

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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February 25, 2014
Start: 10:18 a.m.
Recess: 10:37 a.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
I. DANEEK MILLER
Chairperson

COUNCIL MEMBERS:

Costa Constantinides
Robert Cornegy
Daniel Dromm
Elizabeth Crowley
Margaret Chin

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

Mario Bruno
Assistant Commissioner
Public Affairs
New York City Department of
Environmental Protection

Rick Muller
Director of Legislative Affairs
New York City Department of
Environmental Protection

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COMMITTEE ON CIVIL SERVICE AND LABOR

CHAIRPERSON MILLER: [gavel] Good morning, ladies and gents. I am Council Member I. Daneek Miller and I am the chair of Civil Service and Labor Committee. Thanks for coming out this morning to the hearing on these two bills. The bill we are holding the second on is now a proposal of Introduction Number 1-A, a Local Law to amend New York City charter and administrative code of the New York City and in relation to the provision of sick time earned by employees and Section 7 of Local Law Number 46 for the year 2013, relating to such sick time in relation to effective of such law and repeals Section 6 of Local Law Number 46 for the year 2013, relating to determination of the Independent Budget Office. As we discussed at the hearing the week before last, the law substantially expands the scope of Earned Sick Time Act, which was passed by this council last May, and Local 46 of 2013 and that requires businesses with 15 or more employees to provide five earned sick days. Today, however, we will be discussing a bill that will substantially expand paid sick time by expanding the requirements to businesses with five or more employees covering hundreds of thousands

2 more workers. The bill will also allow the Mayor
3 to designate a different agency to enforce the law
4 allowing the enforcement to initiate investigations
5 and issue violations of its own volition, and it
6 removes an exemption from manufacturers. It also
7 repeals a complicated schedule for enactment,
8 making it very simple. The law will go into effect
9 for everyone on April 1st of this year. Finally,
10 after the hearing, a grace period has been added to
11 the bill for employers who were not expecting to be
12 covered by this law on April 1st. Businesses with
13 19 or fewer employees and manufacturers will have
14 six months within... they will not receive fines or
15 violations for this law. As I said at the other
16 hearing, what this bill understands, however, is
17 that without the means severe to serve our sick,
18 our families can never be healthy; that a loved one
19 or family should not be confused with disinterested
20 labor and that a healthy family makes a strong
21 workforce and a strong family. Our challenge today
22 is to strike a fair balance between interests of
23 working families and businesses who employ them.
24 Often I have found, as in the case here, those
25 interests can go hand in hand.

2 The second bill that we will consider
3 for pre-consideration a Local Law to amend
4 administrative code in the city of New York in
5 relation to health insurance coverage for surviving
6 families, members and certain deceased employees of
7 Department of Environmental Protection. You may
8 have heard that Aron Thomas, a worker for this
9 agency, was gunned down allegedly by a co-worker.
10 This bill will provide his family; a wife, small
11 children with health insurance benefits.

12 Technically, this bill extends the health insurance
13 coverage for the surviving spouse, domestic partner
14 and children of employees of the Bureau of Water
15 Supply, who died in the line of duty after 2-2-14
16 and before 2-4-14. We've been joined...

17 [background voice] We've been joined by members of
18 the committee, Costa Constantinides, Robert Cornegy
19 and Daniel Dromm and by the bills... [background
20 voices] and Elizabeth Crowley, so we have a full
21 house and most importantly, we have with us the
22 sponsor of the Paid Sick Leave, member Margaret
23 Chin. I'd also like to thank committee staff, Matt
24 Carlin, Peter Dravis [phonetic] Alai Ali [phonetic]
25 for the work they've done on these important bills

2 and now we will proceed with the vote. Yes, before
3 we vote, we would like for Council Member Chin, the
4 sponsor of the bill to say a few words.

5 COUNCIL MEMBER CHIN: Thank you, Chair
6 Miller. Good morning, I am Margaret Chin, the
7 prime sponsor of Intro 1-A to expand Paid Sick
8 Leave. First, I want to thank all the advocates
9 who have worked for years to see this bill passed
10 and I want to thank Borough President Gayle Brewer,
11 Speaker Mark-Viverito and Mayor de Blasio for their
12 vision and leadership in seeing this done and I
13 also wanted to thank all the small business and
14 advocates for coming to the last hearing. I'm very
15 glad that we were able to make some amendments
16 since the last hearing to address some of the
17 concerns of small businesses, including requiring
18 retention of paperwork for only three years, same
19 as the federal requirement and allowing filing for
20 two years. We also extended the cure period to six
21 months so that newly affected businesses will have
22 the opportunity to correct any violations without
23 penalty. I know that we will need to do more in
24 the coming term to address the small business
25 environment in New York City and I have pledged to

2 do my part it a friendlier city for our small
3 businesses; however, today it's about workers and
4 the fact that sick time should be a right. Working
5 families should not have to choose between their
6 health and their job. We should not live in a
7 society where a cook comes into a restaurant sick
8 and risk the health of everyone he serves or works
9 with because he fears losing a paycheck, so I hope
10 that my colleagues here will vote in support of
11 this bill. Thank you very much.

12 CHAIRPERSON MILLER: Thank you, member
13 Chin. Before we move forward, let me just mention
14 that the bills, the two bills will be coupled and
15 there will be one vote this morning on that. We do
16 have a witness that I'd like to call if Mr. Mario
17 Bruno from the DEP is available.

18 [Pause]

19 CHAIRPERSON MILLER: Please identify
20 yourself.

21 [Pause]

22 ASSISTANT COMMISSIONER BRUNO: Okay,
23 thanks. It's been a while, I'm sorry. Good
24 morning, Chairman Miller and Council Members. I'm
25 Mario Bruno, Assistant Commissioner for Public

2 Affairs at the New York City Department of
3 Environmental Protection. I appreciate the
4 opportunity to testify here today in favor of the
5 passage of this Pre-considered Introduction
6 regarding the provision of health benefits to the
7 family of Aron J. Thomas. This bill would amend
8 the administrative code to provide health care
9 benefits to the surviving spouse and children of
10 employees of the Bureau of Water Supply of DEP who
11 died on or after February 2nd, 2014 and before
12 February 4th, 2014 as a natural and proximate
13 result of an accident or injury sustained while in
14 the performance of duty. The bill was drafted to
15 address the type of tragic incident that can befall
16 city employees, this one resulting in the untimely
17 death of Aron Thomas, who was slain at his desk at
18 DEP's Kingston offices by a fellow employee. Mr.
19 Thomas was 33 years old and resided in Olivebridge,
20 New York. He had been a DEP employee for almost
21 nine years working as a watershed maintainer whose
22 job was to monitor the roads and woods near
23 reservoirs to protect the purity of our drinking
24 water. Mr. Thomas was a 2002 graduate of the State
25 University of New York at Cobleskill and he and his

1 wife, the former Susan Ruff, have a son not quite
2 two years old and a daughter born only six weeks
3 before this tragic incident. He was a dedicated
4 volunteer firefighter and emergency medical
5 technician in his hometown. In fact, Aron was such
6 a good EMT that he delivered his baby daughter in
7 the parking lot outside the local hospital because
8 there wasn't enough time to make it inside. He was
9 also an avid outdoorsman. Aron was recently
10 licensed as a certified outdoor guide by the state
11 and previously worked for the New York State
12 Department of Environmental Conservation as a
13 ranger. He was pursuing a future in law
14 enforcement, possibly as a game warden or
15 environmental officer. He was also very proud of
16 his Native American heritage. This Pre-considered
17 Introduction recognizes the sacrifice made by this
18 employee and helps to ease the financial burden of
19 his young family by providing them with survivor
20 health benefits. It also shows the city's
21 appreciation for the years of dedicated service
22 that Mr. Thomas gave to DEP as a watershed
23 maintainer and it recognizes the ultimate sacrifice
24 he made by giving his life and service to the city.
25

2 Thank you again for this opportunity to testify in
3 favor of this piece of legislation that is of
4 tremendous significance to our agency and its
5 employees.

6 CHAIRPERSON MILLER: Thank you so much,
7 Mr. Bruno, for testifying on behalf of your agency,
8 DEP and the city of New York recognizing the work
9 of Mr. Thomas and his contribution to the city of
10 New York, and clearly this committee values working
11 people and their families and we think that that is
12 the only just and right thing to be done; to extend
13 these benefits to the surviving spouse and
14 dependents. Does anyone have any questions for Mr.
15 Bruno? Council Member Crowley.

16 COUNCIL MEMBER CROWLEY: Thank you,
17 Chairman Miller. Good morning. I've never seen a
18 bill like this, so it's unusual, but is it that
19 nobody's died under working for the DEP before?
20 Like why isn't this just policy?

21 ASSISTANT COMMISSIONER BRUNO: Well,
22 this is policy under I guess the Civil Service laws
23 or rules and unfortunately because of the
24 circumstances in which he died he wasn't able to...
25 his family would not have been given survivor

2 benefits, so this amends I think the law so that in
3 this particular case they can get the benefits just
4 because it was a tragic and... a sudden and tragic
5 event.

6 COUNCIL MEMBER CROWLEY: But if I am an
7 employee of DEP and I die or get killed while
8 working for DEP in New York City am I... survivor
9 benefits given to my children or my spouse?

10 ASSISTANT COMMISSIONER BRUNO: I just
11 want to invite my colleague, Rick Muller, to answer
12 that question.

13 RICK MULLER: Good morning, Council
14 Member. Rick Muller, Director of Legislative
15 Affairs for DEP. What this does is these are
16 benefits that are available to police officers and
17 firefighters and also I believe emergency medical
18 technicians because of the inherent danger in their
19 jobs, but there are certain circumstances under
20 which an employee; a city employee who is not you
21 know, under one of those titles is killed because
22 of in the line of duty and so... and this has been
23 done I'd say three or four times in the last 10
24 years for particular city employees. There was a
25 traffic enforcement agent just recently who

2 became... his family became the beneficiary of this
3 bill or of this type of bill because he was hit by
4 a truck in the line of duty. In 2009, a Gennaro
5 Montello, a sewage treatment worker for DEP, who
6 was helping with you know rigging up a conveyor
7 belt and the conveyor belt collapsed and he was
8 crushed in the line of duty and so this legislation
9 was also done for his family. So these are
10 exceptions that go into the administrative code and
11 there might be a way to actually amend the code
12 such that this would happen automatically, but it
13 doesn't at this point and so additional language
14 has to be put into the code for each employee and
15 as you see, the constraints are for this type of
16 employee who died on this particular date and that
17 way the family gets the protections that the family
18 of a firefighter or a policeman would get.

19 COUNCIL MEMBER CROWLEY: And recently,
20 a New York City bus driver was killed in the line
21 of duty. I believe that the benefits should be
22 extended. I'm just... I just don't think that we
23 should have to go through this process. It should
24 automatically happen and be in the code and that's
25 why I asked the question. Thank you.

2 CHAIRPERSON MILLER: Thank you very
3 much, Council Member Crowley. Just as a point of
4 clarity you know, while I have you there, I believe
5 the code covers the uniformed forces.

6 RICK MULLER: Correct, sir.

7 CHAIRPERSON MILLER: So it would
8 include fire...

9 [crosstalk]

10 RICK MULLER: Yes.

11 [crosstalk]

12 CHAIRPERSON MILLER: Police and
13 sanitation and EMS as well and aside from those
14 individual collective bargaining agreements, as you
15 mentioned, with the MTA and New York City Transit
16 does not allow such provisions, which would make
17 this necessary on a case by case basis and I think
18 my colleagues are saying that when an employee or a
19 member of the workforce in New York City comes and
20 gives their all each and every day on behalf of the
21 citizens of New York City and something as tragic
22 as this occurs that we are obligated to and we have
23 a responsibility and an obligation to continue to
24 take care of their family in this manner. So it's

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2 certainly something that this committee here will
3 be looking into further. Okay.

4 [crosstalk]

5 RICK MULLER: Okay, thank you for
6 clarification, Chairman.

7 [crosstalk]

8 CHAIRPERSON MILLER: Thank you so much,
9 gentleman. So now we could proceed with the vote
10 and as I mentioned, that these votes will be done
11 coupled as one, so we will be voting on the Paid
12 Earned Sick Leave as well as the extension of the
13 health benefits.

14 COMMITTEE CLERK: William Martin,
15 Committee Clerk. Local vote Committee on Civil
16 Service and Labor. Council Member Miller.

17 CHAIRPERSON MILLER: Aye.

18 COMMITTEE CLERK: Crowley.

19 COUNCIL MEMBER CROWLY: Aye.

20 COMMITTEE CLERK: Dromm.

21 COUNCIL MEMBER DROMM: Aye.

22 COMMITTEE CLERK: Constantinides.

23 COUNCIL MEMBER CONSTANTINIDES: Chair
24 Miller, may I be excused to explain my vote?

25 CHAIRPERSON MILLER: Yes, sir.

2 COUNCIL MEMBER CONSTANTINIDES: I will
3 be voting aye and I firmly believe that making sure
4 that the people of the city of New York don't
5 choose between their health and their pay. Taking
6 care of their families is an important goal and I
7 commend you know, Council Member Chin on this
8 legislation, on you on this passed and to our
9 Speaker Melissa Mark-Viverito for getting it done.
10 I do look forward to working with the de Blasio
11 administration for a robust roll-out over the next
12 60 days during the cure period. We have such a
13 diverse city. You got 2.2 million residents here
14 in Queens. We're the most diverse borough.
15 Getting it out in language appropriate materials to
16 each and every business owner to make sure that
17 they understand the rules; that they understand
18 what's going on and that we're not overburdening
19 small business and they understand the rules of the
20 game to protect their employees. I'm looking
21 forward to getting that done with the de Blasio
22 administration and I vote aye.

23 COMMITTEE CLERK: Cornegy.

24 COUNCIL MEMBER CORNEGY: I'd like to
25 explain my vote.

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2 CHAIRPERSON MILLER: Yes, Mr. Cornegy.

3 COUNCIL MEMBER CORNEGY: As the chair
4 of Small Business I will be voting aye on all, but
5 I want to make sure, like my colleagues, that there
6 is oversight for how it's rolled out and to make
7 sure that those small businesses are outreached to
8 in a way so we will be looking very closely at
9 monitoring and oversight of all the agencies,
10 particularly DCA on its roll-out. So aye on all.

11 COMMITTEE CLERK: By a vote of five in
12 the affirmative, zero in the negative and no
13 abstentions items are adopted and members, please
14 sign the committee report. Thank you.

15 CHAIRPERSON MILLER: Thank you everyone
16 for coming out for this important issue. Committee
17 hearing is adjourned.

18 [gavel]

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C E R T I F I C A T E

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



Date: 03/05/2014