

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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December 12, 2017

Start: 1:15 p.m.

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HELD AT: Council Chambers - City Hall

B E F O R E: COSTA CONSTANTINIDES
Acting Chairperson

COUNCIL MEMBERS: Elizabeth S. Crowley
Daniel Dromm
Robert E. Cornegy, Jr.

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

Bob Master, Assistant to Vice President
CWA District 1, Local 1101

John Dempsey, Chair USIC Bargaining Committee
CWA District 1, Local 1101

Harold Perez, Former USIC Employee
CWA District 1, Local 1101

Keith Purce, President
CWA District 1, Local 1101

[sound check, pause, background comments]

[gavel]

CHAIRPERSON CONSTANTINIDES: Good

afternoon. My name is Costa Constantinides, and I am
her today chairing on behalf of I. Daneek Miller who
is ill, and he does send his good regards, and I'll
be reading this opening statement on behalf of
Chairman I. Daneek Miller. Today, we are discussing
the United States Infrastructure Corporation, USIC,
and the reported unfair pay, conditions and benefits
of its underground safety contractor workers. The
USIC is the largest underground utility locating and-
and damage prevention in North America, specializing
in underground utility damage prevention while also
providing a large range of utility services. The
company was founded in 1973, and has since then
expanded dramatically across the United States and in
Canada employing more than 7,500 workers. Throughout
the areas it serves, the USIC has performed about 73
million utility locating services annually with about
2.5 million of these services done within New York.
Services offered by USIC include maintaining the
integrity of gas distribution, vacuum estimation and
hands-on safety inspections of underground electric

transformer faults. In 2013, the USIC expanded its operation to the state of New York partnering with the—with Con Edison and National Grid. These utility companies contract millions of dollars of work to USIC annually to hire USIC workers to locate and mark utility lines preventing damage to infrastructure. Locating utility infrastructure is extremely important. Yet, many of these USIC workers are underpaid, overworked and forced to abide by bad company policy, a lack of paid days off, particularly in the first year. They only receive the five days mandated by the city's Paid Sick Leave Law, and such unfair practices as on-call practices and lack of job security. Since 2015, the Communication Workers of America, CWA Local 1101 has represented the USIC workers throughout New York City and Long Island. The US—the CWA represents approximately 180 USIC workers, and looks to secure a fair contract for their USIC workers, and looks to secure a fair contract for their USIC workers. Yet, an agreement has not yet secured. Spurred by a letter written by this Council, this hearing looks to understand the USIC workers and their wages, benefits and conditions. The letter cites that if an agreement is

not made to ensure a secure wage and good benefits, the Council will act. Supportive legislation will be enacted that would ban on-call scheduling practices, add underground location, and utility damage prevention workers to the city's prevailing wage, and the Prevailing Wage Law, and require that utility companies like Con Edison and National Grid ensure that contractors such as USIC workers meet safety and protection protocols. I look forward to hearing about how the USIC has treated its workers, as well as receive an update on how contract disputes are coming along between CWA and USIC. I would also like to acknowledge members of the committee that are here today, Council Member Danny Dromm and though he's not a member of the committee ex officio Brad Lander as well. I'd also like to thank the Committee staff, Matthew Carlin, our Counsel Kevin Kotowski; our Policy Analyst Kendall Stephenson; our Financial Analyst and Brendan Clark from the Office of Daneek Miller and, of course, my Legislative Director Nick Wazowski. The USIC has sent a letter to the Council, which our counsel Matt Carlin will read into the record.

LEGAL COUNSEL CARLIN: So, a letter from Cynthia K. Springer from the Law Firm of Faegre, Baker and Daniels addressed to Jonathan Ettricks, Director of Legislative Documents Unit New York City Council. Dear Mr. Ettricks, I am writing on behalf of Monta Bolles Patrick Thompson, Julie Kirkpatrick, and myself to inform you that we will be unable to attend the Civil Service and Labor hearing tomorrow afternoon due to other commitments. Moreover, your letter references USIC Underground Safety Contractor Workers unfair pay and benefits. The fact that you've already determined USIC is unfair cannot help us—help but lead us to determine that you have reached a conclusion that our testimony would be given little consideration. Despite what the CWA has apparently communicated to you, I can assure you that USIC has been negotiating with CWA in good faith for the better part of two years. Communications from Council Members reference several topics including wages, sick time, vacation, and on-call, all of which have been points of our extensive negotiations and all of which USIC has offered several creative solutions, which to date CWA has rejected. We believe we have made significant progress towards

reaching a contract particularly over the last six months, and our next bargaining session is scheduled for January 16th and this session like the four proceeding it will be conducted with the assistance of an experienced federal mediator. We are hopeful that the mediator will be able to help both sides reach a fair-agreement on a fair and reasonable contract, which allows USIC to remain competitive while meeting the needs of its customers and its locate technicians in the New York City, the New York City and Long Island. Very truly yours, Cynthia K. Springer, and it was dated December 11, 2017.

CHAIRPERSON CONSTANTINIDES: Thank you, Matthew. I do find that letter lacking in substance, and if they really wanted the opportunity to come and be heard, there was nothing shared there. We would happily have heard their testimony, and that's how we get things done. We have open debates rather than just sending a piece of paper. So, with that, we will call the-the-our panel forward. Keith Purce, CDA-CWA Local 1101; John Dempsey, Bob Master and Harold Perez all from CWA 1101. Please do that.

[pause] [background comments]

2 BOB MASTER: So, I'm—I'm actually not
3 going to provide testimony. I'll be available to
4 answer questions. Our lead witness will—I guess it's
5 a witness—will be John Dempsey who is the Chair of
6 the USIC Bargaining Committee for the CWA, followed
7 by Harold Perez who's a former USIC employee who was
8 fired for union activity and Keith Purce, President
9 of CWA Local 1101 will conclude, and then obviously,
10 we'll be available to take questions.

11 CHAIRPERSON CONSTANTINIDES: Could you
12 identify yourself.

13 BOB MASTER: Bob Master, Assistant to the
14 Vice President CWA District 1.

15 CHAIRPERSON CONSTANTINIDES: Thank you.

16 JOHN DEMPSEY: Good afternoon Members of
17 the Committee. Thank you very much for convening
18 this very important hearing and for giving me the
19 opportunity to testify before you this afternoon. My
20 name is John Dempsey, and I am a CWA staff
21 representative in our office, our New York City
22 office. Since February 1, 2016, I have led the
23 Bargaining between CWA Local 1101 and USIC for our
24 first contract covering the company's 180 workers in
25 New York City and Long Island. Let me start by

giving you a brief overview of the situation. From day one, USIC had made it clear that they don't respect their employees, workers who provide a vital service ensuring that New Yorkers are safe when companies are digging their electrical lines and gain mains. Since USIC workers voted to be represented by CWA Local 1101 in December 2015, the company has stonewalled our good faith effort to negotiate fair wages, benefits and working conditions. In the year following the NLRB vote, USIC refused to engage in serious bargaining. During that time period, we had reached only one tentative agreement, which was our funeral leave, and it contained no improvement to what USIC currently offers their employees. It took 14 months of negotiations for USIC to agree to agency fee shop and a payroll deduction of dues provision, which are basic articles in any union contract, and they still have not agreed to a Recognition Article. Throughout 2016 instead of good faith bargaining, USIC preferred to pin their hopes on instigating a decertification campaign aimed at getting ride of CWA as the workers bargaining representative. But in February 2017, the workers voted to keep CWA as their union rejecting decertification Despite 11 bargaining

sessions since the decertification vote, and an overall total of 25 bargaining sessions, the company still refuses to budge on the critical issues, which concern workers the most: Paid time off, on-call scheduling, holidays and compensation. The only conclusion we can draw is that because USIC is so deeply anti-union with the Chairperson of USIC's Committee, which the Chairperson of USIC Committee has conceded and even touted their victories against the union in Pennsylvania and North Carolina, they obstinately refusing to grant any improvements in the wages and working conditions of its New York Metro workforce in order to preempt interest in unionization among its 7,300 other workers across the country. This is union busting pure and simple, and it is unacceptable in our city. USIC workers perform important tasks that are vital to the health and safety of all New Yorkers. Before any company digs up a street in New York City and Long Island, USIC workers survey underground infrastructure like gas mains and electrical lines. They then mark the street so that digging doesn't cause electrical outages or even worse, gas main explosions. If this work is not performed correctly, residents are put in

great danger. Starting pay is \$15 an hour, and it's \$15 an hour only because of an agreement we negotiated with USIC right after the December vote. When the workers joined CWA, the starting wage was between \$12.50 and \$13.00 per hour. As of May 2017, less than five percent of the low K technicians in the locate technicians in the Bargaining Unit were earning more than \$25 an hour with the top earner making \$28.63 an hour. That means 95% of the Bargaining Unit is earning less than \$25 an hour. Hardly an adequate wage in this area. There is tremendous turnover because wages and working conditions are so substandard. We have asked for guaranteed across the board increases for all workers of less than 3% with an opportunity to earn more based on USIC's metrics. While USIC insists that all raises must be merit based, not guaranteed. The second major issue is paid time off. In the first year of service New York City and Long Island workers receive a total of five paid days off, vacation, and sick leave combined. They get those days only because the company is subject to the New York City Earned Sick Days Law, the provision of which the company extended to the Long Island workforce.

Elsewhere in the country, unless it is required by law, first year USIC workers receive zero days paid time off. In Year 2, USIC workers receive a total of six paid days off, and in years 3 through--to 9, they receive a total of 12 days off. We have demanded that workers with more than 12 months of service be able to accrue up to three additional paid days off each year, accrued in the same manner that PTO is currently accrued. The company has countered proposed that workers with 12 to 24 months of service can accrue two hours of paid time off for every 100 hours of overtime they work. In other words, they would get one additional paid day off for every 400 hours of overtime worked. That's 30 hours of overtime every week for three months just to accrue one additional paid day off, and there is no guarantee that you will be offered overtime. The lack of paid time off is compounded by the requirement that workers spend 24 hours on call, ready to report to work within 20--within two hours on the weekends, and are also required to be on call overnight during the week. USIC offers no additional compensation for being on call. This requirement is extremely unfair. It is disruptive to the workers

families' lives. It interferes with the workers' ability to get a good night's sleep. It means that when workers do report, they may not be at their best and that poses a danger to the residents of New York City. It appears that USIC does not care if workers report to the job when they're sick or exhausted, which shows a real disregard for the wellbeing—for the wellbeing of our city. Finally, USIC workers receive only six paid holidays. By way of contrast, the New York City Municipal Workers negotiated their very first citywide collective bargaining agreement in 1969 nearly half a century ago. They received 11 paid holidays. We have asked for one additional holiday, but USIC has flat refused, and has proposed to give an additional holiday only to those employees who have not had any at all damages in the prior 12 months. The truth is that not a great deal separates us from reaching a settlement with USIC. We are not looking for enormous changes. We simply want to negotiate a measure of improved wages and working conditions for a group of workers who perform extremely important tasks in our city. We recently became aware of one possible explanation for USIC's determined anti-union behavior. It appears that

Partners Group, the private equity firm, which recently bought USIC may be working with a firm connected to Truck Education Secretary Betsy DeVos. The DeVos family's private equity firm recently set up two holding companies that appear to be associated with the acquisition of USIC. DeVos' firm has a history of working with the Partners Group and Betsy DeVos has reported substantial income from Partners' investments. We are very concerned that a Trump associated anti-union billionaire family appears to be part of this deal. The DeVos family is a conservative mega donor that gave more than \$44 million to the Michigan Republican Party, GOP legislative committees and Republican candidates between 1997 and 2014 largely with the goal of destroying unions. Betsy DeVos has been at the helm of the family's conservative crusade with her husband Dick. In one case, she contributed \$125,000 to a campaign to block union rights in Michigan in 2012, and left that detail off her disclosure forms when she was nominated for Education Secretary. We call on Partners to end any partnership with the DeVos Family and the ownership or management of this company. Even more important, Partners itself should

pay a—should play a constructive role in reaching a positive resolution in the bargaining that addresses workers key concerns. Not only Partners must be held accountable for the anti-union behavior of USIC. The primary companies that contract with USIC are two giants of the utility sector here in New York and nationally: Con Ed and National Grid. We urge you to pressure these regulated entities to ensure that they are only contracting with responsible employers who treat their workers with the respect and dignity—dignity those workers deserve. Con Ed and National Grid should not be contracting out with companies that pay substandard wages and which do not seem to care at all about the health and safety of their employees let alone the public. Members of the Council, we need your help in protecting the wages and working conditions of these workers. We deeply appreciate your willingness to call this hearing today to investigate what is happening in this dispute, and we are grateful that you have indicated to USIC management your willingness to consider legislation that addresses some of the key issues that I've discussed here today. We need to send a message to USIC management today loud and clear that

their treatment of workers is unacceptable in New York City. Management needs to understand that in New York City we have a commitment to fair collective bargaining and fair treatment of workers. This Council with its enactment of earned sick days, and fair work week legislation has signaled its clear commitment to these values. We need you to do this again in this instance. Thank you for your time, and I can answer any questions you may have.

CHAIRPERSON CONSTANTINIDES: Thank you for your testimony. Is there any—is there anyone else who has testimony left on the panel? Great.

HAROLD PEREZ: Good afternoon members of the committee. My name is Harold Perez, and I'm a former USIC employee. I have been Locate Technician for seven years, the last three as an employee of USIC. However, on October 20, 2017, I was terminated by USIC allegedly for violating (coughs) the company's attendancy policy. I don't think it was a coincidence that my termination took place only eight days after I attended the press conference held on City Hall steps about USIC's mistreatment of their employees. The union has filed unfair labor practice charges with National Labor Relations Board, and my

case is currently under investigation. We're quite certain that USIC retaliated against me because of my union activity. (coughs) Since being fired, I've been unable to get another job despite having applied at four different companies. I'm using up my retirement savings to pay bills. I along with my co-workers voted to join the union December of 2015 for a variety of reasons. I would like to highlight the main ones. The wages we receive are substandard for the important work that we perform. I'd like to take—I take responsibility of protecting USIC's customs infrastructure, and the public safety very seriously, and would like to be compensated accordingly. We are the people who make sure when our streets are dug up, you neighbors are protected from gas main explosions, electrical or phone outages. We care about the people of New York City and Long Island. Unfortunately, it doesn't seem that USIC shares our concerns. They certainly don't care about their workforce. (coughs) I am sometimes required to be on call for 24 hours straight on the weekend, and also several times a month from the end of my shift in the evening until the start of my next shift in the morning. I receive no additional

compensation unless I respond to an emergency. Being on call like this make it impossible to get a decent— a decent night's sleep. It also totally interferes with making plans with my family. When you're on call, you don't relax. It's not like having a real day off at all. There should be some type of compensation for us being on call for the company (coughs) all through our supposed time off. I only get a total of 11 paid days off a year combined sick time and vacation time. If I happen to get sick during the year, it leaves me little or no time for vacation. Additionally, the company strongly encourages us to use PTO when there is inclement weather that prevents us from working. This further erodes the amount of time that I have to spend with my family. This is New York City and 2017. We deserve the right to take time off when we're sick, and we deserve the right to have vacation with our families. USIC's Paid Time Off Policies are like going back in time before there was even a labor movement. It's outrageous. Between the substandard pay, the on-call requirements and the lack of paid time off, it makes it very difficult to raise a family in New York if you're an employer of USIC.

Unfortunately, it seems that USIC cares about its executive paychecks and profits for their private equity owners. We need a help in pushing back on USIC to negotiate for a fair contract. Thank you for your time today in showing interested in pressuring USIC to treat their employees like me more fairly. Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you for your testimony. Yeah, this is definitely a union town, and we take protecting workers very seriously, and this Council has taken it—protecting workers very seriously. So, one of the first questions I have are there are numbers UIC-USIC workers coming out with how dangerous their work is. Can you describe some of the conditions that the workers are put in?

HAROLD PEREZ: Day in and day out, there are safety concerns that surround my job. It's pretty much like walking into a pit full of sharp objects: Cars, construction zones, people, and that's being compounded by the time that we spend out there working. It makes it more difficult to stay focused on safety and, you know, you—you're more focused on just being around than actually focused on your safety, because they pressure you to work so much.

CHAIRPERSON CONSTANTINIDES: So, and—and
so what sort of training do you go through in order
to do this work?

HAROLD PEREZ: Usually the training is
due two weeks to a month with just someone in
corporate that teaches them the book knowledge, and
then they come out to the field and they spend time
with a field a technician, and they determine whether
they're ready based on that evaluation that the
employer gives of them.

CHAIRPERSON CONSTANTINIDES: Do you think
that there can be better training in safety
precautions to protect workers?

HAROLD PEREZ: Most definitely.

CHAIRPERSON CONSTANTINIDES: What sort of
things do you think that USIC should be doing to
protect the workers?

HAROLD PEREZ: Um, they should definitely
be doing a lot more hands-on training on the field
rather than giving a normal employee the
responsibility of finishing up the training. There
should be someone from management to fine tune these
employees in the end at least to get the safety down
pat.

2 CHAIRPERSON CONSTANTINIDES: And when
3 it's--when it's inclement weather, as you talked
4 about, they encourage to take time off or how-how--

5 HAROLD PEREZ: [interposing] You show up
6 for work?

7 CHAIRPERSON CONSTANTINIDES: Walk me
8 through that a little bit more.

9 HAROLD PEREZ: You show up for work at
10 7:00 in the morning, and it's snowing already, and I
11 was forecast to snow for the rest of the day. So,
12 they say today is going to be a slow day. Say
13 there's a group of eight. Six of the people get sent
14 home. Two of them stay to cover emergencies. The
15 six people that get sent home are--they're pushed to
16 take PTO. Don't forget to put in your PTO for the
17 day that you had off, you know, even though you were
18 sent home, not there.

19 CHAIRPERSON CONSTANTINIDES:
20 [interposing] So, you were--you're saying that if
21 you're sent home, they're requiring you to take off--
22 take your paid time off--

23 HAROLD PEREZ: [interposing] Yes.

24 CHAIRPERSON CONSTANTINIDES: --in order
25 to be sent home.

2 HAROLD PEREZ: They're definitely
3 suggested-suggested-suggestive of it, or they tell
4 you, you're not going to get paid-

5 CHAIRPERSON CONSTANTINIDES:
6 [interposing] Wow.

7 HAROLD PEREZ: --because of it.

8 CHAIRPERSON CONSTANTINIDES: Wow.

9 HAROLD PEREZ: Yeah.

10 CHAIRPERSON CONSTANTINIDES: It's
11 egregious.

12 JOHN DEMPSEY: Well, just one
13 clarification. So, they-they encourage you to use
14 the PTO so that you don't have any left. If you
15 don't use your PTO time, then you don't get paid.

16 CHAIRPERSON CONSTANTINIDES: So, you
17 don't get paid?

18 JOHN DEMPSEY: You don't get paid. No.

19 CHAIRPERSON CONSTANTINIDES: So, you-
20 [off mic] Could you say your name?

21 JOHN DEMPSEY: I'm sorry. John Dempsey,
22 CWA Staff Representative.

23 CHAIRPERSON CONSTANTINIDES: So-so the
24 choice is if you'd like to get paid, you have to take
25 a day off. If you have a paid day off. If you

don't-if-but if they're sending you home, if they send you home, you're not getting-getting paid for the day?

JOHN DEMPSEY: That's correct, Councilman.

CHAIRPERSON CONSTANTINIDES: That's beyond egregious, beyond egregious. I mean what are the traditional-what are the other general labor standards in the industry?

JOHN DEMPSEY: I can't-I-I-I can't answer that question. I will tell you what USIC has been doing is-is going around and buying up small located companies, and then-and then enforcing their horrible conditions on them. They did this to a company that I believe was Eastern Locating Services in Pennsylvania. They bought them up. They were CWA representative locators. They came in, and destroyed the contract to the point that CWA can never get their contract ratified and we lost the unit. So, I-I don't know if I answered your question in any way--

CHAIRPERSON CONSTANTINIDES: Uh-hm.

JOHN DEMPSEY: --but it's high turnover, tremendous about the high turnover. We went from 130 employees to 180 just in the last six or seven

months. So, they got 50-50, 50 new employees out there that don't have the experience protecting the public because they keep losing. They-they keep losing all their experienced locators.

CHAIRPERSON CONSTANTINIDES: Because they're just not doing the right thing?

JOHN DEMPSEY: Well, because, yeah, yeah, they're fed up. They-they-we've had a couple of them actually apply for jobs in Verizon because Verizon actually is hiring right now so--

CHAIRPERSON CONSTANTINIDES: And what other companies in-in this line of work that not owned by USIC?

We actually-my name is Keith Purce. I'm the President of Local 1101, CWA.

CHAIRPERSON CONSTANTINIDES: Uh-hm.

KEITH PRUCE: (coughs) We actually represent people that do this line of work also in the Bronx and Manhattan--

CHAIRPERSON CONSTANTINIDES: Uh-hm.

KEITH PRUCE: --for-for Verizon Telephone--

CHAIRPERSON CONSTANTINIDES: Right.

KEITH PRUCE: --and anybody else who wants to use that like Spectrum or Cable Altice, any of those in the Bronx and Manhattan only, though. So, we represent them, and they have very good wage, good benefits, pension, everything that you should have when you work in New York City or anywhere else in this country, and they all do very well, and they do the same exact work, but they're rewarded for it, and they get to work in a safe environment with a good wage.

CHAIRPERSON CONSTANTINIDES: So, that's where I was going. That was my next question is that there is a--a huge disparity here between what is being paid by other similarly situated workers

KEITH PRUCE: Empire City Subway is the name of the--of it.

CHAIRPERSON CONSTANTINIDES: Empire and--and--and USIC?

KEITH PRUCE: Uh-hm.

CHAIRPERSON CONSTANTINIDES: And then how--how has traditional, non-traditional work being addressed when it comes to pay equity?

JOHN DEMPSEY: Can you say that question again, please?

CHAIRPERSON CONSTANTINIDES: How has pay equity and non-traditional work being addressed?

JOHN DEMPSEY: I'm sorry. I don't understand the question. [background comments]

CHAIRPERSON CONSTANTINIDES: Art there-- when it comes to gender, are men and women being paid the same? Is there--is there an issue with gender equity?

JOHN DEMPSEY: I have not noticed any issue with gender equity. There are--

CHAIRPERSON CONSTANTINIDES: [interposing] Okay.

JOHN DEMPSEY: --there are--there are very few female employees that are--are there. So, I am not--There, I have not seen any gender equity--

BOB MASTER: [interposing] I think it's fair to say, Council Member, that both men and women are treated equally unfairly.

CHAIRPERSON CONSTANTINIDES: Yeah, they're--they're both--both genders are being treated poorly. Okay, at this juncture, I will pass some of these questions off to my colleagues. First--

2 BOB MASTER: [interposing] Council
3 Member, I think that President Purce was hoping to
4 make a statement.

5 CHAIRPERSON CONSTANTINIDES: Oh, okay, I—
6 I—I was unaware of that. Sure, absolutely.

7 JOHN DEMPSEY: Good afternoon, Committee.
8 My name is Keith Purce. I'm the President of CWA,
9 Local 1101. All of the—all that these USIC workers
10 are looking for is a fair and equitable contract, a
11 decent pay and a safe work environment. Democracy
12 should just be about the right to vote. It should
13 also give people the right to good paying jobs, safe
14 jobs so they can raise their families, buy a home and
15 send their kids to good schools and get a good
16 education and go further. But right now, we have a
17 President who would rather give corporations a 15%
18 tax cut, corporations like USIC that have no
19 intention to pass anything down to their workers
20 unless they are forced to. Unless they are forced to
21 give them good pay. Unless they are forced to give
22 them safe work environments, unless they are forced
23 stop keeping them on 24-hour calls for—for all
24 weekend when they can't get any sleep, and then they
25 go out there either sick or tired and put people in

danger, and that's not what we should be doing. Now, I know the City Council has done a lot to help workers in New York City, and I ask you, I urge to help these USIC workers get their fair wage and be able to work in the safe environment they deserve. Thank you for your time.

CHAIRPERSON CONSTANTINIDES: Thank you, President Purce. My apologies. I wasn't certain that you wanted to testify. With that I will—I will turn it over to Council Member Lander followed by Council Member Dromm.

COUNCIL MEMBER LANDER: Super. Thank you, and—and with permission, Chair, maybe I'll do like a first ask some questions about the conditions and about the bargaining and then some questions about legislation. We might do them. Maybe I'll do a first round and let Danny go and then come back and do a second round. Thank you for being here. I'm so sorry that you have to, and it's obviously appalling that the company, you know, is so ashamed of its record that they wouldn't even come and talk to us about it. We've seen a lot of employers who we thought were not treating their workers fairly. Most of them had the decency to the City Council to come

and tell their side of the story. A company that doesn't even come when called to the City Council to tell their side of the story is—is really saying something, and Mr. Perez, I want to especially thank you for—for being here, and you know, I think we feel implicated here. I—you know, we met you out on the porch of this building when you came to tell your story, an act of political free expression and protected labor organizing, and the fact that it seems that that cost you your job is an unfair labor practice. But it's also an affront to this body and this building, and I just want you to know that we are angry about it, and we'll look to have your—your back and the backs of your fellow co-workers. So, thank you. I just want to make sure I understand what the work is and why you guys are doing it rather than Con Ed and National Grid? So, just walk me through. I know you said a little bit of it in your testimony, but just explain to me kind of what's going on? What's the kind of work that's happening above ground, and—and what you guys are going, and why it's important?

JOHN DEMPSEY: So, the best way I could describe it: Have you heard of 811 call before you

dig. So, this doesn't only apply to contractors who may be laying new conduit through the streets. It applies to a homeowner who may be putting a fence up in his yard. You are required to call 811 before you dig. There's a nationwide 811 system that would generate a ticket, and then that ticket would be sent to—to the companies that perform the locating services. So, if you were a contractor that wanted to lay pipe in the street to run another cable through there, you would have to call 811 before you dig. The 811 system would create a ticket and it would go to USIC to identify existing underground facilities whether they be electrical, gas or cablevision or cable. Excuse me. Cable TV—cable TV wires, and that way when they do—when the contractor does come to lay the pipe or the conduit to run a new—new line through day, you don't damage the old stuff that's underneath there. Just, and, you know, so Verizon workers do this work ourselves. We have not—at CWA we have fought the contracting out of this work to preserve our jobs with, you know, good union jobs with Verizon. It seems to me Con-Ed and National Grid have chose a different path that they

2 could get this work done a lot cheaper without their
3 own people, and that's why they contracted out.

4 COUNCIL MEMBER LANDER: I mean I assume
5 there was a point in time at which National Grid and
6 Con Ed did this work in-house like Verizon did. I
7 don't know if you know, but--

8 JOHN DEMPSEY: [interposing] I wouldn't
9 be able to--I wouldn't be able to speak on that. No.

10 COUNCIL MEMBER LANDER: Well, which I am
11 disappointed also that National Grid and Con Ed
12 aren't here. We also invited them, and we will
13 surely be following up with them because the
14 questions I wanted to ask were about this knowing
15 that Verizon does it, knowing that it's critical to
16 the safety of their workers as well as the security
17 of their lines. My hunch, we won't know because
18 they're not here today, is they used to do it in-
19 house that that meant they paid people according to
20 their pay and benefits package, and that they
21 realized that they could pay people less. They
22 could, you know, by--by sweating it to--to USIC.

23 JOHN DEMPSEY: To--to the best of my
24 knowledge, National Grid still does some of this in-

house. So, they do have locate—they do have, you know, employees that do this type of work also.

COUNCIL MEMBER LANDER: Okay. Now, I mean I was not familiar. I mean, you know, I'm not with 811. To me it sounds like the kind of thing that would be a public or municipal service. You know, obviously, we both want to not have people's cable cut off. This is both a convenience issue. We don't want their cable to cut off, a public safety, you know, a—you know, obviously we—we preserve electricity, but if you hit a gas line, you could have a—you could have an explosion here. So, it's—it's critical public safety work, but it's not handled by a city or a state from 8-3. 311 is a New York City function. 911 is a New York City Function. 811 you're allowed to connect it to worker—to-to a contractor that employs workers with essentially no wage or safety or benefit standards at all.

JOHN DEMPSEY: But I can't tell you exactly how it works, but I know it's—it's part of the law that you have to call before you dig, you know. So, then how many--

COUNCIL MEMBER LANDER: [interposing] I mean it's good I guess. We made it part of the law

that you have to call before you dig. It seems like we should have made it part of the law that the workers that are coming to protect us when you call before you dig are covered by some of the same standards. I mean, yeah, we'll get to this in a minute, but like we covered fast food workers to not have on-call scheduling, which I want to ask a little more about in a minute, but I--you know, so like I'm angry at Con Ed and--and National Grid, and--and obviously at USIC, but I--I do think there's sort of like some public responsibility here. This is not a--a private function, right? These--these--this is a--this is a--to me a public necessity to perform this work.

JOHN DEMPSEY: Correct.

HAROLD PEREZ: To give you some perspective on why they outsource to contractors, they use it as a way to play pass the buck. So, if something goes wrong, the liability now gets split into thirds instead of in half. Con Ed would have half of the liability and the contractor bidding would have the liability if they marked it, but now that we marked it, if something is wrong with marks,

they can now blame us and charge our company rather than paying for it themselves.

COUNCIL MEMBER LANDER: I'll bet they're paying more for their insurance policy than they are for their workers. Anyway, let me ask one just question about the on-call and then I'll—I'll turn it over to Danny and come back with a few questions after that. So, you know, on-call is this thing that exploded in—in recent years. Like it didn't used to be, you know, obviously there are workers who are in certain kinds of emergency situations. You know, if there's going to be a big snow storm, then we have to ask Sanitation workers to be ready to work more than they work when there isn't just a snow storm. We compensate them for the different ways that we ask them to be on call or work shifts. So, you know, you can sort of see where it began as a response to certain kinds of emergencies. It then exploded in retail and fast food to the point where the Attorney General of the State of New York and then the City Council and the State Wage Board have had to regulate because— And actually, I ran into a store owner on Fulton Mall who was upset we had ended it because he said, You mean—I was trying to understand when he

used On-Call and he basically said, So, but what if it's going to rain? So, that was a retail store owner who knows he's going to get few customers on a day it rains, and so he keeps workers on call so that if it doesn't rain, he can have them in, and if it does rain, he doesn't have to pay them. But obviously, no worker could construct their life where they don't get paid if it rains. But I just—it sounds to me like most of the work here is—is scheduled work. Even though this is public safety work, it's—some of it might be performed in cases where there is sort of an urgent call, but much of it sounds like probably gets scheduled in advance and—and the company could—could schedule the work.

JOHN DEMPSEY: Well, my understanding is that their contracts with the utilities require them to have somebody available to locate for emergencies 24/7. So, that's why the on-call piece is there.

COUNCIL MEMBER LANDER: Interesting. So—so Con-Ed is contracting to demand on-call work, but then not paying any attention to how it's—but Con-Ed workers if they have to have on-call shifts are compensated when they're not. So, let me just make sure I understand. So, for 24 hours you wait on—

call. You get nothing for it. If they don't call you, you don't get paid anything for having been available those 24 hours, and if they do call you, they just pay you straight time without any additional bonus starting at \$15 an hour?

JOHN DEMPSEY: That's correct unless you have--unless you have already reached your 40 hours during that week.

CHAIRPERSON LEVINE: Right. I mean if you--you wind up getting overtime, but no thanks to the, you know, generosity of USIC, but to the laws of the State of New York. Um, oh, God. Okay. Um, I'm going to just pause there for a minute. I'm still sitting with that. I'll yield to my colleagues, and I'll come back and ask a few more questions if they don't--if they don't cover it.

COUNCIL MEMBER DROMM: Well, thank you, thank you, Brad and thank you to Costa, to the Chair as well. For chairing this hearing. I know that Daneek has not been feeling well, and you did a great job in asking a lot of the questions that I was going to ask as well, because I didn't exactly understand the relationship. But one question that I do have is when--the Parks Department is going to replace trees,

2 would they call---I mean they have to get an okay
3 from Con-Ed first before they can actually replace
4 trees. Would you be the people who would go out and
5 check tree pits to see if there are wires into that?

6 HAROLD PEREZ: Yes, sir.

7 COUNCIL MEMBER DROMM: So, you do that
8 work also?

9 HAROLD PEREZ: Everything. Any time any
10 one digs within the City of New York, we get called
11 out.

12 COUNCIL MEMBER DROMM: You get called out
13 on that?

14 HAROLD PEREZ: If they're digging
15 legally, and they called 811 like they were supposed
16 to.

17 COUNCIL MEMBER DROMM: So, that's
18 actually a pretty big deal because I mean any time
19 that we want to get stuff done here in terms of
20 trees, often times that's been an--an issue with us
21 and with Con Ed, but I--I just wanted to say actually
22 that I'm outraged by this letter from this Cynthia K.
23 Springer that she would write such a ridiculous
24 letter to the City Council on unfair practices. I
25 mean I have to wonder how much she's getting paid.

I'm sure she's not getting \$15 an hour, and I wonder what her benefits are, and I'm pretty sure that she's probably got fairly decent benefits, and--and time off and sick days as needed. And--and I'd just like to say, I think they're from Indiana and--and they just probably don't know that New York City is a union town, and here in New York City we respect our unions and we support our unions because basically what unions want is what everybody wants, which are fair wages, compensation and to be treated fairly and equitably on a job. And from the descriptions that you provided in your testimony, it seems that--that's the exact opposite of what's happening. I mean I can't really believe that, you know, people still treat people this way, treat employees this way. I mean I don't see how one human being can treat another human being in this fashion, to be honest with you. You know, and then the fact that I--that they wouldn't even come in and testify is just really horrible. Of course, I'm the Chair of the Education Committee, and I'm finding out that there are many more Betsy DeVos connections in the world especially under this--this Trump Administration but, you know, it's the rich making the rich richer, and they're

forgetting about the average person on the job. And so, while, you know, it is surprising, it's not surprising to see some of the involvement there as well. But we as a Council I believe will stand in support and united against this type of mistreatment of the workers especially here in New York City, and I mean I'm just—I—I cannot believe that this is still going on, and I just thank you for coming and providing us with this testimony. Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you Council Member Dromm. I would like to acknowledge that Council Member Crowley and—from Queens and Council Member Cornegy from Brooklyn both members of the committee were here as well. With that, I'll turn it back to Council Member Lander for a second round of questioning.

COUNCIL MEMBER LANDER: Thank you, Mr. Chair. So, I'm going to—I guess I want to follow up a little on where Council Member Dromm pushed in this letter just because they do indicate that they have—oh, I had it written down—offered several creative solutions in the letter in their bargaining. So, I just want to dig in a little more on the—on the bargaining side. Some of the things you've said you

testimony were quite stunning, you know, that, you know, that all they've given on a funeral leave policy they already had, but they wouldn't negotiate over one additional holiday and that they've shown no flexibility on these just appalling on-call policies. So, I'm—I'm puzzled to figure out what the creative—several creative solutions they've offered. I'm curious if you can shed any light on that.

JOHN DEMPSEY: I can. So, some of them—some of it's in the testimony but, you know, we have three issues that we want to address during this bargaining: Wages, on-call and paid time off. Paid time off you could look at it as two separate things, your PTL and your holidays. To have only six holidays a year I—I've—I haven't seen that in my years of bargaining. Their creative solution to that is that we'll give employees an extra floating holiday if they had no damages in the prior 12 months upon ratification of the agreement. That means you had to be perfect, and they're only given six as it was. In order to reach an agreement, you know, I don't even like what I propose, but we're at—Listen, if you had two or less in the prior 12 months, then you get the floating holiday. Not—not that you had

to be perfect. The wages they are strictly merit based on their proposals. We again in an attempt to reach an agreement have proposed across the board—I have the proposal here. So, I could get the exact number, but I—I think across—across the board 2-1/2% and then a possibility to earn another 2% based on, you know, amount of damages, your safety observations, and your productivity, which is what they insisted on being in there. The one other difference, too, is they are only proposing a one-year contract. Again, so they could go right into their decertification mode, and—and—and try to bust this union here. We are—we are asking for a two-year contract, and in the second year of the contract, our wages again are a hybrid of across the board and metrics. The paid time off they've been very clear from day one of the negotiations that they were not going to compensate people for paid time off. They just think it's outlandish, that they would have to compensate somebody because they only require them to respond within two hours. So, they don't think it's infringing on their day off, which is just false. You know, if I wanted to go to the Poconnos, I can't. I'm on call. If I wanted to have an adult beverage

at a barbecue, I can't. I'm on call. So, it does infringe on them, and they will not see eye-to-eye with that. To comment a little, if you don't mind, about Cynthia K. Springer who wrote the letter from Monta Bolles who's the VP General Counsel for USIC. For the first year of bargaining, every one of my proposals were rejected, and it wasn't counted. It was a verbal rejection with anti-union rhetoric intertwined with why she can't do what she had--what we were proposing. There was no good faith bargaining. Our last bargaining session on December 5th, I called the side bar with the Federal Mediator, the Vice President of Local 1101, who sits on our committee, myself, Monta Bolles, and--and Ms. Springer just to make sure that they were clear that if they addressed our concerns and--and obviously my proposals on the table showed them that they didn't have to come all the way to where I was that there was room. But if they addressed our concerns on these three issues that we could reach an agreement and we could--we could talk to the Council about whether the hearing was necessary or not. Monta Bolles' comment back to me was: We are not afraid of your City Council hearing. That was her--her comment back.

They actually made no comment. I said, Do you have anything to say? And she goes, You don't think we're afraid of your City Council hearing do you? So, that's—that's the attitude I've been dealing with for two years. They, you know, it's—it's a hard unit to communicate with the members. They home garage so it's tough to find a meeting place. Another little story to talk to the members about this hearing taking place we ran around to their meeting places. They meet in a parking lot on Linden Boulevard behind a movie theater for Brooklyn, and they meet in a New York City public park parking lot in Queens. So, we went there to talk to the guys to let them know that this was going on, to tell them to hang, to tell them we're working to get you a fair deal. They at our next bargaining session pulled the Vice President out of the room, and I wasn't there, and were trying to make an argument that we had no right to talk to those employees, our members, because we were calling a union—union meeting and they would getting to the union meeting by driving a company vehicle. And this is us just trying to get there five, ten minutes early to talk to the guys where they convene to get their work. So, I'm sorry to go off.

2 COUNCIL MEMBER LANDER: No, thank you.

3 I'm sorry for your--

4 JOHN DEMPSEY: [interposing] But I don't--
5 I'm just trying to tell you the treatment or their
6 attitude towards the union, their attitude towards
7 their workers at the bargaining table, and they have
8 given us the last, best and final. They gave us a
9 proposal on August 28th that had movement to some of
10 these things that they call creative ideas. Since
11 then, they have not moved except for, you know, a
12 typo here and typo there, and now they're on their
13 last, best and final. Some of the other creative
14 things that they think are addressing our concerns is
15 the requirement of the--not requirement, but to accrue
16 extra paid time off by working hundreds of hours of
17 overtime. I mean I--it's outlandish.

18 COUNCIL MEMBER LANDER: It's crazy. So,
19 it sounds like, you know, the--the contempt they are
20 showing to, you know, to the workers and--and to the
21 union is--is also being shown to the City Council, and
22 I want to just talk a little bit about what I hope
23 we'll do about it. So, I'm-- [background comments]
24 So, you know, we're at the end of our term right now.
25 We just--we're going to have our final Council meeting

next money, as a result of which there wasn't a lot of time to introduce new legislation and get it sort of developed and through our lawyers and ready--

JOHN DEMPSEY: [interposing] Right.

COUNCIL MEMBER LANDER: --for this hearing, and we'd like to have an oversight hearing and understand-understand the situation better before we legislate anyway, but we have talked about the possibility of-of some legislation to address these issues some of which it's clear to me the City Council would have clear authority, some of which we might need to work with our partners in the State Legislature. But we-we've banned on-call scheduling for fast food workers in New York City, which I'm proud of. I, you know, we-I'm-I'm confident we have the power to ban or-or require extra compensation for. It's also really what we did in the case of-of fast food workers. With retail workers we banned it. With fast food workers we required some additional compensation for late added hours. It seems to me we-if we're going to do that for fast food and retail workers doing it for workers who are protecting the public and keeping us safe is a no-brainer. So, would you work with us as we craft this legislation

just to make sure we kind of get it right and, you know, make sure it works in a way that is, you know, would work for you?

BOB MASTER: Well, obviously, we'd be incredibly interested in working as closely as possible with you to address these issues legislatively if we cannot achieve any movement at the bargaining table and, you know, the company, you know, the company may not respect you, but we certainly do, and would welcome your assistance.

COUNCIL MEMBER LANDER: I think when we pass laws they, you know, they are generally--

BOB MASTER: [interposing] They may pay closer attention--

COUNCIL MEMBER LANDER: [interposing] They--they can--

BOB MASTER: --when we start having hearings on--on legislation.

COUNCIL MEMBER LANDER: And likely, you know, obviously there are workers much like your workers who are covered in prevailing wage categories some of those related to our Living Wage Law at the City. Some related to the State Labor Laws. So, we could talk to our--our partners at the state, but this

issue of safety protocols that really the Chair began the hearing on seems to me like the idea that we currently--there are streets, you know, there's city streets, and we currently don't--are not concerned that the folks who are mandated through this 811 system, to--to dig them up, there's no safety protocols, protection standards. Obviously that includes this on-call issue and rest, and but also includes the Chair's point at the very beginning of the hearing that there's no safety training required. We just passed a bill that will make sure the construction workers have a minimum level of safety in order to prevent accidents. That's, you know, it seems to me clearly we ought to consider doing something similar for those workers who we're authorizing to dig up the street. So, even though today's hearing is not yet on those bills, certainly coming out of this hearing, Mr. Chair, I'd love to work with--with you and with Chair Miller, and Council Members Dromm and Crowley, and anybody else whose interested in developing these into legislation we can introduce early in the new term. In the best of worlds, the company will, you know, reconsider its bargaining position, and work with you guys on a fair

contract, and we wouldn't have to move forward legislatively. But it—it doesn't sound like that's the direction it's heading, and given what we've heard today, and I feel like the obligation we have to you, Mr. Perez being fired exercise of your free speech rights on our steps that I feel the Council has a real obligation to move forward.

HAROLD PEREZ: Thank you.

COUNCIL MEMBER LANDER: Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you, Council Member Lander, and I would be interested in working with you. So, just quickly, I have a few more questions before we wrap up. What sort of, you know, some of you have cited—I see workers have come forward and stated there's a lack of job security, and if, you know, a lot has to do with relating to Con Edison and National Grid. If you mark the ground and there's a dispute over the work that Con Edison and—and National Grid workers do subsequent to you marking the ground, what happens to it in relation the USIC worker?

JOHN DEMPSEY: Can you—

2 CHAIRPERSON CONSTANTINIDES: Well, I mean
3 I think if-if, you know, if you mark the ground that
4 the utility pipe is here, and then the--

5 JOHN DEMPSEY: [interposing] You meant
6 the-

7 CHAIRPERSON CONSTANTINIDES:
8 [interposing] Con Edison and National Grid then
9 subsequently goes in and-and there's a dispute as to,
10 you know, maybe they go a little bit too far to the
11 left or, you know, they say that you guys are the
12 ones who marked it in the wrong place, what happens
13 the to rest of your workers

14 JOHN DEMPSEY: [interposing] So, whenever
15 there is a damage to any utility after one of our
16 members have performed their location of those
17 utilities, there's an investigation, right. We have
18 certain investigators that will go out and-and find
19 out what-what was the error. You know, did-did we-di
20 the guy do the job correctly, or was the prints just
21 incorrect or whatever. They have categories of
22 damages, too. High profile damages, which would be
23 gas, you know. It usually leads-if you made an error
24 there, it usually leads to your termination. If

there are other damages that aren't as high profile, it leads to other disciplinary type action.

CHAIRPERSON CONSTANTINIDES: So, what's the liability that Con Edison and National Grid hold for USIC workers?

JOHN DEMPSEY: The liability?

CHAIRPERSON CONSTANTINIDES: Yeah, I mean if-if-if something-if the whole process-the whole process-whole high profile incident does occur, right, and they're pointing the finger at USIC workers. In turn, this investigation is done. What-you know, that worker is terminated, right, it's--?

JOHN DEMPSEY: Yes. We've seen people terminated for making mistakes locating stuff.

CHAIRPERSON CONSTANTINIDES: And what's sort or process they do through? When you say the investigation, what sort of investigation is done by whom?

JOHN DEMPSEY: There's an actual-the guy has an actual title that he's an investigator.

CHAIRPERSON CONSTANTINIDES: He works for USIC or he works--?

JOHN DEMPSEY: I-I don't'-I-I can't tell you for sure. I could-I could find it out for you

2 and let you know. I believe he works for National
3 Grid, but maybe Harold can help you.

4 HAROLD PEREZ: USIC has a set of
5 inspectors that do quality assurance, and National
6 Grid also has their own set of inspectors. Usually,
7 when a damage occurs, they meet at the site, and they
8 go over it there together. So, there's--there's--both
9 companies have their hand in disciplinary action at
10 the end of it.

11 CHAIRPERSON CONSTANTINIDES: So,
12 National Grid has a hand in determining who is at
13 fault?

14 HAROLD PEREZ: Yes.

15 CHAIRPERSON CONSTANTINIDES: And they may
16 in turn then look to see if--to point the finger in a
17 different direction, right, at one of the USIC
18 workers?

19 JOHN DEMPSEY: Yes.

20 CHAIRPERSON CONSTANTINIDES: When it
21 comes to training are there different--when you talked
22 about, you know, a couple of weeks working in the
23 office and then a couple of weeks on site. On the
24 different levels of work you--from this high profile
25 to the less high profile work, it is the same amount

of training? I mean how does--how does--how does the whole training apparatus work for--

HAROLD PEREZ: [interposing] The training goes based on an area, certain areas like closer to, for example, a power plant there's going to be a lot more sensitive facilities and high profile things. But if they send you to train in an area that's not near any of those, you might not encounter that during your training. You might encounter that on the field. You might just run across that, you know, after you're already out on your own.

CHAIRPERSON CONSTANTINIDES: So, there's a possibility of you not getting trained on these sort of high profile--

HAROLD PEREZ: Yes.

CHAIRPERSON CONSTANTINIDES: --apparatus and then being called in for an emergency and having to do that work?

HAROLD PEREZ: Yes, they're going to show you the book--the book stuff up until that point, but you might not encounter one hands-on until you get out on your own.

CHAIRPERSON CONSTANTINIDES: So, that's kind of setting you up in a--in a bad way, then when

it comes to training, right? I meant it's—it's not giving you the—the chapter and verse of what you need to be effective for yourself to keep yourself safe, and also to keep, you know, the city of New York safe, right?

HAROLD PEREZ: Definitely.

CHAIRPERSON CONSTANTINIDES: And when it comes to—to wages, how does salary and benefits progress within three years or six years? [pause]

JOHN DEMPSEY: So, I don't know if I'm going to be able to answer your specific question. There is no progression table. It's just merit based raises, right. So, prior to the union being there, they would grab people in and Harold, you could probably speak to this how you got your raises with USIC. They bring you in and they just say, you're getting another 40, 50 cents an hour, whatever they decided on. There is no progression table. I will tell you before we reached an agreement in February of 2017 after the Decertification Vote after we won the Decertification vote, before that, 66 out of 132 bargaining unit members were earning \$15 or less an hour. Only 12 were owning—were earning about \$25-- \$22.50 an hour. After we reached the agreement on

3/20, the agreement at the end of February after that, we had 34 of the people earning the minimum wage, but now 59 people were earning between \$15.01 and \$17.50 and 32 were earning between \$17.50 and \$20--\$22.50. So, we had made a good-good-some good progress with that agreement, but now today I have this here. Give me one second, if you don't mind. [pause] Now, today, 40% of the bargaining unit again is earning a minimum of \$15 an hour.

CHAIRPERSON CONSTANTINIDES: And that sort of stands in direct contrast again to the workers that you've negotiated with Verizon doing very similar work, right, doing the same work--

JOHN DEMPSEY: [interposing] Correct.

CHAIRPERSON CONSTANTINIDES: --that have baselines that they are getting every years as it comes to benefits--

JOHN DEMPSEY: Yes.

CHAIRPERSON CONSTANTINIDES: when it comes to pay, when it comes to pension correct?

JOHN DEMPSEY: Verizon, yes, Verizon has a five-year--for the--for the employees that perform this type of work for horizon, they have a--what is called a five-year wage progression table where very

2 six months, you'll go up incrementally to top pay,
3 which is about \$42 an hour. So, after five years,
4 you'll be earning \$42 an hour doing similar work
5 that--that the USIC employees do. So--

6 CHAIRPERSON CONSTANTINIDES: That's
7 really all you're asking for, right is to be treated
8 fairly and--

9 JOHN DEMPSEY: [interposing] We're not
10 even--

11 CHAIRPERSON CONSTANTINIDES: --and--and,
12 yeah.

13 BOB MASTER: --I would--we're not asking
14 for anything near that, right.

15 CHAIRPERSON CONSTANTINIDES: I don't
16 think so, right.

17 BOB MASTER: I mean I think within 2-1/2
18 years, did we figure out that Verizon employees were
19 making something like \$29 an hour. So, within 2-1/2
20 years of being employed by Verizon, everybody who
21 does this work at Verizon is making more than what
22 people who have been 15 and 20-year employees at USIC
23 are making.

24 CHAIRPERSON CONSTANTINIDES: That is--
25

2 BOB MASTER: I want to come back to the--
3 the--the Con Ed-National Grid question for a moment,
4 if I may--

5 CHAIRPERSON CONSTANTINIDES: Sure
6 absolutely.

7 BOB MASTER: --which is that, you know,
8 our main beef with Con-Ed and National Grid is that
9 they are deeply implicated in this structure of
10 employment.

11 CHAIRPERSON CONSTANTINIDES: Right.

12 BOB MASTER: Right, they know exactly
13 what they're buying from USIC. They know at this
14 point exactly what USIC is paying, but they disclaim
15 any responsibility. It's not our business. We're not
16 the employer. We just contracted out, but they are
17 publicly regulated utilities with obligations to
18 protect the public with guaranteed rates of return
19 set by statewide regulators, and yet they don't want
20 any accountability for the treatment of these
21 workers, and we just think that's wrong. They
22 obviously could say to their contractor that's not
23 how we do things in New York. Maybe you do it that
24 way in Minneapolis or Phoenix or, you know, North
25 Carolina or wherever the heck else you operate, but

in New York we pay people a living wage. We, National Grid and Con-Ed pay our employees a living wage, although not without some dispute as we know from several years ago, but, you know, they could—they obviously have a lot of leverage, and so, we, you know, really disappointed that they didn't bother to show up, and explain their attitude towards the way in which USIC treats its workforce.

CHAIRPERSON CONSTANTINIDES: And we share—I-I, you know, Council Member Lander, if I'll be allowed to speak for you, I think you've already said this. We—we share your disappointment in that. There is an opportunity today to be heard by Con-Edison, by National Grid, by USIC in a forum, in public, on the record. Right, have the opportunity to have a dialogues with Council Members asking questions, right, and if—if—if their side of the story is so compelling, why not sit in the chair? Why not have them take the opportunity to be heard and defend themselves, and—and say—lay out their side of the story, and at this public forum on the record being sworn in as we do here at City Council hearings. They've taken the opportunity not to do that and that speaks volumes until itself right. So,

we definitely agree with you in that disappointment today. Alright, so I think with that, I will thank this panel for your testimony.

BOB MASTER: We thank you for your support and your interest.

CHAIRPERSON CONSTANTINIDES: Absolutely.

JOHN DEMPSEY: Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you.

HAROLD PEREZ: Thank you. [background comments]

CHAIRPERSON CONSTANTINIDES: Alright, so with that, I want to thank all the members of CWA 1101 for being here today, and your testimony. We look forward to working with you and ensuring that your members are treated fairly, and that, you know, I definitely look forward to working with our Chair I. Daneek Miller, and I wish him a speedy recovery on his back. Thank you Council Member Lander, and others who have asked questions today, and again, thank you Matt Carlin, Ken Kotwoski, and Brandon Clark from Council Member Miller's office as well as Nick, Wazowski from my staff. With that, I'll gavel closed this meeting of the Civil Service and Labor Committee. [gavel]

1 COMMITTEE ON CIVIL SERVICES AND LABOR

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C E R T I F I C A T E

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



Date December 26, 2017