 – December 13, 2019
	P. 1 9/20	27/35 = 77.14%
	P. 2 10/16	
	P. 3 <u>3/6</u>	6 mos 49/77 = 63.63
	22/42 = 52.38%	
2020 6 mos	January 1, 2020 – March 31, 2020	April 1, 2020 – June 30, 2020
	8/18 = 44.44%	4/17 = 23.53%
		6 mos 12/35 = 34.28%
2021 1 year	January 1, 2021 – December 31, 2021	
	P. 1 20/39	
	P. 2 29/42	
	P. 3 <u>2/18</u>	
	51/99 = 51.55%	
2022 1 year	January 1, 2022 – December 31, 2022	
	P. 1 19/39	
	P. 2 21/44	
	P. 3 21/44	
	P. 4 27/44	
	P. 5 <u>4/7</u>	
	92/178 = 51.68%	

To: All Interested Parties

From: James Whitman
Director, Classification and Compensation

Date: June 21, 2023

Subject: Notice of a virtual public hearing to consider a proposal to temporarily classify three titles in the non-competitive class under the Hiring Emergency Limited Placement (HELP) Program

The Commissioner of the Department of Citywide Administrative Services scheduled a virtual public hearing to be held on June 28, 2023, at 10:00 AM via Microsoft Teams. The meeting details are below.

Topic: Public Hearing - NYS Civil Service Commission Proposal - HELP Program
Meeting link: <https://www.microsoft.com/microsoft-teams/join-a-meeting>
Meeting ID: 290 781 280 011
Passcode: MCEoTm
Phone Number: [1 646-893-7101](tel:16468937101)
Phone Conference ID: 394 806 280#

The Hiring Emergency Limited Placement (HELP) Program is a NYS Department of Civil Service program allowing municipal agencies to temporarily reclassify competitive class social services, health, and safety titles in the non-competitive class for a period of one year. We propose to submit Probation Officer (51810), Probation Officer Trainee (51801), and Police Communications Technician (71012) for the State Civil Service Commission's consideration, please see the attached draft classification resolution.

Copies of the proposal memorandum, the proposed classification resolution, and the proposed class specifications for the above titles will be available on the DCAS Website at: <https://www1.nyc.gov/site/dcas/about/public-hearings.page>

Those wishing to testify should contact Gavin Roney of my staff at (212) 386-0555, or groney@dcas.nyc.gov as soon as possible. Written statements may be submitted to jwhitman@dcas.nyc.gov via email and by mail to the Department of Citywide Administrative Services, Classification and Compensation, 1 Centre Street - Room 1448 South, New York, NY 10007 and must be postmarked no later than July 3, 2023.



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Attached is a PDF containing 3 pages demonstrating that Correction Officers and Deputy Sheriffs earn approximately \$95k after 6 years (apparently without longevity even being included) while Probation Officers' "all in" monies (including all longevity and service credits) earn \$65k after 20 years. That is a discrepancy of more than \$30k and the CO and DS employees earn that higher number 14 years earlier.

Please note the below does not include the salaries for Supervisors from the agencies and other titles we represent.

Page 1 - Correction Officers info taken directly from CBA

Page 2 - Deputy Sheriffs info taken directly from CBA

Page 3 - Probation Officers' info taken directly from Excel spreadsheet provided by OLR

Please note the salary structures for each contract for the above-mentioned.

Correction Officers - headcount 5700

Hiring rate \$47,857

5.5 years \$96,803

Deputy Sheriff Level - headcount 153

Hiring rate \$36,577

After 6 months \$47,654

5.5 years \$92,073

Probation Officers and Supervising Probation Officers headcount (approximately) 650

Probation Officers

Hiring rate \$ 45,934

After 20 years \$ 65,107

Supervising Probation Officers

Hiring rate \$61,276

After 20 years \$84,400

OLR's offer is as follows.

Probation Officers effective 11/28/2024

Hiring rate \$53,379

Incumbent rate \$62,419

Max \$ 88,879

Supervising Probation Officer

Hiring rate \$71,208

Incumbent rate \$ 83,076

Max \$106,353

However, based on the illustration presented it will take 14 years for a Probation Officer to earn \$68,953 and a Supervising Probation Officer 14 years to earn \$89,653. Neither ever reached the max.

In conclusion, although it is impressive that the city is looking to increase the hiring rate to attract individuals to apply to become Probation Officers but there is no incentive for them to continue working at the New York City Department of Probation in that capacity knowing their salaries remain stagnant.

UPOA

Costing: 1% w/Pension = \$684,979

Proposed Lawsuit Settlement: \$8,000,000
 \div \$684,979 (1% #)
 11.68%

Contract Extension: .27 per month x 5 months & 12 days = 1.46%

Equity Fund: .50 City Fund

UPOA Match: .50 1 month & 26 days

1.00

1.00%

TOTAL

14.14%

Personnel Breakdown by Title & Date:

	<u>12/30/20</u>		<u>2/13/24</u>		<u>Change</u>	
P.O.	597	79.5%	424	71%	-173	- 29%
S.P.O	154	20.5%	175	29%	+ 21	+ 13.6%
	751		599			

12/30/20

\$8,000,000 x P.O. 79.5 = \$6,360,000 \div 597 P.O.s = \$10,653

x S.P.O. 20.5 = \$1,640,000 \div 154 S.P.O.s = \$10,649

2/13/24

\$8,000,000 x P.O. 71% = \$5,680,000 \div 424 P.O.s = \$13,396

x S.P.O. 29% = \$2,320,000 \div 175 S.P.O.s = \$13,257

<u>Salary Rates</u>	<u>Pattern</u>	<u>Pattern</u>
11/27/20	11/28/23	11/28/24
Hire \$45,934	\$51,699	\$53,379
*Incumb \$52,824	\$59,454	\$61,386
Max \$76,483	\$86,081	\$88,879

*§4 New Hires - 1st 2 yrs hire rate

	<u>Proposed Salary Schedule</u>	<u>Current Addition to Base Salary §7a</u>	<u>Total §7a</u>	<u>Current Addition to Base Salary §7e</u>	<u>Total §7b</u>
under 1 yr	\$55,000		\$55,000		\$55,000
1 yr	\$57,000		\$57,000		\$57,000
2 yrs	\$60,000		\$60,000	592	\$60,592
3 yrs	\$62,000	2,060	\$64,060	2,189	\$64,189
4 yrs	\$65,000	5,202	\$70,202	2,704	\$67,704
5 yrs	\$67,000	6,232	\$73,232	3,832	\$70,832
6 yrs	\$70,000	7,875	\$77,875	4,347	\$74,347
7 yrs	\$75,000	8,905	\$83,905	5,937	\$80,937
8 yrs	\$90,000	10,495	\$100,495	6,452	\$96,452
9 yrs	\$90,000	11,010	\$101,010	6,967	\$96,967
10 yrs	\$90,000	11,525	\$101,525	8,895	\$98,895
11 yrs	\$90,000	13,453	\$103,453	9,653	\$99,653
12 yrs	\$90,000	14,211	\$104,211	9,653	\$99,653
13 yrs	\$90,000	14,211	\$104,211	9,653	\$99,653
14 yrs	\$90,000	14,211	\$104,211	9,653	\$99,653
15 yrs	\$90,000	16,256	\$106,256	11,698	\$101,698
16 yrs	\$90,000	16,256	\$106,256	11,698	\$101,698
17 yrs	\$90,000	16,256	\$106,256	11,698	\$101,698
18 yrs	\$90,000	16,256	\$106,256	11,698	\$101,698
19 yrs	\$90,000	16,256	\$106,256	11,698	\$101,698
20 yrs	\$90,000	16,591	\$106,591	12,033	\$102,033

Probation Officer

	<u>§7a Service & Salary Increments</u>	<u>§7d Years of Service in DOP</u>	<u>§7e Longevity Increment</u>	<u>§7f Longevity Differential</u>	<u>Addition to Base Salary</u>
after 1 yr					
+ 2 yrs	2,060				2,060
+ 3 yrs	4,120	1,082			5,202
4	5,150	1,082			6,232
5	6,180	1,695			7,875
6	7,210	1,695			8,905
7*	7,725	2,770			10,495
8	8,240	2,770			11,010
9	8,755	2,770			11,525
10	9,270	4,183			13,453
11	9,270	4,183		758	14,211
12	9,270	4,183		758	14,211
13	9,270	4,183		758	14,211
14	9,270	4,183		758	14,211
15	9,270	4,183	2,045	758	16,256
16	9,270	4,183	2,045	758	16,256
17	9,270	4,183	2,045	758	16,256
18	9,270	4,183	2,045	758	16,256
19	9,270	4,183	2,045	758	16,256
20+	9,270	4,183	2,045	1,093	16,591

7a hired prior to 8/1/04

7b hired on or after 8/1/04

* 7 and 7 1/2

Probation Officer

	<u>§7b Service & Salary Increments</u>	<u>§7d Years of Service in DOP</u>	<u>§7e Longevity Increment</u>	<u>§7f Longevity Differential</u>	<u>Addition to Base Salary</u>
after 1 yr					
2	592				592
3	1,107	1,082			2,189
4	1,622	1,082			2,704
5	2,137	1,695			3,832
6	2,652	1,695			4,347
7*	3,167	2,770			5,937
8	3,682	2,770			6,452
9	4,197	2,770			6,967
10	4,712	4,183			8,895
11	4,712	4,183		758	9,653
12	4,712	4,183		758	9,653
13	4,712	4,183		758	9,653
14	4,712	4,183		758	9,653
15	4,712	4,183	2,045	758	11,698
16	4,712	4,183	2,045	758	11,698
17	4,712	4,183	2,045	758	11,698
18	4,712	4,183	2,045	758	11,698
19	4,712	4,183	2,045	758	11,698
20	4,712	4,183	2,045	1,093	12,033

7a hired prior to 8/1/04

7b hired on or after 8/1/04

* 7 and 7 1/2

Breakdown of Cost by Percentage of Title

$$\begin{array}{r} \underline{12/30/20 \text{ P.O.s}} \\ \$8,000,000 \\ \underline{\times .795\% \text{ P.O.s}} \\ \$6,360,000 \\ \underline{\div 597 \text{ P.O.s}} \\ \$10,653 \end{array}$$

$$\begin{array}{r} \underline{2/13/24} \\ \$8,000,000 \\ \underline{\times 71\% \text{ P.O.s}} \\ \$5,680,000 \\ \underline{\div 424 \text{ P.O.s}} \\ \$13,208 \end{array}$$

$$\begin{array}{r} \underline{12/30/20 \text{ S.P.O.}} \\ \$8,000,000 \\ \underline{\times 20.5\%} \\ \$1,640,000 \\ \underline{\div 154 \text{ S.P.O.s}} \\ \$10,649 \end{array}$$

$$\begin{array}{r} \underline{2/13/24 \text{ S.P.O.}} \\ \$8,000,000 \\ \underline{\times .29\%} \\ \$2,320,000 \\ \underline{\div 175 \text{ S.P.O.s}} \\ \$13,257 \end{array}$$

Probation Officers

Years of Service

	As of <u>12/31/20</u>	As of <u>2/13/24</u>
under 1 yr	2	2
1 yr	31	38
2 yrs	92	43
3 yrs	62	20
4 yrs	39	20
5 yrs	20	68
6 yrs	14	29
7 yrs	20	11
8 yrs	5	13
9 yrs	9	6
10 yrs	5	9
11 yrs	13	3
12 yrs	4	6
13 yrs	13	2
14 yrs	12	9
15 yrs	10	4
16 yrs	1	8
17 yrs	1	4
18 yrs	0	3
19 yrs	7	2
20 yrs	12	0
21 yrs	6	2
22 yrs	10	4
23 yrs	11	5
24 yrs	7	4
25-29 yrs	50	24
30+ yrs	<u>120</u>	<u>88</u>
	576	427

SPO's

Years of Service

	As of <u>12/31/20</u>	As of <u>2/13/24</u>
under 1 yr	--	--
1 yr	--	0
2 yrs	4	0
3 yrs	3	0
4 yrs	4	0
5 yrs	4	14
6 yrs	4	10
7 yrs	2	10
8 yrs	1	9
9 yrs	3	6
10 yrs	0	8
11 yrs	3	1
12 yrs	0	3
13 yrs	6	1
14 yrs	6	5
15 yrs	1	1
16 yrs	1	5
17 yrs	2	8
18 yrs	1	5
19 yrs	0	1
20 yrs	4	1
21 yrs	5	1
22 yrs	6	3
23 yrs	8	4
24 yrs	2	5
25-29 yrs	14	20
30+ yrs	<u>70</u>	<u>54</u>
	154	175

12/31/20 Prob Asst 10
PO Trainee 27

2/13/24 Prob Asst 10
PO Trainee 36

Probation Officer

Hired on or after 8/1/04

Effective 11/28/24

\$61,386		
<u>\$592</u>	§7b after 2nd year	
\$61,978		
<u>\$1,082</u>	3 yr §7d	
\$63,060		
<u>515</u>	3 yr §7b	
63,575		
613	5 yr §7d	64,208
1,075	7 1/2 yr §7d	65,283
1,413	10 yr §7d	66,696
758	12 yr §7f	67,454
2,045	15 yr §7e	69,499
<u>335</u>	20 yr §7f	69,834
69,814		

UPOA

Probation Officers

Article III Base Salaries effective 11/27/20 last day of prior contract with increments (Sections 7d, 7e & 7f)

	Sev & Salary Increments §7d	Long Increments §7e	Long Difference §7f	Sub Total	Prior to 8/1/04 §7a	Total w/7a	On or After 8/1/04 §7b	Total 7b
	<u>Salary</u>							
1st yr	\$45,934			\$45,934		\$45,934		\$45,934
+1 yr	\$45,934			\$45,934		\$45,934		\$45,934
+2 yrs	\$52,824			\$52,824	\$2,060	\$54,884	\$592	\$53,416
+3 yrs	\$52,824	\$1,082		\$53,906	\$4,120	\$58,026	\$1,107	\$55,013
+4 yrs	\$52,824	\$1,082		\$53,906	\$5,150	\$59,056	\$1,622	\$55,528
+5 yrs	\$52,824	\$1,695		\$54,519	\$6,180	\$60,699	\$2,137	\$56,656
+6 yrs	\$52,824	\$1,695		\$54,519	\$7,210	\$61,729	\$2,652	\$57,171
+7 yrs	\$52,824	\$1,695		\$54,519	\$7,725	\$62,244	\$3,167	\$57,686
+7 1/2 yrs	\$52,824	\$2,770		\$55,594	\$7,725	\$63,319	\$3,167	\$58,761
+8 yrs	\$52,824	\$2,770		\$55,594	\$8,240	\$63,834	\$3,682	\$59,276
+9 yrs	\$52,824	\$2,770		\$55,594	\$8,755	\$64,351	\$4,197	\$59,791
+10 yrs	\$52,824	\$4,183		\$57,007	\$9,270	\$66,277	\$4,712	\$61,719
+11 yrs	\$52,824	\$4,183	\$758	\$57,765	\$9,270	\$67,035	\$4,712	\$62,477
+12 yrs	\$52,824	\$4,183	\$758	\$57,765	\$9,270	\$67,035	\$4,712	\$62,477
+15 yrs	\$52,824	\$4,183	\$2,045	\$59,810	\$9,270	\$69,080	\$4,712	\$64,522
+20 yrs	\$52,824	\$4,183	\$2,045	\$60,145	\$9,270	\$69,415	\$4,712	\$64,857

UPOA

Proposed Increases

Probation Officers

	<u>Hiring</u>	<u>Incumbent</u>	<u>Max</u>
11/27/20	45,934	52,824	76,483
	<u>x 1.03</u>	<u>x 1.03</u>	<u>x 1.03</u>
11/28/20	47,312	54,409	78,777
	<u>x 1.03</u>	<u>x 1.03</u>	<u>x 1.03</u>
11/28/21	48,731	56,041	81,140
	<u>x 1.03</u>	<u>x 1.03</u>	<u>x 1.03</u>
11/28/22	50,193	57,722	83,574
	<u>x 1.03</u>	<u>x 1.03</u>	<u>x 1.03</u>
11/28/23	51,699	59,454	86,081
	<u>x 1.0325</u>	<u>x 1.0325</u>	<u>x 1.0325</u>
11/28/24	53,379	61,386	88,879

UPOA

Base Salary

	<u>Effective Date</u>	<u>Hiring Rate</u>	<u>After 2 Years</u>	<u>Maximum</u>
Expired	11/27/20	45,934	52,824	76,483
+ 3%	11/28/20	47,312	54,409	78,777
+ 3%	11/28/21	48,731	56,041	81,140
+ 3%	11/28/22	50,193	57,722	83,574
+ 3%	11/28/23	51,699	59,454	86,081
+ 3.25%	11/28/24	53,379	61,386	88,879

§ 7 d, e, f

	<u>+3 Yrs</u>		<u>+4 Yrs</u>		
11/28/20	54,409	+	1082	=	55,491
11/28/21	56,041	+	1082	=	57,123
11/28/22	57,722	+	1082	=	58,804
11/28/23	59,454	+	1082	=	60,536
11/28/24	61,386	+	1082	=	62,468

	<u>+5 Yrs</u>		<u>+6 Yrs</u>		<u>+7 Yrs</u>
11/28/20	54,409	+	1695	=	56,104
11/28/21	56,041	+	1695	=	57,736
11/28/22	57,722	+	1695	=	59,417
11/28/23	59,454	+	1695	=	61,149
11/28/24	61,386	+	1695	=	63,081

	<u>+7 ½ Yrs</u>		<u>+8 Yrs</u>		<u>+9 Yrs</u>
11/28/20	54,409	+	2770	=	57,179
11/28/21	56,041	+	2770	=	58,811
11/28/22	57,722	+	2770	=	60,492
11/28/23	59,454	+	2770	=	62,224
11/28/24	61,386	+	2770	=	64,156

	<u>10 Yrs</u>				
11/28/20	54,409	+	4183	=	58,592
11/28/21	56,041	+	4183	=	60,224
11/28/22	57,722	+	4183	=	61,905
11/28/23	59,454	+	4183	=	63,637
11/28/24	61,386	+	4183	=	65,569

	<u>11 Yrs</u>	+	<u>12 Yrs</u>		<u>13 Yrs</u>		<u>14 Yrs</u>		
11/28/20	54,409	+	4183	+	758	=	59,350		
11/28/21	56,041	+	4183	+	758	=	60,982		
11/28/22	57,722	+	4183	+	758	=	62,663		
11/28/23	59,454	+	4183	+	758	=	64,395		
11/28/24	61,386	+	4183	+	758	=	66,327		

	<u>15 Yrs</u>		<u>16 Yrs</u>		<u>17 Yrs</u>		<u>18 Yrs</u>		<u>19 Yrs</u>		
11/28/20	54,409	+	4183	+	2045	+	758	=	61,395		
11/28/21	56,041	+	4183	+	2045	+	758	=	63,027		
11/28/22	57,722	+	4183	+	2045	+	758	=	64,708		
11/28/23	59,454	+	4183	+	2045	+	758	=	66,440		
11/28/24	61,386	+	4183	+	2045	+	758	=	68,372		

	<u>+20 Yrs</u>							
11/28/20	61,386	+	4183	+	2045	+	1093	68,707

UPOA

Supervising Probation Officers

	Sev & Salary Increments §7d	Longevity Increments §7e	Longevity Differential §7f	Sub Total	*As An SPO 10/31/90 §7c	Total w/§7c
	<u>Salary</u>					
1st yr	\$61,276			\$61,276		\$61,276
+1 yr	\$61,276			\$61,276	\$412	\$61,688
+2 yrs	\$70,467			\$70,467	\$927	\$71,394
+3 yrs	\$70,467	\$1,082		\$71,549	\$1,442	\$72,991
+4 yrs	\$70,467	\$1,082		\$71,549	\$1,957	\$73,506
+5 yrs	\$70,467	\$1,695		\$72,162	\$2,472	\$74,634
+6 yrs	\$70,467	\$1,695		\$72,162	\$2,987	\$75,149
+7 yrs	\$70,467	\$1,695		\$72,162	\$3,502	\$75,664
+7 1/2 yrs	\$70,467	\$2,770		\$73,237	\$4,017	\$77,254
+8 yrs	\$70,467	\$2,770		\$73,237	\$4,532	\$77,769
+9 yrs	\$70,467	\$2,770		\$73,237	\$5,047	\$78,284
+10 yrs	\$70,467	\$4,183		\$74,650	\$5,562	\$80,212
+11 yrs	\$70,467	\$4,183		\$74,650	\$5,820	\$80,470
+12 yrs	\$70,467	\$4,183	\$758	\$75,408	\$6,078	\$81,486
+13 yrs	\$70,467	\$4,183	\$758	\$75,408	\$6,336	\$81,744
+14 yrs	\$70,467	\$4,183	\$758	\$75,408	\$6,594	\$82,002
+15 yrs	\$70,467	\$4,183	\$2,045	\$77,453	\$6,877	\$84,330
+20 yrs	\$70,467	\$4,183	\$2,045	\$77,788	\$6,877	\$84,665

ESTIMATED RETRO

UPOA

Probation Officers

	11/27/20	11/28/20	11/28/21	11/28/22	11/28/23	11/28/24
		3%	3%	3%	3%	3.25%
1st 2 yrs	45,934	47,312	48,731	50,193	51,699	53,379
Incumbent	52,828	54,409	56,041	57,722	59,454	61,386

	<u>RETRO P.O. New Hire</u>	<u>RETRO Incumbent</u>
1st 2 yrs	11/28/20 - 11/27/21	11/28/20 - 11/27/21
	\$1,378	\$1,585
	11/28/21 - 11/27/22	11/28/21 - 11/27/22
	\$1,378	\$3,317
	11/28/22 - 11/27/23	11/28/22 - 11/27/23
	<u>\$4,898</u>	<u>\$4,898</u>
	\$7,654	\$9,800

Supervising Probation Officers

	11/27/20	11/28/20	11/28/21	11/28/22	11/28/23	11/28/24
		3%	3%	3%	3%	3.25%
Promotee	61,276	63,114	65,007	66,957	68,966	71,207
Incumbent	70,467	72,581	74,758	77,001	79,311	81,889

	<u>RETRO S.P.O. New Promotee</u>	<u>RETRO Incumbent</u>
	11/28/20 - 11/27/21	11/28/20 - 11/27/21
	\$1,838	\$2,114
	11/28/21 - 11/28/22	11/28/21 - 11/27/22
	\$1,838	\$4,291
	11/28/22 - 11/28/23	11/28/22 - 11/27/23
	<u>\$6,534</u>	<u>\$4,898</u>
	\$10,210	\$11,303

DOP
Resignations as part of Attrition

2018
1 year January 1, 2018 – December 31, 2018
P. 1 22/32
P. 2 30/46
P. 3 13/16
 65.99 = 65.65%

2019
6 mos January 1, 2019 – March 29, 2019
P. 1 9/20
P. 2 10/16
P. 3 3/6
 22/42 = 52.38%

October 1, 2019 – December 13, 2019
 27/35 = 77.14%
6 mos 49/77 = 63.63

2020
6 mos January 1, 2020 – March 31, 2020
 8/18 = 44.44%

April 1, 2020 – June 30, 2020
 4/17 = 23.53%
6 mos 12/35 = 34.28%

2021
1 year January 1, 2021 – December 31, 2021
P. 1 20/39
P. 2 29/42
P. 3 2/18
 51/99 = 51.55%

2022
1 year January 1, 2022 – December 31, 2022
P. 1 19/39
P. 2 21/44
P. 3 21/44
P. 4 27/44
P. 5 4/7
 92/178 = 51.68%

Number of Probation Officers Years in Active Service Estimate		Number of Supervisor Probation Officers Years in Active Service Estimate		Probation Officer Trainee after 8/1/04		Probation Assistant	
Under 1 yr & + 1yr	69	Under 1 yr & + 1yr	0	Under 1 yr & + 1yr	32	Under 1 yr & + 1yr	14
After 2 yrs	34	After 2 yrs	0	After 2 yrs	7	After 2 yrs	2
After 3 yrs	17	After 3 yrs	0	After 3 yrs		After 3 yrs	0
After 4 yrs	53	After 4 yrs	3	After 4 yrs		After 4 yrs	0
After 5 yrs	51	After 5 yrs	16	After 5 yrs		After 5 yrs	0
After 6 yrs	35	After 6 yrs	10			After 6 yrs	1
After 7 yrs	11	After 7 yrs	11			After 7 yrs	0
After 8 yrs	10	After 8 yrs	7			After 8 yrs	1
After 9 yrs	8	After 9 yrs	5				
After 10 yrs	8	After 10 yrs	7				
After 11 yrs	6	After 11 yrs	2				
After 12 yrs	2	After 12 yrs	2				
After 13 yrs	7	After 13 yrs	1				
After 14 yrs	10	After 14 yrs	6				
After 15 yrs	3	After 15 yrs	4				
After 16 yrs	7	After 16 yrs	6				
After 17 yrs	19	After 17 yrs	5				
After 18 yrs	3	After 18 yrs	3				
After 19 yrs	1	After 19 yrs	1				
After 20 yrs	0	After 20 yrs	2				
After 21 yrs	1	After 21 yrs	0				
After 22 yrs	8	After 22 yrs	6				
After 23 yrs	0	After 23 yrs	3				
After 24 yrs	6	After 24 yrs	10				
After 25 yrs	106	After 25 yrs	61				
	475		171		39		18

Dina Signorelli

From: Dalvanie Powell <dalvanie@upoa.com>
Sent: Thursday, March 28, 2024 8:32 AM
To: Juanita N. Holmes
Cc: Dalvanie Powell; Harry Greenberg; DOP General Counsel Bridget Hamblin; Michael Blaizes
Subject: Meeting
Attachments: UPOA Contract for Ratification_April 2019_2.pdf; preview.png

Good morning Commissioner

As always it was a pleasure meeting with you yesterday to see how we can improve the salaries for Probation Officers Professionals in New York City .You shared the good news about the city wanting to increase our starting salary to attract new recruits which is fine but this is a temporary fix for a long term problem that you and I inherited. If we do not give some kind of guarantee top salary incentive these individuals will eventually leave. My concern is the dedicated men and women who put in years of hard work to keep the streets of New York safe while working with criminally involved individuals in changing their behaviors in hopes they will become law abiding citizens. We have to make sure that their salaries are far better than in the past .

As we both said our objective is to get them in and keep them here. It is counter productive and not cost effective to keep putting time and resources into people who receive our amazing training and take those skill sets elsewhere.

You are task with over seeing one of the most complex and unique agencies in the city and I appreciate how you support us but the reality if we agree to what OLR is proposing as it stands we will be in the same situation we have been in the past, probably worst unless a different picture is painted and I am not seeing it at this time so please forgive me but that is for Harry and I to figure out. It should not take 15 years to get an increase of \$7000.

As mentioned just as there are law enforcement agencies who reach top pay there are many civilian agencies who reach top salaries as well.

If you look at the specs from the last contract and compare it to what I provided you with yesterday you will see my concern.

We are willing to share in the cost to begin restructuring of our salaries therefore for Renee to say it would be to expensive to implement steps is not to my understanding as we have yet to present our proposal to OLR . Harry has been working diligently trying to get the numbers to make sense before we go back to the table .We may not be able to get a 5 year step like you and I was hoping for but we have to start chiseling away at this at some point and the time is now .

On women's equal pay day the Mayor said he gets it and he said in the attached article he will be looking at Corrections and Probation salaries in comparison to NYPD. I believe he supports equity for women

and people of color . Putting politics to the side I want to believe he will do right by us but we need your help.

NYC Mayor: 'My Goal is to Rectify and Correct'
FDNY EMS Pay Inequity

When AG James who was formally the City Advocate came out with a report I believe was in 2018 regarding pay disparity in the city I was impressed but sad to see that the DOP was included in the numbers. City Council came out with report in 2019 to show the pay disparities in New York and compared us to Corrections as we are Community Corrections. Page 45 and 46

080221.OC03.PAY-EQUITY-IN-
NYC_v8

The Judge in the EEO case ruled for us to go forward with the litigation and ask that we try to resolve it .

When I became President of UPOA in 2016 and as I had mentioned yesterday when I looked at our salaries my heart hurt because I had not realized how oppressed we were. I made it my mission to fight for pay parity for my members who look like you and me , not only because they deserve it but it is the right thing to do .

I have been fighting this fight for a long time and I do not believe the highest power has gotten us this far to end up in the same place . The members are in need of their money now and they are frustrated which I understand but the current Officers and future Officers deserve better for themselves and their families. The Department of Probation deserves better.

I thank you for your time.

Respectfully submitted

Dalvanie K Powell
President
United Probation Officers Association


Dalvanie@upoa.com



**UNITED PROBATION OFFICERS ASSOCIATION
WELFARE FUND**

118-35 Queens Blvd. Suite 1210
Forest Hills, NY 11375
(212) 226-1069 Fax (917) 398-1640

April 22, 2019

TO: ALL UPOA MEMBERS

**SUBJECT: TENTATIVE COLLECTIVE BARGAINING
AGREEMENT**

April 22, 2017

TO: ALL UPOA MEMBERS

SUBJECT: TENTATIVE COLLECTIVE BARGAINING AGREEMENT

The Executive Board is pleased to report we have agreed to a tentative Collective Bargaining Agreement with the City of New York which is subject to the member's ratification.

TERM OF AGREEMENT

This tentative Agreement provides for a 43 month term, beginning April 28, 2017 through November 27, 2020.

WAGE INCREASES

The terms of the Agreement provides for wage increases retroactive to the first day of the contract and are as indicated below:

Effective April 28, 2017	2% raise
Effective April 28, 2018	2.25% raise
Effective May 28, 2019	3% raise

MAINTENANCE ALLOWANCE AND ANNUITY FUND

In addition, and for the first time, we were able to achieve a Maintenance Allowance of \$250 per year effective May 28, 2019 for all members. Furthermore we negotiated the establishment of a tax deferred Annuity Fund in the amount of \$261 per year for all members effective May 28, 2019. These two new benefits are above the wage increase and are funded by a credit from the City of two .25% credits. These two new benefits set a foundation to build on. The Maintenance Allowance will help with cleaning uniforms and the tax deferred Annuity Fund will supplement our members when they retire or leave employment.

NEW YORK STATE PAID FAMILY LEAVE PROGRAM

We also agreed to "opt-in" to the New York State Paid Family Leave program as soon as practicable following ratification after of the tentative and to take the necessary steps to implement. Attached to this letter is the New York State Bulletin that explains eligibility, benefits and costs. In general the benefit you can receive is 55% of you salary and is capped at \$746.41 in 2019. The NYS Bulletin further indicates that the Paid Family Leave, ("PFL") benefit will increase through 2021.

Beginning in 2019 the PFL benefit is 10 weeks of paid leave of the employee's average weekly wage ("AWW") up to a cap of 55% of the Statewide Average Weekly wage ("SAWW"). In 2020 the PFL benefit will be 10 weeks of paid leave at 60% of employees AWW up to a cap of 60% of the SAWW. In 2021 the PFL benefit will be 12 weeks of paid leave up to 67% of the SAWW. The cost for this benefit is based on you weekly wage but is capped at \$107.97 per year for 2019.

We encourage you to carefully review this Bulletin and if you have any questions contact you delegate and/or a member of the Executive Board with your question and they will get you an answer.

DIRECT DEPOSIT

We also agreed to direct deposit for new hires after the date of ratification. Current members are encouraged to opt-in to direct deposit but are not mandated.

ATTACHED CHARTS

Attached are charts that indicated estimated amounts of annual salary, service and salary increments etc. you will receive if this tentative Agreement is ratified. The amounts are estimated because, for example, different portions of your wages depend on anniversary date of hire and/or promotion, etc. Also included are estimates of retroactive wages.

The Executive Board has unanimously approved this tentative collective bargaining agreement and strongly recommends that the membership vote yes to ratify it. You will be getting a ballot shortly please follow the instructions and return the ballot. Once ratified, we will get a date when the City will increase you pay and when the retroactive monies will be paid.

Fraternally,

Dalvanie K. Powell

President

On behalf of the Executive Board

**UPOA SALARIES IN TITLE AND SERVICE
INCREMENTS WITH PATTERN WAGE INCREASES**

Probation Officer

<u>Year</u>	<u>Current Salary & Salary Increment</u>	<u>4/28/17 + 2% Salary & Salary Increment</u>	<u>4/28/18 + 2.25% Salary & Salary Increment</u>	<u>5/28/19 + 3% Salary & Salary Increment</u>
Year 1	\$42,759	\$43,614	\$44,596	\$45,934
Year 2	\$42,759	\$43,614	\$44,596	\$45,934
Year 3	\$49,765	\$50,760	\$51,903	\$53,461
Year 4	\$50,280	\$51,285	\$52,440	\$54,014
Year 5	\$50,795	\$51,810	\$52,977	\$54,567
Year 6	\$51,310	\$52,335	\$53,514	\$55,120
Year 7	\$51,825	\$52,860	\$54,051	\$55,673
Year 8	\$52,340	\$53,385	\$54,588	\$56,226
Year 9	\$52,855	\$53,910	\$55,125	\$56,779
Year 10	\$53,370	\$54,435	\$55,662	\$57,332
Year 11	\$53,885	\$54,960	\$56,199	\$57,885

**UPOA SALARIES IN TITLE AND SERVICE
INCREMENTS WITH PATTERN WAGE INCREASES**

Supervising Probation Officer

<u>Year</u>	<u>Current Salary & Salary Increment</u>	<u>4/28/17 + 2% Salary & Salary Increment</u>	<u>4/28/18 + 2.25% Salary & Salary Increment</u>	<u>5/28/19 + 3% Salary & Salary Increment</u>
Year 1	\$65,598	\$66,910	\$68,415	\$70,467
Year 2	\$66,010	\$67,330	\$68,844	\$70,909
Year 3	\$66,525	\$67,855	\$69,381	\$71,462
Year 4	\$67,040	\$68,380	\$69,918	\$72,015
Year 5	\$67,555	\$68,905	\$70,455	\$72,568
Year 6	\$68,070	\$69,430	\$70,992	\$73,121
Year 7	\$68,585	\$69,955	\$71,529	\$73,674
Year 8	\$69,100	\$70,480	\$72,066	\$74,227
Year 9	\$69,615	\$71,005	\$72,603	\$74,780
Year 10	\$70,130	\$71,530	\$73,140	\$75,333
Year 11	\$70,645	\$72,055	\$73,677	\$75,886
Year 12	\$70,903	\$72,318	\$73,946	\$76,163
Year 13	\$71,161	\$72,581	\$74,215	\$76,440
Year 14	\$71,419	\$72,844	\$74,484	\$76,717
Year 15	\$71,677	\$73,107	\$74,753	\$76,994
Year 16	\$71,960	\$73,396	\$75,049	\$77,299

ADDITIONAL COMPENSATION

In addition to the Salary and In Title Service Increments, the following compensation is added to your compensation, depending on time in service, date of employment and title.

Employees with the following years of service in the New York City Department of Probation **in any title covered by this agreement** shall receive the annual amounts set forth below. Such employees shall begin to receive their pro-rata payments on the January 1 immediately following their anniversary date. The pro-rata payments shall be deemed included in the base rate of all eligible Employees for all purposes.

	Effective <u>12/28/16</u>
Three (3) years of service	\$1,082
Five (5) years of service	\$1,695
an additional	
Seven and one half (7 1/2) years of service	\$2,770

Service Increment in Probation Officer Occupational Group

Ten (10) years of service ## an additional	\$4,183
---	---------

Employee must have seven and one half (7 1/2) years or more of continuous service in the New York City Department of Probation and the increment shall not be pensionable until the Employee has received it for fifteen (15) months subsequent to the effective date of its initial receipt.

This service increment shall not be pensionable until the Employee has received it for two (2) years.

Longevity Increment

Effective April 13, 2006, Employees with fifteen (15) or more years of service in the New York City Department of Probation in any title covered by this agreement shall continue to receive a longevity increment in the pro-rate annual amount of two-thousand and forty-five (\$2,045.00) dollars. Such Employees shall begin to receive their pro-rata payments on the January immediately following their anniversary date. This longevity increment shall not be pensionable until the Employee has received it for two (2) years.

Longevity Differential

Effective June 28, 2016, Employees with twelve (12) or more years of service in the New York City Department of Probation in any title covered by this agreement shall receive a longevity differential in the pro-rate annual amount of seven hundred and fifty-eight (\$758.00) dollars.

Effective June 28, 2016, Employees with twenty (20) or more years of service in the New York City Department of Probation in any title covered by this agreement shall receive an additional longevity differential in the pro-rata annual amount of three hundred and thirty-five (\$335.00) dollars.

This longevity differential does not become part of the basic salary rate. Service eligibility is computed on the basis of the length of service in the occupational group. Eligibility of new qualifiers for the longevity differential shall be on the January 1, April 1, July 1 or October 1 subsequent to the new qualifier's anniversary date. The longevity differential shall not be pensionable until the Employee has received it for two (2) years.

UPOA TENTATIVE WAGE INCREASES

Title Code	Title	<u>Effective 12/31/17</u>			<u>Effective 4/28/17</u>			<u>Effective 4/28/18</u>			<u>Effective 5/28/19</u>		
		Hiring Rate	Incumbent Rate	Max	Hiring Rate	Incumbent Rate	Max	Hiring Rate	Incumbent Rate	Max	Hiring Rate	Incumbent Rate	Max
51800	Probation Assistant	\$25,781	\$29,648	\$36,330	\$26,297	\$30,241	\$37,057	\$28,822	\$30,921	\$37,891	\$32,260	\$32,260	\$39,028
51810	Probation Officer	\$42,759	\$49,173	\$71,197	\$43,614	\$50,156	\$72,621	\$44,596	\$51,285	\$74,255	\$45,934	\$52,824	\$76,483
51801	Probation Officer Trainee	\$38,133	\$43,853	\$51,381	\$38,896	\$44,730	\$52,409	\$39,770	\$45,736	\$53,588	\$40,963	\$47,108	\$55,196
51860	Supervising Probation Officer	\$57,042	\$65,598	\$85,193	\$58,183	\$66,910	\$86,897	\$59,491	\$68,415	\$88,852	\$61,276	\$70,467	\$91,518

**ESTIMATED
EXAMPLES OF RATE OF PAY**

Probation Officer

	<u>Current</u>	<u>4/28/17</u>	<u>4/28/18</u>	<u>5/28/19</u>
5 Year Salary & Salary Increment	50,795	51,810	52,977	54,567
Service Increment	<u>1,695</u>	<u>1,695</u>	<u>1,695</u>	<u>1,695</u>
	52,490	53,505	54,672	56,262
10 Year Salary & Salary Increment (Top Pay)	53,885	54,960	56,199	57,885
10 Year Service Increment	<u>4,183</u>	<u>4,183</u>	<u>4,183</u>	<u>4,183</u>
	58,068	59,143	60,382	62,068
15 Year Salary & Salary Increment	58,068	59,143	60,382	62,068
10 Year Longevity Increment	2,045	2,045	2,045	2,045
12 Year Longevity Differential	<u>758</u>	<u>758</u>	<u>758</u>	<u>758</u>
	60,871	61,946	63,185	64,871
20 Year Salary & Salary Increment	58,068	59,143	60,382	62,068
15 Year Longevity Increment	2,045	2,045	2,045	2,045
20 Year Longevity Differential	<u>1,093</u>	<u>1,093</u>	<u>1,093</u>	<u>1,093</u>
	61,206	62,281	63,520	65,206

**ESTIMATED
EXAMPLES OF RATE OF PAY**

Supervising Probation Officer

	<u>Current</u>	<u>4/28/17</u>	<u>4/28/18</u>	<u>5/28/19</u>
Year 5 Salary & Salary Increment	67,555	68,905	70,455	72,568
10 Year Salary Increment	<u>4,183</u>	<u>4,183</u>	<u>4,183</u>	<u>4,183</u>
	71,738	73,088	74,638	76,751
Year 10 Salary & Salary Increment	70,130	71,530	73,140	75,333
10 Year Salary Increment	4,183	4,183	4,183	4,183
15 Year Longevity Increment	2,045	2,045	2,045	2,045
12 Year Longevity Differential	<u>758</u>	<u>758</u>	<u>758</u>	<u>758</u>
	77,116	78,516	80,126	82,319
15 Year Salary & Salary Increment	71,960	73,396	75,049	77,299
10 Year Salary Increment	4,183	4,183	4,183	4,183
15 Year Longevity Increment	2,045	2,045	2,045	2,045
12 Year Longevity Differential	<u>758</u>	<u>758</u>	<u>758</u>	<u>758</u>
	78,946	80,382	82,035	84,285
20 Year Salary & Salary Increment	71,960	73,396	75,049	77,299
10 Year Salary Increment	4,183	4,183	4,183	4,183
15 Year Longevity Increment	2,045	2,045	2,045	2,045
20 Year Longevity Differential	<u>1,093</u>	<u>1,093</u>	<u>1,093</u>	<u>1,093</u>
	79,281	80,717	82,370	84,620

**ESTIMATED
RETROACTIVE PAY**

Probation Officers

4/28/17 - 5/27/19 Range: \$3,000 to \$3,800

Supervising Probation Officers

4/28/17 - 5/27/19 Range: \$4,000 to \$4,750

The Retroactive Pay amounts are estimates.

The amount of retroactive pay depends on year of hire and year and time in title, among other factors

PERSONNEL SERVICES BULLETINS (PSBs)

440-16

Subject: Paid Family Leave Benefits for Represented Employees

Source: New York State Workers' Compensation Law, Article 9

Date: Updated January 16, 2019

1. INTRODUCTION

Effective January 6, 2019, employees in titles represented by unions that have collectively bargained an agreement to opt into New York State Paid Family Leave Benefits will be eligible to take paid family leave ("PFL"). PFL is an employee-funded insurance policy that provides job-protected, paid time-off to bond with a newly born, adopted or fostered child, to care for a family member with a serious health condition including preparation and recovery from surgery related to organ or tissue donation, or to assist loved ones when a family member is deployed in a foreign country on active military service.

2. DEFINITIONS

"Family Leave" means any leave taken by an employee from work:

- (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or
- (b) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or
- (c) because of any qualifying exigency as interpreted under the family and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R. § 825.126(a)(1)-(8), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

"Care" means physical, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.

The employee must be in close and continuing proximity to the care recipient (i.e., present at the same location as the family member requiring care during the majority of the leave requested. Travel necessitated for securing medication or

to arrange care for the family member, or other such deviations determined to be reasonably related to providing care, shall satisfy this definition.

"Child" means a biological, adopted or foster child or stepchild of the eligible employee or his/her domestic partner; legal ward of the employee; or a child for whom the employee stands in loco parentis. A child must either be under the age of 18 or incapable of self-care because of mental or physical disability.

"Domestic Partner" means domestic partner as defined in Section 4 of the Workers Compensation Law.

"Family Member" means a child, parent, grandparent, grandchild, spouse, or domestic partner as defined herein.

"Eligible employee" means an employee who is represented by a participating union, or a confidential employee in a title represented by a participating union, and is either full-time who works a regular schedule of 20 hours or more per week for 26 weeks; or part-time who works a regular schedule of less than 20 hours per week for 175 days, which need not be consecutive.

"Parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

"Grandchild" means a child of the employee's child.

"Grandparent" means a parent of the employee's parent.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition, including transplantation preparation and recovery from surgery related to organ or tissue donation, that involves inpatient care in a hospital, hospice, or residential health care facility, continuing treatment or continuing supervision by a health care provider. Continuing supervision by a health care provider includes a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective where the family member is under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

"Health Care Provider" includes Physician, Physician Assistant, Chiropractor, Dentist, Physical Therapist, Nurse Practitioner, Registered Professional Nurse, Podiatrist, Optometrist, Psychologist, Clinical Social Worker, Occupational Therapist, Midwife, Mental Health Practitioner, Speech-language Pathologists, Audiologists.

"Military Active Duty or "Call to Active Duty Status" means (1) in the case of a member of the Regular Armed Forces, deployment to a foreign country, and (2) in the case of a member of the Reserve components of the Armed Forces, duty during deployment in a foreign country under a call or order to active duty or notification of an impending call or order to active duty in support of a military operation defined as a contingency operation.

"Contingency Operation" is a military operation that is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an

opposing military force.

"Qualifying event" means the birth of a child(ren), the formal adoption of child(ren) under the age of 18, the placement of child(ren) under the age of 18 in foster care, or to care for a child incapable of self-care because of mental or physical disability; caring for a close relative with a serious health condition; or assist loved ones when a family member is deployed in a foreign country on active military service. If the qualifying event is the placement of a child with an eligible employee for foster care, the eligible employee uses PFL during that qualifying event, and such placement subsequently becomes an adoption of that same child by the same employee, the adoption will not be considered a qualifying event, and the eligible employee will not be entitled to additional PFL for the adoption.

"Average Weekly Wage" means for the purpose of computing the PFL benefit, the amount determined by dividing either the total wages of the employee in the employment of his/her last covered employer for the eight weeks or portion thereof that the employee was in such employment immediately preceding and including his/her last day worked prior to the first day of PFL, or the total wages of the last eight weeks or portion thereof immediately preceding and excluding the week in which PFL began, whichever is the higher amount, by the number of weeks or portion thereof of such employment.

3. GENERAL PROVISIONS

A. Paid Family Leave Benefits

1. An eligible employee may be entitled to benefits for leave taken from work for the following qualifying events:
 - a. To participate in providing care, including physical or psychological care for a family member of the employee made necessary by a serious health condition of the family member;
 - b. For the employee to bond with the employee's child:
 - during the first 12 months after the child's birth;
 - during the first 12 months after the placement of the child for adoption or foster care; or
 - before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.
 - c. Due to any qualifying exigency pursuant to FMLA, arising out of active duty or an impending call or order to active duty in the Armed Forces of the United States for the spouse, domestic partner, child or parent of the employee.

2. No employee shall be entitled to PFL benefits:
 - a. For any disability intentionally caused by the employee to another or resulting from the employee's illegal act;
 - b. For any day of family leave during which the employee performed work for the employer for remuneration or profit;
 - c. For any family leave commencing before the employee becomes eligible for PFL benefits;
 - d. For any disability of the employee.

B. Eligibility

1. Full-time employees who work a regular schedule of 20 hours or more per week are eligible for Paid Family Leave after 26 consecutive weeks of employment, commencing with the employee's City Start date.
2. Part-time employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which need not be consecutive, commencing with the employee's City Start date.
3. The annual period during which an employee is eligible for a defined number of weeks of Paid Family Leave, as set forth below in subsection "C," below, is defined as a rolling 12-month period measured backward from the first date that the employee begins using PFL.
4. Once eligibility requirements are met, employees remain eligible until employment is terminated with the City of New York, or if the employee moves to a non-eligible title.
5. The Paid Family Leave benefit is paid through a small payroll deduction. These rates are set annually, no later than September 1 of the preceding year, by the New York State Superintendent of Financial Services pursuant to Workers' Compensation Law 209(3)(b) and Insurance Law § 4235(n)(1). Please refer to the Paid Family Leave website (<https://paidfamilyleave.ny.gov/>) for the latest information on rates. An employee who does not expect to work for the City for the minimum amount of time required for eligibility may opt out of PF by completing a PFL waiver. The agency must confirm that the employee will be hired for less than the minimum amount of time required for eligibility. A waiver of PFL benefits may be granted when:
 - a. An employee whose work schedule is 20 hours or more per week, will not work for 26 consecutive weeks; or
 - b. An employee whose work schedule is less than 20 hours per week will not work 175 days in a 52-consecutive week period.

Paid Family Leave Deduction Example for 2019		
Worker's Weekly Wage	Weekly PFL Deduction (2019)	Annual PFL Deduction
\$600	\$0.92	\$47.84
\$1,000	\$1.53	\$79.56
\$2,000	\$3.06	\$107.97

Please note these are weekly wages. You may be paid biweekly.

C. Computation of Benefits

1. Beginning in 2019, employees taking Paid Family Leave will receive 55% of their average weekly wage (AWW), up to a cap of 55% of the current Statewide Average Weekly Wage (SAWW) of \$1,357.11. These rates are set by the New York State Department of Labor's Research and Statistics Division. The maximum weekly benefit for 2019 is \$746.41.

Paid Family Leave Benefits Examples for 2019	
Worker's Average Weekly Wage	Weekly PFL Benefit (2019)
\$600	\$330
\$1,000	\$550
\$2,000	\$746.41

The PFL benefit will increase through 2021 as provided below.

Benefits Increase Through 2021		
Year	Weeks of Leave	Benefit
2019	10 weeks	55% of employee's AWW, up to 55% of SAWW
2020	10 weeks	60% of employee's AWW, up to 60% of SAWW
2021	12 weeks	67% of employee's AWW, up to 67% of SAWW

Please note your AWW is based on your wages weekly. You may be paid biweekly.

2. PFL may be taken consecutively or intermittently.
3. Group Health Insurance must be maintained for an employee on PFL on the same terms as if the employee had continued to work. If the employee contributes to the cost of their health insurance, the employee must continue to pay his/her portion of the premium cost while on Paid Family Leave.

D. Other Conditions

1. Leave under the Family and Medical Leave Act (FMLA) shall run concurrently with PFL, if the employee is eligible for FMLA leave for the same reason for which PFL leave is taken. If the employee is eligible for both PFL and FMLA, the agency should inform the employee at the time of the initial request.
2. When an employee requests leave for a PFL qualifying purpose but does not request to use PFL leave, it is the agency's responsibility to designate such leave as PFL leave.
3. If leave to bond with the employee's child is interrupted or ceased as a result of the child(ren) no longer being under the care of the eligible employee, the eligible employee must immediately notify the human resources department of his/her agency and end his/her PFL benefits,
4. An employee may not simultaneously receive pay from accrued leave balances and PFL benefits. If an employee receives pay from accrued leave balances for leave qualifying for PFL, the leave taken will count towards the PFL entitlement.
5. An employee who uses applicable leave balances during the PFL period will accrue annual and sick leave during the PFL period in accordance with the applicable leave regulations. An employee will not be credited with the annual and sick leave time accrued while on PFL until the employee returns from PFL. If an employee chooses not to use applicable leave balances during the PFL period, and therefore, is on unpaid leave, the employee will not accrue any annual and sick leave balances during that period in accordance with the applicable leave regulations.
6. PFL must be taken intermittently in full day increments only. Any changes to the employee's work schedule must be pre-verified by the employee's Agency.
7. Any changes to an employee's Return to Work date must be pre-verified by the employee's Agency.

E. Restoration

An employee who returns from PFL must be restored to his or her previous position or to an equivalent position. An equivalent position is a position in the same civil service title which has the same pay, benefits, and working conditions (including the same worksite or a geographically proximate worksite). A geographically proximate worksite is one that does not involve a significant increase in commuting distance or time. If the employee is denied restoration or other benefits, the agency must be able to show that the employee would not have continued to be employed, or to have received the benefits, if the employee had been continuously employed during the leave period.

4. PROCEDURES

A. How to Apply for Benefits

1. There are four basic steps for an employee to request PFL.

- a. When the PFL is foreseeable, an employee must give his/her agency at least 30 calendar days notice before the leave begins. Otherwise, the employee must notify the agency as soon as possible. This requirement may be waived at the discretion of the agency head.
 - b. Next, the employee request form package from agency human resources (HR) and complete the Request for Family Leave (Form PFL-1).
 - c. The agency must fill out their section of the form within three business days and send it to the insurance carrier for processing. The employer should provide the employee a copy of the form for his/her records.
 - d. The insurance carrier must pay or deny the employee's request within 18 calendar days of receiving the completed request. Visit the How to Apply section linked at the end of the document for complete details and links to forms.
2. Required Supporting Documentation: When requesting PFL, the employee will need to file a Request for Paid Family Leave form as well as documentation in support of the PFL request. The specific documentation required varies based on the type of leave, as outlined below:
- a. For the Birth of a Child:
 - i. The Birth mother will need the following documentation:
 - Birth certificate; or
 - Documentation of pregnancy or birth from a health care provider (includes mother's name and due/birth dates).
 - ii. A second parent will need the following documentation:
 - Birth certificate, or if not available, a voluntary acknowledgement of paternity or court order of filiation; or
 - A copy of documentation of pregnancy or birth from a health care provider (includes mother's name and due/birth dates) and a second document verifying then parent's relationship with the birth mother or child.
 - b. For Foster Care:
 - i. Letter of placement issued by county or city department of social services or local voluntary agency.
 - ii. If second parent is not named in documentation, a copy of that documentation plus a second document verifying relationship to the parent named in the foster care placement.
 - c. For Adoption:
 - i. Legal evidence of adoption process.

- ii. If second parent is not named in legal documents, the second parent must provide a copy of the legal evidence of adoption process and a second document verifying the relationship to the parent named in the document.

d. For Leave to Care for a Serious Medical Condition:

If the employee is planning to request Paid Family Leave to care for a family member with a serious health condition, make sure the family member's health care provider completes the Health Care of a Family Member with Serious Health Condition (Form PFL-4) as soon as possible. This form is a required part of the request for PFL, so it must be submitted to the PFL insurance carrier within 30 days of the first date of the PFL.

e. For Military-related Leave:

- a. US Department of Labor Military Family Leave Certification (Federal Military Leave Form).
- b. Copy of Military Duty Papers.
- c. Other documentation supporting the reason for the leave (copy of meeting notice or other meeting documentation, ceremony details, rest and recuperation orders, etc.).

- f. Please contact the insurance carrier directly for additional information or with any questions regarding Paid Family Leave. Their contact information is listed on the bottom of "Paid Family Leave Application Process Steps."

B. Returning from PFL Early, Extending PFL, and Termination of PFL

- 1. If an employee would like to return from PFL earlier than initially requested, or would like to extend the PFL, the employee must send the request to the agency HR for verification. Once verification is obtained, the employee must notify the insurance carrier of the change in schedule. The insurance carrier will then contact the agency to verify the information.
- 2. If employment is terminated with the City of New York, or if the employee moves to a non-eligible title, the Agency must notify the insurance carrier that benefits are to be terminated.

C. Dispute Resolution

1. Informal Resolution. The employee and insurance carrier shall make every effort to informally resolve a denial of PFL benefits.
2. Arbitration. In the event an informal resolution is unsuccessful, any party may seek a formal resolution through arbitration. Any claim-related dispute, including eligibility, benefit rate, and duration of family leave, is subject to arbitration pursuant to procedures promulgated or approved by the New York State Chair of the Workers' Compensation Board. Awards are made in writing and are final and binding on the parties in the case subject to Article 75 of the Civil Practice Law and Rules.

D. Overpayment to the Employee from the Carrier

The employee is responsible for any overpayment made from the insurance carrier to the employee.

E. Protection from Discrimination and Retaliation

The employer is strictly prohibited from discriminating or retaliating against an employee for requesting or taking Paid Family Leave.

PFL Forms:

[PFL-1 Instructions](#)

[Absolve Portal Login Instructions](#)

[PFL-1 Bond with a Newborn, a Newly Adopted or Foster Child](#)

[PFL-1 Assist Families in Connection with a Military Deployment](#)

[PFL-1 Care for a Family Member with a Serious Health Condition](#)

[Agency Handoff Document](#)

[PFL-Waiver](#)

[List of Covered Unions](#)

Lisette Camilo
Commissioner

Inquiries: Contact Citywide Personnel Policy at cpp@dcas.nyc.gov

Dina Signorelli

From: Dalvanie Powell <dalvanie@upoa.com>
Sent: Wednesday, March 27, 2024 2:56 PM
To: Harry Greenberg
Subject: Contract

Hi

If the starting salary for Probation Officers is at 57000 or 61000 then the ones who are here and are at the lower end of the pay scale salaries will have to be brought up to make up the numbers as everyone else up the lines as well as the POA and POTs. We are looking at an additional 15000 give or take a few in the starting salary. This should not include the bargaining percentages being offered. .It would be unfair for us to agree to this if all our current members are not receiving the same bump up in their salaries.

I will call when I am settled.

Thank you
Dalvanie K Powell
President
United Probation Officers Association
[REDACTED]
Dalvanie@upoa.com

Dina Signorelli

From: Dalvanie Powell <dalvanie@upoa.com>
Sent: Monday, March 25, 2024 8:37 PM
To: Harry Greenberg
Cc: Dalvanie Powell; Dina Signorelli
Subject: UPOA Contract

Hi Harry

I was thinking about our conversation regarding the pay steps for our members . As I mentioned my objective is to have our members receive pay parity to the NYPD ,Correction Officers and the Deputy Sheriffs who all reach their top salary in 5 years or close to it as possible . However , I was thinking we do not have to necessarily give everyone the same step schedule although it would be idle if we could. I refer to the previous contracts we have where the increments for POs is 10 years and 15 years for SPOs. The reality is that we do not have any steps therefore we could structure the salary steps from 5 to 10 maybe 12 years if need be. For example the Pos salary step structure can be 5.5 to 6 years, Senior PO 6.5 to 10 years and 6 to 8 years for SPOs. The goal is to get people to come on board and keep them here.

If the department is willing to fund the starting salary at \$55,000 which is a difference of \$9066.00 of the current hiring rate this gives us additional money to incorporate into the salaries steps. I also recall the Commissioner saying she would increase the salary of those who remain and bring their salaries from \$45,934 to \$55,000 . Isn't this another savings for us to add to the salary step structure?

I am not sure if I calculated the numbers correctly but her are my thoughts

PO
\$55,000 hiring rate
\$2000 1 year or 1.5 year
\$1500 or \$2000 in 2 or 2.5 years
\$1000 3 or 3.5 years
\$2500 4 or 4.5 years
\$2500 5 or 5.5 years
\$1500 6 or 6.5 years
\$1500 6.5 years or 7 years
\$1500 7 or 7.5 years
\$1780 8 or 8.5 half years
\$109,352 top salary /final step

Senior Probation Officer is a discretionary assignment so therefore I am assuming there will not be many Officers in this position

\$72,898 incumbent rate
\$1519 2 or 2.5 years
\$1519 2.5 or 3 years
\$1519 3 or 3.5 years
\$1519 3.5 or 4 years
\$1519 4 or 4.5 years
\$1519 4.5 or 5 years
\$1519 5 or 5.5 years
\$1519 5.5 years or 6 years

\$6732 6 years or 6.5 years
\$6732 6.5 years or 7 years
\$6732 7 years or 8 years
\$3366 8.5 years or 9 years
\$3366 9 years to 10 years
\$112,003 top salary/final step

Supervising Probation Officer

\$96,017 incumbent rate
\$96,281 2 years
\$96,477 3 years
\$97,894 4 years
\$105,606 5 years
\$118,056 6 years top salary /final step

Also just a reminder once we settle on a dollar amount with the city said monies is to cover those who were employed from June 2018 through December 2020. The more they offer the better for us.

I would like to recommend after we meet with the Commissioner on Wednesday as we spoke of, scheduling up a meeting with all parties with exception of OLR within the next two weeks to include the Commissioner and the departments General counsel, You and I, Yetta and her team, the Complainant representatives for the EEO case, and The City Corporation Counsel so we all can get on the same page before we meet with OLR.. Thus far all parties are in agreement to meet. We will have to share with the Commissioner the plan to meet to make sure she is on board as well.

The above notwithstanding do you think we should move forward with bargaining, to include the Commissioners proposal of the starting salary to begin at \$55,000 with the MOU? I am hoping we can present the plan to the members providing that OLR is in agreement as we are unaware of how long the EEO case will be resolved and we should not be dependent on it.

Thank you for your time

Dalvanie K Powell
President
United Probation Officers Association

Dalvanie@upoa.com

Testimony of
Gregory Mantsios, Founding Dean
City University of New York School of Labor & Urban
Studies



**CUNY SCHOOL OF LABOR
AND URBAN STUDIES**
THE CITY UNIVERSITY OF NEW YORK

Before The New York City Council
Committee on Women & Gender Equity
Regarding the 2024 Pay Disparity Report on
Wage Gaps in NYC's Municipal Work Force

April 25, 2024

Good afternoon. Thank you for the opportunity to speak today.

My name is Gregory Mantsios and I am the founding Dean of the CUNY School of Labor & Urban Studies, the 25th and newest unit of the City University of New York, dedicated to public service and social justice. It is the product of a collaboration that included labor leaders, CUNY and elected officials. In fact, the City Council was instrumental in SLU's creation.

The School has a three-part mission to:

- prepare the next generation of labor and community leaders;
- expand higher education opportunities for working adults in their field of choice;

and

- serve the labor and broader community.

SLU enrolls more than 1,600 workers/students in total – more than 500 in its core academic degree programs and 1,100 in collaborative workforce development programs.

While the School is new, our work as the Murphy Institute, SLU's predecessor, spans the course of over four decades and over the course of that period, we have enrolled thousands of public sector workers – predominantly women and people of color. Our students from CWA 1180, DC 37 and others receive generous tuition benefits from their unions. We provide these workers with certificates and degrees in Urban Studies, Public Administration, Policy, Health Care Administration and a host of other programs taught by both academics and practitioners that help prepare them to meet the constantly changing demands of public service.

The students work hard, juggling job and family obligations, to attend classes in the evening and devote time to their studies. And they do extremely well. 80% of the graduate degrees awarded by SLU conferred to under-represented minorities (vs 35% for CUNY overall and 18% nationally).

Yet the number one complaint I have heard from 1180 and DC 37 students – for FORTY years – is that despite their educational achievement and leadership development, too many are trapped by a system that keeps them on low-paying career paths.

I should point out that this is not the case for our other students. To point to just one example, the DOE and UFT have established a program with us that has provided a direct career path for thousands of paraprofessionals to earn the credentials required to become teachers. We currently enroll over 800 paras in that program. I'm happy to discuss this in more detail.

Job segregation and pay disparity, especially in the context of educational achievement, is anathema to the American Dream and the revered ideal that education creates upward mobility.

We've been singing this song for a long time. But there is a new urgency to this problem because the "2024 Pay Disparity Report" shows 1) the historical pattern and consequences of job segregation and discrimination, and 2) a path forward.

The consequences of past practices are shameful. The path forward is clear.

We commend 1180 for its leadership on this issue and commend Council Members for taking up the issue and for the creative remedies they are proposing, including career counseling and workplace culture surveys.

The report calls on DCAS to reconsider its practice so as to "rank eligible candidates for promotion and to better recognize highly skilled and motivated employees." To rightly reward the hard-working employees who are currently trapped in lower paying and segregated jobs, we urge the City to:

- **Provide these students with additional points on the civil service exams, as is done with applicants who are veteran of the armed services – and is suggested in the report itself.**

- **Provide pay increases for those who have completed a course of study, as the DOE does for teachers who complete an MA + 30 credits.**
- **Provide a course of study that meets City agency needs – and then allow graduates the opportunity to take selective certification exams. We are happy to work with DCAS to identify subject matter and skills sets that they think should be integrated into the curriculum.**

These and other measures will break what the Report calls “the cycle of occupational segregation.”

Look at it this way: Why *wouldn't* we level the playing field by rewarding those who have taken substantial, quantifiable steps to build their skills, their knowledge, their performance... and create a clearer path for them to advance their careers and improve their quality of life?

This is an opportunity to bolster our municipal workforce, which results in a better, more livable city.

Thank you for your time and consideration.



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Testimony in Support of Addressing Pay Disparities in the Municipal Workforce

April 26, 2024

To Whom it Concerns:

My name is Molly Senack, and I am testifying today on behalf of the Center for Independence of the Disabled, New York (CIDNY) as their Education and Employment Community Organizer. This testimony is supported by Sharon McLennon Wier, Ph.D., MSEd., CRC, LMHC, Executive Director of CIDNY.

The recently released New York City Council 2024 Pay Disparity Report highlights the gender and racial wage gaps that currently exist in the city's municipal workforce. According to the Report, people of color working as municipal employees earn only \$0.82 for every dollar that white male municipal employees earn, with women of color accounting for over two-thirds of that racial pay gap. The report found that these gaps are largely due to the concentration of women, people of color, and especially women of color in positions that consistently pay lower wages than those predominantly filled by white men. Two distinct points can be inferred from this data on occupational segregation: 1) Positions that tend to be held by women of color also tend to be undervalued. 2) Promotions to positions typically held by white men tend to be less accessible. The Report highlights how the intersectionality of race and gender is inextricable from both points. However, the impact of having a disability is glaringly absent in this reporting on intersectional discrimination.

In NYC, 12.4% of people who identify as female have a disability (compared to 10.1% of people who identify as male), and of the almost 986,000 New Yorkers who have a disability, roughly 69% are people of color. And yet the impact of this intersectionality, particularly on employment, remains largely unstudied and by extension, unaddressed. The Bureau of Labor Statistics (BLS) provides statistics on employment as it relates to disability status, gender, and race, but it does not provide statistics on the intersection of all three. This is critical when examining the nature of pay disparity, since according to the American Community Survey, people with disabilities in NYS are almost twice as likely as people without disabilities to live below the poverty line (30% vs 17%).

While they are not the only contributing factors in the likelihood of people with disabilities experiencing poverty, occupational segregation and pay disparity play a major role in it. According to the BLS, people with disabilities are less likely to work in traditionally higher paid managerial or professional positions than people without disabilities- 37.4% compared to 43.9% respectively. People with disabilities can experience disproportionate difficulty obtaining and retaining well-paying jobs, partly for the same reasons that people of color, women, and especially women of color do: Many of the practices involved in applying, hiring, and training for jobs and subsequent promotions are implicitly discriminatory. As it relates to disability, employees who request accommodations they are legally entitled to can be met with discouragement and even hostility in the workplace, often leaving those employees with a difficult decision: either struggle to work without necessary

resources and supports or endure further marginalization by soliciting them. Both choices can lead to the employee being overlooked for promotions, or even to them leaving their job entirely. The NYC Council's report reflects the compounding effects the intersection of racial and gender bias have on wage parity. Disability bias compounds them further.

In the last year, significant efforts have been made in NYC to increase the hiring and workplace retention rates of people with disabilities. Local Law 12, enacted in January 2023, requires all NYC agencies to develop (and eventually implement) a five-year plan to ensure that each agency's workplace, programs, and services are accessible to people with disabilities. Additionally, in the summer of 2023, Mayor Adams announced an initiative to support career advancement for people with disabilities. It includes the creation of a Center for Workplace Accessibility and Inclusion and the expansion of the existing NYC: ATWORK, both of which aim to remove barriers to people with disabilities seeking employment. This initiative is happening in conjunction with an expansion of NYC's 55-a program, which allows qualified people with disabilities to be hired for municipal civil service positions without having to take qualifying exams.

The Council is now considering legislation that will contribute to these efforts:

- Int 0828 and Int 0829 relate to the promotion of careers in civil service, allowing more people, including those with disabilities, access to information regarding the benefits of joining the municipal workforce and opportunities to do so.
- Int 0743 would require the Department of Citywide Administrative Services (DCAS) to offer career counseling to municipal employees, enabling more people with disabilities, especially those who received jobs under the 55-a program, to take advantage of opportunities for career advancement.
- Int 0767 would require DCAS to administer workplace culture surveys, which would shed light on how the plans put forth under Local Law 12 are succeeding, and could give guidance on their improvement.
- Int 0809 would require the Commissioner of DCAS to publish an annual report on promotional procedures. And as the 2024 Pay Disparity Report demonstrates, transparency is an invaluable first step towards equity.

We thank the Council for your time and effort, and support the passage of these pieces of legislation. However, we also ask that the impact of disability status be included as a part of the conversation on intersectionality and employment bias. This will give a more complete picture of pay disparity and will help ensure it is addressed as effectively and impactfully as possible.

Sincerely,

Molly Senack (She/Her)
Education and Employment Community Organizer
Center for Independence of the Disabled, New York
Email: msenack@cidny.org Phone: (###)-###-####



April 25, 2024

**Testimony of Michael Greco, Vice President Local 2507
FDNY EMS Uniformed EMT's Paramedics and Fire Inspectors
Committee on Civil Service and Labor, Committee on Civil and
Human Rights and the Committee on Women and Gender Equity
'Pay Disparities in the City's Workforce'**

Good morning, my name is Mike Greco, and I am the Vice President of Local 2507 representing EMTs Paramedics and Fire Inspectors serving in the FDNY.

I want to thank the Speaker and the Committees here today for their tireless work to address the issue of pay disparity in the City's workforce. Pay inequity has a devastating impact on our members, and all EMS members in a Department which maintains a severely segregated workforce, the FDNY.

If we want to correct pay inequity in our workforce it is not enough to just work to open doors to the jobs that have been traditionally withheld from women and non-white municipal employees, like that of Firefighters, although that work is important. We also have to change the value we place on the work done in those titles that have larger amounts of women and non-white employees, like EMS.

And I know everyone says, well but what about the budget. But this argument that other things are more important to spend money on just reflects our lack of prioritizing women and people of color.

Paying employees equitably should not be a budgetary issue.

Budgetary limitations cannot be an excuse to subject the City's employees to exploitive working conditions. Our members live hand to mouth, most live below the poverty line, many are on government subsidies. Our members are in a constant state of stress as they slip into more and more debt just to stay alive so that they can serve in extremely high stress demanding jobs. Meanwhile, they watch as their colleagues are given unlimited paid leave, salaries almost twice what they are paid, and benefits and working conditions substantially different. All of this just perpetuates a culture and mentality that allows for segregation and keeps women and people of color in poverty. That is not the effect employment opportunities with the City of New York should have.

Year after year the FDNY appears before this body trying to convince it that hiring 70 women as firefighters is a big step forward in correcting the deeply rooted culture of discrimination in the FDNY. But we know two decades after the Vulcan class action, we have made little change. The EMS unions also filed a complaint in 2019 and the Federal Equal Employment Opportunity Commission which found that the FDNY discriminates in its pay practices towards EMS First Responders. Half a decade later, the City has done nothing to remedy this.

As long as you allow one group to be undervalued, you will have a system where there is the 'haves' and the 'have nots' and you will continue to see a segregated workforce that mirrors that.

The only way to close that gap is to not just open doors to diversify white and male jobs, but to also give proper value to the jobs in which women and people of color perform.

I thank you for your time and commitment to this important work.

##

**Testimony of
Gloria Middleton, President
New York Administrative Employees
Local 1180
Communications Workers of America,
AFL-CIO**



Committee on Civil Service and Labor
Committee on Civil and Human Rights
Committee on Women and Gender Equity

Hearing on
Pay Disparities in the Municipal Workforce
April 25, 2024

Good afternoon Speaker Adams, Committee Chairs De La Rosa, Williams, and Louis, committee members, and City Council members.

My name is Gloria Middleton. I am President of Communications Workers of America, Local 1180.

My union represents almost 9,000 active City administrative and private sector workers, and close to 6,000 retirees. One of our main objectives as a union representing predominantly women ... and women of color ... has **always** been to fight for equal salaries for **ALL**.

But you all know that. Local 1180 has been one of the leading outspoken voices in the past decade for women and women of color.

Pay inequity is **NOT** a new problem in the City of New York. You know that, too.

In 2016, we successfully sued the City of New York in an EEO lawsuit that resulted in a \$15 million win for our members because the facts were on our side. That lawsuit was pivotal in our decision to recommend legislation forcing the city to look at statistics that would illuminate pay parity for all municipal workers throughout every agency.

We sit here today as a result of that legislation – Local Law 18 – with firsthand information that proves what we already knew to be true.

The results of the recent Pay Equity Report released by the Council demonstrate that large gender and racial pay gaps still exist in the New York City municipal workforce. It is hard to fathom that years after I first started testifying at Council hearings about this ongoing issue, here we are again.

The wage gap between what white men ... and women ... and women of color earn ... continues to rob a clear sector of workers of fair wages and the economic stability to support themselves and their families.

Local Law 18, which requires an annual study of the City's workforce salaries, clearly needs strengthening.

We must pass laws to advance promotional and career development opportunities that include using the civil service system and encouraging women and minorities to obtain college degrees while employed as a means to increase salaries.

My members ask me over and over again, "how do I get to the maximum salary of my title? I received my BA and my MA and my agency does not recognize my competency or my sacrifice."

It's unconscionable that as of 2021, the latest year for which data is available, City government workers of color earned just 84 cents for every \$1 paid in salary to white workers, with two-thirds of that wage gap being due to disparate salaries for female employees of color.

With the latest study showing that persistent wage gaps are largely due to "occupational segregation" whereby women and people of color are concentrated in job titles that historically pay less, Local 1180 stands behind the Council's four bills seeking to promote diversity in the upper ranks of government.

Everyone – regardless of race or gender – has a right to be compensated fairly and adequately for their hard work in keeping this city running.

Thank you.

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**Testimony of
Arthur Cheliotas, President Emeritus
New York Administrative Employees
Local 1180
Communications Workers of America,
AFLCIO**



**Before the New York City Council
Committee on Women and Gender Equity**

**Regarding the 2024 Pay Disparity Report
on wage gaps within New York City's
municipal workforce**

April 25, 2024

CLOSING THE WAGE GAP BY CREATING CAREER PATHS FOR WOMEN AND MINORITIES CURRENTLY IN THE CITY WORKFORCE.

I entered city service in 1972 and served as president of Local 1180 for 13 consecutive three years terms starting in 1979 until Gloria Middleton was elected and took office in 2018. You will find my biography in Appendix 8 We have been a team fighting for dignity, justice and respect for our members who are predominately women and minorities for decades.

This annual report reveals what we have experienced and known since 1978, a system designed to depress the wages of women and minorities by creating a concrete not glass ceiling in the starting salary of Administrative Managers. You can follow the details over time in the chronology at Appendix 7. It was not until Local 1180 was certified as the bargaining representative of Administrative Managers that we could finally do anything about it.

Our success with Local 1180's EEO case was instrumental in creating the report that is the topic of this hearing. Because the first hurdle we needed to overcome in our EEO case was acquiring the data on wages, gender and race which the City was required to keep under numerous laws but claimed they did not have. What was particularly appalling was that DCAS was required under the City Charter and their own rules to not only keep these records but take affirmative action to correct discrimination as highlighted in Appendix 1 City Charter and Appendix 2. Personnel Rules.

As this report clearly demonstrates **women and minorities** are **trapped in a segregated system**. They are frustrated and seeking employment that offers better opportunities. They are more likely to continue with a career in the public service if they see career paths that ensures future growth and opportunities for better wages when they invest their time in education and training.

Unfortunately, DCAS and many City agencies have a long history of abuse and manipulation to avoid the NY State constitutional mandates of civil service based on competitive examinations and ranked lists limiting appointing agencies to the top three the most qualified candidates who must then demonstrate they can perform the duties required over a one-year probationary period. This last part of the hiring process is often forgotten by critics who claim testing and test scores limit the selection of the best candidates. This one in three process is there to limit favoritism, patronage, and corruption in the public service and I suggest you read Appendix 6 on **A Case Study of Political Patronage In New York City** All too often favoritism and patronage and their inherent gender and racial biases seek to avoid the civil service mandates with provisional, non-competitive, and exempt titles. This corruption creates a mistrust with the civil service and personnel practices of the city. The city's abuses have been confirmed by NY state and federal courts, state agencies and federal regulatory agencies like the EEOC. Now the NYC Council has a current report that confirms once again the discrimination city workers experience in the workplace every day.

Of course, the obvious question is how will this legislative body take effective action to end these discriminatory practices by the executive branch of the city government. While the City Charter mandates DCAS and city agency heads to engage in programs that facilitate the advancement of minorities and women with few exceptions they have been and remain an impediment not a facilitator. The 2024 report establishes that. The facilitators of advancing wages and benefits of women and minorities have been labor unions that in addition to negotiating better wages and working conditions provide tuition assistance for college credits. Unions pioneered programs at CUNY for decades. DC 37, UFT and CWA Local 1180. Local 1180 started degree and certificate programs at Queens College in the 1980's that evolved into The Joseph Murphy Institute and five years ago the twenty fifth unit of CUNY the School of Labor and Urban Studies. The degrees and certifications helped our members attain skill sets to work smarter and better serve the people of the City of New York while the union fights for them to be compensated for their hard work. The commitment of the members of Local 1180 to attaining their education at nights and weekends helped us win our EEOC case because we established that these minority women had better educational credentials than their white male predecessors who were paid much more.

Common sense dictates that agencies should work with CUNY to establish certification or degree programs that provide agencies with skilled and knowledgeable workers to meet their needs The agency would approve a course of study that CUNY would provide and target recruitment to women and minorities. They must also assure workers who earn degrees and certifications better pay.

Access to better paying positions can be achieved after completing a jointly established course certification or a degree that offers a bridge to a better paying job through a promotional exam or selective certification. Being eligible to take a promotional exam gives city workers a much better chance of being promoted to higher paying jobs. Currently city agencies must exhaust lists established from promotional exams before lists from open competitive exams which draw candidates from the general public can be offered appointments. Those promotional list should also be city-wide to ensure that women and minorities are not trapped in agencies with limited positions and can be promoted to agencies with greater opportunities. A city-wide list allows women and minorities to be promoted to another agency which has exhausted their promotional list and offers greater opportunities. You can see an example of a promotional exam targeting women and minorities in Appendix 4 Promotion To Police Officer Notice Exam No. 3551 where titles that are predominately held women and minorities now have priority status

Another aspect of the civil service exam system that can offer women and minorities additional preference for higher paying promotional jobs is the selective certification process. This process allows candidates on a list with certain skills, certifications, experience, or degrees the opportunity to move to the top of the list. For example, if someone scored well and is #30 on the general list but possesses a skill such as Spanish language skills sought by the agency, they might be #1 on the selective certification list for Spanish speakers and more likely to be promoted.

Finally, an important part of the settlement of our EEO case was a proposal recommended by the EEOC in their determination found in Appendix 5. An annual step increase was a key element it assured our members that even if managers have an explicit or implicit bias based on gender or race your work experience will qualify you for an annual incremental step increase in pay at about \$1,000 annually for 7 to 10 years.

Appendix 1 The New York City Charter

Appendix 2 Personnel Rules and Regulations of the City of New York

Appendix 3 New York State Civil Service Law

Appendix 4 PROMOTION TO POLICE OFFICER NOTICE Exam No. 3551

Appendix 5 U.S. EEOC DETERMINATION AND CONCILIATION AGREEMENT

Appendix 6 New York State Commission on Government Integrity

Playing Ball With City Hall:

A Case Study of Political Patronage In New York City

Appendix 7 CWA Local 1180 and Our Journey to Justice A Chronology

Appendix 8 Arthur Cheliotis Bio

Appendix 1

The New York City Charter

Chapter 35: Department of Citywide Administrative Services

Section 814. Personnel management; powers and duties of the commissioner.

- a. The commissioner shall have the following powers and duties in addition to the powers and duties of a municipal civil service commission provided in the civil service law, and those vested in the commissioner as head of the department, except where any specific power or duty is assigned to the mayor, heads of city agencies or the civil service commission pursuant to this chapter:
 12. To establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunity plan for equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such procedures shall include a time schedule for the development of such plans which provides for the preparation by each agency of a draft plan, the review of such draft plan by the department of citywide administrative services, the equal employment practices commission, and such other agency as the mayor requires, and the consideration by the agency of any comments received on such draft plans prior to the adoption of a final plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;
 13. To establish a uniform format to be utilized by all city agencies in the preparation of the quarterly reports required by subdivision i of section eight hundred fifteen. Such format shall provide for the presentation of statistical information regarding total employment, including provisional, seasonal, per-diem and part-time employees, new hiring and promotions in a manner which facilitates understanding of an agency's efforts to provide fair and effective equal opportunity employment for minority group members, women and members of other groups who are employed by, or who seek employment with, city agencies;
 14. To develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; and
 15. To provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

Section 815. Agency heads; powers and duties concerning personnel management.

- a. Subject to the civil service law and applicable provisions of this charter, heads of city agencies shall have the following powers and duties essential for the management of their agencies in addition to powers and duties vested in them pursuant to this charter or other applicable law:
 19. To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection; and
 20. To provide assistance to minority group members and women interested in being employed by city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

Appendix 2

Personnel Rules and Regulations of the City of New York

Rule II - Applicability And Administration

Section I - Personnel Administration

2.1. (a) The commissioner of citywide administrative services shall have the power to promulgate rules and regulations relating to the personnel policies, programs and activities of city government in furtherance of and consistent with state civil service law and chapter 35 of the New York City charter.

(b) The commissioner of citywide administrative services shall have all the powers and duties of a municipal civil service commission provided in the civil service law or in any other statute or local law other than such powers and duties as are by chapter 35 of the New York City charter assigned to the mayor, the city civil service commission or the heads of agencies.

The authority to determine who is eligible for promotion follows:

Personnel Rules and Regulations of the City of New York

Rule V - Appointments And Promotions

Section I - Appointments And Promotions Generally

5.3.3. Filling Vacancies by Promotion.

(a) Except as provided in paragraph 5.3.5, vacancies in positions in the competitive class shall be filled, so far as practicable, by promotion from among persons holding competitive class positions in a lower grade in the agency in which the vacancy exists, provided that such lower grade positions are in the direct line of promotion, as determined by the commissioner of citywide administrative services.

(b) **Where the commissioner of citywide administrative services determines that it is impracticable or against the public interest to limit eligibility for promotion to persons holding lower grade positions in the direct line of promotion, the commissioner of citywide administrative services may extend eligibility for promotion to persons holding:**

(1) competitive class positions in lower grades which are determined by the commissioner of citywide administrative services to be in related or collateral lines of promotion; or

(2) comparable positions in any other unit or units of governmental service and may prescribe minimum training and experience qualifications for eligibility for such promotion.

(c) The commissioner of citywide administrative services may open promotion examinations to eligibles, otherwise qualified, in two or more grades who shall have served for the required period in any or all of such grades to which such examination is open. The commissioner of citywide administrative services also may extend eligibility in a promotion examination to persons holding positions of a corresponding character in the same grade as that of the position for which the examination is held. Eligibility shall be limited to persons who meet the requirements prescribed in the announcement of examination.

(d) Agency requests for any extension of eligibility provided for in this paragraph shall be made in accordance with the regulations of the commissioner of citywide administrative services.

(c) The heads of agencies shall have the powers and duties of personnel management as provided for in chapter 35 of the New York City charter.

Appendix 3

New York State Civil Service Law

Section 52

Promotion examinations

1. Filling vacancies by promotion. Except as provided in section fifty-one, vacancies in positions in the competitive class shall be filled, as far as practicable, by promotion from among persons holding competitive class positions in a lower grade in the department in which the vacancy exists, provided that such lower grade positions are in direct line of promotion, as determined by the state civil service department or municipal commission; **except that where the state civil service department or a municipal commission determines that it is impracticable or against the public interest to limit eligibility for promotion to persons holding lower grade positions in direct line of promotion, such department or commission may extend eligibility for promotion to persons holding competitive class positions in lower grades which the department or commission determines to be in related or collateral lines of promotion, or in any comparable positions in any other unit or units of governmental service and may prescribe minimum training and experience qualifications for eligibility for such promotion.**

2. Factors in promotion. Promotion shall be based on merit and fitness as **determined by examination, due weight being given to seniority. The previous training and experience of the candidates, and performance ratings where available, may be considered and given due weight as factors in determining the relative merit and fitness of candidates for promotion.**

3. Promotion eligibility of persons on preferred lists and employees on leave of absence. Any employee who has been suspended from his position through no fault of his own and whose name is on a preferred list, and any employee on leave of absence from his position, shall be allowed to compete in a promotion examination for which he would otherwise be eligible on the basis of his actual service before suspension or leave of absence.

4. Departmental and interdepartmental promotion lists. The state civil service department and municipal commissions may establish interdepartmental promotion lists which shall not be certified to a department until after the promotion eligible list for that department has been exhausted.

5. Promotion units. In the state service, or in the service of a city containing more than one county, promotion examinations may be held for such subdivisions of a department as the state civil service department or the municipal commission of such city, as the case may be, may determine to be an appropriate promotion unit, but departmental and interdepartmental promotion eligible lists shall not be certified to a department until after the promotion unit eligible lists for that department have been exhausted.

6. Promotion and transfer to administrative positions in the state service.

(a) For the purpose of this subdivision, the term "administrative positions" shall include competitive class positions in the state service in law, personnel, budgeting, methods and procedures, management, records analysis, and administrative research, as determined by the state civil service department.

(b) Except as provided in section fifty-one, vacancies in administrative positions shall be filled, so far as practicable, by promotion as prescribed in subdivision one of this section, which may be made from among persons holding administrative positions in lower grades without regard to the specialties of their lower grade positions. The civil service department, upon the request of an appointing officer stating the reasons why the filling of administrative positions in grade fourteen or higher under his jurisdiction from an interdepartmental promotion list or a promotion list including persons employed in other units of government would be in the best interests of the state service, or upon its own initiative whenever it finds that the filling of administrative positions in grade fourteen or higher in any department from such an interdepartmental or intergovernmental promotion list would be in the best interests of the state service, may certify such an interdepartmental or intergovernmental promotion list for filling such positions, without preference to departmental lists or to eligibles holding lower grade positions in the department or promotion unit in which such positions exist.

(c) Transfers shall be allowed between administrative positions in the same or related or collateral specialties which involve substantially equivalent tests or qualifications, subject to such conditions and limitations as the state civil service department may prescribe.

(d) The provisions of this subdivision shall be applicable and controlling, notwithstanding any other provisions of this section or chapter or any other law.

7. Promotion by non-competitive examination. Whenever there are no more than three persons eligible for examination for promotion to a vacant competitive class position, or whenever no more than three persons file application for examination for promotion to such position, the appointing officer may nominate one of such persons and such nominee, upon passing an examination appropriate to the duties and responsibilities of the position may be promoted, but no examination shall be required for such promotion where such nominee has already qualified in an examination appropriate to the duties and responsibilities of the position.

8. Limitation upon promotion. No promotion shall be made from one position or title to another position or title unless specifically authorized by the state civil service department or municipal commission, nor shall a person be promoted to a position or title for which there is required, by this chapter or the rules, an examination involving essential tests or qualifications different from or higher than those required for the position or title held by such person unless he has passed the examination and is eligible for appointment to such higher position or title.

9. Increase in salary as a promotion. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules in force hereunder, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion.

10. Credit for provisional service. No credit in a promotion examination shall be granted to any person for any time served as a provisional appointee in the position to which promotion is sought or in any similar position, provided, however, such provisional appointee by reason of such provisional appointment shall receive credit in his permanent position from which promotion is sought for such time served in such provisional appointment.

11. Notwithstanding any other provision of law, the state department of civil service may, for titles designated by it, extend to employees in the state service who are holding or who have held a position in the non-competitive or labor class of such service the same opportunity as employees in the competitive class to take promotion examinations if such examinations are to be held in conjunction with open competitive examinations.

12. Notwithstanding any other provisions of law, a municipal commission may, for entrance level titles as defined and designated by it, extend to employees in the service of a civil division who are holding or who have held a position in the non-competitive class of such service for a period of two years the same opportunity as employees in the competitive class to take promotion examinations for which such non-competitive class service is determined by the municipal commission to be appropriate preparation if such examinations are to be held in conjunction with open competitive examinations.

13. (a). Notwithstanding any other provision of law, the state civil service commission may, for titles designated by it, extend to disabled veterans of the Vietnam era, the same opportunities to take promotion examinations as provided to employees in the competitive class.

(b). For purposes of this subdivision, "disabled veterans of the Vietnam era" shall mean veterans who served during the Vietnam conflict as defined in subparagraph four of paragraph (c) of subdivision one of [§ 85 \(Additional credit allowed veterans in competitive examinations\)](#) and who provide documented evidence that they meet the definition of disabled veteran prescribed by subdivision one of such section.

14. Notwithstanding any other provision of law, in a city containing more than one county, the municipal civil service commission may, for titles designated by it, extend to employees in the service of a civil division or public authority under its jurisdiction who are holding a position in the non-competitive class or the labor class of such service the same opportunities as employees in the competitive class to take promotional examinations for which such non-competitive class or labor class service is determined by the municipal civil service commission to be appropriate preparation.

15. Promotion eligibility of person transferred to the office of information technology services. Notwithstanding any other provision of this chapter, the names of permanent employees transferred from a state agency or department to the office of information technology services shall remain on any promotion eligible list for appointment in the agency or department from which such employees were transferred, for a period of one year or until the expiration of such list, whichever occurs first. Further, where the promotion eligible list on which such employees' names appear is established in the office of information technology services, the names of employees so transferred shall be added to such promotion eligible list.

Source: Section 52 — Promotion examinations, <https://www.nysenate.gov/legislation/laws/ CVS/52> (updated Sep. 22, 2014; accessed Apr. 13, 2024).

Appendix 4
PROMOTION TO POLICE OFFICER
Exam No. 3551



ERIC L. ADAMS
Mayor

DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
BUREAU OF EXAMINATIONS

DAWN M. PINNOCK
Commissioner

NOTICE OF EXAMINATION

PROMOTION TO POLICE OFFICER
Exam No. 3551

WHEN TO APPLY: From: June 7, 2023
To: June 27, 2023

APPLICATION FEE: \$68.00

If you choose to pay the application fee with a credit/debit/gift card, you will be charged a service fee of 2.00% of the payment amount. This service fee is nonrefundable.

THE TEST DATE: Multiple-choice testing is expected to begin on **Saturday, August 19, 2023.**

**YOU ARE RESPONSIBLE FOR READING THIS ENTIRE NOTICE
BEFORE YOU SUBMIT YOUR APPLICATION.**

WHAT THE JOB INVOLVES:

Police Officers perform general police duties and related work in the New York City Police Department including connecting and building relationships with the community. They patrol an assigned area on foot or in a vehicle to prevent crime; apprehend crime suspects; intervene in various situations involving crimes in progress, aided cases, complaints, emotionally disturbed persons, etc.; respond to and investigate vehicular accidents; investigate specific offenses; interact with prisoners; operate and maintain patrol vehicles; issue summonses; obtain information regarding incidents by interviewing witnesses, victims, and/or complainants; safeguard and voucher found, seized or recovered property; provide information to the public; handle situations involving maltreated, abused, or missing children; interact with juveniles; may be assigned to crowd control for large-scale events such as demonstrations, rallies and parades; prepare forms and reports; and testify in court. All Police Officers perform related work.

Special Working Conditions:

Police Officers will be required to work various shifts including nights, Saturdays, Sundays, holidays, and to work rotating tours, change tours or work overtime when ordered, as permitted by the Collective Bargaining Agreement.

Some of the physical activities performed by Police Officers and environmental conditions experienced are: working outdoors in all kinds of weather; walking and/or standing in an assigned area during a tour while remaining alert; driving or sitting in a patrol car during a tour while remaining alert; running after a fleeing suspect; climbing up stairs; carrying an injured adult with assistance; gripping persons to prevent escape; restraining a suspect by use of handcuffs; detecting odors such as those caused by smoke or gas leaks; engaging in hand to hand struggles to subdue a suspect resisting arrest; being physically active for prolonged periods of time; understanding verbal communication over the radio with background noise; reading and writing under low light conditions; carrying or wearing heavy equipment; and wearing a bullet-resistant vest.

(This is a brief description of what you might do in this position and does not include all the duties of this position.)

THE SALARY:

The current minimum salary is \$50,620 per annum. Incumbents will receive salary increments reaching \$101,590 per annum at the completion of five- and one-half years employment. This rate is subject to change. In addition, there is an annual uniform allowance, holiday pay, and contributions by the City to Welfare and Annuity Funds and City-paid health insurance. Employees also receive a 2.25% differential (of base salary) for neighborhood policing. This rate is subject to change.

ELIGIBILITY TO TAKE EXAMINATION:

This examination is open to each employee of the **New York City Police Department** who on the **first date of the multiple-choice test:**

1. is employed in the non-competitive title of Police Cadet; or
2. holds a permanent (not provisional) competitive appointment or appears on a Preferred List (see Note, below) for the title of Traffic Enforcement Agent, Associate Traffic Enforcement Agent, School Safety Agent, Supervisor of School Security or Police Communications Technician; and
3. is not otherwise ineligible.

(Note: A "Preferred List" is a civil service list which is only for certain former permanent incumbents of the eligible title who have rehiring rights.)

READ CAREFULLY AND SAVE FOR FUTURE REFERENCE

The admission of employees in the competitive class titles: Traffic Enforcement Agent, Associate Traffic Enforcement Agent, School Safety Agent, Supervisor of School Security, or Police Communications Technician is on a collateral basis pursuant to New York Civil Service Law §52(1) for this examination only. The admission of employees in the non-competitive class title of Police Cadet is pursuant to New York Civil Service Law §52(14) for this examination only. These admissions are not considered precedent for future examinations.

This examination is also open to employees who were appointed to an eligible title pursuant to New York State Civil Service Law, section 55-a, and who meet all other eligibility requirements.

If you do not know if you are eligible, check with **your agency's personnel office**. You may be given the test before we verify your eligibility. You are responsible for determining whether or not you meet the eligibility requirements for this examination prior to submitting your application. If it is determined prior to the test date that you are not eligible to participate in this examination, you will not receive an Admission Notice to take the multiple-choice test, you will not be permitted into the test site, and your application fee will not be refunded. If it is determined after the test date that you are not eligible to participate in this examination, your application fee will not be refunded and you will not receive a score.

ELIGIBILITY TO BE PROMOTED:

From the non-competitive title of Police Cadet: At the time of promotion, you must be employed in the title of Police Cadet and you must have satisfactorily completed the Police Cadet Program.

From the competitive titles of School Safety Agent, Supervisor of School Security, Traffic Enforcement Agent, Associate Traffic Enforcement Agent or Police Communications Technician: In order to be eligible for promotion, you must have completed your probationary period in the eligible title as indicated in the above "Eligibility To Take Examination" section, and you must be permanently employed in the eligible title or your name must appear on a Preferred List for the eligible title at the time of promotion. Additionally, you must have served permanently in the eligible title for at least one year, unless your probationary period in that eligible title has been waived pursuant to Rule 5.2.4 of the Personnel Rules and Regulations of the City of New York. Time served prior to a break in service of more than one year will not be credited toward meeting these requirements. Employees who have passed probation in any eligible title, but who, at the time of promotion, are serving in another eligible title as specified above, but who have not passed probation for that title, are nevertheless eligible for promotion.

REQUIREMENT(S) TO BE PROMOTED:

At the time of promotion, eligible candidates in the title of Police Cadet must meet the following qualification requirement:

- a. graduation from college with a two-year degree or completion of 60 college credits.

At the time of promotion, eligible candidates in the title of Traffic Enforcement Agent, Associate Traffic Enforcement Agent, School Safety Agent, Supervisor of School Security, or Police Communications Technician must meet the following qualification requirement:

- a. successfully completed 60 college semester credits at an accredited college or university with at least a 2.0 cumulative index or its equivalent, **or**
- b. a four-year high school diploma or its educational equivalent and have completed two years of honorable full-time U.S. military service.

High School education must be approved by a State's Department of Education or a recognized accrediting organization. College education must be from an accredited college or university, accredited by regional, national, professional or specialized agencies recognized as accrediting bodies by the U.S. Secretary of Education, and by the Council for Higher Education Accreditation (CHEA). If you were educated outside the United States, you must have your foreign education evaluated at your own expense to determine its equivalence to education obtained in the United States. You will receive instructions from the Police Department during the pre-employment screening process regarding the approved evaluation services that you may use for foreign education.

Age Requirement: You must be at least 17½ years of age by the date you take the multiple-choice test to be permitted to take this examination. You must have attained age 21 to be promoted to Police Officer. If you are too young for promotion on the date the eligible list is terminated, you will have no further opportunity for promotion from the list. Only persons who are less than 35 years of age on the first date of the application period for this examination may be promoted to Police Officer. Thus, you must not have reached your 35th birthday by June 7, 2023 to be promoted to Police Officer.

Exception to Age Requirements: If you were engaged in military duty as defined in Section 243 of the New York Military Law, you may deduct from your actual age the length of time spent in such military duty, provided the total deduction for military duty does not exceed seven years.

Citizenship Requirement: United States citizenship is required at the time of promotion to Police Officer.

Character and Background: Proof of good character and satisfactory background will be absolute prerequisites to promotion. The following are among the factors which would ordinarily be cause for disqualification: (a) arrest record or conviction of an offense, the nature of which indicates lack of good moral character or disposition towards violence or disorder; (b) repeated arrests or convictions of an offense, where such convictions indicate a disrespect for the law; (c) discharge from employment, where such discharge indicates poor behavior or an inability to adjust to discipline; and (d) conviction of petit larceny. Additionally, persons convicted of a felony, domestic violence misdemeanor, or who have been dishonorably discharged from the Armed Forces are not eligible for promotion to the title of Police Officer.

Medical and Psychological Assessment: Medical and psychological guidelines have been established for the position of Police Officer. You will be examined to determine whether you can perform the essential functions of the position of Police Officer. Additionally, you will be expected to continue to perform the essential functions of a Police Officer throughout your career, and may, therefore, be medically and psychologically tested periodically throughout your career. Where appropriate, a reasonable accommodation will be provided for a person with a disability to enable him or her to take these medical and psychological examinations, and/or to perform the essential functions of the job.

Physical Testing: Physical standards have been established for the position of Police Officer. You will be required to pass a qualifying physical test and may be required to undergo periodic physical testing throughout your career.

Drug Testing: You must pass a drug screening prior to promotion as part of a pre-promotion screening process, and you will be subject to drug testing during Police Academy Training and as part of the medical examination at the end of probation. You may again be drug tested on a random basis after your probationary period is completed or as a prerequisite for assignment or promotion. Any member of the NYC Police Department found in possession of or using illegal drugs, or who fails, refuses, or attempts to evade a drug test, will be terminated. The NYC Police Department has a strict zero tolerance policy concerning illegal drug use.

Residency Requirement: The New York State Public Officers Law requires that any person employed as a Police Officer in the New York City Police Department must be a resident of the City of New York or of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam counties.

English Requirement: You must be able to understand and be understood in English.

Proof of Identity: Under the Immigration Reform and Control Act of 1986, you must be able to prove your identity and your right to obtain employment in the United States prior to employment with an agency under the jurisdiction of the Commissioner, Department of Citywide Administrative Services.

HOW TO APPLY:

If you believe you are eligible to take this examination, apply using the Online Application System (OASys) at www.nyc.gov/examsforjobs. Follow the onscreen application instructions for electronically submitting your application and payment and completing any required information. A unique and valid email address is required to apply online. Several internet service providers, including but not limited to Google, Yahoo!, AOL, Outlook.com, and Mail.com offer free email addresses. **All new OASys accounts require verification before a candidate can apply to ensure the accuracy of candidate information. Verification is instantaneous for most accounts and you will receive a confirmation email with instructions to activate your account. For any account creation issues, you will receive onscreen prompts to contact DCAS. This review may require up to two (2) business days to be reviewed and resolved. Please keep this information and the application period deadline in mind when creating your account.**

The following methods of payment are acceptable: major credit card, bank card associated with a bank account, or a prepaid debit card with a credit card logo which you may purchase online or at various retail outlets. If you are receiving or participating in certain forms of public assistance/benefits/programs, or are a veteran, you may qualify to have the application fee waived. For more information on eligibility for a fee waiver and documentation requirements visit the Fee Waiver FAQ on the Online Application System at: <https://a856-exams.nyc.gov/OASysWeb/Home/Faq>. **Effective January 2020, the Online Application System is no longer supported on Windows 7 or earlier versions of Windows operating systems.**

You may come to the DCAS Computer-based Testing & Application Centers to apply for this examination online. However, you must schedule a customer service appointment prior to your visit. Due to the COVID-19 pandemic, DCAS no longer permits walk-ins at DCAS sites.

The centers will be open Monday through Friday from 9:00 AM to 5:00 PM:

Manhattan

2 Lafayette Street
17th Floor
New York, NY 10007

Brooklyn

210 Joralemon Street
4th Floor
Brooklyn, NY 11201

Queens

118-35 Queens Boulevard
5th Floor
Forest Hills, NY 11375

Staten Island

135 Canal Street
3rd Floor
Staten Island, NY 10304

Bronx

1932 Arthur Avenue
2nd Floor
Bronx, NY 10457

The DCAS Computer-based Testing & Application Centers will be closed on Monday, June 19, 2023.

To schedule a customer service appointment through OASys for an exam-related or eligible list-related inquiry, find **Exam #1889**, click **Apply**, and follow the instructions provided to reserve your appointment location, date, and time.

You must complete the entire application by midnight, Eastern Time, of the last day of the application period. If you have questions about applying for this examination, you may contact DCAS at OASys@dcas.nyc.gov.

Special Circumstances Guide: This guide is located on the DCAS website at https://www1.nyc.gov/assets/dcas/downloads/pdf/employment/pdf_c_special_circumstances_guide.pdf.

This guide gives important information about requesting an alternate test date because of religious observance or a special test accommodation for disability, claiming Veterans' or Legacy credit, and notifying DCAS of a change in your mailing address. Follow all instructions on the Special Circumstances Guide that pertain to you when you complete your "Application for Examination."

REQUIRED INFORMATION:

Application for Examination: Follow the online instructions, including those relating to the payment of fee and, if applicable, those found in the Special Circumstances Guide.

THE TEST:

The multiple-choice test will be given at a computer terminal. Your score on this test will determine your place on an eligible list. A score of at least 70% is required to pass this test. The multiple-choice test may include questions requiring the use of any of the following abilities:

Deductive Reasoning: applying general rules to specific problems and coming up with logical answers. It involves deciding if an answer makes sense. **Example:** This ability may be used by a Police Officer when determining the appropriate dispatch code based on the situation.

Inductive Reasoning: combining separate pieces of information, or specific answers to problems, to form general rules or conclusions. It involves the ability to think of possible reasons for why things go together. **Example:** This ability may be used by a Police Officer when investigating specific offenses.

Information Ordering: following correctly a rule or set of rules or actions in a certain order. The rule or set of rules used must be given. The things or actions to be put in order can include numbers, letters, words, pictures, procedures, sentences, and mathematical or logical operations. **Example:** This ability may be used by a Police Officer when storing found, seized, or recovered property.

Memorization: remembering information such as words, numbers, pictures, and procedures. Pieces of information can be remembered by themselves or with other pieces of information. **Example:** This ability may be used by a Police Officer when searching for individuals who are wanted for questioning after being presented with an image and description of the individual.

Problem Sensitivity: being able to tell when something is wrong or is likely to go wrong. It includes being able to identify the whole problem as well as elements of the problem. **Example:** This ability may be used by a Police Officer when apprehending crime suspects or working with crime victims.

Spatial Orientation: determining where you are in relation to the location of some object or where the object is in relation to you. **Example:** This ability may be used by a Police Officer when navigating throughout their assigned precinct while on foot or in a vehicle.

Visualization: imagining how something would look when it is moved around or when its parts are moved or rearranged. It requires the forming of mental images of how patterns or objects would look after certain changes, such as unfolding or rotation. One has to predict how an object, set of objects, or pattern will appear after the changes have been carried out. **Example:** This ability may be used by a Police Officer while searching for individuals who are wanted for arrest or questioning when attempting to identify such individuals who are believed to have changed their appearance.

Written Comprehension: understanding written sentences and paragraphs. **Example:** This ability may be used by a Police Officer when reviewing documents, reading traffic signs, issuing traffic violations, etc.

Written Expression: using English words or sentences in writing so that others will understand. **Example:** This ability may be used by a Police Officer when recording information in a memo book or other report(s).

The test may also include questions on the standards of proper employee ethical conduct, including the provisions of Mayor's Executive Order No. 16 of 1978 as amended; and other related areas.

VETERANS' PREFERENCE CREDITS: The New York State Civil Service Law provides that additional points can be added to the final score of a candidate who is, or by the date of promotion expects to be, an honorably discharged veteran or disabled veteran of the Armed Forces of the United States. To be eligible, a candidate must achieve a passing score on the examination. A claim for Veteran's Preference Credits cannot be made once the eligible list is established. This is only an overview; specific conditions and instructions for requesting Veterans' Preference Credits are indicated in the Special Circumstances Guide and on the DCAS website at

https://www1.nyc.gov/assets/dcas/downloads/pdf/employment/pdf_c_special_circumstances_guide.pdf.

EXAM SITE ADMISSION:

Your Admission Notice will be available on your Dashboard in OASys 14 days before the first date on which testing is expected to begin. You can print or display your Admission Notice on your phone or personal device to gain entry to the test site. Test site assignments will take your address into consideration, but nearness to your address cannot be guaranteed.

Warning: After gaining entry to the test site, you are not permitted to enter the testing area with electronic devices. Electronic devices include, but are not limited to, cellular phones, smart watches, recording devices, beepers, pagers, cameras, or portable media players. You are not permitted to use any type of headphones or ear buds. Calculators and electronic devices with an alphabetic keyboard or with word processing or data recording abilities such as planners, organizers, etc. **are not permitted.** If you use any of these devices anywhere at any test site, whether in the testing area, restroom, hallway, or other location, at any time before, during or after the test or Protest Review Session, your test score will be nullified, you will be disqualified from taking any civil service tests for up to five years, and your application fee will not be refunded.

You may not have any other person, including children, present with you while you are being processed for or taking the test, and no one may wait for you inside of a Computer-based Testing & Application Center while you are taking the test.

Required Identification: You are required to bring one (1) form of valid (non-expired) signature and photo bearing identification to the test site. The name that was used to apply for the exam must match the first and last name on the photo ID. A list of acceptable identification documents is provided below. **If you do not have an acceptable ID, you may be denied testing.** Acceptable forms of identification (bring one) are as follows: State issued driver's license, City or State issued identification card, IDNYC, US Government issued Passport, US Government issued Military Identification Card, US Government issued Alien Registration Card, Employer ID with photo, or Student ID with photo.

Leaving: You must leave the test site once you finish the test. If you leave the test site after being fingerprinted but before finishing the test, you will not be permitted to re-enter. If you disregard this instruction and re-enter the test site, you may not receive your test results, your test score may be nullified, and your application fee will not be refunded.

CHANGE OF MAILING ADDRESS, EMAIL ADDRESS, AND/OR TELEPHONE NUMBER:

It is critical that you promptly notify DCAS of any change to your mailing address, email address and/or phone number. If we do not have your correct mailing address, email address and/or phone number, you will not receive information about your exam(s), consideration for appointment and/or important information that may require a response by a specified deadline. If you need to update your Mailing Address, Email Address, and/or Telephone Number, read below:

- City Employees - update this information in NYCAPS Employee Self-Service (ESS) at www.nyc.gov/ess
- All Others - update this information on your Profile page in the Online Application System (OASys) by logging into your OASys account and navigating to your Dashboard, then your Profile tab at www.nyc.gov/examsforjobs
- Submit a written request by email at OASys@dcas.nyc.gov, by fax (646) 500-7190, or by regular mail: DCAS, 1 Centre Street, 14th Floor, New York, NY 10007. Your written request must include your full name, social security number, exam title(s), exam number(s), previous mailing and/or email address, and your new mailing and/or email address, and/or new telephone number.

CHANGE OF NAME AND/OR SOCIAL SECURITY NUMBER:

Use the Data Correction Form and follow all instructions for changing your name and/or social security number with DCAS. The following link will provide you with the DCAS Data Correction Form: <https://www1.nyc.gov/assets/dcas/downloads/pdf/employment/dp148a.pdf>.

THE TEST RESULTS:

If you pass the multiple-choice test and are marked eligible, your name will be placed in final score order on an eligible list, you will be given a list number and you will be notified by email of your test results. The eligible list determines the order by which candidates will be considered for promotion. If you meet all requirements and conditions, you will be considered for promotion if your name is reached on the eligible list. Once a list has been established, it will typically remain active for four years. To learn more about the civil service system go to: <https://www1.nyc.gov/site/dcas/employment/civil-service-system.page>.

If you believe that your test part was rated incorrectly, you may submit an appeal of your score to DCAS, Committee on Manifest Errors, through the Online Application System (OASys). Your appeal must give specific reasons why your score should be higher. Your appeal may result in a higher or lower rating.

To access the appeal portal of OASys, please log into your OASys account at www.nyc.gov/examsforjobs and use the following steps:

1. Navigate to the Dashboard for the Appeals tab.
2. Click the NEW APPEAL button to create and submit your appeal.
3. Select the exam from the Exam drop-down list, and
4. Select the exam part from the Exam Part drop-down list.
5. Select the reason for your appeal from the Appeal Reason drop-down list (if applicable).
6. Enter the details of your appeal by providing specific reasons why your score should be higher.

Note: You may attach up to 5 documents to support your appeal by using the attachment functionality.

SPECIAL ARRANGEMENTS:

Late Filing:

Consult **your agency's personnel office** to determine the procedure for filing a late application if you meet one or more of the following conditions:

1. You are absent from work for at least one-half of the application period and cannot apply for reasons such as vacation, sick leave or military duty; or
2. You become eligible after the above application period closed but before the date on which testing is expected to begin

Make-up Test:

You may apply for a make-up test if you cannot take the test on the regular test date(s) for any of the following reasons:

1. compulsory attendance before a public body;
2. on-the-job injury or illness caused by municipal employment where you are an officer or employee of the City;
3. absence from the test within one week after the death of a spouse, domestic partner, parent, sibling, child or child of a domestic partner where you are an officer or employee of the City;
4. absence due to ordered military duty;
5. a clear error for which the Department of Citywide Administrative Services or the examining agency is responsible; or
6. a temporary disability, pregnancy-related, or child-birth-related condition preventing you from taking the test.

To request a make-up test, contact Administration, Customer, and Exam Support by mail at 1 Centre Street, 14th Floor, New York, NY 10007, or by email at testingaccommodations@dcas.nyc.gov, as soon as possible, and include documentation of the special circumstances that caused you to miss your test.

ADDITIONAL INFORMATION:

Promotion Opportunities: Police Officers are accorded the opportunity to be promoted to the title of Sergeant after passing a civil service examination and are also accorded an opportunity to be designated

Detective

Currently educational requirements for promotion to successive ranks are: (1) Sergeant - satisfactory completion of two years (64 semester credits) of course work or an associate degree at an accredited college or university; (2) Lieutenant - satisfactory completion of three years (96 semester credits) of course work at an accredited college or university; (3) Captain - attainment of a baccalaureate degree from an accredited college or university. College credits which are earned as a result of satisfactorily completing the Police Academy curriculum can be used towards meeting the educational requirements. Education requirements for promotion are subject to change.

Investigation:

The position is subject to investigation before appointment. At the time of investigation, you will be required to pay a \$75.00 fee for fingerprint screening. At the time of investigation and at the time of appointment, you must present originals or certified copies of all required documents and proof, including but not limited to proof of date and place of birth by transcript of record from a Bureau of Vital Statistics or other satisfactory evidence, naturalization papers if necessary, proof of any military service, and proof of meeting educational requirements, if applicable. You may be disqualified if your statements are found to be false, exaggerated, or misleading or if you fail to provide required documents. Investigation must be completed prior to appointment.

Firearms Qualification: By the time you are promoted to this position, you must qualify and remain qualified for firearms usage and possession as a condition of employment for the duration of your career. The ability to qualify, and remain qualified, in the use of firearms is essential for all uniformed positions, including Police Officer. Firearms qualification tests will be administered twice per year. Failure to qualify and remain qualified for firearms usage and possession may result in termination.

Probationary Period: The probationary period for this title is 24 months. Among other requirements, you will be required to pass the Police Academy firearms, academic, physical performance, and driving tests, and meet disciplinary and performance standards throughout the probationary period. The probationary period may be extended pursuant to New York Civil Service Law and the Personnel Rules and Regulations of the City of New York.

Police Academy Physical Assessment: Candidates who enter the Police Academy will be required to complete a physical test prior to graduating the academy. The physical test may include tests such as completing a 1½ mile run in a specified period of time.

Special Test Accommodations: If you plan to request special testing accommodations due to disability, you must notify Administration, Customer, and Exam Support by email at testingaccomodations@dcas.nyc.gov or by fax at (212) 313-3241. Refer to the Special Circumstances Guide at https://www1.nyc.gov/assets/dcas/downloads/pdf/employment/pdf_c_special_circumstances_guide.pdf

for information on what to include in your request. Your request must be received at least thirty (30) days before the date of your test.

Application Receipt: You will be emailed a receipt immediately after you have applied for the examination. If you do not receive this receipt, check the "Junk", "Trash", or "Spam" folders for the primary email linked to your Online Application System (OASys) account. If you are unable to locate the email, you can view a summary of the notification email to you on your OASys Dashboard, then Notifications. If you are still unable to find the email, please email DCAS via the Contact feature available in OASys with a description of the issue and include the exam number and your profile number located on your Profile page. While on your Profile page, check that the email addresses you provided are correct and/or updated.

PENALTY FOR MISREPRESENTATION:

Any intentional misrepresentation on the application or examination may result in disqualification, even after promotion, and may result in criminal prosecution.

The General Examination Regulations of the Department of Citywide Administrative Services (DCAS) apply to this examination and are part of this

Notice of Examination. They are posted at nyc.gov/dcas and copies are available at the DCAS Computer-based Testing & Application Centers.

The City of New York is an Equal
Opportunity Employer.
Title Code No. 70210;
Police Service.

**For information about other exams, and your exam or list status, call
212-669-1357.**

**Internet:
[nyc.gov/
dcas](http://nyc.gov/dcas)**

Appendix 5

U.S. EEOC DETERMINATION AND CONCILIATION AGREEMENT



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3620
General FAX: (212) 336-3625

EEOC Charge No: 520-2014-00608

Arthur Cheliotas
CWA Local 1180
6 Harrison Street
New York, New York 10013

Charging Party

v.

City of New York
Department of Citywide Administrative Services
1 Centre Street
New York, New York 10007

Respondent

DETERMINATION

On behalf of the U.S. Equal Employment Opportunity Commission ("Commission"), I issue the following determination on the merits of the subject charge filed under the Equal Pay Act of 1963 ("EPA") and Title VII of the Civil Rights Act of 1964, as amended ("Title VII").

The Respondent is an employer within the meaning of the EPA and Title VII and all requirements for coverage have been met.

The charge is brought by Arthur Cheliotas, president of Local 1180 of the Communications Workers of America, AFL-CIO ("Union"), on behalf of a class of African American and Hispanic women currently or formerly employed as Administrative Managers in agencies of the City of New York. The Union, on behalf of the Charging Parties, alleges that Respondent has and continues to engage in a discriminatory pattern of wage suppression and subjective promotion based on Charging Parties' sex, race, and national origin. The Union further claims that Respondent's facially neutral policies regarding assignment, promotion, and wages have had a disparate impact on the class of female African American and Hispanic Administrative Managers. The Union alleges that the minimum or entry-level salary of Administrative Managers, which is disproportionately paid to Hispanic and African-American women, has been frozen for many years, while the maximum salary of Administrative Managers, paid to a class of senior employees who are primarily Caucasian males, has increased significantly. The Union asserts that there are few opportunities for promotion beyond Administrative Manager, and that many within this title have not received raises in many years to the detriment of the generally

less-senior African American and Hispanic women relative to their generally more-senior white male counterparts. Charging Parties further contend that Respondent refused to bargain in good faith with the Union, in retaliation for Charging Parties' complaints of discrimination.

Respondent is the City of New York's Department of Citywide Administrative Services (DCAS), representing the City and its agencies. In their position statement, Respondent challenged the Union's ability to bring forth an EPA claim on behalf of another party. Assuming that the union has standing to file a charge, Respondent alleges that all claims accruing prior to December 5, 2011 are untimely and should be dismissed. Respondent denies the Charging Parties' allegations of discrimination and retaliation due to the lack of evidence that was provided. Respondent provided a small sample of Administrative Managers along with their gender, race, agency, salary, and a description of their job duties in an attempt to demonstrate that Administrative Managers do not perform equal work.

The investigation reveals that relevant statutes allow a Union to file charges on behalf of third parties. Additionally, as the Charging Parties' are alleging that Respondent was, and still is, engaged in a continuous pattern and practice of discrimination, the question of EPA and Title VII viability for claims accruing prior to December 5, 2011 is an open issue suitable for further investigation.

Respondent's arguments regarding the Charging Parties' lack of evidence of discrimination and retaliation do not withstand scrutiny. The Union and the Charging Parties have brought prima facie charges under Title VII and the EPA, and so the burden of proof has shifted to the Respondent. The evidence provided by the Respondent was insufficient to evaluate the case. The Commission requested further information from the Respondent as early as March 2014, but none was provided. Respondent was specifically informed on December 11, 2014, that it risked an adverse determination if it did not respond on or before January 5, 2015. On February 27, 2015, Respondent formally declined to provide the requested information.

Because the Respondent has been afforded an opportunity to provide an appropriate response to the charge of discrimination and has failed to do so, the Commission determines that the silence is an admission of the allegations in the charge, and exercises its discretion to draw an adverse inference with respect to the allegations. The Commission concludes that anything that Respondent could submit would not support its position.

Based on the above evidence, the Commission has determined that there is reasonable cause to believe that Respondent violated the EPA and Title VII.

This determination is final. Title VII requires that, if the Commission determines that there is reasonable cause to believe that violations have occurred, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion.

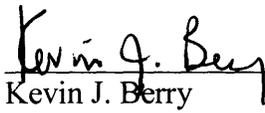
In order to come into compliance with the EPA, wage increases and backpay must be granted to the aggrieved persons. Failure to voluntarily comply with the statute may result in a suit by the Commission.

Having determined that there is reason to believe that violations have occurred, the Commission now invites Respondent to join with it in an effort toward a just resolution of this matter. Enclosed is a letter outlining the proposed terms of conciliation.

Disclosure of information obtained by the Commission during the conciliation process may only be made in accordance with the EPA, Title VII, and the Commission's Procedural Regulations. The confidentiality provisions of Sections 706 and 709 of Title VII and Commission Regulations apply to information obtained during conciliation.

If Respondent declines to enter into conciliation discussions, or when the Commission's representative is unable to secure an acceptable conciliation agreement, the Director shall so inform the parties, advising them of the court enforcement alternatives available to aggrieved persons and the Commission.

On behalf of the Commission:


Kevin J. Berry
District Director

April 1, 2015
Date

cc: Yetta G. Kurland
The Kurland Group
160 Broadway East Bldg, 11th Fl
New York NY 10038

cc: Donna A. Canfield,
Assistant Corporation Counsel
NYC Law Department
100 Church Street
New York, NY 10007



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3630
General FAX: (212) 336-3625

In the matter of:

Charge No: 520-2014-00608

Charging Party

Arthur Cheliotis
CWA Local 1180
6 Harrison Street
New York, New York 10013

v.

Respondent

City of New York
Department of Citywide Administrative Services
1 Centre Street
New York, New York 10007

CONCILIATION AGREEMENT

An investigation having been made under Title VII of the Civil Rights Act of 1964, as amended, (Title VII) and the Equal Pay Act of 1963, as amended (EPA), by the U.S. Equal Employment Opportunity Commission (EEOC) and reasonable cause having been found, the parties do resolve and conciliate the matter as follows:

1. The class of Charging Parties agrees not to sue the Respondent with respect to any allegations contained in the above-referenced charge. EEOC agrees to neither use the above-referenced charge as the jurisdictional basis for filing a lawsuit against the Respondent, nor refer such a charge to the Department of Justice for consideration of a lawsuit. However, nothing in this Agreement shall be construed to preclude EEOC and/or any aggrieved individual(s) from bringing suit to enforce this Agreement in the event that the Respondent fails to perform the promises and representations contained herein. Neither does it preclude the Charging Parties nor the Commission from filing charges in the future.
2. EEOC reserves all rights to proceed with respect to matters like and related to these matters but not covered in this Agreement and to secure relief on behalf of aggrieved persons not covered by the terms of the Agreement.
3. Respondent agrees that it shall comply with all requirements of Title VII and the EPA.
4. The parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under Title

VII or the EPA; or because of the filing of a charge, giving of testimony or assistance, or participation in any manner in any investigation, proceeding, or hearing under federal anti-discrimination laws.

5. The duration of the Conciliation Agreement ("Agreement") will be 4 years.

6. Within 7 days of executing the Agreement, Respondent and its affiliates will post EEOC's poster in conspicuous places where employee notices are posted.

7. Within 7 days of executing the Agreement, Respondent and its affiliates will sign and conspicuously post the attached Notice to Employees on all employee bulletin boards for the duration of this Agreement.

7. The Commission may monitor compliance with this Agreement by inspection of the Respondent's premises, records and interviews with employees at reasonable times. Respondent agrees to make available for inspection and copying any records reasonably related to any of these areas, upon notice by the Commission.

8. In the interest of a successful conciliation, the EEOC is transmitting the attached conciliation demands for equitable and compensatory relief communicated by the representatives of the Charging Parties.

Any conciliation agreement arrived at must be reduced to writing, signed by an authorized representative of the Respondent and, to be effective, must be signed by the Commission's District Director.

We request that by April 17th, 2015, Respondent provide a written counter-proposal responding to each item in the Commission's conciliation proposal and the attached Proposed Recommendations, or advise the Commission if Respondent is not willing to conciliate this matter. If Respondent does not provide a reasonable written counter-proposal by that date, the Commission may deem that further efforts to conciliate this matter would be futile, and may fail conciliation. The Commission will be fair and flexible in considering any reasonable counter-proposal that Respondent presents.

I look forward to your timely response. If you have any questions, please feel free to contact me at (212) 336-3771.

Charles Diamond
April 1, 2015
Federal Investigator
U.S. Equal Employment Opportunity Commission
New York District Office

PROPOSED RECOMMENDATIONS

Seniority Step Process to Ensure Proper Increases In Pay

Issue: Those entering the Administrative Manager (AM) title are qualified under civil service rules to perform the duties of that title. Yet, because of structural and historic problems which exponentially impact the Administrative Manager title, including both the suppressed minimum rate of pay, and the lack of structured pay increases, Administrative Managers, who are overwhelmingly women and non-white, perform with excellence in the title, over a period of decades but are still making the minimum or near minimum rate of pay. This rate of pay is much less than their white male counterparts in similarly situated jobs and titles. Conversely, in positions in which there is a greater percentage of white and male workers, this type of annual step process is routine.

Solution: Require an annual step process with the initial increase in pay of eight percent (8%) above their gross pay, including additions to growth, upon promotion and/or implementation of this policy, whichever comes first. Thereafter, an annual increase of three percent (3%) in the same manner.¹ Further, this step process must apply to lower positions that promote to AMs, such as Principal Administrative Associates, to ensure lower positions are properly integrated into the AM title. Without this, the City could find ways to cut out the position by among other things, circumventing promotions to the position of AM, reclassifying AMs to other titles, and ultimately making the AM title obsolete instead of recognizing the newly corrected and increased rate of pay for AMs.

Increase in Minimum Salary for Administrative Managers

Issue: When the City established the managerial pay plan in 1978, they set the AM minimum at \$24,000. Those holding the AM title at that time were overwhelmingly white and male. As women of color were promoted entering the AM title, the minimum was suppressed while white male incumbents received substantial increases because of the raised maximum, while suppressing the minimum for newly appointed women of color.

Solution: Increase the minimum salary to \$92,117, which is the same minimum as that in 1978 when the position was white and male dominated, but adjusted to the 2014 CPI.² Other methods to determine the minimum salary further confirm this number is adequate and equitable. For example, had the AM minimum kept pace with collective bargaining increases paid to subordinates of AMs it would be \$91,137 as of April 2015. Had the AM minimum increased at the rate of the AM maximum it would be over \$113,943.85 as of September, 2014.

¹ This percentage rate is based on the New York State Department of Civil Service's step rate increase for NYS civil servants which is 3% annually.

² The NY Metro CPI-U increased 192.43 points or 283.82% since 1978 (from an annual 67.80 in 1978 to an annual 260.23 in 2014, base 1982 = 100). An annual salary of \$24,000 in 1978 increasing at the same pace would be \$92,117 in 2014.

In addition, according to the statistical regression analysis, if the rate of pay were raised to \$92,845, it would remove the discriminatory pay disparity based on race and gender.³

Proper Oversight, Opportunity & Enforcement of Equal Employment

Issue: Reclassification. The disparate impact CWA 1180 seeks to remedy has evolved over decades due to civil service classification processes and historic collective bargaining practices that have provided male dominated titles greater opportunities for advancement and larger increases of pay. For example, the civil service practice of frequent examinations for male dominated uniformed services (usually every 4 years) increases opportunities for promotions in these titles while civilian promotional examinations like administrative manager were offered about once a decade.

Solution: Require mandatory examinations no less frequently than every four (4) years.

Issue: Proper Monitoring. Civil service reclassification was used in the mid-1980's to eliminate dozens of AM positions preserving them for whites and males in other titles who had not passed the test when the largest group of women of color were tested and were found qualified for the position. CWA's concern is that work that should be done by AMs will be shifted to other titles to avoid paying AM's women of color a fair wage. Any remedy that does not address the structural causes outlined in the complaint and discussed here will only allow disparate impact to return. There is a need to have accessible records and reports that offer transparency to the City's civil service and collective bargaining practices and the impact of this on protected classes. The City's inability after significant time, to produce basic statistical information, in violation of Title VII, regarding race and gender, makes clear that the City must improve its recordkeeping management. But beyond this, there must be someone who can be relied on with the authority to respond more quickly to problems when they come up.

Solution: Require annual reporting of EEO statistical information to CWA 1180. The City should appoint an entity or agency responsible for providing annual disclosures of statistical information required under recordkeeping requirements of both 29 C.F.R. § 1602.7 and Title VII: 42 U.S.C. § 2000e-8(c), and be responsible for providing them to CWA 1180. Further, require that the City appoint an EEO Monitor to ensure compliance with corrective actions and to prevent future adverse impact. Such a Monitor shall be empowered with all the rights and authority necessary to access relevant information to review and approve requests for reclassification of titles, review all practices related to pay and promotion of titles, determine if there is a failure to recognize levels within a title, modifying job specifications, and/or creating new titles and/or contracting out jobs which could result in the diminishing of opportunities for equal pay. The EEO Monitor shall also be charged with reviewing titles to ensure there is not an adverse impact in pay and/or promotion practices. Further the EEO Monitor shall ensure the outlined remedies herein are instituted, that the City does not attempt to circumvent these corrective actions, and that other adverse impacts do not occur. In the event the EEO Monitor determines that there is or could be a violation of these remedies and/or that an adverse

³ This is based on the statistical reports submitted which show an increase from the \$53K to \$92,845 would bring the gender differential in just under statistical significance (1.95 sd).

impact is or could be present, they are required to convey this concern to the EEOC for proper investigation and resolution.

Issue: Career paths with clear job descriptions. There are eight (8) levels in the managerial pay plan, an AM can be appointed to any level at the discretion of the hiring authority. The union represents the first two (2) levels in the AM title. In past practice, the City had refused to recognize even the two levels within the AM title. This further collapsed opportunities for pay promotion causing additional adverse impact to the title comprised mostly of women and people of color. Further, the City does not have any clear job descriptions that distinguished one level from another. Nor does the City explain how someone in level one could move up to level two, three, five, or eight. It all remains at the discretion of the hiring authority and a mystery to the AM.

Solution: Require clear job descriptions for each level, a posting and bidding process with clear selection criteria and pathways AMs may follow to advance up the career ladder.

Issue: Training and development. Equal access to training is important in the ever-changing work environment. Except for programs offered by their union there is limited access for women of color in civil service to learn new skills and obtain the knowledge and academic credentials they need to move up the career ladder and effectively compete with their white male colleagues in the workplace. By offering educational opportunities members of CWA 1180, who are predominantly women of color, the City levels the playing field and increases equal employment opportunities.

Solution: Require the City to match the tuition assistance made by CWA 1180 for the programs it offers to its members at the City University of New York's Murphy Institute.

DAMAGES

Back Pay \$188,682,531

Equal Pay claims are calculated herein based on the Administrative Staff Analysts title as the outside comparator. Calculation of disparate pay difference based on race and gender within the AM title is based on the statistical regression analysis previously submitted. Back pay is calculated for a period of three (3) years for race, and six (6) years for gender. ⁴

⁴ While under Title VII, parties may recover back pay for a total of three years, under New York's Equal Pay Law, N.Y. C.L.S. Labor § 194, parties may recover back pay for a total of six years. See *Patrowich v. Chemical Bank*, 98 A.D.2d 318 (1st Dept. 1984). The back pay total of \$188,682,531 stated here is divided up into the following: \$175,605,444 for equal pay under New York's Equal Pay Law for a six-year period; \$8,028,456 for race discrimination having a disparate impact on those within title; and \$5,048,631 for back pay based on gender discrimination having a disparate impact on those within title. All figures are based on the statistical regression analysis, previously submitted in this matter.

Future Pay

Per worksheet, no less than \$92,117

Administrative Managers' salary will be increased to the Minimum Salary of \$92,117 or the Adjusted Salary using the attached Future Pay Worksheet, whichever is greater. The City shall make appropriate adjustments to members' pension benefits, in accordance with this increase.

Compensatory Damages under Title VII

\$56,922,000

The substantial delays by the City in responding to the instant matter coupled with additional delays and retaliatory action when Claimant attempted to resolve these issues in collective bargaining as early as 2011 have caused significant and unnecessary hardship to members. Members who have worked decades in the Title were required to borrow from their pension to cover the cost of food and housing, even the most senior in this top level position. Others had to go without necessities like medical procedures not covered under their health insurance, vacation, or educational opportunities. Many have retired without ever seeing the benefits of the increase in pay, and all have had to endure suppressed wages for a prolonged period of time due to the City's refusal to take this matter seriously and act to remedy or even respond to this complaint timely. Further, had the City properly maintained records in accordance with its obligations, it could have very likely prevented much of this hardship. Title VII provides for compensation of up to \$300,000 per complaining party. The prevailing position of the Courts is that in matters such as this in which there are multiple complaining parties, each parties' individual cap is \$300,000, and is not aggregate.⁵ Given this cap and the complaining parties' compensatory damages outlined here, one (1) year of the minimum salary, that is \$53,000 per member, seems a reasonable and fair amount to cover compensatory damages.

Legal Fees and Costs under Title VII

Per Lodestar, no less than \$1,000,000

Punitive Damages under Title VII

Waived if matter can be settled

⁵ See 42 U.S.C. § 1981a; *contra Hudson v Reno*, 130 F.3d 1193 (6th Cir. 1997) but see *Medlock v. Ortho Biotech, Inc.*, 164 F.3d 545 (10th Cir. 1999); *Martini v. Fannie Mae*, 336 U.S. App. D.C. 289 (App. D.C. 1999); *Gotthardt v. AMTRAK*, 191 F.3d 1148 (9th Cir. 1999); *United States EEOC v. W & O Inc.*, 213 F.3d 600 (11th Cir. 2000); *Pals v. Schepel Buick & GMC Truck, Inc.*, 220 F.3d 495 (7th Cir. 2000). The City engaged in retaliatory action against CWA 1180 when CWA 1180 attempted to negotiate a fair wage for AMs and the correct the inequities complained of. See *CWA, L. 1180*, 6 OCB2d 31(BCB 2013) (IP) (Docket No. BCB-3082-13). The City's Office of Collective Bargaining determined that the City was not bargaining in good faith when it filed a complaint against CWA 1180 for alleging the discriminatory practices outlined in this matter, and ruled in favor of CWA 1180, concluding that CWA 1180 had an absolute right to grieve claims of discrimination.

Appendix 6

New York State Commission on Government Integrity

Playing Ball With City Hall:

A Case Study of Political Patronage In New York City

Playing Ball With City Hall:

A Case Study of Political Patronage In New York City

Authors - New York State Commission on Government Integrity

Full Report at this link - https://ir.lawnet.fordham.edu/feerick_integrity_commission_reports/13/

Local 1180 produced a 30 minute video about the investigation by the New York State Commission on Government Integrity On the Merits Narrated by Ed Asner The video was aired on WPIX the weekend before the Democratic party primary when Koch lost to Dinkins

Here's the link <https://www.youtube.com/watch?v=Lkmb0NEM3c8>.

INTRODUCTION: THE COMMISSION'S INVESTIGATION AND HEARINGS

Under the authority granted by Governor Mario M. Cuomo's Executive Order establishing the Commission on Government Integrity, 1 the Commission conducted an investigation into certain personnel procedures and practices of the City of New York and, on January 9 and 11 and April 4 and 5, 1989, held public hearings concerning that investigation. This report contains the Commission's findings from the investigation and its recommendations addressing certain shortcomings disclosed by the investigation. The Commission's investigation and hearings, and this report, present a case study of the influence of political patronage on certain City personnel procedures and practices, primarily during 1983-86. The report focuses on the involvement of the Mayor's Office (and, in particular, the Mayor's Talent Bank) in personnel procedures and practices during that time period and on two large mayoral agencies, the Department of Environmental Protection ("DEP") and the Department of Transportation ("DOT"). Patronage involves the hiring and firing of public employees with political considerations playing an important, if not necessarily dispositive, role in the decision. In its classic form, it involves the hiring of individuals referred or endorsed by political leaders, in return for their political support. In a government characterized by patronage, public sector jobs are viewed as benefits controlled by those in power, who may distribute them as they choose, and may use them to reward supporters, favor friends or punish opponents. Patronage is thus distinguished from the "merit system," which dictates a separation of politics from public personnel administration, a set of objective criteria for public sector jobs, and open competition for those jobs, with hiring, promotion and termination decisions based upon ability and performance as measured against those objective criteria. In a 1 Paragraph I of Executive Order No. 88.1 (April 21, 1987) directs the Commission, inter alia, to investigate the management and affairs of any political subdivision of the State in respect to the adequacy of laws, regulations and procedures relating to maintaining ethical practices and standards in government, assuring that public servants are duly accountable for the faithful discharge of the public trust reposed in them, and preventing favoritism, conflicts of interest, undue influence and abuse of official position and to make recommendations for

action to strengthen or improve such laws, regulations or procedures. The Office of the Mayor, a separate agency with its own budget and staff is referred to throughout this report as the 'Mayor's Office'. A glossary of abbreviations is annexed as Attachment A.

Merit system, public employees are seen as public servants, whose duty is to deliver services to all citizens effectively and fairly, and whose allegiance is to the general welfare instead of to a political group. Thus, public jobs belong to the public and should be made available and fairly distributed to all who meet non-political criteria. Abolishing patronage is, therefore, strongly relevant to the quest for ethical government. When political considerations affect, and are perceived to affect, hiring and other personnel decisions, government inevitably suffers. **Even if the number of personnel actions that are tainted by politics is limited, a general sense of unfairness is engendered that can erode public confidence in government integrity and harm the productivity, morale and sense of professionalism of ethical, hard-working City employees.** Although the Commission has not made and could not make an exhaustive study of the entire New York City personnel system, important lessons can be learned from the parts of that system the Commission has examined. (See Section V, Recommendations, below.) Some of the City's affirmative action efforts are implicated by this investigation, particularly those relating to the Mayor's Talent Bank, but affirmative action is not the focus of this Commission. **Although the Commission concludes that the Talent Bank's affirmative action efforts were undermined in the 1983-86 period by efforts to benefit job candidates with political pedigrees, this report should not be read as an evaluation of the City's affirmative action achievements in general.** In the course of the investigation, Commission staff interviewed scores of witnesses, reviewed thousands of pages of documents from City files and elsewhere, and took private sworn testimony from 49 individuals, including many of the 20 witnesses who testified publicly. Commission members and staff also consulted with experts in public administration and personnel policy. Sections I-III contain the Commission's factual findings and Sections IV and V are devoted to the Commission's conclusions and recommendations for reform. After providing an overview of the role of the Mayor's Office in City personnel practices, Section I examines the creation of the Mayor's Talent Bank and its operation in the period from 1983 to 1986, other job-referral activities of the Mayor's Office, the early 1986 destruction of certain Talent Bank records, and subsequent changes in the operation of the Talent Bank. Sections II and III explore the Mayor's Office's role in and effect on the personnel practices at DEP and DOT. A list of witnesses who testified at the public hearings is annexed as Attachment B. A list of the experts consulted by the Commission is annexed as Attachment C, respectively. An Appendix, titled "DeVincenzo's Retirement," contains the Commission's factual findings concerning certain events which followed the Commission's January, 1989 public hearings and a recommendation concerning pension forfeiture, a related subject of concern to the Commission.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

This report describes certain patronage practices which existed in the period from 1983 through 1986 in the New York City personnel system. During this period, employees of the Mayor's Office played important roles in referring candidates for a wide variety of City jobs to mayoral agencies. This referral function was performed primarily by a unit of the Mayor's Office which came to be called the Mayor's Talent Bank. Although the Talent Bank was designed to broaden the pool of applicants for jobs by accepting referrals from a variety of sources including political figures, one of its major objectives was to promote the hiring of women and minorities. Throughout the 1983-86 period, Joseph De Vincenzo, a special assistant to the Mayor, exercised overall responsibility for the Talent Bank. During this same period, however, DeVincenzo and members of his staff also played a key oversight role in monitoring and approving agency personnel actions. The consolidation of job referral and personnel oversight

authority played a central role in the patronage practices described in this report. **DeVincenzo's personnel oversight powers served as a lever to induce DEP and DOT to hire and extend favorable treatment to candidates referred by the Mayor's Office. And the primary concern of the Talent Bank during this period was to place candidates with political pedigrees, not to promote the hiring of women and minorities. As a result, the affirmative action objectives of the Talent Bank were undercut.** Moreover, typical consequences of patronage ensued: agency effectiveness was impaired; employee morale was seriously eroded; and employees became vulnerable to pressures to engage in improper conduct and to fudge, if not break, established procedures for hiring and promoting personnel. The Commission's recommendations flow directly from the weaknesses of policy, management practices, and structure which this investigation has revealed. They entail a restructuring of the New York City personnel system to discourage patronage, including the transfer of day-to-day supervisory authority over personnel matters from the Mayor's Office to the Department of Personnel; an establishment of a separate Appointments Office to handle the small number of senior, policy-level positions for which political considerations are relevant; **strict legal requirements for providing widespread notice of employment opportunities; development of equitable screening procedures to assure that jobs are open to all; and a drastic reduction in the percentage of provisional employees .**

Appendix 7

CWA Local 1180 and Our Journey to Justice A Chronology

1976 Administrative Managers Fight to Join the Union - During the fiscal crisis, NYC restructured its personnel management system and introduced broad banding and consolidation of our titles to reduce the number of exams Local 1180 members needed to take before becoming managers. The new title, Principle Administrative Associate(PAA), consolidated three titles that after a qualifying managerial exam allowed management to make appointment as they wished from the lowest to the highest paid and allowed all PAA's to now take the test for Administrative Manager. The City also created a new managerial pay plan. Local 1180 went to court to challenge the changes, but despite efforts could not stop them. Local 1180 also filed to represent Administrative Managers. The Office of Collective Bargaining ruled that while some do not perform managerial functions and only implement policy, the Board would adhere to its policy of not breaking up a title into union and managerial assignments. Therefore, Administrative Managers were ineligible for collective bargaining and union representation.

1978 The Union supported court action opposing the use of broad banding and consolidation of civil service titles that gave discretion to agency operational and personnel officers. The Koch Administration's response was that the changes would give many more women of color access to the Administrative Manager title. The reclassification also allowed the City to place the new PAA title, with the large relatively low paid minority female cohort, in its federal EEO report as administrators leaving the impression that the Koch Administration was a good employer for women and minorities. We knew that was far from the truth.

1980s The Koch Administration moved slowly to offer exam for promotion to Administrative Manager title. The Union demanded that the City offer an exam or we would file court action, which we did.

1984 Union won court decision requiring the Koch Administration to hold the Administrative Manager promotional exam. The Union's leaders put together a comprehensive exam preparation program that proved to be remarkably successful.

1985 Largest group of women of color passed this managerial exam and were certified as eligible to hold the Administrative Manager title.

1986 Union went to court to force the Koch Administration to remove provisional Administrative Managers who were predominantly white males, who had no qualified and were not certified as eligible to hold the Administrative Manager title, and replace them with those certified as eligible, predominately women of color, to hold the Administrative Manager title.

1988 The Koch Administration reclassified Administrative Manager positions predominately held by males and whites to other titles, thus denying minorities and women who were qualified based on the civil service law from these jobs. The **New York State Commission on Government Integrity** found that some of the individuals protected by the reclassifications were guilty of engaging in corrupt practices costing the City millions of dollars. A section of their report titled **Playing Ball With City Hall: A Case Study of Political Patronage In New York City** details their findings. The link to the full report is: - https://ir.lawnet.fordham.edu/feerick_integrity_commission_reports/13/ Local 1180 produced a 30-minute video about the investigation by the NYS Commission on Government Integrity titled **On the Merits** Narrated by Ed Asner. The video was broadcast on WPIX the weekend before the Democratic party primary when Koch lost to Dinkins. Here is the link to the Local 1180 video: <https://www.youtube.com/watch?v=Lkmb0NEM3c8>.

1989 Dinkins defeated Koch in the Democratic Primary and Giuliani in the general election. His Administration respects civil service rules and promoted the largest number of women of color in the City's history to managerial positions.

1993 Rudy Giuliani defeats David Dinkins in NYC Mayoral race. During his eight years in office, Administrative Managers saw their wages frozen and pathways for movement up the managerial ranks obstructed. Many eligible to take the civil service test did not bother because being in the Union meant better benefits and regular wage increases that managerial employees were not guaranteed.

1994 Union filed to represent Administrative Manager title after former members documented that they do not make policy they only implement policy.

2009 After interviewing nearly four hundred Administrative Managers, the NYC Office of Collective Bargaining (OCB) finds they were eligible for collective bargaining and certified Local 1180 as the bargaining agent.

2012 The Union raised the issue of gender and race discrimination and demanded a substantial wage increase since the minimum salary had been depressed for decades and was at the time of certification about \$53,000. The Bloomberg administration retaliated by filing charges of bad faith bargaining for raising the discrimination issue and the Union's commitment to pursue the matter in whatever forum was available under the law. The Union filed counter charges stating that the City's charges were only a delay tactic. The Union was upheld by OCB and found the Bloomberg administration engaged in bad faith bargaining. Again, the City resisted and Local 1180 forced them to arbitration, winning a new minimum salary of nearly \$64,000 that took effect in 2016.

2013 The Union on behalf of its Administrative Managers filed an EEOC complaint in December 2013, alleging that New York City was discriminating against Administrative Managers based upon sex, gender, and race in violation of Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.

2014 On November 19, 2014, Local 1180 was forced to file another complaint based on the City's failure to properly maintain records necessary to investigate and prevent unlawful employment practices in compliance with federal law.

2015 EEOC issues findings. The Commission's findings stated that "structural and historic problems" have resulted in the pay of minorities and women being suppressed, and that the "rate of pay [for women and minorities] is much less than their white male counterparts' in similarly situated jobs and titles." The Union filed a lawsuit against the City for refusing to turn over public data regarding race and gender to identify and remedy disparate pay practices.

2016 The City was unwilling to conciliate and the EEOC referred the case to U.S. Department of Justice Civil Rights Division. NYC Public Advocate Letitia James issued a policy report titled "Advancing Pay Equity in New York City," an analysis of the gender wage gap in New York City's workforce. She cited the work of Local 1180 in advocating for closing the gender gap through its powerful advocacy on behalf of members. **The Union won its lawsuit against the City and the Court ordered the City to turn over pay data related to race, gender, and salary.**

2017 The City and the Union entered into a Memorandum of Agreement that provided a path toward resolving pay disparity for Administrative Managers. A federal Magistrate Judge is assigned to help parties facilitate a settlement for the class action lawsuit.

2018 Parties worked to negotiate terms of the class action settlement, while the City engaged in many delaying tactics. For example, the Law Department, on behalf of the City, brought a motion to dismiss some of the Administrative Managers, claiming the City was not responsible for any discriminatory pay practices against them. The City lost its motion and the parties continued to negotiate a settlement that included both compensation for members and equitable changes to prevent discrimination for other City workers.

2019 The parties in CWA Local 1180's class action lawsuit signs a stipulation of settlement agreeing to terms of the class settlement. The City Council passes Local Law 18 that requires pay data be turned over to prevent discriminatory pay practices, inspired by the members of CWA Local 1180 and their journey to justice.

Appendix 8



Arthur Cheliotos

Local 1180, CWA



Arthur Cheliotos, was President of Local 1180, Communications Workers of America, AFL-CIO for 39 years. His thirteenth 3-year term ended on December 31st, 2017. During his tenure Cheliotos earned the respect of labor leader and public officials as a progressive union leader boldly advocating for his members and all workers. He has been a vocal campaigner for worker education, pay equity and the enforcement of civil service laws.

He now serves the members of Local 1180 as President Emeritus and Business Manager. In his new role he assists the Local's Officers and Executive Board in the transition of leadership by serving as a Trustee and Business Manager for the union's benefits funds and continuing to participate in contract negotiations and legal matters such as the union's settlement of its EEO case in Federal Court. He occasionally serves as the Local's representative at the Municipal Labor Committee and remains Chairman of the Murphy Institute's Labor Advisory Board as it is raised to its new status as The City University's School of Labor and Urban Studies.

During Cheliotos' tenure, the Union worked aggressively to advance the careers of its members employed by the City of New York. The Union has instituted and expanded extensive educational and training programs internally and with the Murphy Institute of the City University of New York. Where they obtained the professional credentials in their field and develop critical thinking skills they need to be effective on the job, in their union and their communities.

Under his leadership the Union engaged in considerable litigation during the Koch administration to enforce civil service laws that resulted in the promotion of the largest number of minority women to managerial positions through competitive civil service examinations in the City's history. However, when the Giuliani and Bloomberg administrations failed to respect these minority women as managers and compensated them less than their white male predecessors the union intervened and gained bargaining rights for them. Following certification, the union filed pay equity and discrimination charges against the Bloomberg Administration for suppressing the wages of women, and people of color. In April of 2015, the Federal Equal Employment Opportunity Commission found that there is probable cause that there is discrimination and calculated that nearly 2,000 Administrative Managers were due a total of \$246 million in pay plus damages.

Granted a Charter in 1965 by the Communications Workers of America, AFLCIO, Local 1180 is the first public worker local and one of the largest locals within the CWA. The Local represents middle and high-level administrative and supervisory employees in New York City Mayoral agencies, the Health and Hospitals Corporation, New York City Housing Authority, Transit Authority and the State

Court System. Building on its achievements to protect worker rights and raise their standard of living, Local 1180 is now organizing workers in the non-profit sector and represents workers at Planned Parenthood, Amnesty International, Human Rights First, The Nation Magazine, ASPCA, Democracy Now, and Human Rights Watch.

In the course of Arthur Cheliotēs' leadership, the Union was recognized as a leader on public policy issues. In 1994, Local 1180 developed a worker and community friendly economic development program to maintain City services and bring equity to the City's tax structure. The Union also launched an aggressive campaign in 2003 to see that public services are maintained through a progressive system of taxation that takes the burden off working families and small business owners struggling to stay in the middle class. The union also started a Retirees Division offering programs for retirees to maintain good health and remain active.

Arthur Cheliotēs was the senior member of the NYC Municipal Labor Committee (MLC) and served as a Vice-Chairman for over three decades. He was also Chairman of the MLC Civil Service Committee for over a decade. Arthur was a member of the Executive Board of the New York City Central Labor Council. He remains Chairman of the Labor Advisory Board of the City University of New York's new School of Labor and Urban Studies of CUNY. He was re-elected Chairman of the CWA's Defense Fund Oversight Committee in 2019 and is responsible for overseeing the administration of nearly \$600 million in various CWA strike funds. He is also founding President of the Greek American Labor Council.

Cheliotēs remains devoted to supporting a politically progressive union that serves its members in their service to the people of New York City and is fully committed to Local 1180's slogan:

“We make New York work for all New Yorkers.”

In 2000 Cheliotēs was appointed by the Queens Borough President to Community Board 7, where he served for nearly a decade. He is on the board of the Queens Council of the Boy Scouts and was recently re-elected as a Vice-President for the Bay Terrace Community Alliance. He is Vice President of the Hellenic-American Neighborhood Action Committee, which provides affordable senior housing, health care, counseling and community services to families and seniors in Queens and Brooklyn.

Following Mr. Cheliotēs' example, Local 1180 committed itself to community service. In 1992, the Local adopted the Alfred E. Smith homeless shelter for families on the Lower East Side and has held special events for the children, such as toy drives. The Local helped the Jacob Riis Middle School get started by donating classroom furniture, supplies and volunteers so the children could learn about Jacob Riis' work with New York City's poor and the historic struggles of working families. In 1996, the New York State AFL-CIO honored Local 1180 with its Community Service Award. In 1998, the New York City Central Labor Council honored Arthur Cheliotēs for his leadership in community service.

In 2001, following the tragic events of September 11th, Cheliotēs dropped his campaign for a New York City Council seat in northeast Queens to support the rescue workers and the Red Cross. The union hall, located near the site of the attack, was converted into the main disaster relief center of the Red Cross serving lower Manhattan. He has received honors and awards from the National Welfare

Law Center for his work with the jobless. The Hunger Action Network also honored him for his work with the homeless. In 2004, Cheliotos received the Humanitarian Award from the Association for the Advancement of the Blind and Retarded for his support of their work.

In addition, Cheliotos has been honored numerous other times by various organizations, including the NAACP – Freedom Award (2004); the Civil Service Merit Council Leadership Award (2006 and 2017); the Greater New York Council – Boy Scouts of America ‘Good Scout’ Award (2011); Medicare Rights Center Humanitarian Award (2012); Labor Council for Latin American Advancement Advocacy Award (2013); and the New York State Labor History Association Award for Leadership in Labor Education (2014). The Labor Press and Emblem Health honored him as a Hero of Labor in 2019.

Mr. Cheliotos first began serving the members of Local 1180 in 1973 when he was elected Shop Steward at the Prospect Income Maintenance Center. In 1975, during New York City’s fiscal crisis, the Local hired him as a full-time staff representative analyzing agency budgets and certifying productivity programs. He then served on the Executive Board until his election as President in 1979.

Mr. Cheliotos is a native New Yorker, born in Jamaica, Queens in 1948. His late father Nick arrived in the United States as a stowaway in 1926 and served during WW II as a Sergeant in the 100th Division of the U.S. Army. He became a member of Local 325, Cooks, Countermen and Bartenders Union, AFL-CIO, and continued paying dues as to maintain his membership when he opened his small diner. His late mother Julia endured the Nazi occupation of Greece, unfortunately two of her brothers who fought in the resistance were killed. After the Allies liberated Greece she immigrated to New York, where she married and raised her family.

Cheliotos graduated from Jamaica High School in 1966, and received a B.A. from Queens College in 1970. He was awarded an Honorary Doctorate Degree from the City University of New York in 2020. He is the proud father of three adult children from his first marriage: Nicholas, Theana, and Peter. In 2004, Arthur married Dr. Linda M. Gross, a retired Principal and author. She is an expert in field of executive coaching and works as a consultant developing future leaders in education in New York and throughout the nation. They live in Bayside, Queens. They are the proud grandparents of Duncan, Leonidas, Nikolas, Caitlyn, Sydney Belle and Tessa Blake.

Revised December 2020

Workforce 1 needs Veteran's representatives that are veterans. In the year 2000, when I first left active duty all the Veteran Representatives, serving the New York City employment offices, were actual military veterans. I remember them being older than me and Vietnam era veterans. They guided me, not just with employment advice, but with mentoring as I adjusted to the civilian world. Fast forward to the year 2024 and now the majority of Veteran Representatives have never served one day in the military and appear to be unqualified to give proper advice to veterans seeking employment.

This contradiction creates unnecessary barriers to employment because these non-veterans tend to stereotype veterans into lower paying jobs. The new Veteran's representatives have exceptionally low opinions of us and do not appreciate the kind of experience that we bring to the workforce. I have experienced this recently at all five Workforce 1 centers (Manhattan, Bronx, Queens, Brooklyn, and Staten Island). The new generation Veteran Representatives can say "Thank you for your service" but they do not know how to serve us.

I am requesting that the City Council consider legislation requiring all Veteran Representatives, at all Workforce 1 sites, be actual military veterans. This legislation will enforce any State or federal regulations supporting reemploying discharged Veterans and reduce unemployment and our veteran population's dependence on social services.

Sincerely,

Ibrahim Xavier Johnson

Co-Founder of Vet Net of Harlem

[REDACTED]

From: KYLE SIMMONS [REDACTED]
Sent: Monday, April 29, 2024 12:29 PM
To: Testimony
Subject: [EXTERNAL] COMMITTEE ON CIVIL SERVICE AND LABOR

[REDACTED]

**Good Day Honorable Council Member Chair
Carmen De La Rosa and all the Honorable Council
members that are on this committee. My Name is
Kyle Simmons and since December 2001, President of
the New York City Laborers Local 924. We are an
entry level prevailing rate public service title in the
construction industry. In 1945 we were the base
founding local of District Council 37 with over 3000
Parks Dept mostly Irish and Italian Laborers. 79
years later there is not one Laborer in Parks
Department yet you have 100's of skilled titles
working the agency besides many other requirements
by law to pay prevailing wages and benefits Laborers
would be responsible of doing. Where we are no
longer a competitive title but a Labor class title, all
the rights and benefits of the title remains the
same. Our primary functions as City Laborers is to
assist the skilled tradesmen employed by all agencies**

besides many other prevailing rate functions. As when the first laborer was hired in the beginning 79 years ago no experience or formal education was required except for a civil service examination that is no longer required for the position today. The membership is made up now of mostly black and Latino heritage workers. When it comes down to discriminatory practices and wage theft for its employees the City of New York is number one in this category because for so many decades they been allowed to use bargaining, tax payers concerns, agency needs and the lack of resources as an excuse to why things are the way they are. Yet with all the rules and regulations already in place now to combat these issues we are still having these conversations today. It's not just about promotional opportunities and education because they still pay less when experience and educational backgrounds are equal or even exceeds white male credentials! This is a systemic effort to not only segregate women and people of color into certain categories of opportunities, but to maintain a glass ceiling of economic benefits also. In NYCHA City Laborers (minority workers) a construction title they have these workers cleaning out apartments that are full of feces and other contaminants all janitorial duties. This

same agency staff will not provide the necessary personnel protective equipment for these types of tasks because under their title code they don't need to be supplied with these types of safety gear so they have problems with staff members issuing the equipment without special authorizations. This same agency because of what they said was a bargaining agreement and Agency needs they would circumvent the law and under pay Caretakers to perform prevailing wage duties which include assisting the Skilled trade titles. The CareTakers title has a majority minority base and is one of the lowest blue collar titles in NYCHA. The only reason why NYCHA has 200 plus Laborers today is because of the federal monitor starting late June 2018. But they seem to still today undermine these minority workers by making them use their private vehicles to perform agency work. Denying overtime assignments and transferring them into further boroughs than their homes. These practices that I will be providing are not exclusive of just that agency but a constant pattern across the board of this time of behavior. Homeless Services 70 plus skilled trade titles working for them. Not one City Laborer is assigned to these craftsmen. They do have about twenty minority City Laborers assigned to moving

clients and their belongings around NYC and at times other areas. Yes the agency will say and show these individuals are making six figures which is great. But they are not learning a skill associate with being a labor to advance. But most importantly, what does that have to do with also hiring City Laborers that should be working with the 70 plus trades personnel you have employed? There could be only 2 answer to that question. Either the agency is over paying these white skilled tradesmen to also do unskilled work. Or they have other titles performing these responsibilities. What do they look like and how much are they paying these individuals? In CUNY they have a Janitorial supervisory title supervising City Laborers. They have no knowledge or allowed in the planning details of maintenance or construction projects. At Lehman College they create barriers of CDL requirements which is a very expensive requirement when they have only one vehicle the laborers are required to drive that is not used regularly. Yet this title was bargained! In DEP the agency I'm employed since 1996. They assigned City Laborers garbage and other clean up duties but assign non prevailing rate workers like Watershed Maintainers or newly title that came from Parks Department City Park

Workers to do Prevailing Rate duties. In DEP also they have a supervisors title that supervises the Construction Laborers another prevailing rate title excludes extra pay if they supervise City Laborers, another bargaining agreement. DOT has Assistant Highway Repair doing prevailing rate laborers duties including now working with the Cement Mason installing the handicap corner ramps. All these titles that are doing Laborers duties are mostly minorities. Now in DEP that Watershed Maintainers title has are mostly white outside the city limits and paid a higher grade rate then the mostly minority Watershed Maintainers lower grade rate. I have to posting and they told me it was an error. I have so many examples and they are not years ago issues these are present day normal every practice issues among City Government. Let me say this last key element. Not the Federal, State or Comptrollers yearly wage schedule are helper titles of any kind listed. What they do have is a legal number of apprenticeship you can have assisting these trades also to learn the trade. They must make a certain wage and supplement benefit rate at exactly timely intervals and mandates at a specific time become actual skilled tradesmen along with the salary. Even though a City Laborer can perform these same

requirements as these so called helper titles and more. Because we are flexible working with all skilled trades forever and they can only perform that specific titles trade duties. I say 99% of these helper titles are paid more per hour then City Laborers. The only good thing I can say about NYCHA they do give woman and have a lot of woman as Laborers. And CUNY also has hired about 5 or 6, but the Mayoral Agencies, DOE and Health and Hospitals no. That doesn't mean they are not doing the work because they are, they just not given them the money, title and other benefits. These are hate crimes against particular group of people especially when it comes down to City Laborers they what to humiliate us not only in paying us duties and supervision, but declassification to what our ancestors was and what we will always be considered domestic help is the only nice word I print.

Regards

Kyle Darren Simmons
President
New York City Laborers Local 924
125 Barclay Street
New York, N.Y. 10007
[REDACTED] Mobile
212-815-1924 Office
212-815-1094 Fax

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Katrina Porter

Address: Chief Human Capital Officer/Deputy
Commissioner

I represent: _____

Address: NYC DEAS

**THE COUNCIL
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Appearance Card

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Date: _____

(PLEASE PRINT)

Name: JEANNE M. VICTOR

Address: 253 BROADWAY, SUITE 602, NY NY

I represent: EEPC

Address: SAME AS ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 4-25-2024

(PLEASE PRINT)

Name: RUSSELL FERRI

Address: 253 BROADWAY, STE. 602

I represent: EQUAL EMPLOYMENT PRACTICES COMM.

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: April 25 2024

(PLEASE PRINT)

Name: Kyle B. Simmons

Address: 125 Barclay St

I represent: PRESIDENT PRESIDENTIAL RATES LOCAL 924 C. J. H. BOARD

Address: 125 BARCLAY ST NY NY 10007

**THE COUNCIL
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Appearance Card

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Date: _____

(PLEASE PRINT)

Name: GREGORY MANTSIK

Address: _____

I represent: CUNY School of Labor & Urban Studies

Address: 25 W 43rd Street N.Y., N.Y. 1180

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 4/25/2024

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Name: Gloria Middleton

Address: 6 Harrison St. 4th flr NYC 10013

I represent: CWA Local 1180

Address: Stone

**THE COUNCIL
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Appearance Card

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Name: Michael Greco

Address: _____

I represent: FDNY Ems Local 2507

Address: _____ Whitestown

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Date: _____

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Name: Sanford Cohen

Address: General Counsel

I represent: NYC DCAS

Address: _____

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Date: _____

(PLEASE PRINT)

Name: Kachan C. Utar

Address: Executive Director, Office of Citywide
Recruitment

I represent: _____

Address: NYC DCAS

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Date: _____

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Name: Daniel Pollak

Address: First Deputy Commissioner

I represent: NYC CLR

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sidaya Sherman

Address: Chief Equity Officer & Commissioner

I represent: NYC MOEPJ

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Silvia Montalban

Address: Chief Citywide Equity and Inclusion Officer

I represent: NYC DCAS

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/25/29

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: _____

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dolores K. Powell

Address: 2510 Westchester Ave

I represent: United Probation Officers Assn

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Arthur Cheliotis

Address: _____

I represent: CWA 1180

Address: _____

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